SA 4550. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4277. Mr. MENENDEZ (for himself, Ms. COLLINS, Mr. BROWN, and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—COMMISSION ON THE CORONAVIRUS PANDEMIC IN THE UNITED STATES

SEC. __01. SHORT TITLE.

This title may be cited as the ''National Coronavirus Commission Act of 2021''.

SEC. __02. DEFINITIONS.

In this title:

(1) COVID–19.—The term ''COVID–19'' means the 2019 novel coronavirus disease.

(2) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress''—

(A) means all committees for which information in the report or plan being provided might be relevant; and

(B) includes, at a minimum—

(i) the Committee on Health, Education, Labor, and Pensions, the Committee on Finance, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Government Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Energy and Commerce, the Committee on Ways and Means, the Committee on Foreign Affairs, the Committee on Oversight and Reform, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. __03. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Commission on the Coronavirus Pandemic in the United States (referred to in this title as the ''Commission'').

SEC. __04. PURPOSES.

The purposes of the Commission are to—

(1) examine and report on the facts and the causes relating to the COVID–19 pandemic in the United States, which may include investigating and reporting on—

(A) the origins of COVID–19; and

(B) the spread of COVID–19 internationally and within the United States;

(2) make a full and nonpartisan accounting of the United States' preparedness for, and response to, the COVID–19 pandemic, to include investigating and reporting on—

(A) medical intelligence;

(B) international public health surveillance;

(C) domestic public health surveillance;

(D) communication and coordination between the Federal Government and foreign governments, the private sector, nongovernmental organizations, and international public health organizations related to public health threats and early warning, detection, and prevention and response measures;

(E) communication and coordination related to public health threats and early warning, detection, and prevention and response measures among the Federal national security agencies, Federal public health agencies, other relevant Federal agencies, and State, Tribal, local, and territorial governments;

(F) Federal funding and support for, engagement with, and management of, international prevention, preparedness, and response efforts;

(G) Federal guidance, assistance, and requirements for State, Tribal, local, and territorial governments;

(H) Federal acquisition and financing efforts and supply chain management, including use of the authorities provided under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.), related to personal protective equipment, testing supplies, ventilators and other medical equipment or supplies, diagnostics, therapeutics, vaccines, or other relevant items for domestic and international use;

(I) management, allocation, and distribution of relevant resources (including resources and assets for domestic use held by United States agencies that provide foreign aid) between the Federal Government and State, Tribal, local, and territorial governments, hospitals and health care organizations, and private sector entities, including personal protective equipment, testing supplies, ventilators and other medical equipment or supplies, diagnostics, therapeutics, vaccines, or other relevant items;

(J) management, allocation, and distribution of personal protective equipment, testing supplies, ventilators and other medical equipment or supplies, diagnostics, therapeutics, vaccines, or other relevant items as aid to foreign countries;

(K) domestic and global supply chain vulnerabilities with respect to personal protective equipment, testing supplies, ventilators and other medical equipment or supplies, diagnostics, therapeutics, vaccines, or other relevant items;

(L) the operation of government-maintained stockpiles;

(M) scams and profiteering;

(N) misinformation and disinformation;

(O) the readiness of Federal, State, Tribal, local, and territorial public health departments and agencies and relevant regional entities;

(P) testing and contact tracing operations;

(Q) emergency management;

(R) military engagement, including the National Guard Bureau;

(S) Federal, State, Tribal, local, and territorial orders and guidance to reduce disease transmission, including travel restrictions, stay-at-home orders, in-person school and institution of higher education closures or modifications, workplace protections or closures, or business closures or modifications;

(T) Federal, State, Tribal, local, and territorial guidance, public health education, and resource provision related to masking, social distancing, hygiene, therapeutics, testing, quarantining, vaccination, or other relevant topics;

(U) scientific and technological preparedness and response, which may include—

(i) the Federal role in executing, supporting, and coordinating domestic and global research on diagnostics, therapeutics, and vaccines;

(ii) the efficacy and scientific integrity of the Federal authorization and approval processes for vaccines, therapeutics, and diagnostics; and

(iii) the use of technology to detect and prevent contagion, including privacy concerns;

(V) the preparedness and response of specific types of institutions that experienced high rates of COVID–19 infection or that are critical to national security, which may include—

(i) hospitals;

(ii) skilled nursing facilities and nursing facilities;

(iii) assisted living facilities;

(iv) prisons, jails, and immigration detention centers;

(v) elementary and secondary schools and institutions of higher education;

(vi) food production, processing, and distribution facilities;

(vii) other congregate settings and confined or high-density workplaces; and

(viii) other critical infrastructure facilities;

(W) Federal economic relief programs, including—

(i) loan, grant, and other financial assistance;

(ii) unemployment insurance;

(iii) tax and loan deferment;

(iv) direct payments;

(v) rental and mortgage assistance, eviction moratoria, and foreclosure relief; and

(vi) fiscal relief to States, Tribes, localities, and territories;

(X) health and economic impacts on underserved communities, rural populations, racial and ethnic minority populations, older adults, and all other populations with relevant health or economic disparities, which may include—

(i) immigrant populations;

(ii) lesbian, gay, bisexual, transgender, and queer individuals;

(iii) people with disabilities;

(iv) people who live on or near Indian reservations or in Alaska Native villages;

(v) residents of territories of the United States; and

(vi) veterans;

(Y) the division of authority and responsibilities between the Federal Government and State, Tribal, local, and territorial governments;

(Z) any other aspect of Federal, State, Tribal, local, and territorial government preparedness and response; and

(AA) other areas as determined relevant and appropriate by the Commission (by agreement of the chair and vice chair of the Commission); and

(3) investigate and report to the President and Congress on its findings, conclusions, and recommendations to improve the ability of the Federal Government, State, Tribal, local, and territorial governments, and the private sector to—

(A) prevent, detect, respond to, and prepare for future epidemics and pandemics, whether naturally occurring or caused by State or non-State actors, and other public health emergencies;

(B) protect the health security of the United States; and

(C) reestablish the role of the United States as a global leader in epidemic and pandemic preparedness and response.

SEC. __05. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be comprised of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as the chair of the Commission;

(2) 1 member shall—

(A) be appointed by the leader of the Senate who represents the major political party that the President does not represent, in consultation with the leader of the House of Representatives from the same political party; and

(B) serve as the vice chair of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party;

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission shall not—

(A) be an officer or employee of the Federal Government or any State, Tribal, local, or territorial government, except in the case of a State employee who works at a public institution of higher education or State-funded research institution; or

(B) have held a position in any agency, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government, the functions and duties of which included planning, coordinating, or implementing any aspect of the Federal Government response to the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19, including a position that required the individual holding the position to attend meetings relating to that response.

(3) ETHICS AND CONFLICTS REPORT.—The Commission shall hire an ethics counsel, and not later than 30 days after the initial meeting of the Commission, the ethics counsel shall submit a detailed plan for identifying and resolving potential and actual conflicts of interest by any member of the Commission, including of an ethical, financial, or personal nature, or that could lead a reasonable person to conclude a conflict may exist, to the relevant committees of Congress.

(4) OTHER QUALIFICATIONS.—

(A) GOVERNORS, PUBLIC HEALTH EXPERTS, AND ECONOMIC POLICY EXPERTS.—In appointing members to the Commission, the appointing individuals described in subsection (a) of the same political party shall coordinate to ensure that the members appointed by each political party include—

(i) at least 1 former governor of a State;

(ii) at least 1 public health expert; and

(iii) at least 1 economic policy expert.

(B) SENSE OF CONGRESS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, public health, global health, infectious diseases, pandemic preparedness and response, humanitarian response and relief, scientific research, public administration, intelligence gathering, commerce, national security, and foreign affairs.

(5) TIMELINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission within 45 days after the appointment of all Commission members.

(2) ADDITIONAL MEETINGS.—After the initial meeting of the Commission, the Commission shall meet upon the call of the chair or a majority of the members of the Commission.

(3) QUORUM.—Six members of the Commission shall constitute a quorum. If required for public health reasons, Commission members may attend meetings virtually and virtual attendance shall count towards constituting a quorum.

SEC. __06. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) addresses the purposes described in section 4;

(B) investigates relevant facts and circumstances relating to the COVID–19 pandemic in the United States, including preparedness for, and the response to, the COVID–19 pandemic by the Federal Government and, as appropriate, State, Tribal, territorial, and local governments, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure;

(C) includes relevant facts and circumstances relating to—

(i) domestic and international public health agencies;

(ii) health care agencies;

(iii) financial, labor and housing agencies;

(iv) education agencies;

(v) intelligence agencies;

(vi) defense and national security agencies;

(vii) diplomacy and development agencies;

(viii) White House offices and councils;

(ix) health care organizations;

(x) private sector entities;

(xi) scientific research agencies;

(xii) immigration and border control agencies;

(xiii) international trade organizations;

(xiv) Congress;

(xv) State, Tribal, local, and territorial government agencies;

(xvi) the role of congressional and State government oversight and resource allocation; and

(xvii) other areas of the public and private sectors determined relevant by the Commission for its inquiry;

(D) coordinates with and reviews the findings, conclusions, and recommendations of other relevant international, executive branch, congressional, State, or independent commission investigations into the COVID–19 pandemic, to the extent determined appropriate by Commission members; and

(E) may include a comparative analysis of relevant domestic or international best practices;

(2) identify, review, and evaluate the lessons learned from the COVID–19 pandemic regarding the structure, coordination, management policies, and procedures of the Federal Government, State, Tribal, local, and territorial governments, and nongovernmental entities relative to detecting, preventing, and responding to—

(A) epidemics and pandemics, whether naturally occurring or caused by State or non-State actors; and

(B) other public health emergencies; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and legislative, regulatory, and policy recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. __07. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designated subcommittee or designated member may determine advisable; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such written, recorded, and electronic materials as the Commission or such designated subcommittee or designated member may determine advisable, including correspondence, memoranda, diplomatic cables, papers, documents, reports, books, notes, records, text messages, emails, voicemails, and communications, including communications sent from or received on both official and personal accounts and devices.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chair and the vice chair; or

(II) by the affirmative vote of a majority of the members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chair or any member designated by a majority of the Commission, and may be served by any person designated by the chair or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Notwithstanding any other law or any assertion of privilege, each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall furnish, without redaction, such records, information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chair, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as the departments and agencies may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. __08. NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMISSION ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under subsections (a) and (b) of section 13.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. __09. RECORD RETENTION.

(a) COMMISSION RECORDS.—The Commission shall—

(1) preserve the records and documents of the Commission; and

(2) make such records and documents available to the National Archives not later than 120 days following the submission of the Commission's final report.

(b) FUTURE ACCESS.—Following the termination of the Commission, the Secretary of the Senate shall be responsible for facilitating access to the publicly available records and documents of the Commission, as if they were Senate records, for researchers, interested parties, and the general public.

(c) OFFICIAL ELECTRONIC ACCOUNTS FOR COMMISSION BUSINESS.—When conducting any Commission business on electronic accounts, members and staff of the Commission shall use official Commission electronic accounts.

SEC. __10. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chair, in consultation with the vice chair and in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of such title.

(2) NONPARTISAN STAFF.—The staff director shall be responsible for the day-to-day authority over the activities of the personnel of the Commission, and the staff director and any other personnel of the Commission shall be hired without regard to political affiliation.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. __11. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. __12. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. __13. REPORTS OF THE COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of appointment of all members of the Commission, the Commission shall submit to the President and the relevant committees of Congress a final report containing such findings, conclusions, and recommendations for corrective measures and reforms as have been agreed to by a majority of the members of the Commission.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the members of the Commission should make the utmost effort to produce a comprehensive, fact-based, evidentiary, nonpartisan, and actionable final report.

(c) ACCESSIBILITY.—The final report shall—

(1) simultaneously be made publicly available on an internet website;

(2) be written in plain language, to the extent deemed practicable by the Commission; and

(3) be made available in accessible formats and multiple languages, to the extent determined practicable by the Commission.

(d) ALTERNATIVE MEDIUMS.—The Commission may use alternative mediums to communicate key findings from the final report to as many people of the United States as possible.

(e) EXTENSIONS.—The submission and publication of the final report, as described in subsection (b), may be delayed by 90 days upon the agreement of a majority of the members of the Commission. The Commission may make not more than 3 90-day extensions. The Commission shall notify the President, Congress, and the public of each such extension.

(f) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 120 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 120-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

(g) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) MONITORING.—The Comptroller General of the United States shall monitor the implementation of any Commission recommendations included in the final report.

(2) REPORTS.—

(A) IN GENERAL.—One year after the final Commission report is submitted under subsection (b), and each year thereafter for the following 3 years, the Comptroller General shall submit to Congress a report regarding the status of the Commission recommendations that—

(i) identifies each recommendation as open or closed; and

(ii) provides a description of actions taken in response to each recommendation.

(B) SCOPE OF REPORTS.—Each report required under subparagraph (A) shall not provide a critical assessment of the merit or value of any Commission recommendation included in the final Commission report.

SEC. __14. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $50,000,000.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

SA 4278. Mr. MENENDEZ (for himself and Mrs. BLACKBURN) 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:

SEC. _____. NATIONAL MANUFACTURING EXTENSION PARTNERSHIP SUPPLY CHAIN DATABASE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' has the meaning given such term in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

(2) DATABASE.—The term ''Database'' means the National Manufacturing Extension Partnership Supply Chain Database established under subsection (b).

(3) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(4) INSTITUTE.—The term ''Institute'' means the National Institute of Standards and Technology.

(b) ESTABLISHMENT OF DATABASE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Director shall establish a database to assist the United States in minimizing disruptions in the supply chain by providing a resource for manufacturers in the United States to gain information on product availability on a real time basis.

(2) DESIGNATION.—The database established under paragraph (1) shall be known as the ''National Manufacturing Extension Partnership Supply Chain Database''.

(c) CONSIDERATIONS.—In establishing the Database, the Director shall consider the findings and recommendations from the study required under section 9413 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), including measures to secure and protect the Database from adversarial attacks and vulnerabilities.

(d) CONNECTIONS WITH HOLLINGS MANUFACTURING EXTENSION PARTNERSHIPS CENTERS.—

(1) IN GENERAL.—The Director shall create the infrastructure for the Database through the Hollings Manufacturing Extension Partnership, established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), by connecting information from the Centers through the Database.

(2) NATIONAL VIEW.—The Director shall ensure that connections under paragraph (1)—

(A) provide a national overview of the networks of supply chains of the United States; and

(B) support understanding of whether there is a need for some manufacturers to retool in some critical areas to meet the urgent need for key products, such as defense supplies, food, and medical devices, including personal protective equipment.

(3) INDIVIDUAL HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP CENTER DATABASES.—

(A) IN GENERAL.—The Director shall ensure that—

(i) each Center is connected to the Database; and

(ii) each supply chain database maintained by a Center is interoperable with the Database.

(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a State or territory of the United States to establish a new supply chain database through the Hollings Manufacturing Extension Partnership program.

(e) MAINTENANCE OF NATIONAL SUPPLY CHAIN DATABASE.—The Director, acting through the Hollings Manufacturing Extension Partnership program or a designee of the program—

(1) shall maintain the Database as an integration of State-level databases from the Center of each State or territory of the United States; and

(2) may populate the Database with information from past, current, or potential clients of Centers.

(f) DATABASE CONTENT.—

(1) IN GENERAL.—The Database may include the following:

(A) Basic company information.

(B) An overview of capabilities, accreditations, and products.

(C) Proprietary information.

(D) Such other items as the Director considers necessary.

(2) STANDARD CLASSIFICATION SYSTEM.—The Database shall use the North American Industry Classification System (NAICS) Codes as follows:

(A) Sector 31-33 – Manufacturing.

(B) Sector 54 – Professional, Scientific, and Technical Services.

(C) Sector 48-49 – Transportation and Warehousing.

(3) LEVELS.—The Database shall be multi-leveled as follows:

(A) Level 1 shall have basic company information and shall be available to the public.

(B) Level 2 shall have a deeper, nonproprietary overview into capabilities, products, and accreditations and shall be available to all companies that contribute to the Database and agree to terms of mutual disclosure.

(C) Level 3 shall hold proprietary information.

(4) MATTERS RELATING TO DISCLOSURE AND ACCESS.—

(A) FOIA EXEMPTION.—The Database, and any information contained therein that is not publicly released by the Institute, shall be exempt from public disclosure under section 552(b)(3) of title 5, United States Code.

(B) LIMITATION ON ACCESS TO CONTENT.—Access to a contributing company's nonpublic content in the Database shall be limited to the contributing company, the Institute, and staff from a Center who sign such nondisclosure agreement as the Director considers appropriate.

(C) AGGREGATED INFORMATION.—The Director may make aggregated, de-identified information available to contributing companies, Centers, or the public, as the Director considers appropriate, in support of the purposes of this section.

(g) COORDINATION WITH NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The Director, acting through the Hollings Manufacturing Extension Partnership program, may work with the National Defense Technology and Industrial Base Council established by section 2502(a) of title 10, United States Code, as the Director considers appropriate, to include in the Database information regarding the defense manufacturing supply chain.

(h) PROTECTIONS.—

(1) IN GENERAL.—Supply chain information that is voluntarily and lawfully submitted by a private entity and accompanied by an express statement described in paragraph (2)—

(A) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code;

(B) shall not be made available pursuant to any Federal, State, local, or Tribal authority pursuant to any Federal, State, local, or Tribal law requiring public disclosure of information or records; and

(C) shall not, without the written consent of the person or entity submitting such information, be used directly by the Director, or any other Federal, State, or local authority in any civil enforcement action brought by a Federal, State, or local authority.

(2) EXPRESS STATEMENT.—The express statement described in this paragraph, with respect to information or records, is—

(A) in the case of written information or records, a written marking on the information or records substantially similar to the following: ''This information is voluntarily submitted to the Federal Government in expectation of protection from disclosure as provided by the provisions of section [_____](h) of the National Defense Authorization Act for Fiscal Year 2022.''; or

(B) in the case of oral information, a written statement similar to the statement described in subparagraph (A) submitted within a reasonable period following the oral communication.

(i) RULES OF CONSTRUCTION.—

(1) PRIVATE ENTITIES.—Nothing in this section shall be construed to require any private entity to share data with the Director specifically for to the Database.

(2) PROHIBITION ON NEW REGULATORY AUTHORITY.—Nothing in this section shall be construed to grant the Director, or the head of any other Federal agency, with any authority to promulgate regulations or set standards on manufacturers, based on data within the Database, that was not in effect on the day before the date of enactment of this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $31,000,000 for fiscal year 2022 to develop and launch the Database; and

(2) $26,000,000 for each of fiscal years 2023 through 2026 to maintain, update, and support Federal coordination of the State supply chain databases maintained by the Centers.

SA 4279. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—VIEQUES RECOVERY AND REDEVELOPMENT

SEC. _____01. SHORT TITLE.

This title may be cited as the ''Vieques Recovery and Redevelopment Act''.

SEC. _____02. FINDINGS.

The Congress finds the following:

(1) Vieques is an island municipality of Puerto Rico, measuring approximately 21 miles long by 4 miles wide, and located approximately 8 miles east of the main island of Puerto Rico.

(2) Prior to Hurricane Maria, residents of Vieques were served by an urgent medical care facility, the Susana Centeno Family Health Center, and residents had to travel off-island to obtain medical services, including most types of emergency care because the facility did not have the basic use of x-ray machines, CT machines, EKG machines, ultrasounds, or PET scans.

(3) The predominant means of transporting passengers and goods between Vieques and the main island of Puerto Rico is by ferry boat service, and over the years, the efficiency of this service has frequently been disrupted, unreliable, and difficult for cancer patients to endure to receive treatment. Each trip to Ceiba, Puerto Rico, for the cancer patient is an additional out-of-pocket expense ranging from $120 to $200.

(4) The United States Military maintained a presence on the eastern and western portions of Vieques for close to 60 years, and used parts of the island as a training range during those years, dropping over 80 million tons of ordnance and other weaponry available to the United States military since World War II.

(5) The unintended, unknown, and unavoidable consequences of these exercises were to expose Americans living on the islands to the residue of that weaponry which includes heavy metals and many other chemicals now known to harm human health.

(6) According to Government and independent documentation, the island of Vieques has high levels of heavy metals and has been exposed to chemical weapons and toxic chemicals. Since the military activity in Vieques, island residents have suffered from the health impacts from long-term exposure to environmental contamination as a result of 62 years of military operations, and have experienced higher rates of certain diseases among residents, including cancer, cirrhosis, hypertension, diabetes, heavy metal diseases, along with many unnamed and uncategorized illnesses. These toxic residues have caused the American residents of Vieques to develop illnesses due to ongoing exposure.

(7) In 2017, Vieques was hit by Hurricane Maria, an unusually destructive storm that devastated Puerto Rico and intensified the existing humanitarian crisis on the island by destroying existing medical facilities.

(8) The medical systems in place prior to Hurricane Maria were unable to properly handle the health crisis that existed due to the toxic residue left on the island by the military's activities.

(9) After Maria, the medical facility was closed due to damage and continues to be unable to perform even the few basic services that it did provide. Vieques needs a medical facility that can treat and address the critical and urgent need to get life-saving medical services to its residents. Due to legal restrictions, the Federal Emergency Management Agency (in this title referred to as ''FEMA'') is unable to provide a hospital where its capabilities exceed the abilities of the facility that existed prior to Maria; therefore Vieques needs assistance to build a facility to manage the vast health needs of its residents.

(10) Every American has benefitted from the sacrifices of those Americans who have lived and are living on Vieques and it is our intent to acknowledge that sacrifice and to treat those Americans with the same respect and appreciation that other Americans enjoy.

(11) In 2012, the residents of Vieques were denied the ability to address their needs in Court due to sovereign immunity, Sánchez v. United States, No. 3:09–cv–01260–DRD (D.P.R.). However, the United States Court of Appeals for the First Circuit referred the issue to Congress and urged it to address the humanitarian crisis. This bill attempts to satisfy that request such that Americans living on Vieques have a remedy for the suffering they have endured.

SEC. _____03. SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES FOR CERTAIN RESIDENTS OF THE ISLAND OF VIEQUES, PUERTO RICO.

(a) IN GENERAL.—An individual claimant who has resided on the island of Vieques, Puerto Rico, for not less than 5 years and files a claim for compensation under this section with the Special Master, appointed pursuant to subsection (c), shall be awarded monetary compensation as described in subsection (b) if—

(1) the Special Master determines that the claimant is or was a resident, the child of a resident, or an immediate heir (as determined by the laws of Puerto Rico) of a deceased claimant on the island of Vieques, Puerto Rico, during or after the United States Government used the island of Vieques, Puerto Rico, for military readiness;

(2) the claimant previously filed a lawsuit or an administrative claim, or files a claim not later than 120 days after the date of the enactment of this Act against the United States Government for personal injury, including illness or death arising from use by the United States Government of the island of Vieques for military readiness; and

(3) the claimant submits to the Special Master written medical documentation that indicates the claimant contracted a chronic, life-threatening, or physical disease or illness limited to cancer, hypertension, cirrhosis, kidney disease, diabetes, or a heavy metal poisoning during or after the United States Government used the island of Vieques, Puerto Rico, for military readiness.

(b) AMOUNTS OF AWARD.—

(1) IN GENERAL.—A claimant who meets the requirements of subsection (a) shall be awarded compensation as follows:

(A) $50,000 for 1 disease described in subsection (a)(3).

(B) $80,000 for 2 diseases described in subsection (a)(3).

(C) $110,000 for 3 or more diseases described in subsection (a)(3).

(2) INCREASE IN AWARD.—In the case that an individual receiving an award under paragraph (1) of this subsection contracts another disease under subsection (a)(3) and files a new claim with the Special Master for an additional award not later than 10 years after the date of the enactment of this Act, the Special Master may award the individual an amount that is equal to the difference between—

(A) the amount that the individual would have been eligible to receive had the disease been contracted before the individual filed an initial claim under subsection (a); and

(B) the amount received by the individual pursuant to paragraph (1).

(3) DECEASED CLAIMANTS.—In the case of an individual who dies before making a claim under this section or a claimant who dies before receiving an award under this section, any immediate heir to the individual or claimant, as determined by the laws of Puerto Rico, shall be eligible for one of the following awards:

(A) Compensation in accordance with paragraph (1), divided among any such heir.

(B) Compensation based on the age of the deceased as follows:

(i) In the case of an individual or claimant who dies before attaining 20 years of age, $110,000, divided among any such heir.

(ii) In the case of an individual or claimant who dies before attaining 40 years of age, $80,000, divided among any such heir.

(iii) In the case of an individual or claimant who dies before attaining 60 years of age, $50,000, divided among any such heir.

(c) APPOINTMENT OF SPECIAL MASTER.—

(1) IN GENERAL.—The Attorney General shall appoint a Special Master not later than 90 days after the date of the enactment of this Act to consider claims by individuals and the municipality.

(2) QUALIFICATIONS.—The Attorney General shall consider the following in choosing the Special Master:

(A) The individual's experience in the processing of victims' claims in relation to foreign or domestic governments.

(B) The individual's balance of experience in representing the interests of the United States and individual claimants.

(C) The individual's experience in matters of national security.

(D) The individual's demonstrated abilities in investigation and fact findings in complex factual matters.

(E) Any experience the individual has had advising the United States Government.

(d) AWARD AMOUNTS RELATED TO CLAIMS BY THE MUNICIPALITY OF VIEQUES.—

(1) AWARD.—The Special Master, in exchange for its administrative claims, shall provide the following as compensation to the Municipality of Vieques:

(A) STAFF.—The Special Master shall provide medical staff, and other resources necessary to build and operate a level three trauma center (in this section, referred to as ''medical facility'') with a cancer center and renal dialysis unit and its equipment. The medical facility shall be able to treat life-threatening, chronic, heavy metal, and physical and mental diseases. The medical facility shall be able to provide basic x-ray, EKG, internal medicine expertise, medical coordination personnel and case managers, ultrasound, and resources necessary to screen claimants described in subsection (a) who are receiving treatment for the diseases or illnesses described in paragraph (3) of that subsection for cancer and the other prevailing health problems.

(B) OPERATIONS.—The Special Master shall fund the operations of the medical facility to provide medical care for pediatric and adult patients who reside on the island of Vieques, allowing the patients to be referred for tertiary and quaternary health care facilities when necessary, and providing the transportation and medical costs when traveling off the island of Vieques.

(C) ADMINISTRATIVE EXPERTISE.—The Special Master shall ensure that the Administrator of FEMA provides all administrative and technical expertise and oversight in the bidding and construction of the facility but the design and abilities of the hospital shall be determined by the Special Master considering the medical and research needs of the residents of the island of Vieques. All costs shall be part of the municipality's compensation.

(D) INTERIM SERVICES.—Before the medical facility on the island of Vieques is operational, the Special Master shall provide to claimants described in subsection (a) who are receiving treatment for the diseases or illnesses described in paragraph (3) of that subsection—

(i) urgent health care air transport to hospitals on the mainland of Puerto Rico from the island of Vieques;

(ii) medical coordination personnel and case managers;

(iii) telemedicine communication abilities; and

(iv) any other services that are necessary to alleviate the health crisis on the island of Vieques.

(E) SCREENING.—The Special Master shall make available, at no cost to the patient, medical screening for cancer, cirrhosis, diabetes, and heavy metal contamination on the island of Vieques.

(F) ACADEMIC PARTNER.—The Special Master shall appoint an academic partner, with appropriate experience and an established relationship with the Municipality of Vieques, that shall—

(i) lead a research and outreach endeavor on behalf of the Municipality of Vieques;

(ii) select the appropriate scientific expertise and administer defined studies, conducting testing and evaluation of the soils, seas, plant and animal food sources, and the health of residents; and

(iii) determine and implement the most efficient and effective way to reduce the environmental toxins to a level sufficient to return the soils, seas, food sources, and health circumstances to a level that reduces the diseases on the island of Vieques to the average in the United States.

(G) DUTIES.—The Special Master shall provide amounts necessary for the academic partner and medical coordinator to carry out the duties described in subparagraphs (A) through (D).

(H) PROCUREMENT.—The Special Master shall provide amounts necessary to compensate the Municipality of Vieques for—

(i) contractual procurement obligations and additional expenses incurred by the municipality as a result of the enactment of this section and settlement of its claim; and

(ii) any other damages and costs to be incurred by the municipality, if the Special Master determines that it is necessary to carry out the purpose of this section.

(I) POWER SOURCE.—The Special Master shall determine the best source of producing independent power on the island of Vieques that is hurricane resilient and can effectively sustain the needs of the island and shall authorize such construction as an award to the Municipality of Vieques.

(2) SOURCE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), amounts awarded under this title shall be made from amounts appropriated under section 1304 of title 31, United States Code, commonly known as the ''Judgment Fund'', as if claims were adjudicated by a United States District Court under section 1346(b) of title 28, United States Code.

(B) LIMITATION.—Total amounts awarded under this title shall not exceed $1,000,000,000.

(3) DETERMINATION AND PAYMENT OF CLAIMS.—

(A) ESTABLISHMENT OF FILING PROCEDURES.—The Attorney General shall establish procedures whereby individuals and the municipality may submit claims for payments under this section to the Special Master.

(B) DETERMINATION OF CLAIMS.—The Special Master shall, in accordance with this subsection, determine whether each claim meets the requirements of this section. Claims filed by residents of the island of Vieques that have been disposed of by a court under chapter 171 of title 28, United States Code, shall be treated as if such claims are currently filed.

(e) ACTION ON CLAIMS.—The Special Master shall make a determination on any claim filed under the procedures established under this section not later than 150 days after the date on which the claim is filed.

(f) PAYMENT IN FULL SETTLEMENT OF CLAIMS BY INDIVIDUALS AND THE MUNICIPALITY OF VIEQUES AGAINST THE UNITED STATES.—The acceptance by an individual or the Municipality of Vieques of a payment of an award under this section shall—

(1) be final and conclusive;

(2) be deemed to be in full satisfaction of all claims under chapter 171 of title 28, United States Code; and

(3) constitute a complete release by the individual or municipality of such claim against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(g) CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) may not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(h) LIMITATION ON CLAIMS.—A claim to which this section applies shall be barred unless the claim is filed within 15 years after the date of the enactment of this Act.

SA 4280. Mr. SCHATZ (for himself, Ms. ERNST, Mr. YOUNG, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle B of title V, add the following:

SEC. 520B. TIGER TEAM FOR OUTREACH TO FORMER MEMBERS.

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

(1) the mission of the Department of Defense is to provide the military forces needed to deter war and to protect the security of the United States;

(2) expanding outreach to veterans impacted by Don't Ask, Don't Tell or a similar policy prior to the enactment of Don't Ask, Don't Tell is important to closing a period of history harmful to the creed of integrity, respect, and honor of the military;

(3) the Department is responsible for providing for the review of a veteran's military record before the appropriate discharge review board or, when more than 15 years has passed, board of correction for military or naval records; and

(4) the Secretary of Defense should, wherever possible, coordinate and conduct outreach to impacted veterans through the veterans community and networks, including through the Department of Veterans Affairs and veterans service organizations, to ensure that veterans understand the review processes that are available to them for upgrading military records.

(b) ESTABLISHMENT OF TIGER TEAM.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish a team (commonly known as a ''tiger team'' and referred to in this section as the ''Tiger Team'') responsible for conducting outreach to build awareness among former members of the Armed Forces of the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1552 note) for the review of discharge characterizations by appropriate discharge boards. The Tiger Team shall consist of appropriate personnel of the Department of Defense assigned to the Tiger Team by the Secretary for purposes of this section.

(2) TIGER TEAM LEADER.—One of the persons assigned to the Tiger Team under paragraph (1) shall be a senior-level officer or employee of the Department who shall serve as the lead official of the Tiger Team (in this section referred to as the ''Tiger Team Leader'') and who shall be accountable for the activities of the Tiger Team under this section,

(3) REPORT ON COMPOSITION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth the names of the personnel of the Department assigned to the Tiger Team pursuant to this subsection, including the positions to which assigned. The report shall specify the name of the individual assigned as Tiger Team Leader.

(c) DUTIES.—

(1) IN GENERAL.—The Tiger Team shall conduct outreach to build awareness among veterans of the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 for the review of discharge characterizations by appropriate discharge boards.

(2) COLLABORATION.—In conducting activities under this subsection, the Tiger Team Leader shall identify appropriate external stakeholders with whom the Tiger Team shall work to carry out such activities. Such stakeholders shall include the following:

(A) The Secretary of Veterans Affairs.

(B) The Archivist of the United States.

(C) Representatives of veterans service organizations.

(D) Such other stakeholders as the Tiger Team Leader considers appropriate.

(3) INITIAL REPORT.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress the following:

(A) A plan setting forth the following:

(i) A description of the manner in which the Secretary, working through the Tiger Team and in collaboration with external stakeholders described in paragraph (2), shall identify individuals who meet the criteria in section 527(b) of the National Defense Authorization Act for Fiscal Year 2020 for review of discharge characterization.

(ii) A description of the manner in which the Secretary, working through the Tiger Team and in collaboration with the external stakeholders, shall improve outreach to individuals who meet the criteria in section 527(b) of the National Defense Authorization Act for Fiscal Year 2020 for review of discharge characterization, including through—

(I) obtaining contact information on such individuals; and

(II) contacting such individuals on the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 for the review of discharge characterizations.

(B) A description of the manner in which the work described in clauses (i) and (ii) of subparagraph (A) will be carried out, including an allocation of the work among the Tiger Team and the external stakeholders.

(C) A schedule for the implementation, carrying out, and completion of the plan required under subparagraph (A).

(D) A description of the additional funding, personnel, or other resources of the Department required to carry out the plan required under subparagraph (A), including any modification of applicable statutory or administrative authorities.

(4) IMPLEMENTATION OF PLAN.—

(A) IN GENERAL.—The Secretary shall implement and carry out the plan submitted under subparagraph (A) of paragraph (3) in accordance with the schedule submitted under subparagraph (C) of that paragraph.

(B) UPDATES.—Not less frequently than once every 90 days after the submittal of the report under paragraph (3), the Tiger Team shall submit to Congress an update on the carrying out of the plan submitted under subparagraph (A) of that paragraph.

(5) FINAL REPORT.—Not later than 3 years after the date of the enactment of this Act, the Tiger Team shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the activities of the Tiger Team under this subsection. The report shall set forth the following:

(A) The number of individuals discharged under Don't Ask, Don't Tell or a similar policy prior to the enactment of Don't Ask, Don't Tell.

(B) The number of individuals described in subparagraph (A) who availed themselves of a review of discharge characterization (whether through discharge review or correction of military records) through a process established prior to the enactment of this Act.

(C) The number of individuals contacted through outreach conducted pursuant to this section.

(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 coordination 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) SEMIANNUAL 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.

(l) 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 Astronautics 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 Directly 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

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1264. REPORT ON AND DETERMINATION WITH RESPECT TO EXPORTS BY THE REPUBLIC OF TURKEY OF UNMANNED AERIAL VEHICLES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress the following:

(1) A report on exports by the Republic of Turkey of unmanned aerial vehicles, including the Bayraktar TB2, that includes—

(A) an identification of the destinations and quantity of such exports since 2018;

(B) a description of any pending sale of unmanned aerial vehicles by the Republic of Turkey; and

(C) an assessment of whether Turkish unmanned aerial vehicles contain parts or technology manufactured by United States entities or affiliates.

(2) A determination with respect to whether exports of unmanned aerial vehicles by the Republic of Turkey constitute a violation of—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) any other applicable law; or

(C) United States sanctions policy.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SA 4284. Mr. SASSE (for himself, Mr. WARNER, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. IMPROVEMENTS RELATING TO STEERING COMMITTEE ON EMERGING TECHNOLOGY AND NATIONAL SECURITY THREATS.

Section 236 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended—

(1) in subsection (a), by striking ''may'' and inserting ''and the Director of National Intelligence may jointly'';

(2) in subsection (b), by—

(A) by striking paragraphs (3) through (8); and

(B) by inserting after paragraph (2) the following:

''(3) The Principal Deputy Director of National Intelligence.

''(4) Such other officials of the Department of Defense and intelligence community as the Secretary of Defense and the Director of National Intelligence jointly determine appropriate.'';

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(4) by inserting after subsection (b) the following:

''(c) LEADERSHIP.—The Steering Committee shall be chaired by the Deputy Secretary of Defense, the Vice Chairman of the Joint Chiefs of Staff, and the Principal Deputy Director of National Intelligence jointly.'';

(5) in subsection (d), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking ''a strategy'' and inserting ''strategies'';

(ii) by inserting ''and intelligence community'' after ''United States military''; and

(iii) by inserting ''and National Intelligence Strategy, and consistent with the National Security Strategy'' after ''National Defense Strategy'';

(B) inserting in paragraph (3)—

(i) in the matter before subparagraph (A), by inserting ''and the Director of National Intelligence'' after ''the Secretary of Defense'';

(ii) in subparagraph (A), by striking ''strategy'' and inserting ''strategies'';

(iii) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(iv) by redesignating subparagraph (E) as subparagraph (F); and

(v) by inserting after subparagraph (D) the following:

''(E) any changes to the guidance for developing the National Intelligence Program budget required by section 102A(c)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3024(c)(1)(A)), that may be required to implement the strategies under paragraph (1); and''; and

(vi) in subparagraph (F), as redesignated by clause (iv), by inserting ''and the intelligence community'' after ''Department of Defense''; and

(C) in paragraph (4), by inserting ''and Director of National Intelligence, jointly'' after ''Secretary of Defense'';

(6) by amending subsection (e), as redesignated by paragraph (3), to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) The term 'emerging technology' means technology determined to be in an emerging phase of development by the Secretary, including quantum information science and technology, data analytics, artificial intelligence, autonomous technology, advanced materials, software, high performance computing, robotics, directed energy, hypersonics, biotechnology, medical technologies, and such other technology as may be identified by the Secretary.

''(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).''; and

(7) in subsection (f), as redesignated by paragraph (3), by striking ''October 1, 2024'' and inserting ''October 1, 2025''.

SA 4285. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Protecting Taiwan From Invasion

SECTION 1291. SHORT TITLE.

This subtitle may be cited as the ''Taiwan Invasion Prevention Act''.

CHAPTER 1—AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES

SEC. 1292. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Taiwan is a free and prosperous democracy of nearly 24,000,000 people and is an important contributor to peace and stability around the world.

(2) Section 2(b) of the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301(b)) states that it is the policy of the United States—

(A) ''to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area'';

(B) ''to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern'';

(C) ''to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means'';

(D) ''to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States'';

(E) ''to provide Taiwan with arms of a defensive character''; and

(F) ''to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan''.

(3) Since the election of President Tsai Ing-wen as President of Taiwan in 2016, the Government of the People's Republic of China has intensified its efforts to pressure Taiwan through diplomatic isolation and military provocations.

(4) The rapid modernization of the People's Liberation Army and recent military maneuvers in and around the Taiwan Strait illustrate a clear threat to Taiwan's security.

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

(1) both the United States and Taiwan have made significant strides since 1979 in bolstering their defense relationship;

(2) the People's Republic of China has dramatically increased the capability of its military forces since 1979;

(3) the People's Republic of China has in recent years increased the use of its military forces to harass and provoke Taiwan with the threat of overwhelming force; and

(4) it is the policy of the United States to consider any effort to determine the future of Taiwan by anything other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area, and of grave concern to the United States.

SEC. 1293. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) IN GENERAL.—The President is authorized to use the Armed Forces of the United States and take such other measures as the President determines to be necessary and appropriate in order to secure and protect Taiwan against—

(1) a direct armed attack by the military forces of the People's Republic of China against the military forces of Taiwan;

(2) the taking of territory under the effective jurisdiction of Taiwan by the military forces of the People's Republic of China; or

(3) the endangering of the lives of members of the military forces of Taiwan or civilians within the effective jurisdiction of Taiwan in cases in which such members or civilians have been killed or are in imminent danger of being killed.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution (50 U.S.C. 1547(a)(1)), Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this subtitle may be construed to supersede any requirement of the War Powers Resolution (50 U.S.C. 1541 et seq.).

(c) SENSE OF CONGRESS.—It is the sense of Congress that, at the earliest possible date after the date of the enactment of this subtitle, the President should release a public declaration that it is the policy of the United States to secure and protect Taiwan against any action of the People's Republic of China described in paragraph (1), (2), or (3) of subsection (a).

(d) STATEMENT OF POLICY.—It is the policy of the United States to demand that the People's Republic of China officially renounce the use or threat of military force in any attempt to unify with Taiwan.

(e) AUTHORIZATION PERIOD.—

(1) IN GENERAL.—The authorization for use of the Armed Forces under this section shall expire on the date that is 5 years after the date of the enactment of this Act.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the authorization for use of the Armed Forces under this section should be reauthorized by a subsequent Act of Congress.

CHAPTER 2—OTHER MATTERS

SEC. 1294. REGIONAL SECURITY DIALOGUE TO IMPROVE SECURITY RELATIONSHIPS IN THE WESTERN PACIFIC AREA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State and the heads of other relevant Federal agencies, as appropriate, shall seek to convene, on an annual basis, a regional security dialogue with the Government of Taiwan and the governments of like-minded security partners to improve the security relationships among the United States and such countries in the Western Pacific area.

(b) MATTERS TO BE INCLUDED.—The regional security dialogue may consider matters relating to—

(1) coordinating lower-level military-to-military dialogue; and

(2) planning for potential military confrontation scenarios.

SEC. 1295. UNITED STATES-TAIWAN BILATERAL TRADE AGREEMENT.

Not later than 180 days after the date of the enactment of this Act, the United States Trade Representative should seek to enter into negotiations with representatives from Taiwan to establish a bilateral trade agreement between the United States and Taiwan.

SEC. 1296. UNITED STATES-TAIWAN COMBINED MILITARY EXERCISES AND RELATED ACTIONS.

(a) COMBINED MILITARY EXERCISES.—The Secretary of Defense, in coordination with the heads of other relevant Federal agencies, should seek to carry out a program of combined military exercises between the United States, Taiwan, and, if feasible, other United States allies and partners to improve military coordination and relations with Taiwan.

(b) COMBINED DISASTER RELIEF EXERCISES.—The Secretary of Defense, in coordination with the heads of other relevant Federal agencies, should engage with their counterparts in Taiwan to organize combined disaster and humanitarian relief exercises.

(c) TAIWAN STRAIT TRANSITS, FREEDOM OF NAVIGATION OPERATIONS, AND PRESENCE OPERATIONS.—The Secretary of Defense should consider increasing transits through the Taiwan Strait, freedom of navigation operations in the Taiwan Strait, and presence operations in the Western Pacific by the United States Navy, including in conjunction with United States allies and partners.

(d) SENSE OF CONGRESS.—It is the sense of Congress that Taiwan should dedicate additional domestic resources toward advancing its military readiness for purposes of defending Taiwan, including through—

(1) steady increases in annual defense spending as a share of gross domestic product;

(2) procurements of defense technologies that directly bolster Taiwan's asymmetric defense capabilities;

(3) reform of Taiwan's military reserves, including increasing the length of training required and number of days required in service annually;

(4) participation with United States Armed Forces in combined military exercises; and

(5) further engagement with the United States on strengthening Taiwan's cyber capabilities.

SEC. 1297. SENSE OF CONGRESS REGARDING UNITED STATES SUPPORT FOR DEFENDING TAIWAN.

It is the sense of Congress that—

(1) given the security considerations posed by the People's Republic of China, the Secretary of State should accelerate the approval of sales of defense articles and services to Taiwan for purposes of defending Taiwan; and

(2) the Secretary of Defense should offer support to Taiwan by—

(A) continuing to send United States military advisors to Taiwan for training purposes;

(B) encouraging members of the United States Armed Forces to enroll in Taiwan's National Defense University;

(C) maintaining a significant United States naval presence within a close proximity to Taiwan; and

(D) reestablishing the Taiwan Patrol Force under the direction of the United States Navy.

SEC. 1298. HIGH-LEVEL VISITS.

(a) VISIT TO TAIWAN BY THE PRESIDENT OF THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the President or the Secretary of State (if designated by the President), with appropriate interagency consultation and participation, should arrange a meeting in Taiwan with the President of Taiwan.

(b) VISIT TO THE UNITED STATES BY THE PRESIDENT OF TAIWAN.—It is the sense of Congress that the United States would benefit from a meeting in the United States between the President or the Secretary of State and the President of Taiwan.

SEC. 1299. SENSE OF CONGRESS REGARDING ADDRESS TO JOINT SESSION OF CONGRESS BY PRESIDENT OF TAIWAN.

It is the sense of Congress that it would be beneficial for the United States and Taiwan to invite the President of Taiwan to address a joint session of Congress and subsequently participate in a roundtable discussion with members of Congress.

SA 4286. Mr. SCOTT of Florida (for himself, Mr. HAWLEY, Mr. COTTON, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—American Security Drone Act of 2021

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the ''American Security Drone Act of 2021''.

SEC. 1072. DEFINITIONS.

In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term ''covered foreign entity'' means an entity included on a list developed and maintained by the Federal Acquisition Security Council. This list will include entities in the following categories:

(A) An entity included on the Consolidated Screening List.

(B) Any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security.

(C) Any entity the Secretary of Homeland Security, in coordination with the Director of National Intelligence and the Secretary of Defense, determines poses a national security risk.

(D) Any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security.

(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term ''covered unmanned aircraft system'' has the meaning given the term ''unmanned aircraft system'' in section 44801 of title 49, United States Code.

SEC. 1073. PROHIBITION ON PROCUREMENT OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Except as provided under subsections (b) though (f), the head of an executive agency may not procure any covered unmanned aircraft system that are manufactured or assembled by a covered foreign entity, which includes associated elements (consisting of communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system. The Federal Acquisition Security Council, in coordination with the Secretary of Transportation, shall develop and update a list of associated elements.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for—

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations; and

(2) is required in the national interest of the United States.

(c) FEDERAL AVIATION ADMINISTRATION CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS EXEMPTION.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis for the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board (NTSB), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of marine or atmospheric science or management.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

SEC. 1074. PROHIBITION ON OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) PROHIBITION.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(2) APPLICABILITY TO CONTRACTED SERVICES.—The prohibition under paragraph (1) applies to any covered unmanned aircraft systems that are being used by any executive agency through the method of contracting for the services of covered unmanned aircraft systems.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for—

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations; and

(2) is required in the national interest of the United States.

(c) FEDERAL AVIATION ADMINISTRATION CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS EXEMPTION.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis for the Federal Aviation Administration's Alliance for System Safety of UAE through Research Excellence (ASSURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board (NTSB), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of marine or atmospheric science or management.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

(g) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prescribe regulations or guidance to implement this section.

SEC. 1075. PROHIBITION ON USE OF FEDERAL FUNDS FOR PURCHASES AND OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used—

(1) to purchase a covered unmanned aircraft system, or a system to counter unmanned aircraft systems, that is manufactured or assembled by a covered foreign entity; or

(2) in connection with the operation of such a drone or unmanned aircraft system.

(b) EXEMPTION.—A Federal department or agency is exempt from the restriction under subsection (a) if—

(1) the contract, grant, or cooperative agreement was awarded prior to the date of the enactment of this Act; or

(2) the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis, as determined by the Secretary of Homeland Security, the Secretary of Defense, or the Attorney General, for—

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations; or

(F) the safe integration of UAS in the national airspace (as determined in consultation with the Secretary of Transportation); and

(3) is required in the national interest of the United States.

(c) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

(d) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations or guidance, as necessary, to implement the requirements of this section pertaining to Federal contracts.

SEC. 1076. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.

SEC. 1077. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Effective immediately, all executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items' capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory data related to covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level.

(c) EXCEPTIONS.—The Department of Defense and Department of Homeland Security may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues or that are one-time-use covered unmanned aircraft due to requirements and low cost.

SEC. 1078. COMPTROLLER GENERAL REPORT.

Not later than 275 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the amount of commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from covered foreign entities.

SEC. 1079. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Department of Homeland Security, Department of Transportation, the Department of Justice, and other Departments as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of UAS—

(1) for non-Department of Defense and nonintelligence community operations; and

(2) through grants and cooperative agreements entered into with non-Federal entities.

(b) INFORMATION SECURITY.—The policy developed under subsection (a) shall include the following specifications, which to the extent practicable, shall be based on industry standards and technical guidance from the National Institute of Standards and Technology, to address the risks associated with processing, storing and transmitting Federal information in a UAS:

(1) Protections to ensure controlled access of UAS.

(2) Protecting software, firmware, and hardware by ensuring changes to UAS are properly managed, including by ensuring UAS can be updated using a secure, controlled, and configurable mechanism.

(3) Cryptographically securing sensitive collected, stored, and transmitted data, including proper handling of privacy data and other controlled unclassified information.

(4) Appropriate safeguards necessary to protect sensitive information, including during and after use of UAS.

(5) Appropriate data security to ensure that data is not transmitted to or stored in non-approved locations.

(6) The ability to opt out of the uploading, downloading, or transmitting of data that is not required by law or regulation and an ability to choose with whom and where information is shared when it is required.

(c) REQUIREMENT.—The policy developed under subsection (a) shall reflect an appropriate risk-based approach to information security related to use of UAS.

(d) REVISION OF ACQUISITION REGULATIONS.—Not later than 180 days after the date on which the policy required under subsection (a) is issued—

(1) the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy; and

(2) any Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall revise applicable policy, guidance, or regulations, as necessary, to implement the policy.

(e) EXEMPTION.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall incorporate an exemption to the policy for the following reasons:

(1) In the case of procurement for the purposes of training, testing, or analysis for—

(A) electronic warfare; or

(B) information warfare operations.

(2) In the case of researching UAS technology, including testing, evaluation, research, or development of technology to counter UAS.

(3) In the case of a head of the procuring department or agency determining, in writing, that no product that complies with the information security requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination—

(A) may not be delegated below the level of the Deputy Secretary of the procuring department or agency;

(B) shall specify—

(i) the quantity of end items to which the waiver applies, the procurement value of which may not exceed $50,000 per waiver; and

(ii) the time period over which the waiver applies, which shall not exceed 3 years;

(C) shall be reported to the Office of Management and Budget following issuance of such a determination; and

(D) not later than 30 days after the date on which the determination is made, shall be provided to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

SEC. 1080. STUDY.

(a) INDEPENDENT STUDY.—Not later than 3 years after the date of the enactment of this Act, the Director of the Office of Management and Budget shall seek to enter into a contract with a federally funded research and development center under which the center will conduct a study of—

(1) the current and future unmanned aircraft system global and domestic market;

(2) the ability of the unmanned aircraft system domestic market to keep pace with technological advancements across the industry;

(3) the ability of domestically made unmanned aircraft systems to meet the network security and data protection requirements of the national security enterprise;

(4) the extent to which unmanned aircraft system component parts, such as the parts described in section 1073, are made domestically; and

(5) an assessment of the economic impact, including cost, of excluding the use of foreign-made UAS for use across the Federal Government.

(b) SUBMISSION TO OMB.—Upon completion of the study in subsection (a), the federally funded research and development center shall submit the study to the Director of the Office of Management and Budget.

(c) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Director of the Office of Management and Budget receives the study under subsection (b), the Director shall submit the study to—

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Homeland Security and the Committee on Oversight and Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1081. SUNSET.

Sections 1073, 1074, and 1075 shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

SA 4287. Mr. SCOTT of Florida (for himself, Mr. HAWLEY, Ms. ERNST, Mr. TILLIS, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. JOINT SELECT COMMITTEE ON AFGHANISTAN.

(a) ESTABLISHMENT.—There is established a joint select committee of Congress to be known as the ''Joint Select Committee on Afghanistan'' (in this section referred to as the ''Joint Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Joint Committee shall be composed of 12 members appointed pursuant to paragraph (2).

(2) APPOINTMENT.—Members of the Joint Committee shall be appointed as follows:

(A) The majority leader of the Senate shall appoint 3 members from among Members of the Senate.

(B) The minority leader of the Senate shall appoint 3 members from among Members of the Senate.

(C) The Speaker of the House of Representatives shall appoint 3 members from among Members of the House of Representatives.

(D) The minority leader of the House of Representatives shall appoint 3 members from among Members of the House of Representatives.

(3) CO-CHAIRS.—

(A) IN GENERAL.—Two of the appointed members of the Joint Committee shall serve as co-chairs. The Speaker of the House of Representatives and the majority leader of the Senate shall jointly appoint one co-chair, and the minority leader of the House of Representatives and the minority leader of the Senate shall jointly appoint the second co-chair. The co-chairs shall be appointed not later than 14 calendar days after the date of the enactment of this Act.

(B) STAFF DIRECTOR.—The co-chairs, acting jointly, shall hire the staff director of the Joint Committee.

(4) DATE.—Members of the Joint Committee shall be appointed not later than 14 calendar days after the date of the enactment of this Act.

(5) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Joint Committee. Any vacancy in the Joint Committee shall not affect its powers, but shall be filled not later than 14 calendar days after the date on which the vacancy occurs, in the same manner as the original designation was made. If a member of the Joint Committee ceases to be a Member of the House of Representatives or the Senate, as the case may be, the member is no longer a member of the Joint Committee and a vacancy shall exist.

(c) INVESTIGATION AND REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Joint Committee shall conduct an investigation and submit to Congress a report on the United States 2021 withdrawal from Afghanistan.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A summary of any intelligence reports that indicated an imminent threat at the Hamid Karzai International Airport preceding the deadly attack on August 26, 2021, and the risks to United States and allied country civilians as well as Afghan partners for various United States withdrawal scenarios.

(B) A summary of any intelligence reports that indicated that withdrawing military personnel and closing United States military installations in Afghanistan before evacuating civilians would negatively affect the evacuation of United States citizens, green card holders, and Afghan partners and thus put them at risk.

(C) A full review of planning by the National Security Council, the Department of State, and the Department of Defense for a noncombatant evacuation from Afghanistan, including details of all scenarios used by the Department of State or the Department of Defense to plan and prepare for noncombatant evacuation operations.

(D) An analysis of the relationship between the retrograde and noncombatant evacuation operation plans and operations.

(E) A description of any actions that were taken by the United States Government to protect the safety of United States forces and neutralize threats in any withdrawal scenarios.

(F) A full review of all withdrawal scenarios compiled by the intelligence community and the Department of Defense with timelines for the decisions taken, including all advice provided by military leaders to President Joseph R. Biden and his national security team beginning in January 2021.

(G) An analysis of why the withdrawal timeline expedited from the September 11, 2021, date set by President Biden earlier this year.

(H) An analysis of United States and allied intelligence shared with the Taliban.

(I) An analysis of any actions taken by the United States Government to proactively prepare for a successful withdrawal.

(J) A summary of intelligence that informed statements and assurances made to the American people that the Taliban would not take over Afghanistan with the speed that it did in August 2021.

(K) A full and unredacted transcript of the phone call between President Joe Biden and

President Ashraf Ghani of Afghanistan on July 23, 2021.

(L) A summary of any documents, reports, or intelligence that indicates whether any members of the intelligence community, the United States Armed Forces, or NATO partners supporting the mission warned that the Taliban would swiftly reclaim Afghanistan.

(M) A description of the extent to which any members of the intelligence community, the United States Armed Forces, or NATO partners supporting the mission advised steps to be taken by the White House that were ultimately rejected.

(N) An assessment of the decision not to order a noncombatant evacuation operation until August 14, 2021.

(O) An assessment of whose advice the President heeded in maintaining the timeline and the status of forces on the ground before Thursday, August 12, 2021.

(P) A description of the initial views and advice of the United States Armed Forces and the intelligence community given to the National Security Council and the White House before the decisions were taken regarding closure of United States military installations, withdrawal of United States assets, and withdrawal of United States military personnel.

(Q) An assessment of United States assets, as well as any assets left behind by allies, that could now be used by the Taliban, ISIS–K, and other terrorist organizations operating within the region.

(R) An assessment of United States assets slated to be delivered to Afghanistan, if any, the delivery of which was paused because of the President's decision to withdraw, and the status of and plans for those assets now.

(S) An assessment of vetting procedures for Afghan civilians to be evacuated with a timeline for the decision making and ultimate decisions taken to ensure that no terrorist suspects, persons with ties to terrorists, or dangerous individuals would be admitted into third countries or the United States.

(T) An assessment of the discussions between the United States Government and allies supporting our efforts in Afghanistan and a timeline for decision making regarding the withdrawal of United States forces, including discussion and decisions about how to work together to repatriate all foreign nationals desiring to return to their home countries.

(U) A review of the policy decisions with timeline regarding all Afghan nationals and other refugees evacuated from Afghanistan by the United States Government and brought to third countries and the United States, including a report on what role the United States Armed Forces performed in vetting each individual and what coordination the Departments of State and Defense engaged in to safeguard members of the Armed Forces from infectious diseases and terrorist threats.

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(d) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Joint Committee have been appointed, the Joint Committee shall hold its first meeting.

(2) FREQUENCY.—The Joint Committee shall meet at the call of the co-chairs.

(3) QUORUM.—A majority of the members of the Joint Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(4) VOTING.—No proxy voting shall be allowed on behalf of the members of the Joint Committee.

(e) ADMINISTRATION.—

(1) IN GENERAL.—To enable the Joint Committee to exercise its powers, functions, and duties, there are authorized to be disbursed by the Senate the actual and necessary expenses of the Joint Committee approved by the co-chairs, subject to the rules and regulations of the Senate.

(2) EXPENSES.—In carrying out its functions, the Joint Committee is authorized to incur expenses in the same manner and under the same conditions as the Joint Economic Committee is authorized by section 11 of Public Law 79–304 (15 U.S.C. 1024 (d)).

(3) HEARINGS.—

(A) IN GENERAL.—The Joint Committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the Joint Committee considers advisable.

(B) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

(i) ANNOUNCEMENT.—The co-chairs of the Joint Committee shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

(ii) WRITTEN STATEMENT.—A witness appearing before the Joint Committee shall file a written statement of proposed testimony at least 2 calendar days before the appearance of the witness, unless the requirement is waived by the co-chairs, following their determination that there is good cause for failure to comply with such requirement.

(4) COOPERATION FROM FEDERAL AGENCIES.—

(A) TECHNICAL ASSISTANCE.—Upon written request of the co-chairs, a Federal agency shall provide technical assistance to the Joint Committee in order for the Joint Committee to carry out its duties.

(B) PROVISION OF INFORMATION.—The Secretary of State, the Secretary of Defense, the Director of National Intelligence, the heads of the elements of the intelligence community, the Secretary of Homeland Security, and the National Security Council shall expeditiously respond to requests for information related to compiling the report under subsection (c).

(f) STAFF OF JOINT COMMITTEE.—

(1) IN GENERAL.—The co-chairs of the Joint Committee may jointly appoint and fix the compensation of staff as they deem necessary, within the guidelines for employees of the Senate and following all applicable rules and employment requirements of the Senate.

(2) ETHICAL STANDARDS.—Members on the Joint Committee who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the Joint Committee and staff of the Joint Committee shall comply with the ethics rules of the Senate.

(g) TERMINATION.—The Joint Committee shall terminate on the date that is one year after the date of the enactment of this Act.

(h) FUNDING.—Funding for the Joint Committee shall be derived in equal portions from—

(1) the applicable accounts of the House of Representatives; and

(2) the contingent fund of the Senate from the appropriations account ''Miscellaneous Items'', subject to the rules and regulations of the Senate.

SA 4288. Mr. CORNYN (for himself, Ms. BALDWIN, and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REQUIREMENTS FOR RAILROAD FREIGHT CARS PLACED INTO SERVICE IN THE UNITED STATES.

(a) IN GENERAL.—Subchapter II of chapter 201 of subtitle V of title 49, United States Code, is amended by adding at the end the following:

''§ 20169. Requirements for railroad freight cars placed into service in the United States

''(a) DEFINITIONS.—In this section:

''(1) COMPONENT.—The term 'component' means a part or subassembly of a railroad freight car.

''(2) CONTROL.—The term 'control' means the power, whether direct or indirect and whether or not exercised, through the ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, representation on the board of directors of an entity, proxy voting on the board of directors of an entity, a special share in the entity, a contractual arrangement with the entity, a formal or informal arrangement to act in concert with an entity, or any other means, to determine, direct, make decisions, or cause decisions to be made for the entity.

''(3) COST OF SENSITIVE TECHNOLOGY.—The term 'cost of sensitive technology' means the aggregate cost of the sensitive technology located on a railroad freight car.

''(4) COUNTRY OF CONCERN.—The term 'country of concern' means a country that—

''(A) is identified by the Department of Commerce as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022;

''(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list (as defined in subsection (g)(3) of such section); and

''(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

''(5) NET COST.—The term 'net cost' has the meaning given such term in chapter 4 of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

''(6) QUALIFIED FACILITY.—The term 'qualified facility' means a facility that is not owned or under the control of a state-owned enterprise.

''(7) QUALIFIED MANUFACTURER.—The term 'qualified manufacturer' means a railroad freight car manufacturer that is not owned or under the control of a state-owned enterprise.

''(8) RAILROAD FREIGHT CAR.—The term 'railroad freight car' means a car designed to carry freight or railroad personnel by rail, including—

''(A) a box car;

''(B) a refrigerator car;

''(C) a ventilator car;

''(D) an intermodal well car;

''(E) a gondola car;
''(F) a hopper car;
''(G) an auto rack car;
''(H) a flat car;
''(I) a special car;
''(J) a caboose car;
''(K) a tank car; and
''(L) a yard car.

''(9) SENSITIVE TECHNOLOGY.—The term 'sensitive technology' means any device embedded with electronics, software, sensors, or other connectivity, that enables the device to connect to, collect data from, or exchange data with another device, including—

''(A) onboard telematics;
''(B) remote monitoring software;
''(C) firmware;
''(D) analytics;
''(E) global positioning system satellite and cellular location tracking systems;
''(F) event status sensors;
''(G) predictive component condition and performance monitoring sensors; and
''(H) similar sensitive technologies embedded into freight railcar components and subassemblies.

''(10) STATE-OWNED ENTERPRISE.—The term 'state-owned enterprise' means—

''(A) an entity that is owned by, or under the control of, a national, provincial, or local government of a country of concern, or an agency of such government; or
''(B) an individual acting under the direction or influence of a government or agency described in subparagraph (A).

''(11) SUBSTANTIALLY TRANSFORMED.—The term 'substantially transformed' means a component of a railroad freight car that undergoes an applicable change in tariff classification as a result of the manufacturing process, as described in chapter 4 and related annexes of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

''(12) USMCA.—The term 'USMCA' has the meaning given the term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502).

''(b) REQUIREMENTS FOR RAILROAD FREIGHT CARS.—

''(1) LIMITATION ON RAILROAD FREIGHT CARS.—A railroad freight car wholly manufactured on or after the date that is 1 year after the date of issuance of the regulations required under subsection (c)(1) may only operate on the United States general railroad system of transportation if—

''(A) the railroad freight car is manufactured, assembled, and substantially transformed, as applicable, by a qualified manufacturer in a qualified facility;
''(B) none of the sensitive technology located on the railroad freight car, including components necessary to the functionality of the sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise; and
''(C) none of the content of the railroad freight car, excluding sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid United States intellectual property rights of another including such a finding by a Federal district court under title 35 or the U.S. International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

''(2) LIMITATION ON RAILROAD FREIGHT CAR CONTENT.—

''(A) PERCENTAGE LIMITATION.—

''(i) INITIAL LIMITATION.—Not later than 1 year after the date of issuance of the regulations required under subsection (c)(1), a railroad freight car described in paragraph (1) may operate on the United States general railroad system of transportation only if not more than 20 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise.

''(ii) SUBSEQUENT LIMITATION.—Effective beginning on the date that is 3 years after the date of issuance of the regulations required under subsection (c)(1), a railroad freight car described in paragraph (1) may operate on the United States general railroad system of transportation only if not more than 15 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise.

''(B) CONFLICT.—The percentages specified in clauses (i) and (ii) of subparagraph (A), as applicable, shall apply notwithstanding any apparent conflict with provisions of chapter 4 of the USMCA.

''(c) RULEMAKING; PENALTIES.—

''(1) REGULATIONS REQUIRED.—Not later than 2 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Transportation shall issue such regulations as are necessary to carry out this section, including for the monitoring and sensitive technology requirements of this section.

''(2) CERTIFICATION REQUIRED.—To be eligible to provide a railroad freight car for operation on the United States general railroad system of transportation, the manufacturer of such car shall annually certify to the Secretary of Transportation that any railroad freight cars to be so provided meet the requirements under this section.

''(3) COMPLIANCE.—

''(A) VALID CERTIFICATION REQUIRED.—At the time a railroad freight car begins operation on the United States general railroad system of transportation, the manufacturer of such railroad freight car shall have valid certification described in paragraph (2) for the year in which such car begins operation.

''(B) REGISTRATION OF NONCOMPLIANT CARS PROHIBITED.—A railroad freight car manufacturer may not register, or cause to be registered, a railroad freight car that does not comply with the requirements under this section in the Association of American Railroad's Umler system.

''(4) CIVIL PENALTIES.—

''(A) IN GENERAL.—Pursuant to section 21301, the Secretary of Transportation may assess a civil penalty of not less than $100,000, and not more than $250,000, for each violation of this section for each railroad freight car.

''(B) PROHIBITION ON OPERATION FOR VIOLATIONS.—The Secretary of Transportation may prohibit a railroad freight car manufacturer with respect to which the Secretary has assessed more than 3 violations under subparagraph (A) from providing additional railroad freight cars for operation on the United States general railroad system of transportation until the Secretary determines—

''(i) such manufacturer is in compliance with this section; and
''(ii) all civil penalties assessed to such manufacturer pursuant to subparagraph (A) have been paid in full.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 201 of subtitle V of title 49, United States Code, is amended by adding at the end the following:

''20169. Requirements for railroad freight cars placed into service in the United States.''.

SA 4289. Mrs. HYDE-SMITH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. SPACE-AVAILABLE TRAVEL FOR FAMILY MEMBERS OF MEMBERS OF ARMED FORCES WHO DIE WHILE SERVING IN ACTIVE MILITARY, NAVAL, AIR, OR SPACE SERVICE.

(a) EXPANSION OF ELIGIBILITY.—Section 2641b(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (6) as paragraph (7); and
(2) by inserting after paragraph (5) the following new paragraph (6):

''(6) Children, spouses, parents, and siblings of members of the armed forces who die while serving in the active military, naval, air, or space service (as that term is defined in section 101 of title 38).''.

(b) RELATED INSTRUCTION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense Instruction 4515.13 to ensure that individuals eligible for space-available travel on aircraft of the Department under paragraph (6) of section 2641b(c) of title 10, United States Code, as amended by subsection (a), are placed in a category of travelers not lower than category V.

SA 4290. Mrs. HYDE-SMITH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1013. REPORT ON THE USE OF CERTAIN FUNDING FOR COUNTER-NARCOTICS MISSIONS IN CENTRAL ASIA.

(a) IN GENERAL.—Not later than March 1, 2022, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of funding made available for programs under section 333 of title 10, United States Code, for counter-narcotics missions in Central Asia.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The amount of funding made available for programs under section 333 of title 10, United States Code, that has been used for counter-narcotics missions in Central Asia, specifically to counter illicit trafficking operations emanating from Afghanistan and Central Asia, during the five-year period preceding the date of the enactment of this Act.

(2) The amount of funding made available for other programs, including under section

284 of title 10, United States Code, that has been used to counter illicit trafficking operations emanating from Afghanistan and Central Asia during the five-year period preceding the date of the enactment of this Act.

(3) An assessment of whether funding made available for programs under section 333 of title 10, United States Code, can be used to maintain, repair, and upgrade equipment previously supplied by the United States to foreign law enforcement agencies for counter-narcotics purposes on borders and at international ports.

SA 4291. 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 end, add the following:

DIVISION E—SECURING AMERICA'S FUTURE

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Securing America's Future Act''.

TITLE I—ENSURING DOMESTIC MANUFACTURING CAPABILITIES

Subtitle A—Build America, Buy America

SEC. 4101. SHORT TITLE.

This subtitle may be cited as the ''Build America, Buy America Act''.

PART I—BUY AMERICA SOURCING REQUIREMENTS

SEC. 4111. FINDINGS.

Congress finds that—

(1) the United States must make significant investments to install, upgrade, or replace the public works infrastructure of the United States;

(2) with respect to investments in the infrastructure of the United States, taxpayers expect that their public works infrastructure will be produced in the United States by American workers;

(3) United States taxpayer dollars invested in public infrastructure should not be used to reward companies that have moved their operations, investment dollars, and jobs to foreign countries or foreign factories, particularly those that do not share or openly flout the commitments of the United States to environmental, worker, and workplace safety protections;

(4) in procuring materials for public works projects, entities using taxpayer-financed Federal assistance should give a commonsense procurement preference for the materials and products produced by companies and workers in the United States in accordance with the high ideals embodied in the environmental, worker, workplace safety, and other regulatory requirements of the United States;

(5) common construction materials used in public works infrastructure projects, including steel, iron, manufactured products, nonferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), concrete and other aggregates, glass (including optic glass), lumber, and drywall are not adequately covered by a domestic content procurement preference, thus limiting the impact of taxpayer purchases to enhance supply chains in the United States;

(6) the benefits of domestic content procurement preferences extend beyond economics;

(7) by incentivizing domestic manufacturing, domestic content procurement preferences reinvest tax dollars in companies and processes using the highest labor and environmental standards in the world;

(8) strong domestic content procurement preference policies act to prevent shifts in production to countries that rely on production practices that are significantly less energy efficient and far more polluting than those in the United States;

(9) for over 75 years, Buy America and other domestic content procurement preference laws have been part of the United States procurement policy, ensuring that the United States can build and rebuild the infrastructure of the United States with high-quality American-made materials;

(10) before the date of enactment of this Act, a domestic content procurement preference requirement may not apply, may apply only to a narrow scope of products and materials, or may be limited by waiver with respect to many infrastructure programs, which necessitates a review of such programs, including programs for roads, highways, and bridges, public transportation, dams, ports, harbors, and other maritime facilities, intercity passenger and freight railroads, freight and intermodal facilities, airports, water systems, including drinking water and wastewater systems, electrical transmission facilities and systems, utilities, broadband infrastructure, and buildings and real property;

(11) Buy America laws create demand for domestically produced goods, helping to sustain and grow domestic manufacturing and the millions of jobs domestic manufacturing supports throughout product supply chains;

(12) as of the date of enactment of this Act, domestic content procurement preference policies apply to all Federal Government procurement and to various Federal-aid infrastructure programs;

(13) a robust domestic manufacturing sector is a vital component of the national security of the United States;

(14) as more manufacturing operations of the United States have moved offshore, the strength and readiness of the defense industrial base of the United States has been diminished; and

(15) domestic content procurement preference laws—

(A) are fully consistent with the international obligations of the United States; and

(B) together with the government procurements to which the laws apply, are important levers for ensuring that United States manufacturers can access the government procurement markets of the trading partners of the United States.

SEC. 4112. DEFINITIONS.

In this part:

(1) DEFICIENT PROGRAM.—The term ''deficient program'' means a program identified by the head of a Federal agency under section 4113(c).

(2) DOMESTIC CONTENT PROCUREMENT PREFERENCE.—The term ''domestic content procurement preference'' means a requirement that no amounts made available through a program for Federal financial assistance may be obligated for a project unless—

(A) all iron and steel used in the project are produced in the United States;

(B) the manufactured products used in the project are produced in the United States; or

(C) the construction materials used in the project are produced in the United States.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means any authority of the United States that is an ''agency'' (as defined in section 3502 of title 44, United States Code), other than an independent regulatory agency (as defined in that section).

(4) FEDERAL FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The term ''Federal financial assistance'' has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations (or successor regulations).

(B) INCLUSION.—The term ''Federal financial assistance'' includes all expenditures by a Federal agency to a non-Federal entity for an infrastructure project, except that it does not include expenditures for assistance authorized under section 402, 403, 404, 406, 408, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172, 5174, or 5192) relating to a major disaster or emergency declared by the President under section 401 or 501, respectively, of such Act (42 U.S.C. 5170, 5191) or pre and post disaster or emergency response expenditures.

(5) INFRASTRUCTURE.—The term ''infrastructure'' includes, at a minimum, the structures, facilities, and equipment for, in the United States—

(A) roads, highways, and bridges;

(B) public transportation;

(C) dams, ports, harbors, and other maritime facilities;

(D) intercity passenger and freight railroads;

(E) freight and intermodal facilities;

(F) airports;

(G) water systems, including drinking water and wastewater systems;

(H) electrical transmission facilities and systems;

(I) utilities;

(J) broadband infrastructure; and

(K) buildings and real property.

(6) PRODUCED IN THE UNITED STATES.—The term ''produced in the United States'' means—

(A) in the case of iron or steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(B) in the case of manufactured products, that—

(i) the manufactured product was manufactured in the United States; and

(ii) the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(C) in the case of construction materials, that all manufacturing processes for the construction material occurred in the United States.

(7) PROJECT.—The term ''project'' means the construction, alteration, maintenance, or repair of infrastructure in the United States.

SEC. 4113. IDENTIFICATION OF DEFICIENT PROGRAMS.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the head of each Federal agency shall—

(1) submit to the Office of Management and Budget and to Congress, including a separate notice to each appropriate congressional committee, a report that identifies each Federal financial assistance program for infrastructure administered by the Federal agency; and

(2) publish in the Federal Register the report under paragraph (1).

(b) REQUIREMENTS.—In the report under subsection (a), the head of each Federal agency shall, for each Federal financial assistance program—

(1) identify all domestic content procurement preferences applicable to the Federal financial assistance;

(2) assess the applicability of the domestic content procurement preference requirements, including—

(A) section 313 of title 23, United States Code;

(B) section 5323(j) of title 49, United States Code;

(C) section 22905(a) of title 49, United States Code;

(D) section 50101 of title 49, United States Code;

(E) section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1388);

(F) section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4));

(G) section 5035 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3914);

(H) any domestic content procurement preference included in an appropriations Act; and

(I) any other domestic content procurement preference in Federal law (including regulations);

(3) provide details on any applicable domestic content procurement preference requirement, including the purpose, scope, applicability, and any exceptions and waivers issued under the requirement; and

(4) include a description of the type of infrastructure projects that receive funding under the program, including information relating to—

(A) the number of entities that are participating in the program;

(B) the amount of Federal funds that are made available for the program for each fiscal year; and

(C) any other information the head of the Federal agency determines to be relevant.

(c) LIST OF DEFICIENT PROGRAMS.—In the report under subsection (a), the head of each Federal agency shall include a list of Federal financial assistance programs for infrastructure identified under that subsection for which a domestic content procurement preference requirement—

(1) does not apply in a manner consistent with section 4114; or

(2) is subject to a waiver of general applicability not limited to the use of specific products for use in a specific project.

SEC. 4114. APPLICATION OF BUY AMERICA PREFERENCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the head of each Federal agency shall ensure that none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.

(b) WAIVER.—The head of a Federal agency that applies a domestic content procurement preference under this section may waive the application of that preference in any case in which the head of the Federal agency finds that—

(1) applying the domestic content procurement preference would be inconsistent with the public interest;

(2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) WRITTEN JUSTIFICATION.—Before issuing a waiver under subsection (b), the head of the Federal agency shall—

(1) make publicly available in an easily accessible location on a website designated by the Office of Management and Budget and on the website of the Federal agency a detailed written explanation for the proposed determination to issue the waiver; and

(2) provide a period of not less than 15 days for public comment on the proposed waiver.

(d) AUTOMATIC SUNSET ON WAIVERS OF GENERAL APPLICABILITY.—

(1) IN GENERAL.—A general applicability waiver issued under subsection (b) shall expire not later than 2 years after the date on which the waiver is issued.

(2) REISSUANCE.—The head of a Federal agency may reissue a general applicability waiver only after—

(A) publishing in the Federal Register a notice that—

(i) describes the justification for reissuing a general applicability waiver; and

(ii) requests public comments for a period of not less than 30 days; and

(B) publishing in the Federal Register a second notice that—

(i) responds to the public comments received in response to the first notice; and

(ii) provides the final decision on whether the general applicability waiver will be reissued.

(e) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 4115. OMB GUIDANCE AND STANDARDS.

(a) GUIDANCE.—The Director of the Office of Management and Budget shall—

(1) issue guidance to the head of each Federal agency—

(A) to assist in identifying deficient programs under section 4113(c); and

(B) to assist in applying new domestic content procurement preferences under section 4114; and

(2) if necessary, amend subtitle A of title 2, Code of Federal Regulations (or successor regulations), to ensure that domestic content procurement preference requirements required by this part or other Federal law are imposed through the terms and conditions of awards of Federal financial assistance.

(b) STANDARDS FOR CONSTRUCTION MATERIALS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue standards that define the term ''all manufacturing processes'' in the case of construction materials.

(2) CONSIDERATIONS.—In issuing standards under paragraph (1), the Director shall—

(A) ensure that the standards require that each manufacturing process required for the manufacture of the construction material and the inputs of the construction material occurs in the United States; and

(B) take into consideration and seek to maximize the direct and indirect jobs benefited or created in the production of the construction material.

SEC. 4116. TECHNICAL ASSISTANCE PARTNERSHIP AND CONSULTATION SUPPORTING DEPARTMENT OF TRANSPORTATION BUY AMERICA REQUIREMENTS.

(a) DEFINITIONS.—In this section:

(1) BUY AMERICA LAW.—The term ''Buy America law'' means—

(A) section 313 of title 23, United States Code;

(B) section 5323(j) of title 49, United States Code;

(C) section 22905(a) of title 49, United States Code;

(D) section 50101 of title 49, United States Code; and

(E) any other domestic content procurement preference for an infrastructure project under the jurisdiction of the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(b) TECHNICAL ASSISTANCE PARTNERSHIP.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall enter into a technical assistance partnership with the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology—

(1) to ensure the development of a domestic supply base to support intermodal transportation in the United States, such as intercity high speed rail transportation, public transportation systems, highway construction or reconstruction, airport improvement projects, and other infrastructure projects under the jurisdiction of the Secretary;

(2) to ensure compliance with Buy America laws that apply to a project that receives assistance from the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, or another office or modal administration of the Secretary of Transportation;

(3) to encourage technologies developed with the support of and resources from the Secretary to be transitioned into commercial market and applications; and

(4) to establish procedures for consultation under subsection (c).

(c) CONSULTATION.—Before granting a written waiver under a Buy America law, the Secretary shall consult with the Director of the Hollings Manufacturing Extension Partnership regarding whether there is a domestic entity that could provide the iron, steel, manufactured product, or construction material that is the subject of the proposed waiver.

(d) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, the Committee on Environment and Public Works, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Oversight and Reform of the House of Representatives a report that includes—

(1) a detailed description of the consultation procedures developed under subsection (b)(4);

(2) a detailed description of each waiver requested under a Buy America law in the preceding year that was subject to consultation under subsection (c), and the results of the consultation;

(3) a detailed description of each waiver granted under a Buy America law in the preceding year, including the type of waiver and the reasoning for granting the waiver; and

(4) an update on challenges and gaps in the domestic supply base identified in carrying out subsection (b)(1), including a list of actions and policy changes the Secretary recommends be taken to address those challenges and gaps.

SEC. 4117. APPLICATION.

(a) IN GENERAL.—This part shall apply to a Federal financial assistance program for infrastructure only to the extent that a domestic content procurement preference as described in section 4114 does not already apply to iron, steel, manufactured products, and construction materials.

(b) SAVINGS PROVISION.—Nothing in this part affects a domestic content procurement preference for a Federal financial assistance

program for infrastructure that is in effect and that meets the requirements of section 4114.

PART II—MAKE IT IN AMERICA

SEC. 4121. REGULATIONS RELATING TO BUY AMERICAN ACT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget (''Director''), acting through the Administrator for Federal Procurement Policy and, in consultation with the Federal Acquisition Regulatory Council, shall promulgate final regulations or other policy or management guidance, as appropriate, to standardize and simplify how Federal agencies comply with, report on, and enforce the Buy American Act. The regulations or other policy or management guidance shall include, at a minimum, the following:

(1) Guidelines for Federal agencies to determine, for the purposes of applying sections 8302(a) and 8303(b)(3) of title 41, United States Code, the circumstances under which the acquisition of articles, materials, or supplies mined, produced, or manufactured in the United States is inconsistent with the public interest.

(2) Guidelines to ensure Federal agencies base determinations of non-availability on appropriate considerations, including anticipated project delays and lack of substitutable articles, materials, and supplies mined, produced, or manufactured in the United States, when making determinations of non-availability under section 8302(a)(1) of title 41, United States Code.

(3)(A) Uniform procedures for each Federal agency to make publicly available, in an easily identifiable location on the website of the agency, and within the following time periods, the following information:

(i) A written description of the circumstances in which the head of the agency may waive the requirements of the Buy American Act.

(ii) Each waiver made by the head of the agency within 30 days after making such waiver, including a justification with sufficient detail to explain the basis for the waiver.

(B) The procedures established under this paragraph shall ensure that the head of an agency, in consultation with the head of the Made in America Office established under section 4123(a), may limit the publication of classified information, trade secrets, or other information that could damage the United States.

(4) Guidelines for Federal agencies to ensure that a project is not disaggregated for purposes of avoiding the applicability of the requirements under the Buy American Act.

(5) An increase to the price preferences for domestic end products and domestic construction materials.

(6) Amending the definitions of ''domestic end product'' and ''domestic construction material'' to ensure that iron and steel products are, to the greatest extent possible, made with domestic components.

(b) GUIDELINES RELATING TO WAIVERS.—

(1) INCONSISTENCY WITH PUBLIC INTEREST.—

(A) IN GENERAL.—With respect to the guidelines developed under subsection (a)(1), the Administrator shall seek to minimize waivers related to contract awards that—

(i) result in a decrease in employment in the United States, including employment among entities that manufacture the articles, materials, or supplies; or

(ii) result in awarding a contract that would decrease domestic employment.

(B) COVERED EMPLOYMENT.—For purposes of subparagraph (A), employment refers to positions directly involved in the manufacture of articles, materials, or supplies, and does not include positions related to management, research and development, or engineering and design.

(2) ASSESSMENT ON USE OF DUMPED OR SUBSIDIZED FOREIGN PRODUCTS.—

(A) IN GENERAL.—To the extent otherwise permitted by law, before granting a waiver in the public interest to the guidelines developed under subsection (a)(1) with respect to a product sourced from a foreign country, a Federal agency shall assess whether a significant portion of the cost advantage of the product is the result of the use of dumped steel, iron, or manufactured goods or the use of injuriously subsidized steel, iron, or manufactured goods.

(B) CONSULTATION.—The Federal agency conducting the assessment under subparagraph (A) shall consult with the International Trade Administration in making the assessment if the agency considers such consultation to be helpful.

(C) USE OF FINDINGS.—The Federal agency conducting the assessment under subparagraph (A) shall integrate any findings from the assessment into its waiver determination.

(c) SENSE OF CONGRESS ON INCREASING DOMESTIC CONTENT REQUIREMENTS.—It is the sense of Congress that the Federal Acquisition Regulatory Council should amend the Federal Acquisition Regulation to increase the domestic content requirements for domestic end products and domestic construction material to 75 percent, or, in the event of no qualifying offers, 60 percent.

(d) DEFINITION OF END PRODUCT MANUFACTURED IN THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend part 25 of the Federal Acquisition Regulation to provide a definition for ''end product manufactured in the United States,'' including guidelines to ensure that manufacturing processes involved in production of the end product occur domestically.

SEC. 4122. AMENDMENTS RELATING TO BUY AMERICAN ACT.

(a) SPECIAL RULES RELATING TO AMERICAN MATERIALS REQUIRED FOR PUBLIC USE.—Section 8302 of title 41, United States Code, is amended by adding at the end the following new subsection:

''(c) SPECIAL RULES.—The following rules apply in carrying out the provisions of subsection (a):

''(1) IRON AND STEEL MANUFACTURED IN THE UNITED STATES.—For purposes of this section, manufactured articles, materials, and supplies of iron and steel are deemed manufactured in the United States only if all manufacturing processes involved in the production of such iron and steel, from the initial melting stage through the application of coatings, occurs in the United States.

''(2) LIMITATION ON EXCEPTION FOR COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.—Notwithstanding any law or regulation to the contrary, including section 1907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies.''.

(b) PRODUCTION OF IRON AND STEEL FOR PURPOSES OF CONTRACTS FOR PUBLIC WORKS.—Section 8303 of title 41, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) SPECIAL RULES.—

''(1) PRODUCTION OF IRON AND STEEL.—For purposes of this section, manufactured articles, materials, and supplies of iron and steel are deemed manufactured in the United States only if all manufacturing processes involved in the production of such iron and steel, from the initial melting stage through the application of coatings, occurs in the United States.

''(2) LIMITATION ON EXCEPTION FOR COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.—Notwithstanding any law or regulation to the contrary, including section 1907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies used in contracts described in subsection (a).''.

(c) ANNUAL REPORT.—Subsection (b) of section 8302 of title 41, United States Code, is amended to read as follows:

''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the end of the fiscal year during which the Build America, Buy America Act is enacted, and annually thereafter for 4 years, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, 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 on the total amount of acquisitions made by Federal agencies in the relevant fiscal year of articles, materials, or supplies acquired from entities that mine, produce, or manufacture the articles, materials, or supplies outside the United States.

''(2) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection does not apply to acquisitions made by an agency, or component of an agency, that is an element of the intelligence community as specified in, or designated under, section 3 of the National Security Act of 1947 (50 U.S.C. 3003).''.

(d) DEFINITION.—Section 8301 of title 41, United States Code, is amended by adding at the end the following new paragraph:

''(3) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'executive agency' in section 133 of this title.''.

(e) CONFORMING AMENDMENTS.—Title 41, United States Code, is amended—

(1) in section 8302(a)—

(A) in paragraph (1)—

(i) by striking ''department or independent establishment'' and inserting ''Federal agency''; and

(ii) by striking ''their acquisition to be inconsistent with the public interest or their cost to be unreasonable'' and inserting ''their acquisition to be inconsistent with the public interest, their cost to be unreasonable, or that the articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality''; and

(B) in paragraph (2), by amending subparagraph (B) to read as follows:

''(B) to any articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304 of this title), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and''; and

(2) in section 8303—

(A) in subsection (b)—

(i) by striking ''department or independent establishment'' each place it appears and inserting ''Federal agency'';

(ii) by amending subparagraph (B) of paragraph (1) to read as follows:

''(B) to any articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304), or a trade

agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and''; and

(iii) in paragraph (3)—

(I) in the heading, by striking ''INCONSISTENT WITH PUBLIC INTEREST'' and inserting ''WAIVER AUTHORITY''; and

(II) by striking ''their purchase to be inconsistent with the public interest or their cost to be unreasonable'' and inserting ''their acquisition to be inconsistent with the public interest, their cost to be unreasonable, or that the articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality''; and

(B) in subsection (d), as redesignated by subsection (b)(1) of this section, by striking ''department, bureau, agency, or independent establishment'' each place it appears and inserting ''Federal agency''.

(f) EXCLUSION FROM INFLATION ADJUSTMENT OF ACQUISITION-RELATED DOLLAR THRESHOLDS.—Subparagraph (A) of section 1908(b)(2) of title 41, United States Code, is amended by striking ''chapter 67'' and inserting ''chapters 67 and 83''.

SEC. 4123. MADE IN AMERICA OFFICE.

(a) ESTABLISHMENT.—The Director of the Office of Management and Budget shall establish within the Office of Management and Budget an office to be known as the ''Made in America Office''. The head of the office shall be appointed by the Director of the Office of Management and Budget (in this section referred to as the ''Made in America Director'').

(b) DUTIES.—The Made in America Director shall have the following duties:

(1) Maximize and enforce compliance with domestic preference statutes.

(2) Develop and implement procedures to review waiver requests or inapplicability requests related to domestic preference statutes.

(3) Prepare the reports required under subsections (c) and (e).

(4) Ensure that Federal contracting personnel, financial assistance personnel, and non-Federal recipients are regularly trained on obligations under the Buy American Act and other agency-specific domestic preference statutes.

(5) Conduct the review of reciprocal defense agreements required under subsection (d).

(6) Ensure that Federal agencies, Federal financial assistance recipients, and the Hollings Manufacturing Extension Partnership partner with each other to promote compliance with domestic preference statutes.

(7) Support executive branch efforts to develop and sustain a domestic supply base to meet Federal procurement requirements.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget, working through the Made in America Director, shall report to the relevant congressional committees on the extent to which, in each of the three fiscal years prior to the date of enactment of this Act, articles, materials, or supplies acquired by the Federal Government were mined, produced, or manufactured outside the United States. Such report shall include for each Federal agency the following:

(1) A summary of total procurement funds expended on articles, materials, and supplies mined, produced, or manufactured—

(A) inside the United States;

(B) outside the United States; and

(C) outside the United States—

(i) under each category of waiver under the Buy American Act;

(ii) under each category of exception under such chapter; and

(iii) for each country that mined, produced, or manufactured such articles, materials, and supplies.

(2) For each fiscal year covered by the report—

(A) the dollar value of any articles, materials, or supplies that were mined, produced, or manufactured outside the United States, in the aggregate and by country;

(B) an itemized list of all waivers made under the Buy American Act with respect to articles, materials, or supplies, where available, and the country where such articles, materials, or supplies were mined, produced, or manufactured;

(C) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States due to an exception (that is not the micropurchase threshold exception described under section 8302(a)(2)(C) of title 41, United States Code), the specific exception that was used to purchase such articles, materials, or supplies; and

(D) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304 of title 41, United States Code), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation, a citation to such memorandum of understanding, trade agreement, or designation.

(3) A description of the methods used by each Federal agency to calculate the percentage domestic content of articles, materials, and supplies mined, produced, or manufactured in the United States.

(d) REVIEW OF RECIPROCAL DEFENSE AGREEMENTS.—

(1) REVIEW OF PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Made in America Director shall review the Department of Defense's use of reciprocal defense agreements to determine if domestic entities have equal and proportional access and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State.

(2) REVIEW OF RECIPROCAL PROCUREMENT MEMORANDA OF UNDERSTANDING.—The Made in America Director shall review reciprocal procurement memoranda of understanding entered into after the date of the enactment of this Act between the Department of Defense and its counterparts in foreign governments to assess whether domestic entities will have equal and proportional access under the memoranda of understanding and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State.

(e) REPORT ON USE OF MADE IN AMERICA LAWS.—The Made in America Director shall submit to the relevant congressional committees a summary of each report on the use of Made in America Laws received by the Made in America Director pursuant to section 11 of Executive Order 14005, dated January 25, 2021 (relating to ensuring the future is made in all of America by all of America's workers) not later than 90 days after the date of the enactment of this Act or receipt of the reports required under section 11 of such Executive Order, whichever is later.

(f) DOMESTIC PREFERENCE STATUTE DEFINED.—In this section, the term ''domestic preference statute'' means any of the following:

(1) the Buy American Act;

(2) a Buy America law (as that term is defined in section 4116(a));

(3) the Berry Amendment;

(4) section 604 of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b) (commonly referred to as the ''Kissell amendment'');

(5) section 2533b of title 10 (commonly referred to as the ''specialty metals clause'');

(6) laws requiring domestic preference for maritime transport, including the Merchant Marine Act, 1920 (Public Law 66–261), commonly known as the ''Jones Act''; and

(7) any other law, regulation, rule, or executive order relating to Federal financial assistance awards or Federal procurement, that requires, or provides a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, construction material, and manufactured goods offered in the United States.

SEC. 4124. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP ACTIVITIES.

(a) USE OF HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP TO REFER NEW BUSINESSES TO CONTRACTING OPPORTUNITIES.—The head of each Federal agency shall work with the Director of the Hollings Manufacturing Extension Partnership, as necessary, to ensure businesses participating in this Partnership are aware of their contracting opportunities.

(b) AUTOMATIC ENROLLMENT IN GSA ADVANTAGE!.—The Administrator of the General Services Administration and the Secretary of Commerce, acting through the Under Secretary of Commerce for Standards and Technology, shall jointly ensure that each business that participates in the Hollings Manufacturing Extension Partnership is automatically enrolled in General Services Administration Advantage!.

SEC. 4125. UNITED STATES OBLIGATIONS UNDER INTERNATIONAL AGREEMENTS.

This part, and the amendments made by this part, shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 4126. DEFINITIONS.

In this part:

(1) BERRY AMENDMENT.—The term ''Berry Amendment'' means section 2533a of title 10, United States Code.

(2) BUY AMERICAN ACT.—The term ''Buy American Act'' means chapter 83 of title 41, United States Code.

(3) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''executive agency'' in section 133 of title 41, United States Code.

(4) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Armed Services of the Senate; and

(B) the Committee on Oversight and Reform, the Committee on Armed Services, and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) WAIVER.—The term ''waiver'', with respect to the acquisition of an article, material, or supply for public use, means the inapplicability of chapter 83 of title 41, United States Code, to the acquisition by reason of any of the following determinations under section 8302(a)(1) or 8303(b) of such title:

(A) A determination by the head of the Federal agency concerned that the acquisition is inconsistent with the public interest.

(B) A determination by the head of the Federal agency concerned that the cost of the acquisition is unreasonable.

(C) A determination by the head of the Federal agency concerned that the article, material, or supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

SEC. 4127. PROSPECTIVE AMENDMENTS TO INTERNAL CROSS-REFERENCES.

(a) SPECIALTY METALS CLAUSE REFERENCE.—Section 4123(f)(5) is amended by striking ''section 2533b'' and inserting ''section 4863''.

(b) BERRY AMENDMENT REFERENCE.—Section 4126(1) is amended by striking ''section 2533a'' and inserting ''section 4862''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

Subtitle B—BuyAmerican.gov

SEC. 4131. SHORT TITLE.

This subtitle may be cited as the ''BuyAmerican.gov Act of 2021''.

SEC. 4132. DEFINITIONS.

In this subtitle:

(1) BUY AMERICAN LAW.—The term ''Buy American law'' means any law, regulation, Executive order, or rule relating to Federal contracts, grants, or financial assistance that requires or provides a preference for the purchase or use of goods, products, or materials mined, produced, or manufactured in the United States, including—

(A) chapter 83 of title 41, United States Code (commonly referred to as the ''Buy American Act'');

(B) section 5323(j) of title 49, United States Code;

(C) section 313 of title 23, United States Code;

(D) section 50101 of title 49, United States Code;

(E) section 24405 of title 49, United States Code;

(F) section 608 of the Federal Water Pollution Control Act (33 U.S.C. 1388);

(G) section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4));

(H) section 5035 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3914);

(I) section 2533a of title 10, United States Code (commonly referred to as the ''Berry Amendment''); and

(J) section 2533b of title 10, United States Code.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term ''agency'' in paragraph (1) of section 3502 of title 44, United States Code, except that it does not include an independent regulatory agency, as that term is defined in paragraph (5) of such section.

(3) BUY AMERICAN WAIVER.—The term ''Buy American waiver'' refers to an exception to or waiver of any Buy American law, or the terms and conditions used by an agency in granting an exception to or waiver from Buy American laws.

SEC. 4133. SENSE OF CONGRESS ON BUYING AMERICAN.

It is the sense of Congress that—

(1) every executive agency should maximize, through terms and conditions of Federal financial assistance awards and Federal procurements, the use of goods, products, and materials produced in the United States and contracts for outsourced government service contracts to be performed by United States nationals;

(2) every executive agency should scrupulously monitor, enforce, and comply with Buy American laws, to the extent they apply, and minimize the use of waivers; and

(3) every executive agency should use available data to routinely audit its compliance with Buy American laws.

SEC. 4134. ASSESSMENT OF IMPACT OF FREE TRADE AGREEMENTS.

Not later than 150 days after the date of the enactment of this Act, the Secretary of Commerce, the United States Trade Representative, and the Director of the Office of Management and Budget shall assess the impacts in a publicly available report of all United States free trade agreements, the World Trade Organization Agreement on Government Procurement, and Federal permitting processes on the operation of Buy American laws, including their impacts on the implementation of domestic procurement preferences.

SEC. 4135. JUDICIOUS USE OF WAIVERS.

(a) IN GENERAL.—To the extent permitted by law, a Buy American waiver that is determined by an agency head or other relevant official to be in the public interest shall be construed to ensure the maximum utilization of goods, products, and materials produced in the United States.

(b) PUBLIC INTEREST WAIVER DETERMINATIONS.—To the extent permitted by law, determination of public interest waivers shall be made by the head of the agency with the authority over the Federal financial assistance award or Federal procurement under consideration.

SEC. 4136. ESTABLISHMENT OF BUYAMERICAN.GOV WEBSITE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall establish an Internet website with the address BuyAmerican.gov that will be publicly available and free to access. The website shall include information on all waivers of and exceptions to Buy American laws since the date of the enactment of this Act that have been requested, are under consideration, or have been granted by executive agencies and be designed to enable manufacturers and other interested parties to easily identify waivers. The website shall also include the results of routine audits to determine data errors and Buy American law violations after the award of a contract. The website shall provide publicly available contact information for the relevant contracting agencies.

(b) UTILIZATION OF EXISTING WEBSITE.—The requirements of subsection (a) may be met by utilizing an existing website, provided that the address of that website is BuyAmerican.gov.

SEC. 4137. WAIVER TRANSPARENCY AND STREAMLINING FOR CONTRACTS.

(a) COLLECTION OF INFORMATION.—The Administrator of General Services, in consultation with the heads of relevant agencies, shall develop a mechanism to collect information on requests to invoke a Buy American waiver for a Federal contract, utilizing existing reporting requirements whenever possible, for purposes of providing early notice of possible waivers via the website established under section 4136.

(b) WAIVER TRANSPARENCY AND STREAMLINING.—

(1) REQUIREMENT.—Prior to granting a request to waive a Buy American law, the head of an executive agency shall submit a request to invoke a Buy American waiver to the Administrator of General Services, and the Administrator of General Services shall make the request available on or through the public website established under section 4136 for public comment for not less than 15 days.

(2) EXCEPTION.—The requirement under paragraph (1) does not apply to a request for a Buy American waiver to satisfy an urgent contracting need in an unforeseen and exigent circumstance.

(c) INFORMATION AVAILABLE TO THE EXECUTIVE AGENCY CONCERNING THE REQUEST.—

(1) REQUIREMENT.—No Buy American waiver for purposes of awarding a contract may be granted if, in contravention of subsection (b)—

(A) information about the waiver was not made available on the website under section 4136; or

(B) no opportunity for public comment concerning the request was granted.

(2) SCOPE.—Information made available to the public concerning the request included on the website described in section 4136 shall properly and adequately document and justify the statutory basis cited for the requested waiver. Such information shall include—

(A) a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States;

(B) for requests citing unreasonable cost as the statutory basis of the waiver, a comparison of the cost of the domestic product to the cost of the foreign product or a comparison of the overall cost of the project with domestic products to the overall cost of the project with foreign-origin products or services, pursuant to the requirements of the applicable Buy American law, except that publicly available cost comparison data may be provided in lieu of proprietary pricing information;

(C) for requests citing the public interest as the statutory basis for the waiver, a detailed written statement, which shall include all appropriate factors, such as potential obligations under international agreements, justifying why the requested waiver is in the public interest; and

(D) a certification that the procurement official or assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

(d) NONAVAILABILITY WAIVERS.—

(1) IN GENERAL.—Except as provided under paragraph (2), for a request citing nonavailability as the statutory basis for a Buy American waiver, an executive agency shall provide an explanation of the procurement official's efforts to procure a product from a domestic source and the reasons why a domestic product was not available from a domestic source. Those explanations shall be made available on BuyAmerican.gov prior to the issuance of the waiver, and the agency shall consider public comments regarding the availability of the product before making a final determination.

(2) EXCEPTION.—An explanation under paragraph (1) is not required for a product the nonavailability of which is established by law or regulation.

SEC. 4138. COMPTROLLER GENERAL REPORT.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the implementation of this subtitle, including recommendations for any legislation to improve the collection and reporting of information regarding waivers of and exceptions to Buy American laws.

SEC. 4139. RULES OF CONSTRUCTION.

(a) DISCLOSURE REQUIREMENTS.—Nothing in this subtitle shall be construed as preempting, superseding, or otherwise affecting the application of any disclosure requirement or requirements otherwise provided by law or regulation.

(b) ESTABLISHMENT OF SUCCESSOR INFORMATION SYSTEMS.—Nothing in this subtitle shall

be construed as preventing or otherwise limiting the ability of the Administrator of General Services to move the data required to be included on the website established under subsection (a) to a successor information system. Any such information system shall include a reference to BuyAmerican.gov.

SEC. 4140. CONSISTENCY WITH INTERNATIONAL AGREEMENTS.

This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 4141. PROSPECTIVE AMENDMENTS TO INTERNAL CROSS-REFERENCES.

(a) IN GENERAL.—Section 4132(1) is amended—

(1) in subparagraph (I), by striking ''section 2533a'' and inserting ''section 4862''; and

(2) in subparagraph (J), by striking ''section 2533b'' and inserting ''section 4863''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2022.

Subtitle C—Make PPE in America

SEC. 4151. SHORT TITLE.

This subtitle may be cited as the ''Make PPE in America Act''.

SEC. 4152. FINDINGS.

Congress makes the following findings:

(1) The COVID–19 pandemic has exposed the vulnerability of the United States supply chains for, and lack of domestic production of, personal protective equipment (PPE).

(2) The United States requires a robust, secure, and wholly domestic PPE supply chain to safeguard public health and national security.

(3) Issuing a strategy that provides the government's anticipated needs over the next three years will enable suppliers to assess what changes, if any, are needed in their manufacturing capacity to meet expected demands.

(4) In order to foster a domestic PPE supply chain, United States industry needs a strong and consistent demand signal from the Federal Government providing the necessary certainty to expand production capacity investment in the United States.

(5) In order to effectively incentivize investment in the United States and the reshoring of manufacturing, long-term contracts must be no shorter than three years in duration.

(6) To accomplish this aim, the United States should seek to ensure compliance with its international obligations, such as its commitments under the World Trade Organization's Agreement on Government Procurement and its free trade agreements, including by invoking any relevant exceptions to those agreements, especially those related to national security and public health.

(7) The United States needs a long-term investment strategy for the domestic production of PPE items critical to the United States national response to a public health crisis, including the COVID–19 pandemic.

SEC. 4153. REQUIREMENT OF LONG-TERM CONTRACTS FOR DOMESTICALLY MANUFACTURED PERSONAL PROTECTIVE EQUIPMENT.

(a) DEFINITIONS.—In this section:

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

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on Finance, and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Homeland Security, the Committee on Oversight and Reform, the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Veterans' Affairs of the House of Representatives.

(2) COVERED SECRETARY.—The term ''covered Secretary'' means the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs.

(3) PERSONAL PROTECTIVE EQUIPMENT.—The term ''personal protective equipment'' means surgical masks, respirator masks and powered air purifying respirators and required filters, face shields and protective eyewear, gloves, disposable and reusable surgical and isolation gowns, head and foot coverings, and other gear or clothing used to protect an individual from the transmission of disease.

(4) UNITED STATES.—The term ''United States'' means the 50 States, the District of Columbia, and the possessions of the United States.

(b) CONTRACT REQUIREMENTS FOR DOMESTIC PRODUCTION.—Beginning 90 days after the date of the enactment of this Act, in order to ensure the sustainment and expansion of personal protective equipment manufacturing in the United States and meet the needs of the current pandemic response, any contract for the procurement of personal protective equipment entered into by a covered Secretary, or a covered Secretary's designee, shall—

(1) be issued for a duration of at least 2 years, plus all option periods necessary, to incentivize investment in the production of personal protective equipment and the materials and components thereof in the United States; and

(2) be for personal protective equipment, including the materials and components thereof, that is grown, reprocessed, reused, or produced in the United States.

(c) ALTERNATIVES TO DOMESTIC PRODUCTION.—The requirement under subsection (b) shall not apply to an item of personal protective equipment, or component or material thereof if, after maximizing to the extent feasible sources consistent with subsection (b), the covered Secretary—

(1) maximizes sources for personal protective equipment that is assembled outside the United States containing only materials and components that are grown, reprocessed, reused, or produced in the United States; and

(2) certifies every 120 days that it is necessary to procure personal protective equipment under alternative procedures to respond to the immediate needs of a public health emergency.

(d) AVAILABILITY EXCEPTION.—

(1) IN GENERAL.—Subsections (b) and (c) shall not apply to an item of personal protective equipment, or component or material thereof—

(A) that is, or that includes, a material listed in section 25.104 of the Federal Acquisition Regulation as one for which a nonavailability determination has been made; or

(B) as to which the covered Secretary determines that a sufficient quantity of a satisfactory quality that is grown, reprocessed, reused, or produced in the United States cannot be procured as, and when, needed at United States market prices.

(2) CERTIFICATION REQUIREMENT.—The covered Secretary shall certify every 120 days that the exception under paragraph (1) is necessary to meet the immediate needs of a public health emergency.

(e) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the covered Secretaries, shall submit to the chairs and ranking members of the appropriate congressional committees a report on the procurement of personal protective equipment.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) The United States long-term domestic procurement strategy for PPE produced in the United States, including strategies to incentivize investment in and maintain United States supply chains for all PPE sufficient to meet the needs of the United States during a public health emergency.

(B) An estimate of long-term demand quantities for all PPE items procured by the United States.

(C) Recommendations for congressional action required to implement the United States Government's procurement strategy.

(D) A determination whether all notifications, amendments, and other necessary actions have been completed to bring the United States existing international obligations into conformity with the statutory requirements of this subtitle.

(f) AUTHORIZATION OF TRANSFER OF EQUIPMENT.—

(1) IN GENERAL.—A covered Secretary may transfer to the Strategic National Stockpile established under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) any excess personal protective equipment acquired under a contract executed pursuant to subsection (b).

(2) TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.—

(A) AMENDMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 529. TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.

''(a) AUTHORIZATION OF TRANSFER OF EQUIPMENT.—During a public health emergency declared by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary, at the request of the Secretary of Health and Human Services, may transfer to the Department of Health and Human Services, on a reimbursable basis, excess personal protective equipment or medically necessary equipment in the possession of the Department.

''(b) DETERMINATION BY SECRETARIES.—

''(1) IN GENERAL.—In carrying out this section—

''(A) before requesting a transfer under subsection (a), the Secretary of Health and Human Services shall determine whether the personal protective equipment or medically necessary equipment is otherwise available; and

''(B) before initiating a transfer under subsection (a), the Secretary, in consultation with the heads of each component within the Department, shall—

''(i) determine whether the personal protective equipment or medically necessary equipment requested to be transferred under subsection (a) is excess equipment; and

''(ii) certify that the transfer of the personal protective equipment or medically necessary equipment will not adversely impact the health or safety of officers, employees, or contractors of the Department.

''(2) NOTIFICATION.—The Secretary of Health and Human Services and the Secretary shall each submit to Congress a notification explaining the determination made under subparagraphs (A) and (B), respectively, of paragraph (1).

''(3) REQUIRED INVENTORY.—

''(A) IN GENERAL.—The Secretary shall—

''(i) acting through the Chief Medical Officer of the Department, maintain an inventory of all personal protective equipment and medically necessary equipment in the possession of the Department; and

''(ii) make the inventory required under clause (i) available, on a continual basis, to—

''(I) the Secretary of Health and Human Services; and

''(II) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives.

''(B) FORM.—Each inventory required to be made available under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.''.

(B) TABLE OF CONTENTS 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 item relating to section 528 the following:

''Sec. 529. Transfer of equipment during a public health emergency.''.

(3) STRATEGIC NATIONAL STOCKPILE.—Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) is amended by adding at the end the following:

''(6) TRANSFERS OF ITEMS.—The Secretary, in coordination with the Secretary of Homeland Security, may sell drugs, vaccines and other biological products, medical devices, or other supplies maintained in the stockpile under paragraph (1) to a Federal agency or private, nonprofit, State, local, tribal, or territorial entity for immediate use and distribution, provided that any such items being sold are—

''(A) within 1 year of their expiration date; or

''(B) determined by the Secretary to no longer be needed in the stockpile due to advances in medical or technical capabilities.''.

(g) COMPLIANCE WITH INTERNATIONAL AGREEMENTS.—The President or the President's designee shall take all necessary steps, including invoking the rights of the United States under Article III of the World Trade Organization's Agreement on Government Procurement and the relevant exceptions of other relevant agreements to which the United States is a party, to ensure that the international obligations of the United States are consistent with the provisions of this subtitle.

TITLE II—CYBER AND ARTIFICIAL INTELLIGENCE

Subtitle A—Advancing American AI

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the ''Advancing American AI Act''.

SEC. 4202. PURPOSE.

The purposes of this subtitle are to—

(1) encourage agency artificial intelligence-related programs and initiatives that enhance the competitiveness of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurialism;

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;

(3) promote adoption of modernized business practices and advanced technologies across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) test and harness applied artificial intelligence to enhance mission effectiveness and business practice efficiency.

SEC. 4203. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

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

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

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The term ''artificial intelligence system''—

(A) means any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, whether—

(i) the data system, software, application, tool, or utility is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology; or

(ii) artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system; and

(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(5) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(6) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

SEC. 4204. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260), consider—

(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled ''Key Considerations for the Responsible Development and Fielding of AI'', as updated in April 2021;

(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to promoting the use of trustworthy artificial intelligence in Government); and

(3) the input of—

(A) the Privacy and Civil Liberties Oversight Board;

(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Officers Council, and the Chief Data Officers Council;

(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts; and

(D) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer, the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties of the Department and any other person determined to be relevant by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems, including associated data of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems; and

(ii) security against misuse, degradation, or rending inoperable of artificial intelligence-enabled systems; and

(2) the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department shall report to Congress on any additional staffing or funding resources that may be required to carry out the requirements of this subsection.

(c) INSPECTOR GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigative results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial means by which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or service—

(i) align with the guidance issued to the head of each agency under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260);

(ii) address protection of privacy, civil rights, and civil liberties;

(iii) address the ownership and security of data and other information created, used, processed, stored, maintained, disseminated, disclosed, or disposed of by a contractor or subcontractor on behalf of the Federal Government; and

(iv) include considerations for securing the training data, algorithms, and other components of any artificial intelligence system against misuse, unauthorized alteration, degradation, or rendering inoperable; and

(B) address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and other information.

(2) CONSULTATION.—In developing the considerations under paragraph (1)(A)(iv), the Director shall consult with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence.

(3) REVIEW.—The Director—

(A) should continuously update the means developed under paragraph (1); and

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1).

(4) BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) not later than 90 days after the date of enactment of this Act and thereafter on a

quarterly basis until the Director first implements the means developed under paragraph (1); and

(B) annually thereafter on the implementation of this subsection.

(5) SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 4205. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 60 days after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall require the head of each agency to—

(1) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses;

(2) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information; and

(3) make agency inventories available to the public, in a manner determined by the Director, and to the extent practicable and in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(1) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(2) identify common use cases across agencies.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use cases.

SEC. 4206. RAPID PILOT, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE CAPABILITIES TO DEMONSTRATE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

(a) IDENTIFICATION OF USE CASES.—Not later than 270 days after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall identify 4 new use cases for the application of artificial intelligence-enabled systems to support interagency or intra-agency modernization initiatives that require linking multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—

(1) PURPOSES.—The purposes of the pilot program under this subsection include—

(A) to enable agencies to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall ensure the initiation of the piloting of the 4 new artificial intelligence use case applications identified under subsection (a), leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems; and

(B) develop a risk mitigation plan to address those risks, including consideration of—

(i) the artificial intelligence system not performing as expected;

(ii) the lack of sufficient or quality training data; and

(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) PRIORITIZATION.—In carrying out paragraph (2), the Director shall prioritize modernization projects that—

(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, federated learning, and secure multiparty computing; and

(B) otherwise take into account considerations of civil rights and civil liberties.

(5) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:

(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—

(i) predictive food demand and optimized supply;

(ii) predictive medical supplies and equipment demand and optimized supply; or

(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.

(B) Applied artificial intelligence to accelerate agency investment return and address mission-oriented challenges, such as—

(i) applied artificial intelligence portfolio management for agencies;

(ii) workforce development and upskilling;

(iii) redundant and laborious analyses;

(iv) determining compliance with Government requirements, such as with grants management; or

(v) outcomes measurement to measure economic and social benefits.

(6) REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish an artificial intelligence capability within each of the 4 use case pilots under this subsection that—

(A) solves data access and usability issues with automated technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;

(B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agency personnel to make better decisions and take faster actions;

(C) organizes data for meaningful data visualization and analysis so the Government has predictive transparency for situational awareness to improve use case outcomes;

(D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible;

(E) enables knowledge transfer and collaboration across agencies; and

(F) preserves intellectual property rights to the data and output for benefit of the Federal Government and agencies.

(c) BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

(d) SUNSET.—The section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 4207. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended—

(1) in subsection (c), by striking $10,000,000'' and inserting ''$25,000,000'';

(2) by amending subsection (f) to read as follows:

''(f) DEFINITIONS.—In this section—

''(1) the term 'commercial product'—

''(A) has the meaning given the term 'commercial item' in section 2.101 of the Federal Acquisition Regulation; and

''(B) includes a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41, United States Code; and

''(2) the term 'innovative' means—

''(A) any new technology, process, or method, including research and development; or

''(B) any new application of an existing technology, process, or method.''; and

(3) in subsection (g), by striking ''2022'' and insert ''2027''.

(b) DHS OTHER TRANSACTION AUTHORITY.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(B) by amending paragraph (2) to read as follows:

''(2) PROTOTYPE PROJECTS.—The Secretary—

''(A) may, under the authority of paragraph (1), carry out prototype projects under section 2371b of title 10, United States Code; and

''(B) in applying the authorities of such section 2371b, the Secretary shall perform the functions of the Secretary of Defense as prescribed in such section.'';

(2) in subsection (c)(1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(3) in subsection (d), by striking ''section 845(e)'' and all that follows and inserting ''section 2371b(e) of title 10, United States Code.''.

(c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN RISK MANAGEMENT TOOLS.—The General Services Administration is encouraged to pilot commercial off the shelf supply chain risk management tools to improve the ability of the Federal Government to characterize, monitor, predict, and respond to specific supply chain threats and vulnerabilities that could inhibit future Federal acquisition operations.

Subtitle B—Cyber Response and Recovery

SEC. 4251. SHORT TITLE.

This subtitle may be cited as the ''Cyber Response and Recovery Act''.

SEC. 4252. DECLARATION OF A SIGNIFICANT INCIDENT.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

"Subtitle C—Declaration of a Significant Incident

"SEC. 2231. SENSE OF CONGRESS.

''It is the sense of Congress that—

''(1) the purpose of this subtitle is to authorize the Secretary to declare that a significant incident has occurred and to establish the authorities that are provided under the declaration to respond to and recover from the significant incident; and

''(2) the authorities established under this subtitle are intended to enable the Secretary to provide voluntary assistance to non-Federal entities impacted by a significant incident.

"SEC. 2232. DEFINITIONS.

''For the purposes of this subtitle:

''(1) ASSET RESPONSE ACTIVITY.—The term 'asset response activity' means an activity to support an entity impacted by an incident with the response to, remediation of, or recovery from, the incident, including—

''(A) furnishing technical and advisory assistance to the entity to protect the assets of the entity, mitigate vulnerabilities, and reduce the related impacts;

''(B) assessing potential risks to the critical infrastructure sector or geographic region impacted by the incident, including potential cascading effects of the incident on other critical infrastructure sectors or geographic regions;

''(C) developing courses of action to mitigate the risks assessed under subparagraph (B);

''(D) facilitating information sharing and operational coordination with entities performing threat response activities; and

''(E) providing guidance on how best to use Federal resources and capabilities in a timely, effective manner to speed recovery from the incident.

''(2) DECLARATION.—The term 'declaration' means a declaration of the Secretary under section 2233(a)(1).

''(3) DIRECTOR.—The term 'Director' means the Director of the Cybersecurity and Infrastructure Security Agency.

''(4) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 3502 of title 44, United States Code.

''(5) FUND.—The term 'Fund' means the Cyber Response and Recovery Fund established under section 2234(a).

''(6) INCIDENT.—The term 'incident' has the meaning given the term in section 3552 of title 44, United States Code.

''(7) RENEWAL.—The term 'renewal' means a renewal of a declaration under section 2233(d).

''(8) SIGNIFICANT INCIDENT.—The term 'significant incident'—

''(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

''(i) the national security interests, foreign relations, or economy of the United States; or

''(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

''(B) does not include an incident or a portion of a group of related incidents that occurs on—

''(i) a national security system (as defined in section 3552 of title 44, United States Code); or

''(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

"SEC. 2233. DECLARATION.

''(a) IN GENERAL.—

''(1) DECLARATION.—The Secretary, in consultation with the National Cyber Director, may make a declaration of a significant incident in accordance with this section for the purpose of enabling the activities described in this subtitle if the Secretary determines that—

''(A) a specific significant incident—

''(i) has occurred; or

''(ii) is likely to occur imminently; and

''(B) otherwise available resources, other than the Fund, are likely insufficient to respond effectively to, or to mitigate effectively, the specific significant incident described in subparagraph (A).

''(2) PROHIBITION ON DELEGATION.—The Secretary may not delegate the authority provided to the Secretary under paragraph (1).

''(b) ASSET RESPONSE ACTIVITIES.—Upon a declaration, the Director shall coordinate—

''(1) the asset response activities of each Federal agency in response to the specific significant incident associated with the declaration; and

''(2) with appropriate entities, which may include—

''(A) public and private entities and State and local governments with respect to the asset response activities of those entities and governments; and

''(B) Federal, State, local, and Tribal law enforcement agencies with respect to investigations and threat response activities of those law enforcement agencies; and

''(3) Federal, State, local, and Tribal emergency management and response agencies.

''(c) DURATION.—Subject to subsection (d), a declaration shall terminate upon the earlier of—

''(1) a determination by the Secretary that the declaration is no longer necessary; or

''(2) the expiration of the 120-day period beginning on the date on which the Secretary makes the declaration.

''(d) RENEWAL.—The Secretary, without delegation, may renew a declaration as necessary.

''(e) PUBLICATION.—

''(1) IN GENERAL.—Not later than 72 hours after a declaration or a renewal, the Secretary shall publish the declaration or renewal in the Federal Register.

''(2) PROHIBITION.—A declaration or renewal published under paragraph (1) may not include the name of any affected individual or private company.

''(f) ADVANCE ACTIONS.—

''(1) IN GENERAL.—The Secretary—

''(A) shall assess the resources available to respond to a potential declaration; and

''(B) may take actions before and while a declaration is in effect to arrange or procure additional resources for asset response activities or technical assistance the Secretary determines necessary, which may include entering into standby contracts with private entities for cybersecurity services or incident responders in the event of a declaration.

''(2) EXPENDITURE OF FUNDS.—Any expenditure from the Fund for the purpose of paragraph (1)(B) shall be made from amounts available in the Fund, and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purpose.

"SEC. 2234. CYBER RESPONSE AND RECOVERY FUND.

''(a) IN GENERAL.—There is established a Cyber Response and Recovery Fund, which shall be available for—

''(1) the coordination of activities described in section 2233(b);

''(2) response and recovery support for the specific significant incident associated with a declaration to Federal, State, local, and Tribal, entities and public and private entities on a reimbursable or non-reimbursable basis, including through asset response activities and technical assistance, such as—

''(A) vulnerability assessments and mitigation;

''(B) technical incident mitigation;

''(C) malware analysis;

''(D) analytic support;

''(E) threat detection and hunting; and

''(F) network protections;

''(3) as the Director determines appropriate, grants for, or cooperative agreements with, Federal, State, local, and Tribal public and private entities to respond to, and recover from, the specific significant incident associated with a declaration, such as—

''(A) hardware or software to replace, update, improve, harden, or enhance the functionality of existing hardware, software, or systems; and

''(B) technical contract personnel support; and

''(4) advance actions taken by the Secretary under section 2233(f)(1)(B).

''(b) DEPOSITS AND EXPENDITURES.—

''(1) IN GENERAL.—Amounts shall be deposited into the Fund from—

''(A) appropriations to the Fund for activities of the Fund; and

''(B) reimbursement from Federal agencies for the activities described in paragraphs (1), (2), and (4) of subsection (a), which shall only be from amounts made available in advance in appropriations Acts for such reimbursement.

''(2) EXPENDITURES.—Any expenditure from the Fund for the purposes of this subtitle shall be made from amounts available in the Fund from a deposit described in paragraph (1), and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purposes.

''(c) SUPPLEMENT NOT SUPPLANT.—Amounts in the Fund shall be used to supplement, not supplant, other Federal, State, local, or Tribal funding for activities in response to a declaration.

''(d) REPORTING.—The Secretary shall require an entity that receives amounts from the Fund to submit a report to the Secretary that details the specific use of the amounts.

"SEC. 2235. NOTIFICATION AND REPORTING.

''(a) NOTIFICATION.—Upon a declaration or renewal, the Secretary shall immediately notify the National Cyber Director and appropriate congressional committees and include in the notification—

''(1) an estimation of the planned duration of the declaration;

''(2) with respect to a notification of a declaration, the reason for the declaration, including information relating to the specific significant incident or imminent specific significant incident, including—

''(A) the operational or mission impact or anticipated impact of the specific significant incident on Federal and non-Federal entities;

''(B) if known, the perpetrator of the specific significant incident; and

''(C) the scope of the Federal and non-Federal entities impacted or anticipated to be impacted by the specific significant incident;

''(3) with respect to a notification of a renewal, the reason for the renewal;

''(4) justification as to why available resources, other than the Fund, are insufficient to respond to or mitigate the specific significant incident; and

''(5) a description of the coordination activities described in section 2233(b) that the Secretary anticipates the Director to perform.

''(b) REPORT TO CONGRESS.—Not later than 180 days after the date of a declaration or renewal, the Secretary shall submit to the appropriate congressional committees a report that includes—

''(1) the reason for the declaration or renewal, including information and intelligence relating to the specific significant incident that led to the declaration or renewal;

''(2) the use of any funds from the Fund for the purpose of responding to the incident or threat described in paragraph (1);

''(3) a description of the actions, initiatives, and projects undertaken by the Department and State and local governments and public and private entities in responding to and recovering from the specific significant incident described in paragraph (1);

''(4) an accounting of the specific obligations and outlays of the Fund; and

''(5) an analysis of—

''(A) the impact of the specific significant incident described in paragraph (1) on Federal and non-Federal entities;

''(B) the impact of the declaration or renewal on the response to, and recovery from, the specific significant incident described in paragraph (1); and

''(C) the impact of the funds made available from the Fund as a result of the declaration or renewal on the recovery from, and response to, the specific significant incident described in paragraph (1).

''(c) CLASSIFICATION.—Each notification made under subsection (a) and each report submitted under subsection (b)—

''(1) shall be in an unclassified form with appropriate markings to indicate information that is exempt from disclosure under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'); and

''(2) may include a classified annex.

''(d) CONSOLIDATED REPORT.—The Secretary shall not be required to submit multiple reports under subsection (b) for multiple declarations or renewals if the Secretary determines that the declarations or renewals substantively relate to the same specific significant incident.

''(e) EXEMPTION.—The requirements of subchapter I of chapter 35 of title 44 (commonly known as the 'Paperwork Reduction Act') shall not apply to the voluntary collection of information by the Department during an investigation of, a response to, or an immediate post-response review of, the specific significant incident leading to a declaration or renewal.

''SEC. 2236. RULE OF CONSTRUCTION.

''Nothing in this subtitle shall be construed to impair or limit the ability of the Director to carry out the authorized activities of the Cybersecurity and Infrastructure Security Agency.

''SEC. 2237. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Fund $20,000,000 for fiscal year 2022, which shall remain available until September 30, 2028.

''SEC. 2238. SUNSET.

''The authorities granted to the Secretary or the Director under this subtitle shall expire on the date that is 7 years after the date of enactment of this subtitle.''.

(b) CLERICAL 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 adding at the end the following:

''Subtitle C—Declaration of a Significant Incident

''Sec. 2231. Sense of Congress.
''Sec. 2232. Definitions.
''Sec. 2233. Declaration.
''Sec. 2234. Cyber response and recovery fund.
''Sec. 2235. Notification and reporting.
''Sec. 2236. Rule of construction.
''Sec. 2237. Authorization of appropriations.
''Sec. 2238. Sunset.''.

TITLE III—PERSONNEL

Subtitle A—Facilitating Federal Employee Reskilling

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the ''Facilitating Federal Employee Reskilling Act''.

SEC. 4302. RESKILLING FEDERAL EMPLOYEES.

(a) DEFINITIONS.—In this section:

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

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) COMPETITIVE SERVICE.—The term ''competitive service'' has the meaning given the term in section 2102 of title 5, United States Code.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(5) EMPLOYEE.—The term ''employee'' means an employee serving in a position in the competitive service or the excepted service.

(6) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given the term in section 2103 of title 5, United States Code.

(7) FEDERAL RESKILLING PROGRAM.—The term ''Federal reskilling program'' means a program established by the head of an agency or the Director to provide employees with the technical skill or expertise that would qualify the employees to serve in a different position in the competitive service or the excepted service that requires such technical skill or expertise.

(b) REQUIREMENTS.—With respect to a Federal reskilling program established by the head of an agency or by the Director before, on, or after the date of enactment of this Act, the agency head or the Director, as applicable, shall ensure that the Federal reskilling program—

(1) is implemented in a manner that is in accordance with the bar on prohibited personnel practices under section 2302 of title 5, United States Code, and consistent with the merit system principles under section 2301 of title 5, United States Code, including by using merit-based selection procedures for participation by employees in the Federal reskilling program;

(2) includes appropriate limitations or restrictions associated with implementing the Federal reskilling program, which shall be consistent with any regulations prescribed by the Director under subsection (e);

(3) provides that any new position to which an employee who participates in the Federal reskilling program is transferred will utilize the technical skill or expertise that the employee acquired by participating in the Federal reskilling program;

(4) includes the option for an employee participating in the Federal reskilling program to return to the original position of the employee, or a similar position, particularly if the employee is unsuccessful in the position to which the employee transfers after completing the Federal reskilling program;

(5) provides that an employee who successfully completes the Federal reskilling program and transfers to a position that requires the technical skill or expertise provided through the Federal reskilling program shall be entitled to have the grade of the position held immediately before the transfer in a manner in accordance with section 5362 of title 5, United States Code;

(6) provides that an employee serving in a position in the excepted service may not transfer to a position in the competitive service solely by reason of the completion of the Federal reskilling program by the employee; and

(7) includes a mechanism to track outcomes of the Federal reskilling program in accordance with the metrics established under subsection (c).

(c) REPORTING AND METRICS.—Not later than 1 year after the date of enactment of this Act, the Director shall establish reporting requirements for, and standardized metrics and procedures for agencies to track outcomes of, Federal reskilling programs, which shall include, with respect to each Federal reskilling program—

(1) providing a summary of the Federal reskilling program;

(2) collecting and reporting demographic and employment data with respect to employees who have applied for, participated in, or completed the Federal reskilling program;

(3) attrition of employees who have completed the Federal reskilling program; and

(4) any other measures or outcomes that the Director determines to be relevant.

(d) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive study of, and submit to Congress a report on, Federal reskilling programs that includes—

(1) a summary of each Federal reskilling program and methods by which each Federal reskilling program recruits, selects, and retrains employees;

(2) an analysis of the accessibility of each Federal reskilling program for a diverse set of candidates;

(3) an evaluation of the effectiveness, costs, and benefits of the Federal reskilling programs; and

(4) recommendations to improve Federal reskilling programs to accomplish the goal of reskilling the Federal workforce.

(e) REGULATIONS.—The Director—

(1) not later than 1 year after the date of enactment of this Act, shall prescribe regulations for the reporting requirements and metrics and procedures under subsection (c);

(2) may prescribe additional regulations, as the Director determines necessary, to provide for requirements with respect to, and the implementation of, Federal reskilling programs; and

(3) with respect to any regulation prescribed under this subsection, shall brief the appropriate committees of Congress with respect to the regulation not later than 30 days before the date on which the final version of the regulation is published.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the head of an agency or the Director to establish a Federal reskilling program.

(g) USE OF FUNDS.—Any Federal reskilling program established by the head of an agency or the Director shall be carried out using amounts otherwise made available to that agency head or the Director, as applicable.

Subtitle B—Federal Rotational Cyber Workforce Program

SEC. 4351. SHORT TITLE.

This subtitle may be cited as the ''Federal Rotational Cyber Workforce Program Act of 2021''.

SEC. 4352. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code, except that the term does not include the Government Accountability Office.

(2) COMPETITIVE SERVICE.—The term ''competitive service'' has the meaning given that term in section 2102 of title 5, United States Code.

(3) COUNCILS.—The term ''Councils'' means—

(A) the Chief Human Capital Officers Council established under section 1303 of the Chief Human Capital Officers Act of 2002 (5 U.S.C. 1401 note); and

(B) the Chief Information Officers Council established under section 3603 of title 44, United States Code.

(4) CYBER WORKFORCE POSITION.—The term ''cyber workforce position'' means a position identified as having information technology, cybersecurity, or other cyber-related functions under section 303 of the Federal Cybersecurity Workforce Assessment Act of 2015 (5 U.S.C. 301 note).

(5) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(6) EMPLOYEE.—The term ''employee'' has the meaning given the term in section 2105 of title 5, United States Code.

(7) EMPLOYING AGENCY.—The term ''employing agency'' means the agency from which an employee is detailed to a rotational cyber workforce position.

(8) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given that term in section 2103 of title 5, United States Code.

(9) ROTATIONAL CYBER WORKFORCE POSITION.—The term ''rotational cyber workforce position'' means a cyber workforce position with respect to which a determination has been made under section 4353(a)(1).

(10) ROTATIONAL CYBER WORKFORCE PROGRAM.—The term ''rotational cyber workforce program'' means the program for the detail of employees among rotational cyber workforce positions at agencies.

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

SEC. 4353. ROTATIONAL CYBER WORKFORCE POSITIONS.

(a) DETERMINATION WITH RESPECT TO ROTATIONAL SERVICE.—

(1) IN GENERAL.—The head of each agency may determine that a cyber workforce position in that agency is eligible for the rotational cyber workforce program, which shall not be construed to modify the requirement under section 4354(b)(3) that participation in the rotational cyber workforce program by an employee shall be voluntary.

(2) NOTICE PROVIDED.—The head of an agency shall submit to the Director—

(A) notice regarding any determination made by the head of the agency under paragraph (1); and

(B) for each position with respect to which the head of the agency makes a determination under paragraph (1), the information required under subsection (b)(1).

(b) PREPARATION OF LIST.—The Director, with assistance from the Councils and the Secretary, shall develop a list of rotational cyber workforce positions that—

(1) with respect to each such position, to the extent that the information does not disclose sensitive national security information, includes—

(A) the title of the position;

(B) the occupational series with respect to the position;

(C) the grade level or work level with respect to the position;

(D) the agency in which the position is located;

(E) the duty location with respect to the position; and

(F) the major duties and functions of the position; and

(2) shall be used to support the rotational cyber workforce program.

(c) DISTRIBUTION OF LIST.—Not less frequently than annually, the Director shall distribute an updated list developed under subsection (b) to the head of each agency and other appropriate entities.

SEC. 4354. ROTATIONAL CYBER WORKFORCE PROGRAM.

(a) OPERATION PLAN.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, and in consultation with the Councils, the Secretary, representatives of other agencies, and any other entity as the Director determines appropriate, the Director shall develop and issue a Federal Rotational Cyber Workforce Program operation plan providing policies, processes, and procedures for a program for the detailing of employees among rotational cyber workforce positions at agencies, which may be incorporated into and implemented through mechanisms in existence on the date of enactment of this Act.

(2) UPDATING.—The Director may, in consultation with the Councils, the Secretary, and other entities as the Director determines appropriate, periodically update the operation plan developed and issued under paragraph (1).

(b) REQUIREMENTS.—The operation plan developed and issued under subsection (a) shall, at a minimum—

(1) identify agencies for participation in the rotational cyber workforce program;

(2) establish procedures for the rotational cyber workforce program, including—

(A) any training, education, or career development requirements associated with participation in the rotational cyber workforce program;

(B) any prerequisites or requirements for participation in the rotational cyber workforce program; and

(C) appropriate rotational cyber workforce program performance measures, reporting requirements, employee exit surveys, and other accountability devices for the evaluation of the program;

(3) provide that participation in the rotational cyber workforce program by an employee shall be voluntary;

(4) provide that an employee shall be eligible to participate in the rotational cyber workforce program if the head of the employing agency of the employee, or a designee of the head of the employing agency of the employee, approves of the participation of the employee;

(5) provide that the detail of an employee to a rotational cyber workforce position under the rotational cyber workforce program shall be on a nonreimbursable basis;

(6) provide that agencies may agree to partner to ensure that the employing agency of an employee who participates in the rotational cyber workforce program is able to fill the position vacated by the employee;

(7) require that an employee detailed to a rotational cyber workforce position under the rotational cyber workforce program, upon the end of the period of service with respect to the detail, shall be entitled to return to the position held by the employee, or an equivalent position, in the employing agency of the employee without loss of pay, seniority, or other rights or benefits to which the employee would have been entitled had the employee not been detailed;

(8) provide that discretion with respect to the assignment of an employee under the rotational cyber workforce program shall remain with the employing agency of the employee;

(9) require that an employee detailed to a rotational cyber workforce position under the rotational cyber workforce program in an agency that is not the employing agency of the employee shall have all the rights that would be available to the employee if the employee were detailed under a provision of law other than this subtitle from the employing agency to the agency in which the rotational cyber workforce position is located;

(10) provide that participation by an employee in the rotational cyber workforce program shall not constitute a change in the conditions of the employment of the employee; and

(11) provide that an employee participating in the rotational cyber workforce program shall receive performance evaluations relating to service in the rotational cyber workforce program in a participating agency that are—

(A) prepared by an appropriate officer, supervisor, or management official of the employing agency, acting in coordination with the supervisor at the agency in which the employee is performing service in the rotational cyber workforce position;

(B) based on objectives identified in the operation plan with respect to the employee; and

(C) based in whole or in part on the contribution of the employee to the agency in which the employee performed such service, as communicated from that agency to the employing agency of the employee.

(c) PROGRAM REQUIREMENTS FOR ROTATIONAL SERVICE.—

(1) IN GENERAL.—An employee serving in a cyber workforce position in an agency may, with the approval of the head of the agency, submit an application for detail to a rotational cyber workforce position that appears on the list developed under section 4353(b).

(2) OPM APPROVAL FOR CERTAIN POSITIONS.—An employee serving in a position in the excepted service may only be selected for a rotational cyber workforce position that is in the competitive service with the prior approval of the Office of Personnel Management, in accordance with section 300.301 of title 5, Code of Federal Regulations, or any successor thereto.

(3) SELECTION AND TERM.—

(A) SELECTION.—The head of an agency shall select an employee for a rotational cyber workforce position under the rotational cyber workforce program in a manner that is consistent with the merit system principles under section 2301(b) of title 5, United States Code.

(B) TERM.—Except as provided in subparagraph (C), and notwithstanding section 3341(b) of title 5, United States Code, a detail to a rotational cyber workforce position shall be for a period of not less than 180 days and not more than 1 year.

(C) EXTENSION.—The Chief Human Capital Officer of the agency to which an employee is detailed under the rotational cyber workforce program may extend the period of a detail described in subparagraph (B) for a period of 60 days unless the Chief Human Capital Officer of the employing agency of the employee objects to that extension.

(4) WRITTEN SERVICE AGREEMENTS.—

(A) IN GENERAL.—The detail of an employee to a rotational cyber workforce position shall be contingent upon the employee entering into a written service agreement with the employing agency under which the employee is required to complete a period of employment with the employing agency following the conclusion of the detail that is equal in length to the period of the detail.

(B) OTHER AGREEMENTS AND OBLIGATIONS.—A written service agreement under subparagraph (A) shall not supersede or modify the terms or conditions of any other service agreement entered into by the employee under any other authority or relieve the obligations between the employee and the employing agency under such a service agreement. Nothing in this subparagraph prevents

an employing agency from terminating a service agreement entered into under any other authority under the terms of such agreement or as required by law or regulation.

SEC. 4355. REPORTING BY GAO.

Not later than the end of the third fiscal year after the fiscal year in which the operation plan under section 4354(a) is issued, the Comptroller General of the United States shall submit to Congress a report assessing the operation and effectiveness of the rotational cyber workforce program, which shall address, at a minimum—

(1) the extent to which agencies have participated in the rotational cyber workforce program, including whether the head of each such participating agency has—

(A) identified positions within the agency that are rotational cyber workforce positions;

(B) had employees from other participating agencies serve in positions described in subparagraph (A); and

(C) had employees of the agency request to serve in rotational cyber workforce positions under the rotational cyber workforce program in participating agencies, including a description of how many such requests were approved; and

(2) the experiences of employees serving in rotational cyber workforce positions under the rotational cyber workforce program, including an assessment of—

(A) the period of service;

(B) the positions (including grade level and occupational series or work level) held by employees before completing service in a rotational cyber workforce position under the rotational cyber workforce program;

(C) the extent to which each employee who completed service in a rotational cyber workforce position under the rotational cyber workforce program achieved a higher skill level, or attained a skill level in a different area, with respect to information technology, cybersecurity, or other cyber-related functions; and

(D) the extent to which service in rotational cyber workforce positions has affected intra-agency and interagency integration and coordination of cyber practices, functions, and personnel management.

SEC. 4356. SUNSET.

Effective 5 years after the date of enactment of this Act, this subtitle is repealed.

TITLE IV—OTHER MATTERS

Subtitle A—Ensuring Security of Unmanned Aircraft Systems

SEC. 4401. SHORT TITLE.

This subtitle may be cited as the ''American Security Drone Act of 2021''.

SEC. 4402. DEFINITIONS.

In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term ''covered foreign entity'' means an entity included on a list developed and maintained by the Federal Acquisition Security Council. This list will include entities in the following categories:

(A) An entity included on the Consolidated Screening List.

(B) Any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security.

(C) Any entity the Secretary of Homeland Security, in coordination with the Director of National Intelligence and the Secretary of Defense, determines poses a national security risk.

(D) Any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security.

(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term ''covered unmanned aircraft system'' has the meaning given the term ''unmanned aircraft system'' in section 44801 of title 49, United States Code.

SEC. 4403. PROHIBITION ON PROCUREMENT OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Except as provided under subsections (b) though (f), the head of an executive agency may not procure any covered unmanned aircraft system that are manufactured or assembled by a covered foreign entity, which includes associated elements (consisting of communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system. The Federal Acquisition Security Council, in coordination with the Secretary of Transportation, shall develop and update a list of associated elements.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for—

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations; and

(2) is required in the national interest of the United States.

(c) FEDERAL AVIATION ADMINISTRATION CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS EXEMPTION.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis for the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board (NTSB), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of marine or atmospheric science or management.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

SEC. 4404. PROHIBITION ON OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) PROHIBITION.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(2) APPLICABILITY TO CONTRACTED SERVICES.—The prohibition under paragraph (1) applies to any covered unmanned aircraft systems that are being used by any executive agency through the method of contracting for the services of covered unmanned aircraft systems.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for—

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations; and

(2) is required in the national interest of the United States.

(c) FEDERAL AVIATION ADMINISTRATION CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS EXEMPTION.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis for the Federal Aviation Administration's Alliance for System Safety of UAE through Research Excellence (ASSURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board (NTSB), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of marine or atmospheric science or management.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

(g) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prescribe regulations or guidance to implement this section.

SEC. 4405. PROHIBITION ON USE OF FEDERAL FUNDS FOR PURCHASES AND OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used—

(1) to purchase a covered unmanned aircraft system, or a system to counter unmanned aircraft systems, that is manufactured or assembled by a covered foreign entity; or

(2) in connection with the operation of such a drone or unmanned aircraft system.

(b) EXEMPTION.—A Federal department or agency is exempt from the restriction under subsection (a) if—

(1) the contract, grant, or cooperative agreement was awarded prior to the date of the enactment of this Act; or

(2) the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis, as determined by the Secretary of Homeland Security, the Secretary of Defense, or the Attorney General, for—

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations; or

(F) the safe integration of UAS in the national airspace (as determined in consultation with the Secretary of Transportation); and

(3) is required in the national interest of the United States.

(c) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

(d) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations or guidance, as necessary, to implement the requirements of this section pertaining to Federal contracts.

SEC. 4406. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.

SEC. 4407. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Effective immediately, all executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items' capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory data related to covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level.

(c) EXCEPTIONS.—The Department of Defense and Department of Homeland Security may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues or that are one-time-use covered unmanned aircraft due to requirements and low cost.

SEC. 4408. COMPTROLLER GENERAL REPORT.

Not later than 275 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the amount of commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from covered foreign entities.

SEC. 4409. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Department of Homeland Security, Department of Transportation, the Department of Justice, and other Departments as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of UAS—

(1) for non-Department of Defense and non-intelligence community operations; and

(2) through grants and cooperative agreements entered into with non-Federal entities.

(b) INFORMATION SECURITY.—The policy developed under subsection (a) shall include the following specifications, which to the extent practicable, shall be based on industry standards and technical guidance from the National Institute of Standards and Technology, to address the risks associated with processing, storing and transmitting Federal information in a UAS:

(1) Protections to ensure controlled access of UAS.

(2) Protecting software, firmware, and hardware by ensuring changes to UAS are properly managed, including by ensuring UAS can be updated using a secure, controlled, and configurable mechanism.

(3) Cryptographically securing sensitive collected, stored, and transmitted data, including proper handling of privacy data and other controlled unclassified information.

(4) Appropriate safeguards necessary to protect sensitive information, including during and after use of UAS.

(5) Appropriate data security to ensure that data is not transmitted to or stored in non-approved locations.

(6) The ability to opt out of the uploading, downloading, or transmitting of data that is not required by law or regulation and an ability to choose with whom and where information is shared when it is required.

(c) REQUIREMENT.—The policy developed under subsection (a) shall reflect an appropriate risk-based approach to information security related to use of UAS.

(d) REVISION OF ACQUISITION REGULATIONS.—Not later than 180 days after the date on which the policy required under subsection (a) is issued—

(1) the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy; and

(2) any Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall revise applicable policy, guidance, or regulations, as necessary, to implement the policy.

(e) EXEMPTION.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall incorporate an exemption to the policy for the following reasons:

(1) In the case of procurement for the purposes of training, testing, or analysis for—

(A) electronic warfare; or

(B) information warfare operations.

(2) In the case of researching UAS technology, including testing, evaluation, research, or development of technology to counter UAS.

(3) In the case of a head of the procuring department or agency determining, in writing, that no product that complies with the information security requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination—

(A) may not be delegated below the level of the Deputy Secretary of the procuring department or agency;

(B) shall specify—

(i) the quantity of end items to which the waiver applies, the procurement value of which may not exceed $50,000 per waiver; and

(ii) the time period over which the waiver applies, which shall not exceed 3 years;

(C) shall be reported to the Office of Management and Budget following issuance of such a determination; and

(D) not later than 30 days after the date on which the determination is made, shall be provided to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

SEC. 4410. STUDY.

(a) INDEPENDENT STUDY.—Not later than 3 years after the date of the enactment of this Act, the Director of the Office of Management and Budget shall seek to enter into a contract with a federally funded research and development center under which the center will conduct a study of—

(1) the current and future unmanned aircraft system global and domestic market;

(2) the ability of the unmanned aircraft system domestic market to keep pace with technological advancements across the industry;

(3) the ability of domestically made unmanned aircraft systems to meet the network security and data protection requirements of the national security enterprise;

(4) the extent to which unmanned aircraft system component parts, such as the parts described in section 4403, are made domestically; and

(5) an assessment of the economic impact, including cost, of excluding the use of foreign-made UAS for use across the Federal Government.

(b) SUBMISSION TO OMB.—Upon completion of the study in subsection (a), the federally funded research and development center shall submit the study to the Director of the Office of Management and Budget.

(c) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Director of the Office of Management and Budget receives the study under subsection (b), the Director shall submit the study to—

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Homeland Security and the Committee on Oversight and Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 4411. SUNSET.

Sections 4403, 4404, and 4405 shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

Subtitle B—No TikTok on Government Devices

SEC. 4431. SHORT TITLE.

This subtitle may be cited as the ''No TikTok on Government Devices Act''.

SEC. 4432. PROHIBITION ON THE USE OF TIKTOK.

(a) DEFINITIONS.—In this section—

(1) the term ''covered application'' means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited;

(2) the term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code; and

(3) the term ''information technology'' has the meaning given that term in section 11101 of title 40, United States Code.

(b) PROHIBITION ON THE USE OF TIKTOK.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code, shall develop standards and guidelines for executive agencies requiring the removal of any covered application from information technology.

(2) NATIONAL SECURITY AND RESEARCH EXCEPTIONS.—The standards and guidelines developed under paragraph (1) shall include—

(A) exceptions for law enforcement activities, national security interests and activities, and security researchers; and

(B) for any authorized use of a covered application under an exception, requirements for executive agencies to develop and document risk mitigation actions for such use.

Subtitle C—National Risk Management

SEC. 4461. SHORT TITLE.

This subtitle may be cited as the ''National Risk Management Act of 2021''.

SEC. 4462. NATIONAL RISK MANAGEMENT CYCLE.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 2218. NATIONAL RISK MANAGEMENT CYCLE.

''(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, the term 'national critical functions' means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

''(b) NATIONAL RISK MANAGEMENT CYCLE.—

''(1) RISK IDENTIFICATION AND ASSESSMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Director, shall establish a recurring process by which to identify, assess, and prioritize risks to critical infrastructure, considering both cyber and physical threats, the associated likelihoods, vulnerabilities, and consequences, and the resources necessary to address them.

''(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, critical infrastructure owners and operators, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

''(C) PUBLICATION.—Not later than 180 days after the date of enactment of this section, the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

''(D) REPORT.—The Secretary shall submit to the President, 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 risks identified by the process established under subparagraph (A)—

''(i) not later than 1 year after the date of enactment of this section; and

''(ii) not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 9002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

''(2) NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

''(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to 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, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

''(B) ELEMENTS.—Each strategy delivered under subparagraph (A) shall—

''(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical functions impacting national security, economic security, or public health and safety;

''(ii) assess the implementation of the previous national critical infrastructure resilience strategy, as applicable;

''(iii) identify and outline current and proposed national-level actions, programs, and efforts to be taken to address the risks identified;

''(iv) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each; and

''(v) request any additional authorities necessary to successfully execute the strategy.

''(C) FORM.—Each strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

''(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President delivers the first strategy required under paragraph (2)(A), and every year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall brief the appropriate congressional committees on—

''(A) the national risk management cycle activities undertaken pursuant to the strategy; and

''(B) the amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the full range of activities proposed by the strategy.''.

(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 item relating to section 2217 the following:

''Sec. 2218. National risk management cycle.''.

Subtitle D—Safeguarding American Innovation

SEC. 4491. SHORT TITLE.

This subtitle may be cited as the ''Safeguarding American Innovation Act''.

SEC. 4492. DEFINITIONS.

In this subtitle:

(1) FEDERAL SCIENCE AGENCY.—The term ''Federal science agency'' means any Federal department or agency to which more than $100,000,000 in basic and applied research and development funds were appropriated for the previous fiscal year.

(2) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The term ''research and development'' means all research activities, both basic and applied, and all development activities.

(B) DEVELOPMENT.—The term ''development'' means experimental development.

(C) EXPERIMENTAL DEVELOPMENT.—The term ''experimental development'' means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(D) RESEARCH.—The term ''research''—

(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

SEC. 4493. FEDERAL RESEARCH SECURITY COUNCIL.

(a) IN GENERAL.—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

''CHAPTER 79—FEDERAL RESEARCH SECURITY COUNCIL

''Sec.
''7901. Definitions.
''7902. Federal Research Security Council establishment and membership.
''7903. Functions and authorities.
''7904. Strategic plan.
''7905. Annual report.
''7906. Requirements for Executive agencies.

''§ 7901. Definitions

''In this chapter:

''(1) 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 Commerce, Science, and Transportation of the Senate;

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

''(D) the Committee on Foreign Relations of the Senate;

''(E) the Committee on Armed Services of the Senate;

''(F) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(G) the Committee on Oversight and Reform of the House of Representatives;

''(H) the Committee on Homeland Security of the House of Representatives;

''(I) the Committee on Energy and Commerce of the House of Representatives;

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

''(K) the Committee on Foreign Affairs of the House of Representatives;

''(L) the Committee on Armed Services of the House of Representatives; and

''(M) the Committee on Education and Labor of the House of Representatives.

''(2) COUNCIL.—The term 'Council' means the Federal Research Security Council established under section 7902(a).

''(3) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(4) FEDERAL RESEARCH SECURITY RISK.—The term 'Federal research security risk' means the risk posed by malign state actors and other persons to the security and integrity of research and development conducted using research and development funds awarded by Executive agencies.

''(5) INSIDER.—The term 'insider' means any person with authorized access to any United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.

''(6) INSIDER THREAT.—The term 'insider threat' means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security of the United States or negatively affect the integrity of a Federal agency's normal processes, including damaging the United States through espionage, sabotage, terrorism, unauthorized disclosure of national security information or nonpublic information, a destructive act (which may include physical harm to another in the workplace), or through the loss or degradation of departmental resources, capabilities, and functions.

''(7) RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'research and development' means all research activities, both basic and applied, and all development activities.

''(B) DEVELOPMENT.—The term 'development' means experimental development.

''(C) EXPERIMENTAL DEVELOPMENT.—The term 'experimental development' means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

''(i) is directed toward the production of new products or processes or improving existing products or processes; and

''(ii) like research, will result in gaining additional knowledge.

''(D) RESEARCH.—The term 'research'—

''(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

''(ii) includes activities involving the training of individuals in research techniques if such activities—

''(I) utilize the same facilities as other research and development activities; and

''(II) are not included in the instruction function.

''(8) UNITED STATES RESEARCH COMMUNITY.—The term 'United States research community' means—

''(A) research and development centers of Executive agencies;

''(B) private research and development centers in the United States, including for profit and nonprofit research institutes;

''(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

''(E) government-owned, contractor-operated United States Government research and development centers; and

''(F) any person conducting federally funded research or receiving Federal research grant funding.

''§ 7902. Federal Research Security Council establishment and membership

''(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The following agencies shall be represented on the Council:

''(A) The Office of Management and Budget.

''(B) The Office of Science and Technology Policy.

''(C) The Department of Defense.

''(D) The Department of Homeland Security.

''(E) The Office of the Director of National Intelligence.

''(F) The Department of Justice.

''(G) The Department of Energy.

''(H) The Department of Commerce.

''(I) The Department of Health and Human Services.

''(J) The Department of State.

''(K) The Department of Transportation.

''(L) The National Aeronautics and Space Administration.

''(M) The National Science Foundation.

''(N) The Department of Education.

''(O) The Small Business Administration.

''(P) The Council of Inspectors General on Integrity and Efficiency.

''(Q) Other Executive agencies, as determined by the Chairperson of the Council.

''(2) LEAD REPRESENTATIVES.—

''(A) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

''(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

''(c) CHAIRPERSON.—

''(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Management and Budget shall designate a senior level official from the Office of Management and Budget to serve as the Chairperson of the Council.

''(2) FUNCTIONS.—The Chairperson shall perform functions that include—

''(A) subject to subsection (d), developing a schedule for meetings of the Council;

''(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

''(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

''(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

''(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead science advisor to the Council for purposes of this chapter.

''(4) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall designate a senior level official from the National Counterintelligence and Security Center to be the lead security advisor to the Council for purposes of this chapter.

''(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

''§ 7903. Functions and authorities

''(a) DEFINITIONS.—In this section:

''(1) IMPLEMENTING.—The term 'implementing' means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place and enforce the measures described in this section.

''(2) UNIFORM APPLICATION PROCESS.—The term 'uniform application process' means a process employed by Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

''(b) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

''(1) Developing and implementing, across all Executive agencies that award research and development grants, awards, and contracts, a uniform application process for grants in accordance with subsection (c).

''(2) Developing and implementing policies and providing guidance to prevent malign foreign interference from unduly influencing the peer review process for federally funded research and development.

''(3) Identifying or developing criteria for sharing among Executive agencies and with law enforcement and other agencies, as appropriate, information regarding individuals who violate disclosure policies and other policies related to research security.

''(4) Identifying an appropriate Executive agency—

''(A) to accept and protect information submitted by Executive agencies and non-Federal entities based on the process established pursuant to paragraph (1); and

''(B) to facilitate the sharing of information received under subparagraph (A) to support, consistent with Federal law—

''(i) the oversight of federally funded research and development;

''(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

''(iii) counterintelligence investigations.

''(5) Identifying, as appropriate, Executive agencies to provide—

''(A) shared services, such as support for conducting Federal research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

''(B) common contract solutions to support the verification of the identities of persons participating in federally funded research and development.

''(6) Identifying and issuing guidance, in accordance with subsection (e) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for expanding the scope of Executive agency insider threat programs, including the safeguarding of research and development from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each such agency.

''(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (c)(1). Such programs shall include an assessment of—

''(A) a grantee's support from foreign sources and affiliations, appointments, or participation in talent programs with foreign funding institutions or laboratories; and

''(B) the impact of such support and affiliations, appointments, or participation in talent programs on United States national security and economic interests.

''(8) Providing guidance to Executive agencies regarding appropriate application of consequences for violations of disclosure requirements.

''(9) Developing and implementing a cross-agency policy and providing guidance related to the use of digital persistent identifiers for individual researchers supported by, or working on, any Federal research grant with the goal to enhance transparency and security, while reducing administrative burden for researchers and research institutions.

''(10) Engaging with the United States research community in conjunction with the National Science and Technology Council and the National Academies Science, Technology and Security Roundtable created

under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 42 U.S.C. 6601 note) in performing the functions described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal research security risks.

''(11) Carrying out such other functions, consistent with Federal law, that are necessary to reduce Federal research security risks.

''(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (b)(1), the Council shall—

''(1) ensure that the process—

''(A) requires principal investigators, co-principal investigators, and key personnel associated with the proposed Federal research or development grant project—

''(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments, or foreign laboratories, and all support received from foreign sources; and

''(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

''(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants;

''(2) design the process—

''(A) to reduce the administrative burden on persons applying for Federal research and development funding; and

''(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

''(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

''(d) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information with respect to Federal research security risks under subsection (b)(3), the Council shall ensure that such criteria address, at a minimum—

''(1) the information to be shared;

''(2) the circumstances under which sharing is mandated or voluntary;

''(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

''(4) the procedures for protecting intellectual capital that may be present in such information; and

''(5) appropriate privacy protections for persons involved in Federal research and development.

''(e) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (b)(6), the Council shall ensure that such guidance provides for, at a minimum—

''(1) such programs—

''(A) to deter, detect, and mitigate insider threats; and

''(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

''(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats, including through—

''(A) monitoring user activity on computer networks controlled by Executive agencies;

''(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

''(C) gathering information for a centralized analysis, reporting, and response capability; and

''(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

''(3) the development and implementation of policies and procedures under which the insider threat program of an Executive agency accesses, shares, and integrates information and data derived from offices within the agency and shares insider threat information with the executive agency research sponsors;

''(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

''(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

''(f) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

''(1) IN GENERAL.—The Council, in conjunction with the lead security advisor designated under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

''(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

''(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

''(i) to exploit, interfere, or undermine research and development by the United States research community; or

''(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

''(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

''(i) the science and technology of that foreign country; or

''(ii) federally funded research and development; and

''(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

''(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy that detail—

''(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments;

''(2) Federal agencies' performance and compliance with interagency suspensions and debarments;

''(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

''(4) proposals for developing a unified Federal policy on suspensions and debarments; and

''(5) other current suspension and debarment related issues.

''(h) SAVINGS PROVISION.—Nothing in this section may be construed—

''(1) to alter or diminish the authority of any Federal agency; or

''(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

''§ 7904. Annual report

''Not later than November 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees that describes the activities of the Council during the preceding fiscal year.

''§ 7905. Requirements for Executive agencies

''(a) IN GENERAL.—The head of each Executive agency on the Council shall be responsible for—

''(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

''(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b);

''(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States; and

''(4) ensuring that initiatives impacting Federally funded research grant making policy and management to protect the national and economic security interests of the United States are integrated with the activities of the Council.

''(b) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

''(1) developing an overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

''(2) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

''(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

''(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 31, United States Code, is amended by inserting after the item relating to chapter 77 the following:

''79. Federal Research Security Council ..... 7901.''.

SEC. 4494. FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Federal grant application fraud

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 551 of title 5, United States Code.

''(2) FEDERAL GRANT.—The term 'Federal grant'—

''(A) means a grant awarded by a Federal agency;

''(B) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

''(C) does not include—

''(i) direct United States Government cash assistance to an individual;

''(ii) a subsidy;

''(iii) a loan;

''(iv) a loan guarantee; or

''(v) insurance.

''(3) FEDERAL GRANT APPLICATION.—The term 'Federal grant application' means an application for a Federal grant.

''(4) FOREIGN COMPENSATION.—The term 'foreign compensation' means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

''(A) a foreign government;

''(B) a foreign government institution; or

''(C) a foreign public enterprise.

''(5) FOREIGN GOVERNMENT.—The term 'foreign government' includes a person acting or purporting to act on behalf of—

''(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

''(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

''(6) FOREIGN GOVERNMENT INSTITUTION.—The term 'foreign government institution' means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

''(7) FOREIGN PUBLIC ENTERPRISE.—The term 'foreign public enterprise' means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

''(8) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency'—

''(A) means a Federal, State, local, or Tribal law enforcement agency; and

''(B) includes—

''(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

''(ii) the Office of Inspector General, or similar office, of a State or unit of local government.

''(9) OUTSIDE COMPENSATION.—The term 'outside compensation' means any compensation, resource, or support (regardless of monetary value) made available to the applicant in support of, or related to, any research endeavor, including a title, research grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including materials, travel compensation, or work incentives.

''(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

''(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual;

''(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

''(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

''(A) contains a false statement;

''(B) contains a material misrepresentation;

''(C) has no basis in law or fact; or

''(D) fails to disclose a material fact.

''(c) EXCEPTION.—Subsection (b) does not apply to an activity—

''(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

''(A) a law enforcement agency; or

''(B) a Federal intelligence agency; or

''(2) authorized under chapter 224.

''(d) PENALTY.—Any individual who violates subsection (b)—

''(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both; and

''(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. Federal grant application fraud.''.

SEC. 4495. RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

(a) GROUNDS OF INADMISSIBILITY.—The Secretary of State may determine that an alien is inadmissible if the Secretary determines such alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government's security or strategic capabilities.

(b) RELEVANT FACTORS.—To determine if an alien is inadmissible under subsection (a), the Secretary of State shall—

(1) take account of information and analyses relevant to implementing subsection (a) from the Office of the Director of National Intelligence, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Commerce, and other appropriate Federal agencies;

(2) take account of the continual expert assessments of evolving sensitive or emerging technologies that foreign adversaries are targeting;

(3) take account of relevant information concerning the foreign person's employment or collaboration, to the extent known, with—

(A) foreign military and security related organizations that are adversarial to the United States;

(B) foreign institutions involved in the theft of United States research;

(C) entities involved in export control violations or the theft of intellectual property;

(D) a government that seeks to undermine the integrity and security of the United States research community; or

(E) other associations or collaborations that pose a national security threat based on intelligence assessments; and

(4) weigh the proportionality of risks and the factors listed in paragraphs (1) through (3).

(c) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and semi-annually thereafter until the sunset date set forth in subsection (e), the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that identifies—

(1) any criteria, if relevant used to describe the aliens to which the grounds of inadmissibility described in subsection (a) may apply;

(2) the number of individuals determined to be inadmissible under subsection (a), including the nationality of each such individual and the reasons for each determination of inadmissibility; and

(3) the number of days from the date of the consular interview until a final decision is issued for each application for a visa considered under this section, listed by applicants' country of citizenship and relevant consulate.

(d) CLASSIFICATION OF REPORT.—Each report required under subsection (c) shall be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a classified annex.

(e) SUNSET.—This section shall cease to be effective on the date that is 2 years after the date of the enactment of this Act.

SEC. 4496. MACHINE READABLE VISA DOCUMENTS.

(a) MACHINE-READABLE DOCUMENTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall—

(1) use a machine-readable visa application form; and

(2) make available documents submitted in support of a visa application in a machine readable format to assist in—

(A) identifying fraud;

(B) conducting lawful law enforcement activities; and

(C) determining the eligibility of applicants for a visa under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) WAIVER.—The Secretary of State may waive the requirement under subsection (a) by providing to Congress, not later than 30 days before such waiver takes effect—

(1) a detailed explanation for why the waiver is being issued; and

(2) a timeframe for the implementation of the requirement under subsection (a).

(c) REPORT.—Not later than 45 days after date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Relations 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 Energy and Commerce of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

(1) describes how supplementary documents provided by a visa applicant in support of a visa application are stored and shared by the Department of State with authorized Federal agencies;

(2) identifies the sections of a visa application that are machine-readable and the sections that are not machine-readable;

(3) provides cost estimates, including personnel costs and a cost-benefit analysis for adopting different technologies, including optical character recognition, for—

(A) making every element of a visa application, and documents submitted in support of a visa application, machine-readable; and

(B) ensuring that such system—

(i) protects personally-identifiable information; and

(ii) permits the sharing of visa information with Federal agencies in accordance with existing law; and

(4) includes an estimated timeline for completing the implementation of subsection (a).

SEC. 4497. CERTIFICATIONS REGARDING ACCESS TO EXPORT CONTROLLED TECHNOLOGY IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

Section 102(b)(5) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)) is amended to read as follows:

''(5) promoting and supporting medical, scientific, cultural, and educational research and development by developing exchange programs for foreign researchers and scientists, while protecting technologies regulated by export control laws important to the national security and economic interests of the United States, by requiring—

''(A) the sponsor to certify to the Department of State that the sponsor, after reviewing all regulations related to the Export Controls Act of 2018 (50 U.S.C. 4811 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.), has determined that—

''(i) a license is not required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; or

''(ii)(I) a license is required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; and

''(II) the sponsor will prevent access to the controlled technology or technical data by the exchange visitor until the sponsor—

''(aa) has received the required license or other authorization to release it to the visitor; and

''(bb) has provided a copy of such license or authorization to the Department of State; and

''(B) if the sponsor maintains export controlled technology or technical data, the sponsor to submit to the Department of State the sponsor's plan to prevent unauthorized export or transfer of any controlled items, materials, information, or technology at the sponsor organization or entities associated with a sponsor's administration of the exchange visitor program.''.

SEC. 4498. PRIVACY AND CONFIDENTIALITY.

Nothing in this subtitle may be construed as affecting the rights and requirements provided in section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') or subchapter III of chapter 35 of title 44, United States Code (commonly known as the ''Confidential Information Protection and Statistical Efficiency Act of 2018'').

SA 4292. 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 end, add the following:

DIVISION E—SECURING AMERICA'S FUTURE

SEC. 4001. SHORT TITLE; TABLE OF CONTENTS.

This division may be cited as the ''Securing America's Future Act''.

TITLE I—ADVANCING AMERICAN AI

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the ''Advancing American AI Act''.

SEC. 4202. PURPOSE.

The purposes of this subtitle are to—

(1) encourage agency artificial intelligence-related programs and initiatives that enhance the competitiveness of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurialism;

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;

(3) promote adoption of modernized business practices and advanced technologies across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) test and harness applied artificial intelligence to enhance mission effectiveness and business practice efficiency.

SEC. 4203. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

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

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

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The term ''artificial intelligence system''—

(A) means any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, whether—

(i) the data system, software, application, tool, or utility is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology; or

(ii) artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system; and

(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(5) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(6) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

SEC. 4204. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260), consider—

(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled ''Key Considerations for the Responsible Development and Fielding of AI'', as updated in April 2021;

(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to promoting the use of trustworthy artificial intelligence in Government); and

(3) the input of—

(A) the Privacy and Civil Liberties Oversight Board;

(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Officers Council, and the Chief Data Officers Council;

(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts; and

(D) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer, the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties of the Department and any other person determined to be relevant by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems, including associated data of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems; and

(ii) security against misuse, degradation, or rending inoperable of artificial intelligence-enabled systems; and

(2) the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department shall report to Congress on any additional staffing or funding resources that may be required to carry out the requirements of this subsection.

(c) INSPECTOR GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigative results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial means by which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or service—

(i) align with the guidance issued to the head of each agency under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260);

(ii) address protection of privacy, civil rights, and civil liberties;

(iii) address the ownership and security of data and other information created, used, processed, stored, maintained, disseminated, disclosed, or disposed of by a contractor or subcontractor on behalf of the Federal Government; and

(iv) include considerations for securing the training data, algorithms, and other components of any artificial intelligence system against misuse, unauthorized alteration, degradation, or rendering inoperable; and

(B) address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and other information.

(2) CONSULTATION.—In developing the considerations under paragraph (1)(A)(iv), the Director shall consult with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence.

(3) REVIEW.—The Director—

(A) should continuously update the means developed under paragraph (1); and

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1).

(4) BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) not later than 90 days after the date of enactment of this Act and thereafter on a quarterly basis until the Director first implements the means developed under paragraph (1); and

(B) annually thereafter on the implementation of this subsection.

(5) SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 4205. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 60 days after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall require the head of each agency to—

(1) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses;

(2) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information; and

(3) make agency inventories available to the public, in a manner determined by the Director, and to the extent practicable and in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(1) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(2) identify common use cases across agencies.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use cases.

SEC. 4206. RAPID PILOT, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE CAPABILITIES TO DEMONSTRATE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

(a) IDENTIFICATION OF USE CASES.—Not later than 270 days after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall identify 4 new use cases for the application of artificial intelligence-enabled systems to support interagency or intra-agency modernization initiatives that require linking multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—

(1) PURPOSES.—The purposes of the pilot program under this subsection include—

(A) to enable agencies to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall ensure the initiation of the piloting of the 4 new artificial intelligence use case applications identified under subsection (a), leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems; and

(B) develop a risk mitigation plan to address those risks, including consideration of—

(i) the artificial intelligence system not performing as expected;

(ii) the lack of sufficient or quality training data; and

(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) PRIORITIZATION.—In carrying out paragraph (2), the Director shall prioritize modernization projects that—

(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, federated learning, and secure multiparty computing; and

(B) otherwise take into account considerations of civil rights and civil liberties.

(5) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:

(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—

(i) predictive food demand and optimized supply;

(ii) predictive medical supplies and equipment demand and optimized supply; or

(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.

(B) Applied artificial intelligence to accelerate agency investment return and address mission-oriented challenges, such as—

(i) applied artificial intelligence portfolio management for agencies;

(ii) workforce development and upskilling;

(iii) redundant and laborious analyses;

(iv) determining compliance with Government requirements, such as with grants management; or

(v) outcomes measurement to measure economic and social benefits.

(6) REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish an artificial intelligence capability within each of the 4 use case pilots under this subsection that—

(A) solves data access and usability issues with automated technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;

(B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agency personnel to make better decisions and take faster actions;

(C) organizes data for meaningful data visualization and analysis so the Government has predictive transparency for situational awareness to improve use case outcomes;

(D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible;

(E) enables knowledge transfer and collaboration across agencies; and

(F) preserves intellectual property rights to the data and output for benefit of the Federal Government and agencies.

(c) BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

(d) SUNSET.—The section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 4207. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended—

(1) in subsection (c), by striking ''$10,000,000'' and inserting ''$25,000,000'';

(2) by amending subsection (f) to read as follows:

''(f) DEFINITIONS.—In this section—

''(1) the term 'commercial product'—

''(A) has the meaning given the term 'commercial item' in section 2.101 of the Federal Acquisition Regulation; and

''(B) includes a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41, United States Code; and

''(2) the term 'innovative' means—

''(A) any new technology, process, or method, including research and development; or

''(B) any new application of an existing technology, process, or method.''; and

(3) in subsection (g), by striking ''2022'' and insert ''2027''.

(b) DHS OTHER TRANSACTION AUTHORITY.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(B) by amending paragraph (2) to read as follows:

''(2) PROTOTYPE PROJECTS.—The Secretary—

''(A) may, under the authority of paragraph (1), carry out prototype projects under section 2371b of title 10, United States Code; and

''(B) in applying the authorities of such section 2371b, the Secretary shall perform the functions of the Secretary of Defense as prescribed in such section.'';

(2) in subsection (c)(1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(3) in subsection (d), by striking ''section 845(e)'' and all that follows and inserting ''section 2371b(e) of title 10, United States Code.''.

(c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN RISK MANAGEMENT TOOLS.—The General Services Administration is encouraged to pilot commercial off the shelf supply chain risk management tools to improve the ability of the Federal Government to characterize, monitor, predict, and respond to specific supply chain threats and vulnerabilities that could inhibit future Federal acquisition operations.

TITLE II—PERSONNEL

Subtitle A—Facilitating Federal Employee Reskilling

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the ''Facilitating Federal Employee Reskilling Act''.

SEC. 4302. RESKILLING FEDERAL EMPLOYEES.

(a) DEFINITIONS.—In this section:

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

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) COMPETITIVE SERVICE.—The term ''competitive service'' has the meaning given the term in section 2102 of title 5, United States Code.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(5) EMPLOYEE.—The term ''employee'' means an employee serving in a position in the competitive service or the excepted service.

(6) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given the term in section 2103 of title 5, United States Code.

(7) FEDERAL RESKILLING PROGRAM.—The term ''Federal reskilling program'' means a program established by the head of an agency or the Director to provide employees with the technical skill or expertise that would qualify the employees to serve in a different position in the competitive service or the excepted service that requires such technical skill or expertise.

(b) REQUIREMENTS.—With respect to a Federal reskilling program established by the head of an agency or by the Director before, on, or after the date of enactment of this Act, the agency head or the Director, as applicable, shall ensure that the Federal reskilling program—

(1) is implemented in a manner that is in accordance with the bar on prohibited personnel practices under section 2302 of title 5, United States Code, and consistent with the merit system principles under section 2301 of title 5, United States Code, including by using merit-based selection procedures for participation by employees in the Federal reskilling program;

(2) includes appropriate limitations or restrictions associated with implementing the Federal reskilling program, which shall be consistent with any regulations prescribed by the Director under subsection (e);

(3) provides that any new position to which an employee who participates in the Federal reskilling program is transferred will utilize the technical skill or expertise that the employee acquired by participating in the Federal reskilling program;

(4) includes the option for an employee participating in the Federal reskilling program to return to the original position of the employee, or a similar position, particularly if the employee is unsuccessful in the position to which the employee transfers after completing the Federal reskilling program;

(5) provides that an employee who successfully completes the Federal reskilling program and transfers to a position that requires the technical skill or expertise provided through the Federal reskilling program shall be entitled to have the grade of the position held immediately before the transfer in a manner in accordance with section 5362 of title 5, United States Code;

(6) provides that an employee serving in a position in the excepted service may not transfer to a position in the competitive service solely by reason of the completion of the Federal reskilling program by the employee; and

(7) includes a mechanism to track outcomes of the Federal reskilling program in accordance with the metrics established under subsection (c).

(c) REPORTING AND METRICS.—Not later than 1 year after the date of enactment of this Act, the Director shall establish reporting requirements for, and standardized metrics and procedures for agencies to track outcomes of, Federal reskilling programs, which shall include, with respect to each Federal reskilling program—

(1) providing a summary of the Federal reskilling program;

(2) collecting and reporting demographic and employment data with respect to employees who have applied for, participated in, or completed the Federal reskilling program;

(3) attrition of employees who have completed the Federal reskilling program; and

(4) any other measures or outcomes that the Director determines to be relevant.

(d) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive study of, and submit to Congress a report on, Federal reskilling programs that includes—

(1) a summary of each Federal reskilling program and methods by which each Federal reskilling program recruits, selects, and retrains employees;

(2) an analysis of the accessibility of each Federal reskilling program for a diverse set of candidates;

(3) an evaluation of the effectiveness, costs, and benefits of the Federal reskilling programs; and

(4) recommendations to improve Federal reskilling programs to accomplish the goal of reskilling the Federal workforce.

(e) REGULATIONS.—The Director—

(1) not later than 1 year after the date of enactment of this Act, shall prescribe regulations for the reporting requirements and metrics and procedures under subsection (c);

(2) may prescribe additional regulations, as the Director determines necessary, to provide for requirements with respect to, and the implementation of, Federal reskilling programs; and

(3) with respect to any regulation prescribed under this subsection, shall brief the appropriate committees of Congress with respect to the regulation not later than 30 days before the date on which the final version of the regulation is published.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the head of an agency or the Director to establish a Federal reskilling program.

(g) USE OF FUNDS.—Any Federal reskilling program established by the head of an agency or the Director shall be carried out using amounts otherwise made available to that agency head or the Director, as applicable.

Subtitle B—Federal Rotational Cyber Workforce Program

SEC. 4351. SHORT TITLE.

This subtitle may be cited as the ''Federal Rotational Cyber Workforce Program Act of 2021''.

SEC. 4352. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code, except that the term does not include the Government Accountability Office.

(2) COMPETITIVE SERVICE.—The term ''competitive service'' has the meaning given that term in section 2102 of title 5, United States Code.

(3) COUNCILS.—The term ''Councils'' means—

(A) the Chief Human Capital Officers Council established under section 1303 of the Chief Human Capital Officers Act of 2002 (5 U.S.C. 1401 note); and

(B) the Chief Information Officers Council established under section 3603 of title 44, United States Code.

(4) CYBER WORKFORCE POSITION.—The term ''cyber workforce position'' means a position identified as having information technology, cybersecurity, or other cyber-related functions under section 303 of the Federal Cybersecurity Workforce Assessment Act of 2015 (5 U.S.C. 301 note).

(5) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(6) EMPLOYEE.—The term ''employee'' has the meaning given the term in section 2105 of title 5, United States Code.

(7) EMPLOYING AGENCY.—The term ''employing agency'' means the agency from which an employee is detailed to a rotational cyber workforce position.

(8) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given that term in section 2103 of title 5, United States Code.

(9) ROTATIONAL CYBER WORKFORCE POSITION.—The term ''rotational cyber workforce position'' means a cyber workforce position with respect to which a determination has been made under section 4353(a)(1).

(10) ROTATIONAL CYBER WORKFORCE PROGRAM.—The term ''rotational cyber workforce program'' means the program for the detail of employees among rotational cyber workforce positions at agencies.

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

SEC. 4353. ROTATIONAL CYBER WORKFORCE POSITIONS.

(a) DETERMINATION WITH RESPECT TO ROTATIONAL SERVICE.—

(1) IN GENERAL.—The head of each agency may determine that a cyber workforce position in that agency is eligible for the rotational cyber workforce program, which shall not be construed to modify the requirement under section 4354(b)(3) that participation in the rotational cyber workforce program by an employee shall be voluntary.

(2) NOTICE PROVIDED.—The head of an agency shall submit to the Director—

(A) notice regarding any determination made by the head of the agency under paragraph (1); and

(B) for each position with respect to which the head of the agency makes a determination under paragraph (1), the information required under subsection (b)(1).

(b) PREPARATION OF LIST.—The Director, with assistance from the Councils and the Secretary, shall develop a list of rotational cyber workforce positions that—

(1) with respect to each such position, to the extent that the information does not disclose sensitive national security information, includes—

(A) the title of the position;

(B) the occupational series with respect to the position;

(C) the grade level or work level with respect to the position;

(D) the agency in which the position is located;

(E) the duty location with respect to the position; and

(F) the major duties and functions of the position; and

(2) shall be used to support the rotational cyber workforce program.

(c) DISTRIBUTION OF LIST.—Not less frequently than annually, the Director shall distribute an updated list developed under subsection (b) to the head of each agency and other appropriate entities.

SEC. 4354. ROTATIONAL CYBER WORKFORCE PROGRAM.

(a) OPERATION PLAN.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, and in consultation with the Councils, the Secretary, representatives of other agencies, and any other entity as the Director determines appropriate, the Director shall develop and issue a Federal Rotational Cyber Workforce Program operation plan providing policies, processes, and procedures for a program for the detailing of employees among rotational cyber workforce positions at agencies, which may be incorporated into and implemented through mechanisms in existence on the date of enactment of this Act.

(2) UPDATING.—The Director may, in consultation with the Councils, the Secretary, and other entities as the Director determines appropriate, periodically update the operation plan developed and issued under paragraph (1).

(b) REQUIREMENTS.—The operation plan developed and issued under subsection (a) shall, at a minimum—

(1) identify agencies for participation in the rotational cyber workforce program;

(2) establish procedures for the rotational cyber workforce program, including—

(A) any training, education, or career development requirements associated with participation in the rotational cyber workforce program;

(B) any prerequisites or requirements for participation in the rotational cyber workforce program; and

(C) appropriate rotational cyber workforce program performance measures, reporting requirements, employee exit surveys, and other accountability devices for the evaluation of the program;

(3) provide that participation in the rotational cyber workforce program by an employee shall be voluntary;

(4) provide that an employee shall be eligible to participate in the rotational cyber workforce program if the head of the employing agency of the employee, or a designee of the head of the employing agency of the employee, approves of the participation of the employee;

(5) provide that the detail of an employee to a rotational cyber workforce position under the rotational cyber workforce program shall be on a nonreimbursable basis;

(6) provide that agencies may agree to partner to ensure that the employing agency of an employee who participates in the rotational cyber workforce program is able to fill the position vacated by the employee;

(7) require that an employee detailed to a rotational cyber workforce position under the rotational cyber workforce program, upon the end of the period of service with respect to the detail, shall be entitled to return to the position held by the employee, or an equivalent position, in the employing agency of the employee without loss of pay, seniority, or other rights or benefits to which the employee would have been entitled had the employee not been detailed;

(8) provide that discretion with respect to the assignment of an employee under the rotational cyber workforce program shall remain with the employing agency of the employee;

(9) require that an employee detailed to a rotational cyber workforce position under the rotational cyber workforce program in an agency that is not the employing agency of the employee shall have all the rights that would be available to the employee if the employee were detailed under a provision of law other than this subtitle from the employing agency to the agency in which the rotational cyber workforce position is located;

(10) provide that participation by an employee in the rotational cyber workforce program shall not constitute a change in the conditions of the employment of the employee; and

(11) provide that an employee participating in the rotational cyber workforce program shall receive performance evaluations relating to service in the rotational cyber workforce program in a participating agency that are—

(A) prepared by an appropriate officer, supervisor, or management official of the employing agency, acting in coordination with the supervisor at the agency in which the employee is performing service in the rotational cyber workforce position;

(B) based on objectives identified in the operation plan with respect to the employee; and

(C) based in whole or in part on the contribution of the employee to the agency in which the employee performed such service, as communicated from that agency to the employing agency of the employee.

(c) PROGRAM REQUIREMENTS FOR ROTATIONAL SERVICE.—

(1) IN GENERAL.—An employee serving in a cyber workforce position in an agency may, with the approval of the head of the agency, submit an application for detail to a rotational cyber workforce position that appears on the list developed under section 4353(b).

(2) OPM APPROVAL FOR CERTAIN POSITIONS.—An employee serving in a position in the excepted service may only be selected for a rotational cyber workforce position that is in the competitive service with the prior approval of the Office of Personnel Management, in accordance with section 300.301 of title 5, Code of Federal Regulations, or any successor thereto.

(3) SELECTION AND TERM.—

(A) SELECTION.—The head of an agency shall select an employee for a rotational cyber workforce position under the rotational cyber workforce program in a manner that is consistent with the merit system principles under section 2301(b) of title 5, United States Code.

(B) TERM.—Except as provided in subparagraph (C), and notwithstanding section 3341(b) of title 5, United States Code, a detail to a rotational cyber workforce position shall be for a period of not less than 180 days and not more than 1 year.

(C) EXTENSION.—The Chief Human Capital Officer of the agency to which an employee is detailed under the rotational cyber workforce program may extend the period of a detail described in subparagraph (B) for a period of 60 days unless the Chief Human Capital Officer of the employing agency of the employee objects to that extension.

(4) WRITTEN SERVICE AGREEMENTS.—

(A) IN GENERAL.—The detail of an employee to a rotational cyber workforce position shall be contingent upon the employee entering into a written service agreement with the employing agency under which the employee is required to complete a period of employment with the employing agency following the conclusion of the detail that is equal in length to the period of the detail.

(B) OTHER AGREEMENTS AND OBLIGATIONS.—A written service agreement under subparagraph (A) shall not supersede or modify the terms or conditions of any other service agreement entered into by the employee under any other authority or relieve the obligations between the employee and the employing agency under such a service agreement. Nothing in this subparagraph prevents an employing agency from terminating a service agreement entered into under any other authority under the terms of such agreement or as required by law or regulation.

SEC. 4355. REPORTING BY GAO.

Not later than the end of the third fiscal year after the fiscal year in which the operation plan under section 4354(a) is issued, the Comptroller General of the United States shall submit to Congress a report assessing the operation and effectiveness of the rotational cyber workforce program, which shall address, at a minimum—

(1) the extent to which agencies have participated in the rotational cyber workforce program, including whether the head of each such participating agency has—

(A) identified positions within the agency that are rotational cyber workforce positions;

(B) had employees from other participating agencies serve in positions described in subparagraph (A); and

(C) had employees of the agency request to serve in rotational cyber workforce positions under the rotational cyber workforce program in participating agencies, including a description of how many such requests were approved; and

(2) the experiences of employees serving in rotational cyber workforce positions under the rotational cyber workforce program, including an assessment of—

(A) the period of service;

(B) the positions (including grade level and occupational series or work level) held by employees before completing service in a rotational cyber workforce position under the rotational cyber workforce program;

(C) the extent to which each employee who completed service in a rotational cyber workforce position under the rotational cyber workforce program achieved a higher skill level, or attained a skill level in a different area, with respect to information technology, cybersecurity, or other cyber-related functions; and

(D) the extent to which service in rotational cyber workforce positions has affected intra-agency and interagency integration and coordination of cyber practices, functions, and personnel management.

SEC. 4356. SUNSET.

Effective 5 years after the date of enactment of this Act, this subtitle is repealed.

TITLE IV—OTHER MATTERS

Subtitle A—Ensuring Security of Unmanned Aircraft Systems

SEC. 4401. SHORT TITLE.

This subtitle may be cited as the ''American Security Drone Act of 2021''.

SEC. 4402. DEFINITIONS.

In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term ''covered foreign entity'' means an entity included on a list developed and maintained by the Federal Acquisition Security Council. This list will include entities in the following categories:

(A) An entity included on the Consolidated Screening List.

(B) Any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security.

(C) Any entity the Secretary of Homeland Security, in coordination with the Director of National Intelligence and the Secretary of Defense, determines poses a national security risk.

(D) Any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security.

(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term ''covered unmanned aircraft system'' has the meaning given the term ''unmanned aircraft system'' in section 44801 of title 49, United States Code.

SEC. 4403. PROHIBITION ON PROCUREMENT OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Except as provided under subsections (b) though (f), the head of an executive agency may not procure any covered unmanned aircraft system that are manufactured or assembled by a covered foreign entity, which includes associated elements (consisting of communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system. The Federal Acquisition Security Council, in coordination with the Secretary of Transportation, shall develop and update a list of associated elements.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for—

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations; and

(2) is required in the national interest of the United States.

(c) FEDERAL AVIATION ADMINISTRATION CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS EXEMPTION.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis for the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board (NTSB), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of marine or atmospheric science or management.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

SEC. 4404. PROHIBITION ON OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) PROHIBITION.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(2) APPLICABILITY TO CONTRACTED SERVICES.—The prohibition under paragraph (1) applies to any covered unmanned aircraft systems that are being used by any executive agency through the method of contracting for the services of covered unmanned aircraft systems.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for—

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations; and

(2) is required in the national interest of the United States.

(c) FEDERAL AVIATION ADMINISTRATION CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS EXEMPTION.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis for the Federal Aviation Administration's Alliance for System Safety of UAE through Research Excellence (ASSURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board (NTSB), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of marine or atmospheric science or management.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

(g) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prescribe regulations or guidance to implement this section.

SEC. 4405. PROHIBITION ON USE OF FEDERAL FUNDS FOR PURCHASES AND OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used—

(1) to purchase a covered unmanned aircraft system, or a system to counter unmanned aircraft systems, that is manufactured or assembled by a covered foreign entity; or

(2) in connection with the operation of such a drone or unmanned aircraft system.

(b) EXEMPTION.—A Federal department or agency is exempt from the restriction under subsection (a) if—

(1) the contract, grant, or cooperative agreement was awarded prior to the date of the enactment of this Act; or

(2) the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis, as determined by the Secretary of Homeland Security, the Secretary of Defense, or the Attorney General, for—

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations; or

(F) the safe integration of UAS in the national airspace (as determined in consultation with the Secretary of Transportation); and

(3) is required in the national interest of the United States.

(c) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

(d) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations or guidance, as necessary, to implement the requirements of this section pertaining to Federal contracts.

SEC. 4406. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.

SEC. 4407. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Effective immediately, all executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items' capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory data related to covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level.

(c) EXCEPTIONS.—The Department of Defense and Department of Homeland Security may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues or that are one-time-use covered unmanned aircraft due to requirements and low cost.

SEC. 4408. COMPTROLLER GENERAL REPORT.

Not later than 275 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the amount of commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from covered foreign entities.

SEC. 4409. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Department of Homeland Security, Department of Transportation, the Department of Justice, and other Departments as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of UAS—

(1) for non-Department of Defense and non-intelligence community operations; and

(2) through grants and cooperative agreements entered into with non-Federal entities.

(b) INFORMATION SECURITY.—The policy developed under subsection (a) shall include the following specifications, which to the extent practicable, shall be based on industry standards and technical guidance from the National Institute of Standards and Technology, to address the risks associated with processing, storing and transmitting Federal information in a UAS:

(1) Protections to ensure controlled access of UAS.

(2) Protecting software, firmware, and hardware by ensuring changes to UAS are properly managed, including by ensuring UAS can be updated using a secure, controlled, and configurable mechanism.

(3) Cryptographically securing sensitive collected, stored, and transmitted data, including proper handling of privacy data and other controlled unclassified information.

(4) Appropriate safeguards necessary to protect sensitive information, including during and after use of UAS.

(5) Appropriate data security to ensure that data is not transmitted to or stored in non-approved locations.

(6) The ability to opt out of the uploading, downloading, or transmitting of data that is not required by law or regulation and an ability to choose with whom and where information is shared when it is required.

(c) REQUIREMENT.—The policy developed under subsection (a) shall reflect an appropriate risk-based approach to information security related to use of UAS.

(d) REVISION OF ACQUISITION REGULATIONS.—Not later than 180 days after the date on which the policy required under subsection (a) is issued—

(1) the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy; and

(2) any Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall revise applicable policy, guidance, or regulations, as necessary, to implement the policy.

(e) EXEMPTION.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall incorporate an exemption to the policy for the following reasons:

(1) In the case of procurement for the purposes of training, testing, or analysis for—

(A) electronic warfare; or

(B) information warfare operations.

(2) In the case of researching UAS technology, including testing, evaluation, research, or development of technology to counter UAS.

(3) In the case of a head of the procuring department or agency determining, in writing, that no product that complies with the information security requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination—

(A) may not be delegated below the level of the Deputy Secretary of the procuring department or agency;

(B) shall specify—

(i) the quantity of end items to which the waiver applies, the procurement value of which may not exceed $50,000 per waiver; and

(ii) the time period over which the waiver applies, which shall not exceed 3 years;

(C) shall be reported to the Office of Management and Budget following issuance of such a determination; and

(D) not later than 30 days after the date on which the determination is made, shall be provided to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

SEC. 4410. STUDY.

(a) INDEPENDENT STUDY.—Not later than 3 years after the date of the enactment of this Act, the Director of the Office of Management and Budget shall seek to enter into a contract with a federally funded research and development center under which the center will conduct a study of—

(1) the current and future unmanned aircraft system global and domestic market;

(2) the ability of the unmanned aircraft system domestic market to keep pace with technological advancements across the industry;

(3) the ability of domestically made unmanned aircraft systems to meet the network security and data protection requirements of the national security enterprise;

(4) the extent to which unmanned aircraft system component parts, such as the parts described in section 4403, are made domestically; and

(5) an assessment of the economic impact, including cost, of excluding the use of foreign-made UAS for use across the Federal Government.

(b) SUBMISSION TO OMB.—Upon completion of the study in subsection (a), the federally funded research and development center shall submit the study to the Director of the Office of Management and Budget.

(c) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Director of the Office of Management and Budget receives the study under subsection (b), the Director shall submit the study to—

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Homeland Security and the Committee on Oversight and Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 4411. SUNSET.

Sections 4403, 4404, and 4405 shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

Subtitle B—No TikTok on Government Devices

SEC. 4431. SHORT TITLE.

This subtitle may be cited as the ''No TikTok on Government Devices Act''.

SEC. 4432. PROHIBITION ON THE USE OF TIKTOK.

(a) DEFINITIONS.—In this section—

(1) the term ''covered application'' means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited;

(2) the term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code; and

(3) the term ''information technology'' has the meaning given that term in section 11101 of title 40, United States Code.

(b) PROHIBITION ON THE USE OF TIKTOK.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code, shall develop standards and guidelines for executive agencies requiring the removal of any covered application from information technology.

(2) NATIONAL SECURITY AND RESEARCH EXCEPTIONS.—The standards and guidelines developed under paragraph (1) shall include—

(A) exceptions for law enforcement activities, national security interests and activities, and security researchers; and

(B) for any authorized use of a covered application under an exception, requirements for executive agencies to develop and document risk mitigation actions for such use.

Subtitle C—National Risk Management

SEC. 4461. SHORT TITLE.

This subtitle may be cited as the ''National Risk Management Act of 2021''.

SEC. 4462. NATIONAL RISK MANAGEMENT CYCLE.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 2218. NATIONAL RISK MANAGEMENT CYCLE.

''(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, the term 'national critical functions' means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

''(b) NATIONAL RISK MANAGEMENT CYCLE.—

''(1) RISK IDENTIFICATION AND ASSESSMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Director, shall establish a recurring process by which to identify, assess, and prioritize risks to critical infrastructure, considering both cyber and physical threats, the associated likelihoods, vulnerabilities, and consequences, and the resources necessary to address them.

''(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, critical infrastructure owners and operators, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

''(C) PUBLICATION.—Not later than 180 days after the date of enactment of this section,

the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

''(D) REPORT.—The Secretary shall submit to the President, 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 risks identified by the process established under subparagraph (A)—

''(i) not later than 1 year after the date of enactment of this section; and

''(ii) not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 9002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

''(2) NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

''(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to 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, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

''(B) ELEMENTS.—Each strategy delivered under subparagraph (A) shall—

''(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical functions impacting national security, economic security, or public health and safety;

''(ii) assess the implementation of the previous national critical infrastructure resilience strategy, as applicable;

''(iii) identify and outline current and proposed national-level actions, programs, and efforts to be taken to address the risks identified;

''(iv) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each; and

''(v) request any additional authorities necessary to successfully execute the strategy.

''(C) FORM.—Each strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

''(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President delivers the first strategy required under paragraph (2)(A), and every year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall brief the appropriate congressional committees on—

''(A) the national risk management cycle activities undertaken pursuant to the strategy; and

''(B) the amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the full range of activities proposed by the strategy.''.

(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 item relating to section 2217 the following:

''Sec. 2218. National risk management cycle.''.

Subtitle D—Safeguarding American Innovation

SEC. 4491. SHORT TITLE.

This subtitle may be cited as the ''Safeguarding American Innovation Act''.

SEC. 4492. DEFINITIONS.

In this subtitle:

(1) FEDERAL SCIENCE AGENCY.—The term ''Federal science agency'' means any Federal department or agency to which more than $100,000,000 in basic and applied research and development funds were appropriated for the previous fiscal year.

(2) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The term ''research and development'' means all research activities, both basic and applied, and all development activities.

(B) DEVELOPMENT.—The term ''development'' means experimental development.

(C) EXPERIMENTAL DEVELOPMENT.—The term ''experimental development'' means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(D) RESEARCH.—The term ''research''—

(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

SEC. 4493. FEDERAL RESEARCH SECURITY COUNCIL.

(a) IN GENERAL.—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

''CHAPTER 79—FEDERAL RESEARCH SECURITY COUNCIL

''Sec.
''7901. Definitions.
''7902. Federal Research Security Council establishment and membership.
''7903. Functions and authorities.
''7904. Strategic plan.
''7905. Annual report.
''7906. Requirements for Executive agencies.

''§ 7901. Definitions

''In this chapter:

''(1) 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 Commerce, Science, and Transportation of the Senate;

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

''(D) the Committee on Foreign Relations of the Senate;

''(E) the Committee on Armed Services of the Senate;

''(F) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(G) the Committee on Oversight and Reform of the House of Representatives;

''(H) the Committee on Homeland Security of the House of Representatives;

''(I) the Committee on Energy and Commerce of the House of Representatives;

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

''(K) the Committee on Foreign Affairs of the House of Representatives;

''(L) the Committee on Armed Services of the House of Representatives; and

''(M) the Committee on Education and Labor of the House of Representatives.

''(2) COUNCIL.—The term 'Council' means the Federal Research Security Council established under section 7902(a).

''(3) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(4) FEDERAL RESEARCH SECURITY RISK.—The term 'Federal research security risk' means the risk posed by malign state actors and other persons to the security and integrity of research and development conducted using research and development funds awarded by Executive agencies.

''(5) INSIDER.—The term 'insider' means any person with authorized access to any United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.

''(6) INSIDER THREAT.—The term 'insider threat' means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security of the United States or negatively affect the integrity of a Federal agency's normal processes, including damaging the United States through espionage, sabotage, terrorism, unauthorized disclosure of national security information or nonpublic information, a destructive act (which may include physical harm to another in the workplace), or through the loss or degradation of departmental resources, capabilities, and functions.

''(7) RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'research and development' means all research activities, both basic and applied, and all development activities.

''(B) DEVELOPMENT.—The term 'development' means experimental development.

''(C) EXPERIMENTAL DEVELOPMENT.—The term 'experimental development' means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

''(i) is directed toward the production of new products or processes or improving existing products or processes; and

''(ii) like research, will result in gaining additional knowledge.

''(D) RESEARCH.—The term 'research'—

''(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

''(ii) includes activities involving the training of individuals in research techniques if such activities—

''(I) utilize the same facilities as other research and development activities; and

''(II) are not included in the instruction function.

''(8) UNITED STATES RESEARCH COMMUNITY.—The term 'United States research community' means—

''(A) research and development centers of Executive agencies;

''(B) private research and development centers in the United States, including for profit and nonprofit research institutes;

''(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

''(E) government-owned, contractor-operated United States Government research and development centers; and

''(F) any person conducting federally funded research or receiving Federal research grant funding.

''§ 7902. Federal Research Security Council establishment and membership

''(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which

shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The following agencies shall be represented on the Council:

''(A) The Office of Management and Budget.

''(B) The Office of Science and Technology Policy.

''(C) The Department of Defense.

''(D) The Department of Homeland Security.

''(E) The Office of the Director of National Intelligence.

''(F) The Department of Justice.

''(G) The Department of Energy.

''(H) The Department of Commerce.

''(I) The Department of Health and Human Services.

''(J) The Department of State.

''(K) The Department of Transportation.

''(L) The National Aeronautics and Space Administration.

''(M) The National Science Foundation.

''(N) The Department of Education.

''(O) The Small Business Administration.

''(P) The Council of Inspectors General on Integrity and Efficiency.

''(Q) Other Executive agencies, as determined by the Chairperson of the Council.

''(2) LEAD REPRESENTATIVES.—

''(A) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

''(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

''(c) CHAIRPERSON.—

''(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Management and Budget shall designate a senior level official from the Office of Management and Budget to serve as the Chairperson of the Council.

''(2) FUNCTIONS.—The Chairperson shall perform functions that include—

''(A) subject to subsection (d), developing a schedule for meetings of the Council;

''(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

''(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

''(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

''(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead science advisor to the Council for purposes of this chapter.

''(4) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall designate a senior level official from the National Counterintelligence and Security Center to be the lead security advisor to the Council for purposes of this chapter.

''(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

"§ 7903. Functions and authorities

''(a) DEFINITIONS.—In this section:

''(1) IMPLEMENTING.—The term 'implementing' means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place and enforce the measures described in this section.

''(2) UNIFORM APPLICATION PROCESS.—The term 'uniform application process' means a process employed by Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

''(b) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

''(1) Developing and implementing, across all Executive agencies that award research and development grants, awards, and contracts, a uniform application process for grants in accordance with subsection (c).

''(2) Developing and implementing policies and providing guidance to prevent malign foreign interference from unduly influencing the peer review process for federally funded research and development.

''(3) Identifying or developing criteria for sharing among Executive agencies and with law enforcement and other agencies, as appropriate, information regarding individuals who violate disclosure policies and other policies related to research security.

''(4) Identifying an appropriate Executive agency—

''(A) to accept and protect information submitted by Executive agencies and non-Federal entities based on the process established pursuant to paragraph (1); and

''(B) to facilitate the sharing of information received under subparagraph (A) to support, consistent with Federal law—

''(i) the oversight of federally funded research and development;

''(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

''(iii) counterintelligence investigations.

''(5) Identifying, as appropriate, Executive agencies to provide—

''(A) shared services, such as support for conducting Federal research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

''(B) common contract solutions to support the verification of the identities of persons participating in federally funded research and development.

''(6) Identifying and issuing guidance, in accordance with subsection (e) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for expanding the scope of Executive agency insider threat programs, including the safeguarding of research and development from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each such agency.

''(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (c)(1). Such programs shall include an assessment of—

''(A) a grantee's support from foreign sources and affiliations, appointments, or participation in talent programs with foreign funding institutions or laboratories; and

''(B) the impact of such support and affiliations, appointments, or participation in talent programs on United States national security and economic interests.

''(8) Providing guidance to Executive agencies regarding appropriate application of consequences for violations of disclosure requirements.

''(9) Developing and implementing a cross-agency policy and providing guidance related to the use of digital persistent identifiers for individual researchers supported by, or working on, any Federal research grant with the goal to enhance transparency and security, while reducing administrative burden for researchers and research institutions.

''(10) Engaging with the United States research community in conjunction with the National Science and Technology Council and the National Academies Science, Technology and Security Roundtable created under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 42 U.S.C. 6601 note) in performing the functions described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal research security risks.

''(11) Carrying out such other functions, consistent with Federal law, that are necessary to reduce Federal research security risks.

''(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (b)(1), the Council shall—

''(1) ensure that the process—

''(A) requires principal investigators, co-principal investigators, and key personnel associated with the proposed Federal research or development grant project—

''(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments, or foreign laboratories, and all support received from foreign sources; and

''(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

''(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants;

''(2) design the process—

''(A) to reduce the administrative burden on persons applying for Federal research and development funding; and

''(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

''(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

''(d) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information with respect to Federal research security risks under subsection (b)(3), the Council shall ensure that such criteria address, at a minimum—

''(1) the information to be shared;

''(2) the circumstances under which sharing is mandated or voluntary;

''(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

''(4) the procedures for protecting intellectual capital that may be present in such information; and

''(5) appropriate privacy protections for persons involved in Federal research and development.

''(e) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (b)(6), the Council shall ensure that such guidance provides for, at a minimum—

''(1) such programs—

''(A) to deter, detect, and mitigate insider threats; and

''(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

''(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats, including through—

''(A) monitoring user activity on computer networks controlled by Executive agencies;

''(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

''(C) gathering information for a centralized analysis, reporting, and response capability; and

''(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

''(3) the development and implementation of policies and procedures under which the insider threat program of an Executive agency accesses, shares, and integrates information and data derived from offices within the agency and shares insider threat information with the executive agency research sponsors;

''(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

''(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

''(f) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

''(1) IN GENERAL.—The Council, in conjunction with the lead security advisor designated under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

''(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

''(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

''(i) to exploit, interfere, or undermine research and development by the United States research community; or

''(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

''(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

''(i) the science and technology of that foreign country; or

''(ii) federally funded research and development; and

''(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

''(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy that detail—

''(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments;

''(2) Federal agencies' performance and compliance with interagency suspensions and debarments;

''(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

''(4) proposals for developing a unified Federal policy on suspensions and debarments; and

''(5) other current suspension and debarment related issues.

''(h) SAVINGS PROVISION.—Nothing in this section may be construed—

''(1) to alter or diminish the authority of any Federal agency; or

''(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

''§ 7904. Annual report

''Not later than November 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees that describes the activities of the Council during the preceding fiscal year.

''§ 7905. Requirements for Executive agencies

''(a) IN GENERAL.—The head of each Executive agency on the Council shall be responsible for—

''(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

''(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b);

''(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States; and

''(4) ensuring that initiatives impacting Federally funded research grant making policy and management to protect the national and economic security interests of the United States are integrated with the activities of the Council.

''(b) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

''(1) developing an overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

''(2) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

''(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

''(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 31, United States Code, is amended by inserting after the item relating to chapter 77 the following:

''79. Federal Research Security Council ..... 7901.''.

SEC. 4494. FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Federal grant application fraud

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 551 of title 5, United States Code.

''(2) FEDERAL GRANT.—The term 'Federal grant'—

''(A) means a grant awarded by a Federal agency;

''(B) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

''(C) does not include—

''(i) direct United States Government cash assistance to an individual;

''(ii) a subsidy;

''(iii) a loan;

''(iv) a loan guarantee; or

''(v) insurance.

''(3) FEDERAL GRANT APPLICATION.—The term 'Federal grant application' means an application for a Federal grant.

''(4) FOREIGN COMPENSATION.—The term 'foreign compensation' means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

''(A) a foreign government;

''(B) a foreign government institution; or

''(C) a foreign public enterprise.

''(5) FOREIGN GOVERNMENT.—The term 'foreign government' includes a person acting or purporting to act on behalf of—

''(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

''(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

''(6) FOREIGN GOVERNMENT INSTITUTION.—The term 'foreign government institution' means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

''(7) FOREIGN PUBLIC ENTERPRISE.—The term 'foreign public enterprise' means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

''(8) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency'—

''(A) means a Federal, State, local, or Tribal law enforcement agency; and

''(B) includes—

''(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

''(ii) the Office of Inspector General, or similar office, of a State or unit of local government.

''(9) OUTSIDE COMPENSATION.—The term 'outside compensation' means any compensation, resource, or support (regardless of monetary value) made available to the applicant in support of, or related to, any research endeavor, including a title, research grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including materials, travel compensation, or work incentives.

''(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

''(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual;

''(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

''(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

''(A) contains a false statement;

''(B) contains a material misrepresentation;

''(C) has no basis in law or fact; or

''(D) fails to disclose a material fact.

''(c) EXCEPTION.—Subsection (b) does not apply to an activity—

''(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

''(A) a law enforcement agency; or

''(B) a Federal intelligence agency; or

''(2) authorized under chapter 224.

''(d) PENALTY.—Any individual who violates subsection (b)—

''(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both; and

''(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. Federal grant application fraud.''.

SEC. 4495. RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

(a) GROUNDS OF INADMISSIBILITY.—The Secretary of State may determine that an alien is inadmissible if the Secretary determines such alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government's security or strategic capabilities.

(b) RELEVANT FACTORS.—To determine if an alien is inadmissible under subsection (a), the Secretary of State shall—

(1) take account of information and analyses relevant to implementing subsection (a) from the Office of the Director of National Intelligence, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Commerce, and other appropriate Federal agencies;

(2) take account of the continual expert assessments of evolving sensitive or emerging technologies that foreign adversaries are targeting;

(3) take account of relevant information concerning the foreign person's employment or collaboration, to the extent known, with—

(A) foreign military and security related organizations that are adversarial to the United States;

(B) foreign institutions involved in the theft of United States research;

(C) entities involved in export control violations or the theft of intellectual property;

(D) a government that seeks to undermine the integrity and security of the United States research community; or

(E) other associations or collaborations that pose a national security threat based on intelligence assessments; and

(4) weigh the proportionality of risks and the factors listed in paragraphs (1) through (3).

(c) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and semi-annually thereafter until the sunset date set forth in subsection (e), the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that identifies—

(1) any criteria, if relevant used to describe the aliens to which the grounds of inadmissibility described in subsection (a) may apply;

(2) the number of individuals determined to be inadmissible under subsection (a), including the nationality of each such individual and the reasons for each determination of inadmissibility; and

(3) the number of days from the date of the consular interview until a final decision is issued for each application for a visa considered under this section, listed by applicants' country of citizenship and relevant consulate.

(d) CLASSIFICATION OF REPORT.—Each report required under subsection (c) shall be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a classified annex.

(e) SUNSET.—This section shall cease to be effective on the date that is 2 years after the date of the enactment of this Act.

SEC. 4496. MACHINE READABLE VISA DOCUMENTS.

(a) MACHINE-READABLE DOCUMENTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall—

(1) use a machine-readable visa application form; and

(2) make available documents submitted in support of a visa application in a machine readable format to assist in—

(A) identifying fraud;

(B) conducting lawful law enforcement activities; and

(C) determining the eligibility of applicants for a visa under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) WAIVER.—The Secretary of State may waive the requirement under subsection (a) by providing to Congress, not later than 30 days before such waiver takes effect—

(1) a detailed explanation for why the waiver is being issued; and

(2) a timeframe for the implementation of the requirement under subsection (a).

(c) REPORT.—Not later than 45 days after date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Relations 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 Energy and Commerce of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

(1) describes how supplementary documents provided by a visa applicant in support of a visa application are stored and shared by the Department of State with authorized Federal agencies;

(2) identifies the sections of a visa application that are machine-readable and the sections that are not machine-readable;

(3) provides cost estimates, including personnel costs and a cost-benefit analysis for adopting different technologies, including optical character recognition, for—

(A) making every element of a visa application, and documents submitted in support of a visa application, machine-readable; and

(B) ensuring that such system—

(i) protects personally-identifiable information; and

(ii) permits the sharing of visa information with Federal agencies in accordance with existing law; and

(4) includes an estimated timeline for completing the implementation of subsection (a).

SEC. 4497. CERTIFICATIONS REGARDING ACCESS TO EXPORT CONTROLLED TECHNOLOGY IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

Section 102(b)(5) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)) is amended to read as follows:

''(5) promoting and supporting medical, scientific, cultural, and educational research and development by developing exchange programs for foreign researchers and scientists, while protecting technologies regulated by export control laws important to the national security and economic interests of the United States, by requiring—

''(A) the sponsor to certify to the Department of State that the sponsor, after reviewing all regulations related to the Export Controls Act of 2018 (50 U.S.C. 4811 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.), has determined that—

''(i) a license is not required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; or

''(ii)(I) a license is required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; and

''(II) the sponsor will prevent access to the controlled technology or technical data by the exchange visitor until the sponsor—

''(aa) has received the required license or other authorization to release it to the visitor; and

''(bb) has provided a copy of such license or authorization to the Department of State; and

''(B) if the sponsor maintains export controlled technology or technical data, the sponsor to submit to the Department of State the sponsor's plan to prevent unauthorized export or transfer of any controlled items, materials, information, or technology at the sponsor organization or entities associated with a sponsor's administration of the exchange visitor program.''.

SEC. 4498. PRIVACY AND CONFIDENTIALITY.

Nothing in this subtitle may be construed as affecting the rights and requirements provided in section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') or subchapter III of chapter 35 of title 44, United States Code (commonly known as the ''Confidential Information Protection and Statistical Efficiency Act of 2018'').

SA 4293. 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 end of title X, add the following:

Subtitle H—Safeguarding American Innovation

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the ''Safeguarding American Innovation Act''.

SEC. 1072. DEFINITIONS.

In this subtitle:

(1) FEDERAL SCIENCE AGENCY.—The term ''Federal science agency'' means any Federal department or agency to which more than $100,000,000 in basic and applied research and development funds were appropriated for the previous fiscal year.

(2) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The term ''research and development'' means all research activities, both basic and applied, and all development activities.

(B) DEVELOPMENT.—The term ''development'' means experimental development.

(C) EXPERIMENTAL DEVELOPMENT.—The term ''experimental development'' means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(D) RESEARCH.—The term ''research''—

(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

SEC. 1073. FEDERAL RESEARCH SECURITY COUNCIL.

(a) IN GENERAL.—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

''CHAPTER 79—FEDERAL RESEARCH SECURITY COUNCIL

''Sec.
''7901. Definitions.
''7902. Federal Research Security Council establishment and membership.
''7903. Functions and authorities.
''7904. Strategic plan.
''7905. Annual report.
''7906. Requirements for Executive agencies.

''§ 7901. Definitions

''In this chapter:

''(1) 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 Commerce, Science, and Transportation of the Senate;

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

''(D) the Committee on Foreign Relations of the Senate;

''(E) the Committee on Armed Services of the Senate;

''(F) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(G) the Committee on Oversight and Reform of the House of Representatives;

''(H) the Committee on Homeland Security of the House of Representatives;

''(I) the Committee on Energy and Commerce of the House of Representatives;

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

''(K) the Committee on Foreign Affairs of the House of Representatives;

''(L) the Committee on Armed Services of the House of Representatives; and

''(M) the Committee on Education and Labor of the House of Representatives.

''(2) COUNCIL.—The term 'Council' means the Federal Research Security Council established under section 7902(a).

''(3) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(4) FEDERAL RESEARCH SECURITY RISK.—The term 'Federal research security risk' means the risk posed by malign state actors and other persons to the security and integrity of research and development conducted using research and development funds awarded by Executive agencies.

''(5) INSIDER.—The term 'insider' means any person with authorized access to any United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.

''(6) INSIDER THREAT.—The term 'insider threat' means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security of the United States or negatively affect the integrity of a Federal agency's normal processes, including damaging the United States through espionage, sabotage, terrorism, unauthorized disclosure of national security information or nonpublic information, a destructive act (which may include physical harm to another in the workplace), or through the loss or degradation of departmental resources, capabilities, and functions.

''(7) RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'research and development' means all research activities, both basic and applied, and all development activities.

''(B) DEVELOPMENT.—The term 'development' means experimental development.

''(C) EXPERIMENTAL DEVELOPMENT.—The term 'experimental development' means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

''(i) is directed toward the production of new products or processes or improving existing products or processes; and

''(ii) like research, will result in gaining additional knowledge.

''(D) RESEARCH.—The term 'research'—

''(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

''(ii) includes activities involving the training of individuals in research techniques if such activities—

''(I) utilize the same facilities as other research and development activities; and

''(II) are not included in the instruction function.

''(8) UNITED STATES RESEARCH COMMUNITY.—The term 'United States research community' means—

''(A) research and development centers of Executive agencies;

''(B) private research and development centers in the United States, including for profit and nonprofit research institutes;

''(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

''(E) government-owned, contractor-operated United States Government research and development centers; and

''(F) any person conducting federally funded research or receiving Federal research grant funding.

''§ 7902. Federal Research Security Council establishment and membership

''(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The following agencies shall be represented on the Council:

''(A) The Office of Management and Budget.

''(B) The Office of Science and Technology Policy.

''(C) The Department of Defense.

''(D) The Department of Homeland Security.

''(E) The Office of the Director of National Intelligence.

''(F) The Department of Justice.

''(G) The Department of Energy.

''(H) The Department of Commerce.

''(I) The Department of Health and Human Services.

''(J) The Department of State.

''(K) The Department of Transportation.

''(L) The National Aeronautics and Space Administration.

''(M) The National Science Foundation.

''(N) The Department of Education.

''(O) The Small Business Administration.

''(P) The Council of Inspectors General on Integrity and Efficiency.

''(Q) Other Executive agencies, as determined by the Chairperson of the Council.

''(2) LEAD REPRESENTATIVES.—

''(A) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

''(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

''(c) CHAIRPERSON.—

''(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Management and Budget shall designate a senior level official from the Office of Management and Budget to serve as the Chairperson of the Council.

''(2) FUNCTIONS.—The Chairperson shall perform functions that include—

''(A) subject to subsection (d), developing a schedule for meetings of the Council;

''(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

''(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

''(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

''(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead science advisor to the Council for purposes of this chapter.

''(4) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall designate a senior level official from the National Counterintelligence and Security Center to be the lead security advisor to the Council for purposes of this chapter.

''(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the

enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

"§ 7903. Functions and authorities

''(a) DEFINITIONS.—In this section:

''(1) IMPLEMENTING.—The term 'implementing' means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place and enforce the measures described in this section.

''(2) UNIFORM APPLICATION PROCESS.—The term 'uniform application process' means a process employed by Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

''(b) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

''(1) Developing and implementing, across all Executive agencies that award research and development grants, awards, and contracts, a uniform application process for grants in accordance with subsection (c).

''(2) Developing and implementing policies and providing guidance to prevent malign foreign interference from unduly influencing the peer review process for federally funded research and development.

''(3) Identifying or developing criteria for sharing among Executive agencies and with law enforcement and other agencies, as appropriate, information regarding individuals who violate disclosure policies and other policies related to research security.

''(4) Identifying an appropriate Executive agency—

''(A) to accept and protect information submitted by Executive agencies and non-Federal entities based on the process established pursuant to paragraph (1); and

''(B) to facilitate the sharing of information received under subparagraph (A) to support, consistent with Federal law—

''(i) the oversight of federally funded research and development;

''(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

''(iii) counterintelligence investigations.

''(5) Identifying, as appropriate, Executive agencies to provide—

''(A) shared services, such as support for conducting Federal research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

''(B) common contract solutions to support the verification of the identities of persons participating in federally funded research and development.

''(6) Identifying and issuing guidance, in accordance with subsection (e) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for expanding the scope of Executive agency insider threat programs, including the safeguarding of research and development from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each such agency.

''(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (c)(1). Such programs shall include an assessment of—

''(A) a grantee's support from foreign sources and affiliations, appointments, or participation in talent programs with foreign funding institutions or laboratories; and

''(B) the impact of such support and affiliations, appointments, or participation in talent programs on United States national security and economic interests.

''(8) Providing guidance to Executive agencies regarding appropriate application of consequences for violations of disclosure requirements.

''(9) Developing and implementing a cross-agency policy and providing guidance related to the use of digital persistent identifiers for individual researchers supported by, or working on, any Federal research grant with the goal to enhance transparency and security, while reducing administrative burden for researchers and research institutions.

''(10) Engaging with the United States research community in conjunction with the National Science and Technology Council and the National Academies Science, Technology and Security Roundtable created under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 42 U.S.C. 6601 note) in performing the functions described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal research security risks.

''(11) Carrying out such other functions, consistent with Federal law, that are necessary to reduce Federal research security risks.

''(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (b)(1), the Council shall—

''(1) ensure that the process—

''(A) requires principal investigators, co-principal investigators, and key personnel associated with the proposed Federal research or development grant project—

''(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments, or foreign laboratories, and all support received from foreign sources; and

''(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

''(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants;

''(2) design the process—

''(A) to reduce the administrative burden on persons applying for Federal research and development funding; and

''(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

''(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

''(d) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information with respect to Federal research security risks under subsection (b)(3), the Council shall ensure that such criteria address, at a minimum—

''(1) the information to be shared;

''(2) the circumstances under which sharing is mandated or voluntary;

''(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

''(4) the procedures for protecting intellectual capital that may be present in such information; and

''(5) appropriate privacy protections for persons involved in Federal research and development.

''(e) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (b)(6), the Council shall ensure that such guidance provides for, at a minimum—

''(1) such programs—

''(A) to deter, detect, and mitigate insider threats; and

''(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

''(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats, including through—

''(A) monitoring user activity on computer networks controlled by Executive agencies;

''(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

''(C) gathering information for a centralized analysis, reporting, and response capability; and

''(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

''(3) the development and implementation of policies and procedures under which the insider threat program of an Executive agency accesses, shares, and integrates information and data derived from offices within the agency and shares insider threat information with the executive agency research sponsors;

''(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

''(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

''(f) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

''(1) IN GENERAL.—The Council, in conjunction with the lead security advisor designated under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

''(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

''(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

''(i) to exploit, interfere, or undermine research and development by the United States research community; or

''(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

''(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

''(i) the science and technology of that foreign country; or

''(ii) federally funded research and development; and

''(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

''(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy that detail—

''(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments;

''(2) Federal agencies' performance and compliance with interagency suspensions and debarments;

''(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

''(4) proposals for developing a unified Federal policy on suspensions and debarments; and

''(5) other current suspension and debarment related issues.

''(h) SAVINGS PROVISION.—Nothing in this section may be construed—

''(1) to alter or diminish the authority of any Federal agency; or

''(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

''§ 7904. Annual report

''Not later than November 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees that describes the activities of the Council during the preceding fiscal year.

''§ 7905. Requirements for Executive agencies

''(a) IN GENERAL.—The head of each Executive agency on the Council shall be responsible for—

''(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

''(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b);

''(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States; and

''(4) ensuring that initiatives impacting Federally funded research grant making policy and management to protect the national and economic security interests of the United States are integrated with the activities of the Council.

''(b) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

''(1) developing an overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

''(2) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

''(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

''(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 31, United States Code, is amended by inserting after the item relating to chapter 77 the following:

''79. Federal Research Security Council ..... 7901.''.

SEC. 1074. FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Federal grant application fraud

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 551 of title 5, United States Code.

''(2) FEDERAL GRANT.—The term 'Federal grant'—

''(A) means a grant awarded by a Federal agency;

''(B) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

''(C) does not include—

''(i) direct United States Government cash assistance to an individual;

''(ii) a subsidy;

''(iii) a loan;

''(iv) a loan guarantee; or

''(v) insurance.

''(3) FEDERAL GRANT APPLICATION.—The term 'Federal grant application' means an application for a Federal grant.

''(4) FOREIGN COMPENSATION.—The term 'foreign compensation' means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

''(A) a foreign government;

''(B) a foreign government institution; or

''(C) a foreign public enterprise.

''(5) FOREIGN GOVERNMENT.—The term 'foreign government' includes a person acting or purporting to act on behalf of—

''(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

''(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

''(6) FOREIGN GOVERNMENT INSTITUTION.—The term 'foreign government institution' means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

''(7) FOREIGN PUBLIC ENTERPRISE.—The term 'foreign public enterprise' means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

''(8) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency'—

''(A) means a Federal, State, local, or Tribal law enforcement agency; and

''(B) includes—

''(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

''(ii) the Office of Inspector General, or similar office, of a State or unit of local government.

''(9) OUTSIDE COMPENSATION.—The term 'outside compensation' means any compensation, resource, or support (regardless of monetary value) made available to the applicant in support of, or related to, any research endeavor, including a title, research grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including materials, travel compensation, or work incentives.

''(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

''(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual;

''(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

''(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

''(A) contains a false statement;

''(B) contains a material misrepresentation;

''(C) has no basis in law or fact; or

''(D) fails to disclose a material fact.

''(c) EXCEPTION.—Subsection (b) does not apply to an activity—

''(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

''(A) a law enforcement agency; or

''(B) a Federal intelligence agency; or

''(2) authorized under chapter 224.

''(d) PENALTY.—Any individual who violates subsection (b)—

''(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both; and

''(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. Federal grant application fraud.''.

SEC. 1075. RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

(a) GROUNDS OF INADMISSIBILITY.—The Secretary of State may determine that an alien is inadmissible if the Secretary determines such alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government's security or strategic capabilities.

(b) RELEVANT FACTORS.—To determine if an alien is inadmissible under subsection (a), the Secretary of State shall—

(1) take account of information and analyses relevant to implementing subsection (a) from the Office of the Director of National Intelligence, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Commerce, and other appropriate Federal agencies;

(2) take account of the continual expert assessments of evolving sensitive or emerging technologies that foreign adversaries are targeting;

(3) take account of relevant information concerning the foreign person's employment or collaboration, to the extent known, with—

(A) foreign military and security related organizations that are adversarial to the United States;

(B) foreign institutions involved in the theft of United States research;

(C) entities involved in export control violations or the theft of intellectual property;

(D) a government that seeks to undermine the integrity and security of the United States research community; or

(E) other associations or collaborations that pose a national security threat based on intelligence assessments; and

(4) weigh the proportionality of risks and the factors listed in paragraphs (1) through (3).

(c) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and semi-annually thereafter until the sunset date set forth in subsection

(e), the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that identifies—

(1) any criteria, if relevant used to describe the aliens to which the grounds of inadmissibility described in subsection (a) may apply;

(2) the number of individuals determined to be inadmissible under subsection (a), including the nationality of each such individual and the reasons for each determination of inadmissibility; and

(3) the number of days from the date of the consular interview until a final decision is issued for each application for a visa considered under this section, listed by applicants' country of citizenship and relevant consulate.

(d) CLASSIFICATION OF REPORT.—Each report required under subsection (c) shall be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a classified annex.

(e) SUNSET.—This section shall cease to be effective on the date that is 2 years after the date of the enactment of this Act.

SEC. 1076. MACHINE READABLE VISA DOCUMENTS.

(a) MACHINE-READABLE DOCUMENTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall—

(1) use a machine-readable visa application form; and

(2) make available documents submitted in support of a visa application in a machine readable format to assist in—

(A) identifying fraud;

(B) conducting lawful law enforcement activities; and

(C) determining the eligibility of applicants for a visa under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) WAIVER.—The Secretary of State may waive the requirement under subsection (a) by providing to Congress, not later than 30 days before such waiver takes effect—

(1) a detailed explanation for why the waiver is being issued; and

(2) a timeframe for the implementation of the requirement under subsection (a).

(c) REPORT.—Not later than 45 days after date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Relations 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 Energy and Commerce of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

(1) describes how supplementary documents provided by a visa applicant in support of a visa application are stored and shared by the Department of State with authorized Federal agencies;

(2) identifies the sections of a visa application that are machine-readable and the sections that are not machine-readable;

(3) provides cost estimates, including personnel costs and a cost-benefit analysis for adopting different technologies, including optical character recognition, for—

(A) making every element of a visa application, and documents submitted in support of a visa application, machine-readable; and

(B) ensuring that such system—

(i) protects personally-identifiable information; and

(ii) permits the sharing of visa information with Federal agencies in accordance with existing law; and

(4) includes an estimated timeline for completing the implementation of subsection (a).

SEC. 1077. CERTIFICATIONS REGARDING ACCESS TO EXPORT CONTROLLED TECHNOLOGY IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

Section 102(b)(5) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)) is amended to read as follows:

''(5) promoting and supporting medical, scientific, cultural, and educational research and development by developing exchange programs for foreign researchers and scientists, while protecting technologies regulated by export control laws important to the national security and economic interests of the United States, by requiring—

''(A) the sponsor to certify to the Department of State that the sponsor, after reviewing all regulations related to the Export Controls Act of 2018 (50 U.S.C. 4811 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.), has determined that—

''(i) a license is not required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; or

''(ii)(I) a license is required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; and

''(II) the sponsor will prevent access to the controlled technology or technical data by the exchange visitor until the sponsor—

''(aa) has received the required license or other authorization to release it to the visitor; and

''(bb) has provided a copy of such license or authorization to the Department of State; and

''(B) if the sponsor maintains export controlled technology or technical data, the sponsor to submit to the Department of State the sponsor's plan to prevent unauthorized export or transfer of any controlled items, materials, information, or technology at the sponsor organization or entities associated with a sponsor's administration of the exchange visitor program.''.

SEC. 1078. PRIVACY AND CONFIDENTIALITY.

Nothing in this subtitle may be construed as affecting the rights and requirements provided in section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') or subchapter III of chapter 35 of title 44, United States Code (commonly known as the ''Confidential Information Protection and Statistical Efficiency Act of 2018'').

SA 4294. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. REPORT ON DISEASE PREVENTION FOR MILITARY WORKING DOGS.

Not later than 180 days after the date of the enactment of this Act, the head of the Army Veterinary Services shall submit to Congress a report containing the findings of an updated study on the potential introduction of foreign animal diseases and current prevention protocol and strategies to protect the health of military working dogs.

SA 4295. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. STUDY ON CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL PROTECTION FOR MILITARY WORKING DOGS.

(a) STUDY.—The head of the Army Veterinary Services shall conduct a study on the impacts of chemical, biological, and radiological exposure on military working dogs and current prevention protocol, protective equipment, and strategies of the Department of Defense to protect the health of military working dogs.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the head of the Army Veterinary Services shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the study conducted under subsection (a).

SA 4296. Mr. BLUMENTHAL (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS WHO ENGAGE IN PUBLIC CORRUPTION ACTIVITIES.

(a) FINDINGS.—Congress finds the following:

(1) When public officials and their allies use the mechanisms of government to engage in extortion or bribery, they impoverish the economic health of their country and harm citizens.

(2) By empowering the United States Government to hold to account foreign public officials and their associates who engage in extortion or bribery, the United States can

deter malfeasance and ultimately serve the citizens of fragile countries suffocated by corrupt bureaucracies.

(3) The 2016 report by the Special Inspector General for Afghan Reconstruction entitled, ''Corruption in Conflict: Lessons from the U.S. Experience in Afghanistan'' included the recommendation, ''Congress should consider enacting legislation that authorizes sanctions against foreign government officials or their associates who engage in corruption.''.

(b) AUTHORIZATION OF IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may impose the sanctions described in paragraph (2) with respect to any foreign person who is an individual that the President determines—

(A) engages in public corruption activities against a United States person, including—

(i) soliciting or accepting bribes;

(ii) using the authority of the state to extort payments; or

(iii) engaging in extortion; or

(B) conspires to engage in, or knowingly and materially assists, sponsors, or provides significant financial, material, or technological support for, any of the activities described in subparagraph (A).

(2) SANCTIONS DESCRIBED.—

(A) INADMISSIBILITY TO UNITED STATES.—A foreign person who is subject to sanctions under this section shall be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of a foreign person who is subject to sanctions under this section shall be revoked regardless of when such visa or other entry documentation is issued.

(ii) EFFECT OF REVOCATION.—A revocation under clause (i) shall—

(I) take effect immediately; and

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

(3) EXCEPTION TO COMPLY WITH LAW ENFORCEMENT OBJECTIVES AND AGREEMENT REGARDING HEADQUARTERS OF UNITED NATIONS.—Sanctions described under paragraph (2) shall not apply to a foreign person if admitting the person into the United States—

(A) would further important law enforcement objectives; or

(B) is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States.

(4) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this subsection with respect to a foreign person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

(A) the person is no longer engaged in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity;

(B) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions under this subsection in the future; or

(C) the termination of the sanctions is in the national security interests of the United States.

(5) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this subsection.

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

(A) the Committee on the Judiciary, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on the Judiciary, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives.

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to the appropriate congressional committees, in accordance with paragraph (2), a report that includes—

(A) a list of each foreign person with respect to whom the President imposed sanctions pursuant to subsection (b)(1) during the year preceding the submission of the report;

(B) the number of foreign persons with respect to whom the President imposed sanctions under subsection (b)(1) during that year;

(C) the number of foreign persons with respect to whom the President terminated sanctions under subsection (b)(4) during that year;

(D) the dates on which such sanctions were imposed or terminated, as the case may be;

(E) the reasons for imposing or terminating such sanctions;

(F) the total number of foreign persons with respect to whom such sanctions may have been imposed but were not imposed pursuant to subsection (b)(3); and

(G) recommendations as to whether the imposition of additional sanctions would be an added deterrent in preventing public corruption.

(2) DATES FOR SUBMISSION.—

(A) INITIAL REPORT.—The President shall submit the initial report under paragraph (1) not later than 120 days after the date of the enactment of this Act.

(B) SUBSEQUENT REPORTS.—The President shall submit a subsequent report under paragraph (1) on December 10, or the first day thereafter on which both Houses of Congress are in session, of—

(i) the calendar year in which the initial report is submitted if the initial report is submitted before December 10 of that calendar year; and

(ii) each calendar year thereafter.

(3) FORM OF REPORT.—

(A) IN GENERAL.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(B) EXCEPTION.—The name of a foreign person to be included in the list required by paragraph (1)(A) may be submitted in the classified annex authorized by subparagraph (A) only if the President—

(i) determines that it is vital for the national security interests of the United States to do so; and

(ii) uses the annex in a manner consistent with congressional intent and the purposes of this section.

(4) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—The unclassified portion of the report required by paragraph (1) shall be made available to the public, including through publication in the Federal Register.

(B) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by paragraph (1)(A) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

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

(A) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

(d) SUNSET.—

(1) IN GENERAL.—The authority to impose sanctions under subsection (b) and the requirement to submit reports under subsection (c) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(2) CONTINUATION IN EFFECT OF SANCTIONS.—Sanctions imposed under subsection (b) on or before the date specified in paragraph (1), and in effect as of such date, shall remain in effect until terminated in accordance with the requirements of subsection (b)(4).

(e) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(2) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(3) UNITED STATES PERSON.—The term ''United States person'' means a person that is a United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

(4) PERSON.—The term ''person'' means an individual or entity.

(5) PUBLIC CORRUPTION.—The term ''public corruption'' means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

SEC. 1284. JUSTICE FOR VICTIMS OF KLEPTOCRACY.

(a) FORFEITED PROPERTY.—

(1) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by adding at the end the following:

''§ 988. Accounting of certain forfeited property

''(a) ACCOUNTING.—The Attorney General shall make available to the public an accounting of any property relating to foreign government corruption that is forfeited to the United States under section 981 or 982.

''(b) FORMAT.—The accounting described under subsection (a) shall be published on the website of the Department of Justice in a format that includes the following:

''(1) A heading as follows: 'Assets stolen from the people of _____ and recovered by the United States', the blank space being filled with the name of the foreign government that is the target of corruption.

''(2) The total amount recovered by the United States on behalf of the foreign people that is the target of corruption at the time when such recovered funds are deposited into the Department of Justice Asset Forfeiture Fund or the Department of the Treasury Forfeiture Fund.

''(c) UPDATED WEBSITE.—The Attorney General shall update the website of the Department of Justice to include an accounting of any new property relating to foreign government corruption that has been forfeited to the United States under section 981 or 982

not later than 14 days after such forfeiture, unless such update would compromise an ongoing law enforcement investigation.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 46 of title 18, United States Code, is amended by adding at the end the following:

''988. Accounting of certain forfeited property.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that recovered assets be returned for the benefit of the people harmed by the corruption under conditions that reasonably ensure the transparent and effective use, administration, and monitoring of returned proceeds.

SA 4297. Mr. BLUMENTHAL (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS JOINT REPORT ON CONSTRUCTION OF NEW NATIONAL CEMETERY AND ELIGIBILITY STANDARDS FOR ARLINGTON NATIONAL CEMETERY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report that includes—

(1) a proposal for the construction of a new national cemetery to be—

(A) capable of providing full military honors; and

(B) administered by the Department of Veterans Affairs; and

(2) the assessment of the Secretary of Defense with respect to any revisions that should be made to the revised criteria for interment at Arlington National Cemetery prescribed pursuant to section 598 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 38 U.S.C. 2402 note) to ensure such criteria recognize exceptional service and honors.

(b) LIMITATION ON REVISIONS TO CRITERIA.—The Secretary of Defense may not make any revisions to the revised internment criteria described in paragraph (2) of subsection (a) until the Secretary has submitted the report required under such subsection.

SA 4298. Mr. BLUMENTHAL (for himself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, insert the following:

SEC. 1216. SUPPORT FOR NATIONALS OF AFGHANISTAN WHO ARE APPLICANTS FOR SPECIAL IMMIGRANT VISAS OR FOR REFERRAL TO THE UNITED STATES REFUGEE ADMISSIONS PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should increase support for nationals of Afghanistan who aided the United States mission in Afghanistan during the past 20 years and are now under threat from the Taliban, specifically such nationals of Afghanistan, in Afghanistan or third countries, who are applicants for—

(1) special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(2) referral to the United States Refugee Admissions Program as refugees (as defined in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42))), including as Priority 2 refugees.

(b) SUPPORT FOR NATIONALS OF AFGHANISTAN.—The Secretary of State, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal departments and agencies, shall—

(1) prioritize for evacuation from Afghanistan nationals of Afghanistan described in subsection (a);

(2) facilitate the rapid departure from Afghanistan of such nationals of Afghanistan by air charter and land passage;

(3) provide letters of support, diplomatic notes, and other documentation, as appropriate, to ease transit for such nationals of Afghanistan;

(4) engage governments of relevant countries to better facilitate evacuation of such nationals of Afghanistan;

(5) disseminate frequent updates to such nationals of Afghanistan and relevant nongovernmental organizations with respect to evacuation from Afghanistan;

(6) identify or establish sufficient locations outside Afghanistan that will accept such nationals of Afghanistan during application processing; and

(7) increase capacity to better support such nationals of Afghanistan and reduce their application processing times, while ensuring strict and necessary security vetting, including, to the extent practicable, by allowing such nationals of Afghanistan to receive referrals to the United States Refugee Admissions Program while they are still in Afghanistan so as to initiate application processing more expeditiously.

(c) STRATEGY.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees of Congress a strategy for the safe processing abroad of nationals of Afghanistan described in subsection (a).

(2) ELEMENTS.—The strategy required by paragraph (1) shall include steps to be taken by the United States Government to fulfill each requirement under subsection (b).

(3) FORM.—The strategy required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) MONTHLY REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and monthly thereafter until December 31, 2022, the Secretary of State, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees of Congress a report on efforts to support nationals of Afghanistan described in subsection (a).

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) The number of nationals of Afghanistan referred to the United States Refugee Admissions Program as Priority 1 and Priority 2 refugees since August 29, 2021.

(B) An assessment of whether each such refugee—

(i) remains in Afghanistan; or

(ii) is outside Afghanistan.

(C) With respect to nationals of Afghanistan who have applied for referral to the United States Refugee Program, the number applications that—

(i) have been approved;

(ii) have been denied; and

(iii) are pending adjudication.

(D) The number of nationals of Afghanistan who have pending applications for special immigrant visas described in subsection (a)(1), disaggregated by the special immigrant visa processing steps completed with respect to such individuals.

(E) A description of the measures taken to implement the strategy under subsection (c).

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

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs; and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Armed Services of the House of Representatives.

SA 4299. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. POSSE COMITATUS.

Section 1385 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) Whoever'';

(2) by striking ''the Army or the Air Force'' and inserting ''an Armed Force under the jurisdiction of the Secretary of a military department (as those terms are defined in section 101 of title 10)''; and

(3) by adding at the end the following:

''(b) Notwithstanding any other provision of law, any evidence obtained by or with the assistance of a member of the Armed Forces in violation of subsection (a) shall not be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof.''.

SA 4300. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be

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

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

SEC. 596. REQUIREMENT OF CONSENT OF THE CHIEF EXECUTIVE OFFICER FOR CERTAIN FULL-TIME NATIONAL GUARD DUTY PERFORMED IN A STATE, TERRITORY, OR THE DISTRICT OF COLUMBIA.

Section 502(f)(2)(A) of title 32, United States Code, is amended by inserting ''and performed inside the United States with the consent of the chief executive officer of the State (as that term is defined in section 901 of this title)'' after ''Defense''.

SA 4301. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 844. PILOT PROGRAM ON DEFENSE INNOVATION OPEN TOPICS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Under Secretary of Defense for Research and Engineering, the Secretary of the Air Force, Secretary of the Army, and the Secretary of the Navy, shall establish defense innovation open topic activities using the Small Business Innovation Research Program in order to—

(1) increase the transition of commercial technology to the Department of Defense;

(2) expand the small business nontraditional defense industrial base;

(3) increase commercialization derived from defense investments;

(4) increase diversity and participation among self-certified small-disadvantaged businesses, minority-owned businesses, and disabled veteran-owned businesses; and

(5) expand the ability for qualifying small businesses to propose technology solutions to meet defense needs.

(b) FREQUENCY.—The Department of Defense and the military services shall conduct not less than one open topic announcement per fiscal year.

(c) BRIEFING.—Not later than 180 days after the date of teh enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on the establishment of the program required by subsection (a).

(d) TERMINATION.—The pilot program authorized in subsection (a) shall terminate on October 1, 2025.

SA 4302. Mr. BLUMENTHAL (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 appropriate place in title VI, insert the following:

SEC. _____. ACQUISITION STRATEGY TO MODERNIZE THE JOINT STRIKE FIGHTER PROPULSION SYSTEM.

(a) IN GENERAL.—Not later than 14 days after the date on which the budget of the President for fiscal year 2023 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on the modernization of the F135 propulsion system or the integration of the Adaptive Engine Transition Program propulsion system into the Joint Strike Fighter (JSF).

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A cost benefit analysis of—

(A) integrating the Adaptive Engine Transition Program propulsion system into each of the JSF aircraft variants;

(B) modernizing or upgrading the existing F135 propulsion system on each of the JSF variants;

(C) future associated infrastructure and sustainment costs of the modernized engine;

(D) cost savings associated with variant and Partner commonality; and

(E) assess all activities and costs to retrofit and sustain all JSF with a modernized propulsion system.

(2) An implementation plan to implement such strategy.

(3) A schedule annotating pertinent milestones and yearly fiscal resource requirements for the implementation of a modernized JSF propulsion system.

SA 4303. Mr. SCHATZ (for himself and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. BROADBAND DEFENSE FUND.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the National Telecommunications Information Administration.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) STATE.—The term ''State'' means a State of the United States and the District of Columbia.

(4) SUBMARINE CABLE LANDING STATION.—The term ''submarine cable landing station'' means a cable landing station, as that term is used in section 1.767(a)(5) of title 47, Code of Federal Regulations (or any successor regulation), that can be utilized to land a submarine cable by an entity that has obtained a license under the first section of the Act entitled ''An Act relating to the landing and operation of submarine cables in the United States'', approved May 27, 1921 (47 U.S.C. 34) (commonly known as the ''Cable Landing Licensing Act'').

(5) TEAM TELECOM.—The term ''Team Telecom'' means the interagency working committee of the Federal Communications Commission, the Department of Defense, the Department of Homeland Security, and the Department of Justice, as described in the Report and Order of the Federal Communications Commission issued on October 1, 2020 entitled ''Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership''.

(6) TRANSPORT CAPACITY.—The term ''transport capacity''—

(A) means broadband transmission capability that does not predominantly serve end users or the last mile of the transmission network; and

(B) may include interoffice transport, backhaul, Internet connectivity, middle mile, or long-haul service used for transport of broadband data between network locations other than end-user premises or devices.

(b) BROADBAND DEFENSE FUND.—

(1) NTIA ADMINISTRATION.—Not later than 1 year after the date on which amounts are made available under paragraph (1), the Administration shall establish the Broadband Defense Fund to provide—

(A) transport capacity in or to connect to States where the headquarters of the United States Indo-Pacific Command are located; and

(B) open access carrier neutral submarine cable landing stations in States where the headquarters of the United States Indo-Pacific Command are located.

(2) AWARD OF SUPPORT.—The Administration shall establish a process to award amounts from the Broadband Defense Fund under this section in accordance with the following requirements:

(A) Support shall be awarded only for deployment, maintenance, and operation of transport broadband capacity, in locations or on routes that are not supported or expected to be supported under any other of the high-cost universal service support programs of the Federal Communications Commission.

(B) The Administration shall establish criteria for awarding support in a manner consistent with this section, including supporting the broadband needs of the United States Indo-Pacific Command and the surrounding communities.

(3) OBLIGATIONS OF FUND RECIPIENTS.—

(A) IN GENERAL.—The Administration shall ensure that each recipient of amounts from the Broadband Defense Fund is legally, technically, and financially qualified to complete the required broadband deployment within the term of support.

(B) ACCESS.—Recipients of amounts from the Broadband Defense Fund shall provide carrier-neutral wholesale access to landing spots and transport capacity supported by the Fund—

(i) on just, reasonable, affordable, and reasonably non-discriminatory terms, as determined by rules issued by the Administration; and

(ii) at rates no higher than the national average wholesale price of comparable wholesale telecommunications transport services, as determined by the Administration.

(C) VENDER VETTING.—Any grant, subgrant, or contract awarded using amounts from the Broadband Defense Fund relating to a submarine cable landing station or undersea transport capacity activity may only be

awarded to a vendor that has been vetted and approved by Team Telecom.

(4) APPROPRIATIONS.—The Broadband Defense Fund shall consist of amounts appropriated to the Broadband Defense Fund by an Act of Congress.

SA 4304. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 844. ENTREPRENEURIAL INNOVATION PROJECT DESIGNATIONS.

(a) IN GENERAL.—

(1) DESIGNATING CERTAIN SBIR AND STTR PROGRAMS AS ENTREPRENEURIAL INNOVATION PROJECTS.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2359b the following new section:

"§ 2359c Entrepreneurial Innovation Project designations

''(a) IN GENERAL.—During the first fiscal year beginning after the date of the enactment of this section, and during each subsequent fiscal year, each Secretary concerned, in consultation with the each chief of an armed force under the jurisdiction of the Secretary concerned, shall designate not less than five eligible programs as Entrepreneurial Innovation Projects.

''(b) APPLICATION.—An eligible program seeking designation as an Entrepreneurial Innovation Project under this section shall submit to the Secretary concerned an application at such time, in such manner, and containing such information as the Secretary concerned determines appropriate.

''(c) DESIGNATION CRITERIA.—In making designations under subsection (a), the Secretary concerned shall consider—

''(1) the potential of the eligible program to—

''(A) advance the national security capabilities of the United States;

''(B) provide new technologies or processes, or new applications of existing technologies, that will enable new alternatives to existing programs; and

''(C) provide future cost savings;

''(2) whether an advisory panel has recommended the eligible program for designation; and

''(3) such other criteria that the Secretary concerned determines to be appropriate.

''(d) DESIGNATION BENEFITS.—

''(1) FUTURE YEARS DEFENSE PROGRAM INCLUSION.—With respect to each designated program, the Secretary of Defense shall include in the next future-years defense program the estimated expenditures of such designated program. In the preceding sentence, the term 'next future-years defense program' means the future-years defense program submitted to Congress under section 221 of this title after the date on which such designated program is designated under subsection (a).

''(2) PROGRAMMING PROPOSAL.—Each designated program shall be included by the Secretary concerned under a separate heading in any programming proposals submitted to the Secretary of Defense.

''(3) PPBE COMPONENT.—Each designated program shall be considered by the Secretary concerned as an integral part of the planning, programming, budgeting, and execution process of the Department of Defense.

''(e) ENTREPRENEURIAL INNOVATION ADVISORY PANELS.—

''(1) ESTABLISHMENT.—For each military department, the Secretary concerned shall establish an advisory panel that, starting in the first fiscal year beginning after the date of the enactment of this section, and in each subsequent fiscal year, shall identify and recommend to the Secretary concerned for designation under subsection (a) eligible programs based on the criteria described in subsection (c)(1).

''(2) MEMBERSHIP.—

''(A) COMPOSITION.—

''(i) IN GENERAL.—Each advisory panel shall be composed of four members appointed by the Secretary concerned and one member appointed by the chief of the relevant armed force under the jurisdiction of the Secretary concerned.

''(ii) SECRETARY CONCERNED APPOINTMENTS.—The Secretary concerned shall appoint members to the advisory panel as follows:

''(I) Three members who—

''(aa) have experience with private sector entrepreneurial innovation, including development and implementation of such innovations into well established markets; and

''(bb) are not employed by the Federal Government.

''(II) One member who is in the Senior Executive Service in the acquisition workforce (as defined in section 1705 of this title) of the relevant military department.

''(iii) SERVICE CHIEF APPOINTMENT.—The chief of an armed force under the jurisdiction of the Secretary concerned shall appoint to the advisory panel one member who is a member of such armed forces.

''(B) TERMS.—

''(i) PRIVATE SECTOR MEMBERS.—Members described in subparagraph (A)(ii)(I) shall serve for a term of three years, except that of the members first appointed—

''(I) one shall serve a term of one year;

''(II) one shall serve a term of two years; and

''(III) one shall serve a term of three years.

''(ii) FEDERAL GOVERNMENT EMPLOYEES.—Members described in clause (ii)(II) or (iii) of subparagraph (A) shall serve for a term of two years, except that the first member appointed under subparagraph (A)(iii) shall serve for a term of one year.

''(C) CHAIR.—The chair for each advisory panel shall be as follows:

''(i) For the first year of operation of each such advisory panel, and every other year thereafter, the member appointed under subparagraph (A)(iii).

''(ii) For the second year of operation of each such advisory panel, and every other year thereafter, the member appointed under subparagraph (A)(ii)(II).

''(D) VACANCIES.—A vacancy in an advisory panel shall be filled in the same manner as the original appointment.

''(E) CONFLICT OF INTEREST.—Members and staff of each advisory panel shall disclose to the relevant Secretary concerned, and such Secretary concerned shall mitigate to the extent practicable, any professional or organizational conflict of interest of such members or staff arising from service on the advisory panel.

''(F) COMPENSATION.—

''(i) PRIVATE SECTOR MEMBER COMPENSATION.—Except as provided in clause (ii), members of an advisory panel, and the support staff of such members, shall be compensated at a rate determined reasonable by the Secretary concerned and shall be reimbursed in accordance with section 5703 of title 5 for reasonable travel costs and expenses incurred in performing duties as members of an advisory panel.

''(ii) PROHIBITION ON COMPENSATION OF FEDERAL EMPLOYEES.—Members of an advisory panel who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on an advisory panel.

''(3) SELECTION PROCESS.—

''(A) INITIAL SELECTION.—Each advisory panel shall select not less than ten eligible programs that have submitted an application under subsection (b).

''(B) PROGRAM PLANS.—

''(i) IN GENERAL.—Each eligible program selected under subparagraph (A) may submit to the advisory panel that selected such eligible program a program plan containing the five-year goals, execution plans, schedules, and funding needs of such eligible program.

''(ii) SUPPORT.—Each Secretary concerned shall, to the greatest extent practicable, provide eligible programs selected under subparagraph (A) with access to information to support the development of the program plans described in clause (i).

''(C) FINAL SELECTION.—Each advisory panel shall recommend to the Secretary concerned for designation under subsection (a) not less than five eligible programs that submitted a program plan under subparagraph (B) to such advisory panel. If there are less than five such eligible programs, such advisory panel may recommend to the Secretary concerned for designation under subsection (a) less than five such eligible programs.

''(4) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Secretary concerned shall provide the relevant advisory panel with such administrative support, staff, and technical assistance as the Secretary concerned determines necessary for such advisory panel to carry out it duties.

''(5) FUNDING.—The Secretary of Defense may use amounts available from the Department of Defense Acquisition Workforce Development Account established under section 1705 of this title to support the activities of advisory panels.

''(6) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to the advisory panels established under this subsection.

''(f) REVOCATION OF DESIGNATION.—If the Secretary concerned determines that a designated program cannot reasonably meet the objectives of such designated program in the relevant programming proposal referred to in subsection (d)(2) or such objectives are irrelevant, such Secretary concerned may revoke the designation.

''(g) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress an annual report describing each designated program and the progress each designated program has made toward achieving the objectives of the designated program.

''(h) DEFINITIONS.—In this section:

''(1) ADVISORY PANEL.—The term 'advisory panel' means an advisory panel established under subsection (e)(1).

''(2) DESIGNATED PROGRAM.—The term 'designated program' means an eligible program that has been designated as an Entrepreneurial Innovation Project under this section.

''(3) ELIGIBLE PROGRAM.—The term 'eligible program' means work performed pursuant to a Phase III agreement (as such term is defined in section 9(r)(2) of the Small Business Act (15 U.S.C. 638(r)(2))).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by inserting after the item related to section 2359b the following new item:

''2359c. Entrepreneurial Innovation Project designations.''.

(b) ESTABLISHMENT DEADLINE.—Not later than 120 days after the date of the enactment of this Act, the Secretaries of each military department shall establish the advisory panels described in section 2359c(e) of title 10, United States Code, as added by subsection (a).

(c) FUTURE TRANSFER.—

(1) TRANSFER AND REDESIGNATION.—Section 2359c of title 10, United States Code, as added by subsection (a), is transferred to chapter 303 of such title, added after section 4066, as transferred and redesignated by section 1842(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), and redesignated as section 4067.

(2) CLERICAL AMENDMENTS.—

(A) TARGET CHAPTER TABLE OF SECTIONS.—The table of sections at the beginning of chapter 303 of title 10, United States Code, as added by section 1842(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by inserting after the item related to section 4066 the following new item:

''4067. Entrepreneurial Innovation Project designations.''.

(B) ORIGIN CHAPTER TABLE OF SECTIONS.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the item relating to section 2359c.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2022.

(4) REFERENCES; SAVING PROVISION; RULE OF CONSTRUCTION.—Sections 1883 through 1885 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) shall apply with respect to the amendments made under this subsection as if such amendments were made under title XVIII of such Act.

SA 4305. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ACQUISITION STRATEGY TO MODERNIZE THE JOINT STRIKE FIGHTER PROPULSION SYSTEM.

(a) IN GENERAL.—Not later than 14 days after the date on which the budget of the President for fiscal year 2023 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on the modernization of the F135 propulsion system or the integration of the Adaptive Engine Transition Program propulsion system into the Joint Strike Fighter (JSF).

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A cost benefit analysis of—

(A) integrating the Adaptive Engine Transition Program propulsion system into each of the JSF aircraft variants;

(B) modernizing or upgrading the existing F135 propulsion system on each of the JSF variants;

(C) future associated infrastructure and sustainment costs of the modernized engine;

(D) cost savings associated with variant and Partner commonality; and

(E) assess all activities and costs to retrofit and sustain all JSF with a modernized propulsion system.

(2) An implementation plan to implement such strategy.

(3) A schedule annotating pertinent milestones and yearly fiscal resource requirements for the implementation of a modernized JSF propulsion system.

SA 4306. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 356. RESTRICTION ON PROCUREMENT OR PURCHASING BY DEPARTMENT OF DEFENSE OF CERTAIN ITEMS CONTAINING PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

(a) PROHIBITION ON PROCUREMENT AND PURCHASING.—The Secretary of Defense may not procure or purchase any covered item for use in a child development center if such item contains an intentionally added perfluoroalkyl substance or polyfluoroalkyl substance.

(b) IMPLEMENTATION.—

(1) INCLUSION IN CONTRACTS.—The Secretary shall include the prohibition under subsection (a) in any contracts to procure covered items for use in child development centers.

(2) NO REQUIREMENT FOR TESTING.—The Secretary shall not have an obligation to test covered items procured for use in child development centers to confirm the absence of perfluoroalkyl substances or polyfluoroalkyl substances.

(c) DEFINITIONS.—In this section:

(1) COVERED ITEM.—The term ''covered item'' means—

(A) nonstick cookware or cooking utensils for use in kitchen or dining facilities;

(B) upholstered furniture, carpets, and rugs;

(C) food packaging materials;

(D) furniture or floor waxes;

(E) mattresses, nap mats or cots, and bedding materials; and

(F) cleaning products.

(2) PERFLUOROALKYL SUBSTANCE.—The term ''perfluoroalkyl substance'' means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(3) POLYFLUOROALKYL SUBSTANCE.—The term ''polyfluoroalkyl substance'' means a man-made chemical containing at least one fully fluorinated carbon atom and at least one non-fully fluorinated carbon atom.

(d) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SA 4307. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1224. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DISPLACED POPULATIONS IN SYRIA.

Section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1642) is amended—

(a) by striking subsection (a);

(b) by amending subsection (b) to read as follows:

''(a) DESIGNATION.—

''(1) IN GENERAL.—The President, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall designate an existing official to serve within the executive branch as senior-level coordinator to coordinate, in conjunction with other relevant agencies, all matters related to ISIS members who are in the custody of the Syrian Democratic Forces and other relevant displaced populations in Syria, including—

''(A) the long-term disposition of such individuals, including in all matters related to—

''(i) repatriation, transfer, prosecution, and intelligence-gathering;

''(ii) all multilateral and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of such ISIS members, including such engagements with the International Criminal Police Organization; and

''(iii) the coordination of the provision of technical and evidentiary assistance to foreign countries to aid in the successful prosecution of such ISIS members, as appropriate, in accordance with international humanitarian law and other internationally recognized human rights and rule of law standards;

''(B) all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, internally displaced persons and refugees at camps or facilities in Syria that hold family members of such ISIS members;

''(C) coordination with relevant agencies on matters described in this section; and

''(D) any other matter the Secretary of State considers relevant.

''(2) RULE OF CONSTRUCTION.—If, on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, an individual has already been designated, consistent with the requirements and responsibilities described in paragraph (1), the requirements under that paragraph shall be considered to be satisfied with respect to such individual until the date on which such individual no longer serves as the Coordinator.'';

(c) in subsection (c), by striking ''subsection (b)'' and inserting ''subsection (a)'';

(d) by amending subsection (d) to read as follows:

''(d) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once each year

thereafter through January 31, 2024, the Coordinator, in coordination with the relevant agencies, shall submit to the appropriate committees of Congress a detailed report that includes the following:

''(A) A detailed description of the facilities where detained ISIS members are being held, including security and management of such facilities and adherence to international humanitarian law standards.

''(B) A description of all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, internally displaced persons and refugees at camps or facilities in Iraq, Syria, and any other area affected by ISIS activity, including a description of—

''(i) support for efforts by the Syrian Democratic Forces' to facilitate the return of refugees from Iraq and Syria;

''(ii) repatriation efforts with respect to displaced women and children;

''(iii) any current or future potential threat to United States national security interests posed by detained ISIS members, including an analysis of the Al-Hol camp and annexes; and

''(iv) United States Government plans and strategies to respond to any threat identified under clause (iii).

''(C) An analysis of all United States efforts to prosecute detained ISIS members and the outcomes of such efforts. Any information, the disclosure of which may violate Department of Justice policy or law, relating to a prosecution or investigation may be withheld from a report under this subsection.

''(D) A detailed description of any option to expedite prosecution of any detained ISIS member, including in a court of competent jurisdiction outside of the United States.

''(E) An analysis of factors on the ground in Syria and Iraq that may result in the unintended release of detained ISIS members, and an assessment of any measures available to mitigate such releases.

''(F) A detailed description of efforts to coordinate the disposition and security of detained ISIS members with other countries and international organizations, including the International Criminal Police Organization, to ensure secure chains of custody and locations of such ISIS members.

''(G) An analysis of the manner in which the United States Government communicates on such proposals and efforts to the families of United States citizens believed to be a victim of a criminal act by a detained ISIS member.

''(H) An analysis of all efforts between the United States and partner countries within the Global Coalition to Defeat ISIS or other countries to share intelligence or evidence that may aid in the prosecution of ISIS members, and any legal obstacles that may hinder such efforts.

''(I) Any other matter the Coordinator considers appropriate.

''(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.'';

(e) in subsection (e), by striking ''January 31, 2021'' and inserting ''January 31, 2024'';

(f) in subsection (f)—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) COORDINATOR.—The term 'Coordinator' means the individual designated under subsection (a).''; and

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

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

''(A) the Department of State;

''(B) the Department of Defense;

''(C) the Department of the Treasury;

''(D) the Department of Justice;

''(E) the United States Agency for International Development;

''(F) the Office of the Director of National Intelligence; and

''(G) any other agency the President considers relevant.''; and

(g) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

SA 4308. Mrs. BLACKBURN (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. BRIEFING ON SPENDING RELATING TO DIVERSITY, EQUITY, AND INCLUSION INITIATIVES OF DEPARTMENT OF DEFENSE.

The Under Secretary of Defense (Comptroller), with the submission of the annual budget of the Department of Defense submitted by the President under section 1105(a) of title 31, United States Code, for fiscal year 2023, shall brief the congressional defense committees on—

(1) all spending planned to implement guidance or recommendations from the workforce council of the Deputy Secretary of Defense, including the activities specified in the memorandum of the Deputy Secretary of Defense dated March 11, 2021;

(2) all spending planned to implement guidance or recommendations from the Countering Extremism Working Group of the Department; and

(3) a financial accounting of planned expenditures for the implementation of paragraphs (1) or (2), including—

(A) amounts requested for appropriation for operation and maintenance for the Department for full-time equivalent employees for such implementation; and

(B) amounts requested for appropriation for military personnel for the Department for man hours of members of the Armed Forces for such implementation.

SA 4309. Mr. SCOTT of Florida (for himself and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. EXTENSION OF CUSTOMS WATERS OF THE UNITED STATES.

(a) TARIFF ACT OF 1930.—Section 401(j) of the Tariff Act of 1930 (19 U.S.C. 1401(j)) is amended—

(1) by striking ''means, in the case'' and inserting the following: ''means—

''(1) in the case'';

(2) by striking ''of the coast of the United States'' and inserting ''from the baselines of the United States (determined in accordance with international law)'';

(3) by striking ''and, in the case'' and inserting the following: ''; and

''(2) in the case'';

(4) by striking ''the waters within four leagues of the coast of the United States.'' and inserting the following: ''the waters within—

''(A) the territorial sea of the United States, to the limits permitted by international law in accordance with Presidential Proclamation 5928 of December 27, 1988; and

''(B) the contiguous zone of the United States, to the limits permitted by international law in accordance with Presidential Proclamation 7219 of September 2, 1999.''.

(b) ANTI-SMUGGLING ACT.—Section 401(c) of the Anti-Smuggling Act (19 U.S.C. 1709(c)) is amended—

(1) by striking ''means, in the case'' and inserting the following: ''means—

''(1) in the case'';

(2) by striking ''of the coast of the United States'' and inserting ''from the baselines of the United States (determined in accordance with international law)'';

(3) by striking ''and, in the case'' and inserting the following: ''; and

''(2) in the case'';

(4) by striking ''the waters within four leagues of the coast of the United States.'' and inserting the following: ''the waters within—

''(A) the territorial sea of the United States, to the limits permitted by international law in accordance with Presidential Proclamation 5928 of December 27, 1988; and

''(B) the contiguous zone of the United States, to the limits permitted by international law in accordance with Presidential Proclamation 7219 of September 2, 1999.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day after the date of the enactment of this Act.

SA 4310. Mr. BURR (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. LUMBEE TRIBE OF NORTH CAROLINA RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254, chapter 375), is amended—

(1) by striking section 2;

(2) in the first sentence of the first section, by striking ''That the Indians'' and inserting the following:

''SEC. 3. DESIGNATION OF LUMBEE INDIANS.

''The Indians'';

(3) in the preamble—

(A) by inserting before the first undesignated clause the following:

''SECTION 1. FINDINGS.

''Congress finds that—'';

(B) by designating the undesignated clauses as paragraphs (1) through (4), respectively, and indenting appropriately;

(C) by striking ''Whereas'' each place it appears;

(D) by striking ''and'' after the semicolon at the end of each of paragraphs (1) and (2) (as so designated); and

(E) in paragraph (4) (as so designated), by striking '': Now, therefore,'' and inserting a period;

(4) by moving the enacting clause so as to appear before section 1 (as so designated);

(5) by striking the last sentence of section 3 (as designated by paragraph (2));

(6) by inserting before section 3 (as designated by paragraph (2)) the following:

''SEC. 2. DEFINITIONS.

''In this Act:

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

''(2) TRIBE.—The term 'Tribe' means the Lumbee Tribe of North Carolina or the Lumbee Indians of North Carolina.''; and

(7) by adding at the end the following:

''SEC. 4. FEDERAL RECOGNITION.

''(a) IN GENERAL.—Federal recognition is extended to the Tribe (as designated as petitioner number 65 by the Office of Federal Acknowledgment).

''(b) APPLICABILITY OF LAWS.—All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Tribe and its members.

''(c) PETITION FOR ACKNOWLEDGMENT.—Notwithstanding section 3, any group of Indians in Robeson and adjoining counties, North Carolina, whose members are not enrolled in the Tribe (as determined under section 5(d)) may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgment of tribal existence.

''SEC. 5. ELIGIBILITY FOR FEDERAL SERVICES.

''(a) IN GENERAL.—The Tribe and its members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes.

''(b) SERVICE AREA.—For the purpose of the delivery of Federal services and benefits described in subsection (a), those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

''(c) DETERMINATION OF NEEDS.—On verification by the Secretary of a tribal roll under subsection (d), the Secretary and the Secretary of Health and Human Services shall—

''(1) develop, in consultation with the Tribe, a determination of needs to provide the services for which members of the Tribe are eligible; and

''(2) after the tribal roll is verified, each submit to Congress a written statement of those needs.

''(d) TRIBAL ROLL.—

''(1) IN GENERAL.—For purpose of the delivery of Federal services and benefits described in subsection (a), the tribal roll in effect on the date of enactment of this section shall, subject to verification by the Secretary, define the service population of the Tribe.

''(2) VERIFICATION LIMITATION AND DEADLINE.—The verification by the Secretary under paragraph (1) shall—

''(A) be limited to confirming documentary proof of compliance with the membership criteria set out in the constitution of the Tribe adopted on November 16, 2001; and

''(B) be completed not later than 2 years after the submission of a digitized roll with supporting documentary proof by the Tribe to the Secretary.

''SEC. 6. AUTHORIZATION TO TAKE LAND INTO TRUST.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is hereby authorized to take land into trust for the benefit of the Tribe.

''(b) TREATMENT OF CERTAIN LAND.—An application to take into trust land located within Robeson County, North Carolina, under this section shall be treated by the Secretary as an 'on reservation' trust acquisition under part 151 of title 25, Code of Federal Regulations (or a successor regulation).

''SEC. 7. JURISDICTION OF STATE OF NORTH CAROLINA.

''(a) IN GENERAL.—With respect to land located within the State of North Carolina that is owned by, or held in trust by the United States for the benefit of, the Tribe, or any dependent Indian community of the Tribe, the State of North Carolina shall exercise jurisdiction over—

''(1) all criminal offenses that are committed; and

''(2) all civil actions that arise.

''(b) TRANSFER OF JURISDICTION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may accept on behalf of the United States, after consulting with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in subsection (a) over Indian country occupied by the Tribe pursuant to an agreement between the Tribe and the State of North Carolina.

''(2) RESTRICTION.—A transfer of jurisdiction described in paragraph (1) may not take effect until 2 years after the effective date of the agreement described in that paragraph.

''(c) EFFECT.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

''SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act.

''SEC. 9. SHORT TITLE.

''This Act may be cited as the 'Lumbee Tribe of North Carolina Recognition Act'.''.

SA 4311. Ms. DUCKWORTH (for herself, Mr. YOUNG, Mr. HEINRICH, Mr. BENNET, Ms. KLOBUCHAR, Ms. ROSEN, Mrs. FEINSTEIN, Mr. PETERS, Mr. KING, Mr. KELLY, Mr. DURBIN, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Ms. HIRONO, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. AFGHANISTAN WAR COMMISSION ACT OF 2021.

(a) SHORT TITLE.—This section may be cited as the ''Afghanistan War Commission Act of 2021''

(b) DEFINITIONS.—In this section:

(1) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning June 1, 2001 and ending August 30, 2021.

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

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

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

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

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

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

(F) the Permanent Select Committee on Intelligence of the House of Representatives.

(3) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(c) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established the Afghanistan War Commission (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 12 members of whom—

(i) 1 shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(ii) 1 shall be appointed by the ranking member of the Committee on Armed Services of the Senate;

(iii) 1 shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives;

(iv) 1 shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives;

(v) 1 shall be appointed by the Chairman of the Committee on Foreign Relations of the Senate;

(vi) 1 shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(vii) 1 shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives;

(viii) 1 shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(ix) 1 shall be appointed by the Chairman of the Select Committee on Intelligence of the Senate;

(x) 1 shall be appointed by the ranking member of the Select Committee on Intelligence of the Senate.

(xi) 1 shall be appointed by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives; and

(xii) 1 shall be appointed by the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives.

(B) QUALIFICATIONS.—It is the sense of Congress that each member of the Commission appointed under subparagraph (A) should have significant professional experience from a position in—

(i) the Department of Defense;

(ii) the Department of State;

(iii) the intelligence community;

(iv) the United States Agency for International Development; or

(v) a relevant academic or scholarly institution.

(C) PROHIBITIONS.—A member of the Commission appointed under subparagraph (A) may not—

(i) be a current member of Congress or a former member of Congress who served in Congress after January 3, 2001;

(ii) have served in military or civilian positions having significant operational or strategic decision-making responsibilities for conducting United States Government actions in Afghanistan during the applicable period; or

(iii) have been a party to any United States or coalition defense contract during the applicable period.

(D) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the first meeting of the Commission.

(B) FREQUENCY.—The Commission shall meet at the call of the Chairperson.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select, by a simple majority vote, a Chairperson and a Vice Chairperson from among the members of the Commission who volunteer to perform such roles.

(d) PURPOSE OF COMMISSION.— The purpose of the Commission is to examine the war in Afghanistan, create strategic and grand strategic lessons learned, and develop recommendations for the Government of the United States and future policymakers and senior military decision makers in the United States.

(e) DUTIES OF COMMISSION.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a thorough study of all matters relating to combat operations, reconstruction and security force assistance activities, intelligence operations, and diplomatic activities of the United States pertaining to the war in Afghanistan.

(B) MATTERS STUDIED.—The matters studied by the Commission shall include—

(i) the activities and actions of the United States in and related to Afghanistan immediately prior to the attacks on September 11, 2001, and during the initial invasion of Afghanistan by the United States;

(ii) the resurgence of the Taliban and other combatants during the applicable period;

(iii) the efficacy of the various military missions conducted by United States and coalition forces, including train, advise, and assist operations, security and stability operations, and counter-narcotics and counter-terrorism operations, and the extent to which such missions conflicted;

(iv) peace negotiations involving the United States, the Islamic Republic of Afghanistan, and the Taliban; and

(v) the withdrawal of the United States military from Afghanistan.

(C) CONTENTS.—The study required under subparagraph (A) shall include the following elements:

(i) An analysis of the political and strategic decisions that influenced—

(I) interactions of the Government of the United States with the Government of Afghanistan;

(II) the strategic objectives of the war, including how such objectives changed, during the applicable period and the extent to which such objectives furthered strategies by the United States to terminate the war;

(III) the number of members of the Armed Services in Afghanistan during the applicable period;

(IV) the command and control relationships of the Armed Forces;

(V) the integration of military forces with other instruments of United States national power; and

(VI) the metrics used for measuring and reporting progress towards strategic objectives and the extent to which such metrics were analytically effective or accurate.

(ii) A statement addressing the military, diplomatic, and intelligence interactions of the United States with Pakistan during the applicable period, including any interactions between Government of Pakistan and the Government of Afghanistan or the Taliban.

(iii) An examination of the participation in the war in Afghanistan by member states of the North Atlantic Treaty Organization.

(iv) An examination of the long-term impact of the war in Afghanistan on government institutions in the United States.

(v) An examination of the authorities used to conduct the war and an assessment of the effectiveness of legislative actions taken to conduct oversight of the war.

(vi) A description of any other matters that the Commission determines significantly affected the conduct and the outcome of the war in Afghanistan.

(vii) Recommendations for legislation and administrative actions to address any shortcomings in the conduct of the war in Afghanistan identified by the Commission.

(2) REPORTS REQUIRED.—

(A) IN GENERAL.—

(i) ANNUAL REPORT.—Not later than 1 year after the date of the initial meeting of the Commission, and annually thereafter, the Commission shall submit to the appropriate congressional committees a report describing the progress of the Commission.

(ii) FINAL REPORT.—Not later than 4 years after the date of the initial meeting of the Commission, the Commission shall submit to the President and Congress a report that contains a detailed statement of the findings and conclusions of the Commission, together with the recommendations of the Commission.

(B) FORM.—The report required by subparagraph (A)(ii) shall be submitted and publicly released on a Government website in unclassified form but may contain a classified annex, which the Commission shall make every effort to ensure is classified at the lowest classification level.

(C) SUBSEQUENT REPORTS ON DECLASSIFICATION.—

(i) IN GENERAL.—Not later than 2 years after the date that the report required by subparagraph (A)(ii) is submitted and every 2 years thereafter until the entirety of the classified annex of such report is declassified and publicly available, each relevant agency of jurisdiction shall submit to the committee of jurisdiction a report on the efforts of such agency to declassify such annex.

(ii) CONTENTS.—Each report required by clause (i) shall include—

(I) a list of the items in the classified annex that the agency is working to declassify at the time of the report and an estimate of the timeline for declassification of such items;

(II) a broad description of items in the annex that the agency is declining to declassify at the time of the report; and

(III) any justification for withholding declassification of certain items in the annex and an estimate of the timeline for declassification of such items.

(f) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—

(i) IN GENERAL.—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this section.

(ii) FURNISHING INFORMATION.—On request of the Chairperson of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(B) GENERAL SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services and office space necessary for the Commission to carry out its purposes and functions under this section.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(A) hold public hearings and meetings to the extent appropriate; and

(B) release public versions of the reports required under subsection (e)(2).

(3) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(h) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson, in consultation with the Vice Chairperson of the Commission, may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties, except that the employment of an executive director shall be subject to confirmation by the Commission.

(B) QUALIFICATIONS FOR PERSONNEL.—The Chairperson and the Vice Chairperson of the Commission shall give preference in such appointments under subparagraph (A) to individuals from academic backgrounds, and former military personnel should include representation from the reserve components

(C) COMPENSATION.—The Chairperson, in consultation with the Vice Chairperson of the Commission, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and

other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson, in consultation with the Vice Chairperson of the Commission, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(6) SECURITY CLEARANCES.—The appropriate departments or agencies of the United States shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(i) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (e)(2)(A)(ii).

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission such amounts as necessary to carry out activities under this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until the date of the termination of the Commission under subsection (i).

SA 4312. Ms. DUCKWORTH 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:

SEC. _____. NATIONAL SERVICE CORPS FOR MILITARY SPOUSES AND DEPENDENTS.

(a) AMENDMENT TO NCSA.—Part I of subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is amended by adding at the end the following:

"SEC. 127. NATIONAL SERVICE CORPS FOR MILITARY SPOUSES AND DEPENDENTS.

''(a) IN GENERAL.—The Corporation shall enter into an interagency agreement under section 121(b) with the Secretary of Defense to carry out the program under this section, which shall be known as the 'National Service Corps for Miliary Spouses and Dependents' (referred to in this section as 'the Corps'), and which shall be funded by the Department of Defense and carried out by the Corporation in accordance with the terms and conditions of this subtitle, unless otherwise specified.

''(b) MEMBERSHIP.—Notwithstanding section 137, the Corps shall be composed of—

''(1) military spouses; and

''(2) dependent children who are not younger than age 16 and not older than age 26.

''(c) NUMBER OF PARTICIPANTS.—The number of participants in the program under this section shall not exceed 1000.

''(d) ACTIVITIES.—The recipient of a grant supported under the interagency agreement described in subsection (a) shall use a portion of the financial assistance or positions involved, directly or through subgrants to other entities, to support or carry out activities to address community needs, as determined by the Corporation, which may include activities described in section 122, as full- or part-time programs.

''(e) BENEFITS.—

''(1) IN GENERAL.—Participants in the program under this section shall be eligible for the living allowance and other benefits described in section 140, except for the benefits described in subsections (d) and (e) of that section.

''(2) HEALTH BENEFITS.—The Corporation shall ensure that the interagency agreement described in subsection (a) establishes that the Secretary of Defense shall provide coverage under a health plan, as determined by the Secretary of Defense, for all participants in the program under this section who are not covered beneficiaries under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code).

''(3) EDUCATIONAL AWARD.—Participants in the program under this section shall be eligible for a national service educational award.

''(f) EARLY RELEASE FROM SERVICE FOR COMPELLING PERSONAL CIRCUMSTANCES.—

''(1) RELEASE.—Notwithstanding any other provision of this Act, as determined by the Secretary of Defense, a Corps member may be released from completing a term of service in the approved national service position for compelling personal circumstances.

''(2) AWARD.—A Corps member who is released under paragraph (1) is eligible to receive a pro-rated national service educational award if—

''(A) the Corps member has completed at least 15 percent of the Corps member's term of service;

''(B) the Corps member, or a member of the Corps member's family, receives military orders, such as a permanent change of station (PCS), that necessitate the Corps member's relocation away from the Corps member's service site; and

''(C) the Corps member is unable to secure an appropriate reassignment as described in subsection (g).

''(g) NECESSARY RELOCATION.—A member of the Corps who must relocate due to a permanent change of station (PCS) or other military order shall, to the extent practicable, continue the member's term of service with the member's current assignment or by securing an appropriate reassignment. The Secretary of Defense shall support, to the extent practicable, such a relocating Corps member who wishes to continue the term of service.''.

(b) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—The Secretary of Defense shall enter into an interagency agreement with the Corporation for National and Community Service as described in section 127 of the National and Community Service Act of 1990 (as added by subsection (a) of this section), and shall provide funding to the Corporation to carry out such section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Defense, such sums as may be necessary to carry out paragraph (1), including such sums as may be necessary to provide a national service educational award for each participant under such section 127.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date that is 1 year after the date of enactment of this section.

SA 4313. Ms. DUCKWORTH (for herself, Mr. CASSIDY, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. PROHIBITION ON HOUSING OF CHIMPANZEES AT INSTALLATIONS OF THE AIR FORCE.

(a) IN GENERAL.—On or after May 31, 2022, the Secretary of the Air Force may not house chimpanzees at any installation of the Department of the Air Force.

(b) TRANSPORT OF CHIMPANZEES.—

(1) IN GENERAL.—Any chimpanzees currently housed at an installation of the Department of the Air Force shall be transported to Chimp Haven in Louisiana, beginning not later than the date of the enactment of this Act.

(2) COMPLETION OF TRANSPORT.—All transport of chimpanzees required under paragraph (1) shall be completed by not later than May 31, 2022.

SA 4314. Ms. DUCKWORTH (for herself, Ms. ERNST, and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 318. PILOT PROGRAM ON USE OF SUSTAINABLE AVIATION FUEL.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a pilot program on the use of sustainable aviation fuel by the Department of Defense.

(2) DESIGN OF PROGRAM.—The pilot program shall be designed to—

(A) identify any logistical challenges with respect to the use of sustainable aviation fuel by the Department;

(B) promote understanding of the technical and performance characteristics of sustainable aviation fuel when used in a military setting; and

(C) engage nearby commercial airports to explore opportunities and challenges to partner on increased use of sustainable aviation fuel.

(b) SELECTION OF FACILITIES.—

(1) SELECTION.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than two geographically diverse facilities of the Department at which to carry out the pilot program.

(B) ONSITE REFINERY.—Not fewer than one facility selected under subparagraph (A) shall be a facility with an onsite refinery that is located in proximity to not fewer than one major commercial airport that is

also actively seeking to increase the use of sustainable aviation fuel.

(2) NOTICE TO CONGRESS.—Upon the selection of each facility under paragraph (1), the Secretary shall submit to the appropriate committees of Congress notice of the selection, including an identification of the facility selected.

(c) USE OF SUSTAINABLE AVIATION FUEL.—

(1) PLANS.—For each facility selected under subsection (b), not later than one year after the selection of the facility, the Secretary shall—

(A) develop a plan on how to implement, by September 30, 2028, a target of exclusively using at the facility aviation fuel that is blended to contain not less than 10 percent sustainable aviation fuel;

(B) submit the plan developed under subparagraph (A) to the appropriate committees of Congress; and

(C) provide to the appropriate committees of Congress a briefing on such plan that includes, at a minimum—

(i) a description of any operational, infrastructure, or logistical requirements and recommendations for the blending and use of sustainable aviation fuel; and

(ii) a description of any stakeholder engagement in the development of the plan, including any consultations with nearby commercial airport owners or operators.

(2) IMPLEMENTATION OF PLANS.—For each facility selected under subsection (b), during the period beginning on a date that is not later than September 30, 2028, and for five years thereafter, the Secretary shall require, in accordance with the respective plan developed under paragraph (1), the exclusive use at the facility of aviation fuel that is blended to contain not less than 10 percent sustainable aviation fuel.

(d) CRITERIA FOR SUSTAINABLE AVIATION FUEL.—Sustainable aviation fuel used under the pilot program shall meet the following criteria:

(1) Such fuel shall be produced in the United States from domestic feedstock sources.

(2) Such fuel shall constitute drop-in fuel that meets all specifications and performance requirements of the Department of Defense and the Armed Forces.

(e) WAIVER.—The Secretary may waive the use of sustainable aviation fuel at a facility under the pilot program if the Secretary—

(1) determines such use is not feasible due to a lack of domestic availability of sustainable aviation fuel or a national security contingency; and

(2) submits to the congressional defense committees notice of such waiver and the reasons for such waiver.

(f) FINAL REPORT.—

(1) IN GENERAL.—At the conclusion of the pilot program, the Assistant Secretary of Defense for Energy, Installations, and Environment shall submit to the appropriate committees of Congress a final report on the pilot program.

(2) ELEMENTS.—The report required by paragraph (1) shall include each of the following:

(A) An assessment of the effect of using sustainable aviation fuel on the overall fuel costs of blended fuel.

(B) A description of any operational, infrastructure, or logistical requirements and recommendations for the blending and use of sustainable aviation fuel, with a focus on scaling up adoption of such fuel throughout the Armed Forces.

(C) Recommendations with respect to how military installations can leverage proximity to commercial airports and other jet fuel consumers to increase the rate of use of sustainable aviation fuel, for both military and non-military use, including potential collaboration on innovative financing or purchasing and shared supply chain infrastructure.

(D) A description of the effects on performance and operation of aircraft using sustainable aviation fuel, including—

(i) if used, considerations of various blending ratios and their associated benefits;

(ii) efficiency and distance improvements of flights using sustainable aviation fuel;

(iii) weight savings on large transportation aircraft and other types of aircraft with using blended fuel with higher concentrations of sustainable aviation fuel;

(iv) maintenance benefits of using sustainable aviation fuel, including engine longevity;

(v) the effect of the use of sustainable aviation fuel on emissions and air quality;

(vi) the effect of the use of sustainable aviation fuel on the environment and on surrounding communities, including environmental justice factors that are created by the demand for and use of sustainable aviation fuel by the Department of Defense; and

(vii) benefits with respect to job creation in the sustainable aviation fuel production and supply chain.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) SUSTAINABLE AVIATION FUEL DEFINED.—The term ''sustainable aviation fuel'' means liquid fuel that—

(A) consists of synthesized hydrocarbon;

(B) meets the requirements of—

(i) ASTM International Standard D7566 (or successor standard); or

(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or successor standard);

(C) is derived from biomass (as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides; and

(D) is not derived from palm fatty acid distillates.

SA 4315. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 318. REVISION OF ENERGY PROCUREMENT POLICIES OF DEPARTMENT OF DEFENSE TO PROCURE RESILIENT AND CLEAN ENERGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) revise the procurement policies of the Department of Defense that are not otherwise required by law to ensure that the military departments and Defense Agencies may only enter into a contract with a public utility service provider that has an option for the procurement of resilient electricity and clean electricity to power the installations and facilities of the military department or Defense Agency concerned; and

(2) establish a procurement plan to reasonably and expeditiously transition all existing contracts of the military departments and Defense Agencies with public utility service providers to new contracts that meet the procurement policies described in paragraph (1).

(b) MILITARY DEPARTMENTS AND DEFENSE AGENCIES.—Consistent with the policies required to be revised under subsection (a)(1), the Secretary of each military department and the head of each Defense Agency shall revise the procurement policies, practices, training, and procedures for the military department or Defense Agency concerned that are not otherwise required by law to ensure that procurement officials of the military department or Defense Agency concerned may only acquire commercial energy services that have an option for the procurement of resilient electricity and clean electricity to power the installations and facilities of the military department or Defense Agency concerned.

(c) LIMITATION ON THE USE OF RENEWABLE ENERGY CREDITS AND CARBON OFFSETS.—

(1) RENEWABLE ENERGY CREDITS.—To the extent practicable, in carrying out subsections (a) and (b), the Secretary of each military department and the head of each Defense Agency shall avoid acquiring commercial energy services from a public utility provider that offers renewable energy credits that were sold separately from the renewable energy with which they are associated to satisfy the requirements of having a resilient electricity and clean electricity option.

(2) CARBON OFFSETS.—In meeting the procurement requirements under subsection (a)(1), the Secretary of Defense shall ensure that each military department and Defense Agency does not use carbon offsets.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) providing a progress report on the transition of existing public utility services contracts of the Department to meet the procurement policies required under subsection (a)(1);

(2) describing the procurement plan required under subsection (a)(2); and

(3) identifying any challenges to carrying out such procurement plan.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Department of Defense to invest in capital projects for the purposes of generating electricity to power the installations and facilities of the military departments and Defense Agencies, including military installation resilience projects under section 2815 of title 10, United States Code, energy resilience and conservation construction projects under section 2914 of such title, or financing of third-party capital construction of energy projects under any other provision of law.

(f) DEFINITIONS.—In this section:

(1) CLEAN ELECTRICITY.—The term ''clean electricity'' means electricity generated from sources that result in access to electricity without the production of carbon emissions, including—

(A) renewable and nuclear energy; and

(B) traditional generation with carbon capture and storage.

(2) MILITARY INSTALLATION.—The term ''military installation'' means an installation of the Department of Defense under the jurisdiction of the Secretary of a military department that is located in a State, territory, or other possession of the United States.

(3) RESILIENT ELECTRICITY.—The term ''resilient electricity'' means uninterrupted and

assured access to electricity to meet critical mission availability.

SA 4316. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, insert the following:

SEC. 1264. REPORTS ON POTENTIAL GENOCIDE, CRIMES AGAINST HUMANITY, OR WAR CRIMES IN ETHIOPIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until the date on which current hostilities in the Tigray region of Ethiopia have ceased due to a ceasefire or peace agreement, the Secretary of State, after consultation with the heads of other Federal departments and agencies represented on the Atrocity Early Warning Task Force and with representatives of human rights organizations, shall submit to the appropriate committees of Congress a report that includes a determination with respect to whether actions in Ethiopia by the military forces of Ethiopia and Eritrea or other armed actors constitute—

(1) genocide (as defined in section 1091 of title 18, United States Code);

(2) crimes against humanity; or

(3) war crimes.

(b) FORM.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex that is provided separately.

(c) PUBLIC AVAILABILITY.—The Secretary shall make each report submitted under subsection (a) available to the public on an internet website of the Department of State.

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

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

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SA 4317. Mr. BOOKER (for himself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. DEPARTMENT OF STATE STUDENT INTERNSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of State shall establish the Department of State Student Internship Program (referred to in this section as the ''Program'') to offer internship opportunities at the Department of State to eligible students to raise awareness of the essential role of diplomacy in the conduct of United States foreign policy and the realization of United States foreign policy objectives.

(b) ELIGIBILITY.—An applicant is eligible to participate in the Program if the applicant—

(1) is enrolled (not less than half-time) at—

(A) an institution of higher education (as defined section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or

(B) an institution of higher education based outside of the United States, as determined by the Secretary of State;

(2) is able to receive and hold an appropriate security clearance; and

(3) satisfies such other criteria as the Secretary may establish pursuant to subsection (c).

(c) SELECTION.—The Secretary of State shall establish selection criteria for students to be admitted into the Program, including—

(1) a demonstrable interest in a career in foreign affairs;

(2) strong academic performance; and

(3) such other criteria as the Secretary may establish.

(d) OUTREACH.—The Secretary of State shall—

(1) widely advertise the Program, including on the internet, through—

(A) the Department of State's Diplomats in Residence Program; and

(B) other outreach and recruiting initiatives targeting undergraduate and graduate students; and

(2) actively encourage people belonging to traditionally under-represented groups in terms of racial, ethnic, geographic, and gender diversity, and disability status to apply to the Program, including by conducting targeted outreach at minority serving institutions (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).

(e) COMPENSATION.—

(1) IN GENERAL.—Students participating in the Program shall be paid not less than the greater of—

(A) the amount specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); or

(B) the minimum wage of the jurisdiction in which the internship is located.

(2) HOUSING ASSISTANCE.—

(A) ABROAD.—The Secretary of State shall provide housing assistance to any student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is outside of the United States.

(B) DOMESTIC.—The Secretary of State is authorized to provide housing assistance to a student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is more than 50 miles away from such student's permanent address.

(3) TRAVEL ASSISTANCE.—The Secretary of State shall provide financial assistance to any student participating in the Program whose permanent address is within the United States that covers the round trip costs of traveling from the location of the internship in which such student is participating (including travel by air, train, bus, or other appropriate transit), if the location of such internship is—

(A) more than 50 miles from such student's permanent address; or

(B) outside of the United States.

(f) WORKING WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary of State is authorized to enter into agreements with institutions of higher education to structure internships to ensure such internships satisfy criteria for academic programs in which participants in such internships are enrolled.

(g) TRANSITION PERIOD.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of State shall transition all unpaid internship programs of the Department of State, including the Foreign Service Internship Program, to internship programs that offer compensation. Upon selection as a candidate for entry into an internship program of the Department of State after such date, a participant in such internship program shall be afforded the opportunity to forgo compensation, including if doing so allows such participant to receive college or university curricular credit.

(2) EXCEPTION.—The transition required under paragraph (1) shall not apply in the case of unpaid internship programs of the Department of State that are part of the Virtual Student Federal Service Internship Program.

(3) WAIVER.—

(A) IN GENERAL.—The Secretary of State may waive the requirement under paragraph (1) to transition an unpaid internship program of the Department to an internship program that offers compensation if the Secretary determines and, not later than 30 days after any such determination, submits a report to the appropriate congressional committees that explains why such transition would not be consistent with effective management goals.

(B) REPORT.—The report required under subparagraph (A) shall describe the reason why transitioning an unpaid internship program of the Department of State to an internship program that offers compensation would not be consistent with effective management goals, including any justification for maintaining such unpaid status indefinitely, or any additional authorities or resources necessary to transition such unpaid program to offer compensation in the future.

(h) REPORTS.—Not later than 18 months after the date of the enactment of this Act, 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 includes—

(1) data, to the extent collection of such information is permissible by law, regarding the number of students (disaggregated by race, ethnicity, gender, institution of higher learning, home State, State where each student graduated from high school, and disability status) who applied to the Program, were offered a position, and participated;

(2) data regarding—

(A) the number of security clearance investigations started for such students; and

(B) the timeline for such investigations, including—

(i) whether such investigations were completed; and

(ii) when an interim security clearance was granted;

(3) information on Program expenditures; and

(4) information regarding the Department of State's compliance with subsection (g).

(i) DATA COLLECTION POLICIES.—

(1) VOLUNTARY PARTICIPATION.—Nothing in this section may be construed to compel any student who is a participant in an internship program of the Department of State to participate in the collection of the data or divulge any personal information. Such students shall be informed that their participation in the data collection contemplated by this section is voluntary.

(2) PRIVACY PROTECTION.—Any data collected under this section shall be subject to

the relevant privacy protection statutes and regulations applicable to Federal employees.

(j) SPECIAL HIRING AUTHORITY.—The Secretary of State may—

(1) offer compensated internships that last up to 52 weeks; and

(2) select, appoint, employ, and remove individuals in such compensated internships without regard to the provisions of law governing appointments in the competitive service.

SA 4318. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. PILOT PROGRAM ON DOULA SUPPORT FOR VETERANS.

(a) FINDINGS.—Congress finds the following:

(1) There are approximately 2,300,000 women within the veteran population in the United States.

(2) The number of women veterans using services from the Veterans Health Administration has increased by 28.8 percent from 423,642 in 2014 to 545,670 in 2019.

(3) During the period of 2010 through 2015, the use of maternity services from the Veterans Health Administration increased by 44 percent.

(4) Although prenatal care and delivery is not provided in facilities of the Department of Veterans Affairs, pregnant women seeking care from the Department for other conditions may also need emergency care and require coordination of services through the Veterans Community Care Program under section 1703 of title 38, United States Code.

(5) The number of unique women veteran patients with an obstetric delivery paid for by the Department increased by 1,778 percent from 200 deliveries in 2000 to 3,756 deliveries in 2015.

(6) The number of women age 35 years or older with an obstetric delivery paid for by the Department increased 16-fold from fiscal year 2000 to fiscal year 2015.

(7) A study in 2010 found that veterans returning from Operation Enduring Freedom and Operation Iraqi Freedom who experienced pregnancy were twice as likely to have a diagnosis of depression, anxiety, posttraumatic stress disorder, bipolar disorder, or schizophrenia as those who had not experienced a pregnancy.

(8) The number of women veterans of reproductive age seeking care from the Veterans Health Administration continues to grow (more than 185,000 as of fiscal year 2015).

(b) PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a pilot program to furnish doula services to covered veterans through eligible entities by expanding the Whole Health model of the Department of Veterans Affairs, or successor model, to measure the impact that doula support services have on birth and mental health outcomes of pregnant veterans (in this section referred to as the ''pilot program'').

(2) CONSIDERATION.—In carrying out the pilot program, the Secretary shall consider all types of doulas, including traditional and community-based doulas.

(3) CONSULTATION.—In designing and implementing the pilot program, the Secretary shall consult with stakeholders, including—

(A) organizations representing veterans, including veterans that are disproportionately impacted by poor maternal health outcomes;

(B) community-based health care professionals, including doulas, and other stakeholders; and

(C) experts in promoting health equity and combating racial bias in health care settings.

(4) GOALS.—The goals of the pilot program are the following:

(A) To improve—

(i) maternal, mental health, and infant care outcomes;

(ii) integration of doula support services into the Whole Health model of the Department, or successor model; and

(iii) the experience of women receiving maternity care from the Department, including by increasing the ability of a woman to develop and follow her own birthing plan.

(B) To reengage veterans with the Department after giving birth.

(c) LOCATIONS.—The Secretary shall carry out the pilot program in—

(1) the three Veterans Integrated Service Networks of the Department that have the highest percentage of female veterans enrolled in the patient enrollment system of the Department established and operated under section 1705(a) of title 38, United States Code, compared to the total number of enrolled veterans in such Network; and

(2) the three Veterans Integrated Service Networks that have the lowest percentage of female veterans enrolled in the patient enrollment system compared to the total number of enrolled veterans in such Network.

(d) OPEN PARTICIPATION.—The Secretary shall allow any eligible entity or covered veteran interested in participating in the pilot program to participate in the pilot program.

(e) SERVICES PROVIDED.—

(1) IN GENERAL.—Under the pilot program, a covered veteran shall receive not more than 10 sessions of care from a doula under the Whole Health model of the Department, or successor model, under which a doula works as an advocate for the veteran alongside the medical team for the veteran.

(2) SESSIONS.—Sessions covered under paragraph (1) shall be as follows:

(A) Three or four sessions before labor and delivery.

(B) One session during labor and delivery.

(C) Three or four sessions after postpartum, which may be conducted via the mobile application for VA Video Connect.

(f) ADMINISTRATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The Office of Women's Health of the Department of Veterans Affairs, or successor office (in this section referred to as the ''Office''), shall—

(A) coordinate services and activities under the pilot program;

(B) oversee the administration of the pilot program; and

(C) conduct onsite assessments of medical facilities of the Department that are participating in the pilot program.

(2) GUIDELINES FOR VETERAN-SPECIFIC CARE.—The Office shall establish guidelines under the pilot program for training doulas on military sexual trauma and post traumatic stress disorder.

(3) AMOUNTS FOR CARE.—The Office may recommend to the Secretary appropriate payment amounts for care and services provided under the pilot program, which shall not exceed $3,500 per doula per veteran.

(g) DOULA SERVICE COORDINATOR.—

(1) IN GENERAL.—The Secretary, in consultation with the Office, shall establish a Doula Service Coordinator within the functions of the Maternity Care Coordinator at each medical facility of the Department that is participating in the pilot program.

(2) DUTIES.—A Doula Service Coordinator established under paragraph (1) at a medical facility shall be responsible for—

(A) working with eligible entities, doulas, and covered veterans participating in the pilot program; and

(B) managing payment between eligible entities and the Department under the pilot program.

(3) TRACKING OF INFORMATION.—A doula providing services under the pilot program shall report to the applicable Doula Service Coordinator after each session conducted under the pilot program.

(4) COORDINATION WITH WOMEN'S PROGRAM MANAGER.—A Doula Service Coordinator for a medical facility of the Department shall coordinate with the women's program manager for that facility in carrying out the duties of the Doula Service Coordinator under the pilot program.

(h) TERM OF PILOT PROGRAM.—The Secretary shall conduct the pilot program for a period of 5 years.

(i) TECHNICAL ASSISTANCE.—The Secretary shall establish a process to provide technical assistance to eligible entities and doulas participating in the pilot program.

(j) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each year in which the pilot program is carried out, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

(2) FINAL REPORT.—As part of the final report submitted under paragraph (1), the Secretary shall include recommendations on whether the model studied in the pilot program should be continued or more widely adopted by the Department.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for each of fiscal years 2022 through 2027, such sums as may be necessary to carry out this section.

(l) DEFINITIONS.—In this section:

(1) COVERED VETERAN.—The term ''covered veteran'' means a pregnant veteran or a formerly pregnant veteran (with respect to sessions post-partum) who is enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that provides medically accurate, comprehensive maternity services to covered veterans under the laws administered by the Secretary, including under the Veterans Community Care Program under section 1703 of title 38, United States Code.

(3) VA VIDEO CONNECT.—The term ''VA Video Connect'' means the program of the Department of Veterans Affairs to connect veterans with their health care team from anywhere, using encryption to ensure a secure and private session.

SA 4319. Mr. BOOKER 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 VI, add the following:

SEC. 607. PROVISION OF UNIFORM AND EQUIPMENT TO CADETS AT SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 7450 of title 10, United States Code, is amended to read as follows:

"§ 7450. Cadets: clothing and equipment

''The Secretary of the Army shall provide to each cadet, at no cost to the cadet, the cadet's initial issue of clothing and equipment.''.

(b) UNITED STATES NAVAL ACADEMY.—

(1) IN GENERAL.—Section 8460 of such title is amended to read as follows:

"§ 8460. Midshipmen: clothing and equipment

''The Secretary of the Navy shall provide to each midshipman, at no cost to the midshipman, the midshipman's initial issue of clothing and equipment.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 853 of such title is amended by striking the item relating to section 8460 and inserting the following new item:

''8460. Midshipmen: clothing and equipment.''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9450 of such title is amended to read as follows:

"§ 9450. Cadets: clothing and equipment

''The Secretary of the Air Force shall provide to each cadet, at no cost to the cadet, the cadet's initial issue of clothing and equipment.''.

(d) UNITED STATES COAST GUARD ACADEMY.—

(1) IN GENERAL.—Section 1927 of title 14, United States Code, is amended to read as follows:

"§ 1927. Cadets; clothing and equipment

''The Secretary shall provide to each cadet, at no cost to the cadet, the cadet's initial issue of clothing and equipment.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 19 of such title is amended by striking the item relating to section 1927 and inserting the following new item:

''1927. Cadets; clothing and equipment.''.

(e) UNITED STATES MERCHANT MARINE ACADEMY.—Section 51308 of title 46, United States Code, is amended by inserting ''(at not cost to the cadet)'' after ''textbooks''.

SA 4320. Mr. BOOKER 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 VI, add the following:

SEC. 607. REIMBURSEMENT FOR COSTS OF TRANSPORTING HOUSEHOLD PETS TO OR FROM AN OVERSEAS DUTY STATION.

Section 453 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(h) TRANSPORTATION OF HOUSEHOLD PETS.—

''(1) IN GENERAL.—The administering Secretary may reimburse a member of a uniformed service who makes a permanent change of station between a duty station in the United States and a duty station outside the United States for costs associated with the transportation of a household pet between such stations through any service not operated by the Department of Defense.

''(2) LIMITATION.—The amount of a reimbursement to a member under paragraph (1) may not exceed $4,000.''.

SA 4321. Mr. BOOKER (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. PILOT PROGRAM ON PROVISION OF PLANT-BASED PROTEIN OPTIONS TO MEMBERS OF THE NAVY.

(a) ESTABLISHMENT.—Not later than March 1, 2022, the Secretary of the Navy shall establish a pilot program to offer plant-based protein options at forward operating bases for consumption by members of the Navy.

(b) LOCATIONS.—Not later than March 1, 2022, the Secretary of the Navy shall select not fewer than two naval facilities to participate in the pilot program established under subsection (a) and shall prioritize the selection of facilities where livestock-based protein options may be costly to obtain or store, such as Joint Region Marianas, Guam, Navy Support Facility, Diego Garcia, and United States Fleet Activities Sasebo, Japan.

(c) TERMINATION.—The requirement to carry out the pilot program established under subsection (a) shall terminate three years after the date on which the Secretary of the Navy establishes the pilot program.

(d) REPORT.—Not later than one year after the termination of the pilot program established under subsection (a), the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program that includes the following:

(1) The consumption rate of plant-based protein options by members of the Navy under the pilot program.

(2) Effective criteria to increase plant-based protein options at facilities of the Navy not selected under subsection (b).

(3) An analysis of the costs of obtaining and storing plant-based protein options compared to the costs of obtaining and storing livestock-based protein options at facilities of the Navy selected under subsection (b).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent offering livestock-based protein options alongside plant-based protein options at facilities of the Navy selected under subsection (b).

(f) PLANT-BASED PROTEIN OPTIONS DEFINED.—In this section, the term ''plant-based protein options'' means edible products made from plants (such as vegetables, beans, and legumes), fungi, or other non-animal sources of protein.

SA 4322. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1424. AUTHORITY TO ACQUIRE MATERIALS FOR AND DISPOSE OF MATERIALS FROM NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORITY.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager may dispose of 4,031,000 pounds of tungsten ores and concentrates contained in the National Defense Stockpile (in addition to any amount previously authorized for disposal).

(b) ACQUISITION AUTHORITY.—Using funds available in the National Defense Stockpile Transaction Fund, the National Defense Stockpile Manager may acquire the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(1) Neodymium oxide, praseodymium oxide, and neodymium iron boron (NdFeB) magnet block.

(2) Trinitrotoluene (TNT) or substitute materials.

(3) Titanium.

(c) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use up to $50,000,000 in the National Defense Stockpile Transaction Fund for acquisition of the materials specified in subsection (b).

(d) FISCAL YEAR LIMITATION.—The authority under subsection (b) is available for purchases during fiscal years 2022 through 2031.

SA 4323. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 318. REPORTS ON MOBILE MICROREACTOR DEVELOPMENT AND DEPLOYMENT.

(a) REPORT ON PLANS FOR MOBILE MICROREACTOR PROGRAM.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering shall submit to the congressional defense committees a report on the plans by the Department of Defense for the mobile microreactor program of the Department.

(2) LIMITATION ON USE OF FUNDS.—Until the report required by paragraph (1) is submitted to the congressional defense committees, the Office of the Under Secretary of Defense for Research and Engineering may not expend more than 25 percent of the funds appropriated to such Office for fiscal year 2022.

(b) REPORT ON REGULATORY FRAMEWORK.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, The Secretary of Defense, in coordination

with the Secretary of Energy and in consultation with the Nuclear Regulatory Commission and the commercial nuclear industry, shall submit to the congressional defense committees a report on the regulatory framework for the deployment by the Secretary of Defense of mobile microreactors.

(2) CONTENTS.—The report required by paragraph (1) shall include—

(A) a description of the regulatory framework by which the Secretary of Defense will—

(i) leverage the commercial development of mobile microreactors to deploy such microreactors to military installations in the United States;

(ii) designate the head of a component of the Department of Defense to carry out clause (i); and

(iii) develop a scalable pilot program to identify the first 5 installations in the United States that are projected to receive mobile microreactors under clause (i); and

(B) a summary of expected timelines and projected costs for carrying out clauses (i), (ii), and (iii) of subparagraph (A); and

(C) such other information as the Secretary of Defense considers appropriate.

SA 4324. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 164. INCLUSION OF PROPOSALS FOR CANCELLATION OR CERTAIN MODIFICATIONS OF MULTIYEAR CONTRACTS FOR ACQUISITION OF PROPERTY IN DEPARTMENT OF DEFENSE BUDGET JUSTIFICATION MATERIALS.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 239c. Cancellation or certain modifications of multiyear contracts for acquisition of property: inclusion of proposals in budget justification materials

''(a) IN GENERAL.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2023 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include a proposal for any contract of the Department entered into under section 2306b of this title that—

''(1) the head of an agency intends to cancel; or

''(2) with respect to which the head of agency intends to effect a covered modification.

''(b) ELEMENTS.—Each proposal required by subsection (a) shall include the following:

''(1) A detailed assessment of expected termination costs associated with the cancellation or covered modification of the contract.

''(2) An updated assessment of estimated savings of carrying out the planned multiyear procurement.

''(3) An explanation of the proposed use of previously appropriated funds provided by Congress for advance procurement or procurement of property that would be procured under the multiyear contract.

''(4) An assessment of expected impacts to the industrial base, including workload stability, loss of skilled labor, and reduced efficiencies.

''(c) DEFINITIONS.—In this section:

''(1) The term 'covered modification' means a modification that will result in a reduction in the quantity of end items to be procured.

''(2) The term 'head of an agency' means—

''(A) the Secretary of Defense;

''(B) the Secretary of the Army;

''(C) the Secretary of the Navy; or

''(D) the Secretary of the Air Force.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by adding at the end the following new item:

''239c. Cancellation or certain modifications of multiyear contracts for acquisition of property: inclusion of proposals in budget justification materials.''.

SA 4325. Mr. CORNYN (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. SENSE OF CONGRESS ON INTEROPERABILITY WITH TAIWAN.

It is the sense of Congress that, consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the Six Assurances, the United States should seek to support the goals of—

(1) improving asymmetric defense capabilities of Taiwan;

(2) bolstering deterrence to preserve peace, security, and stability across the Taiwan Strait; and

(3) deepening interoperability with Taiwan in defense capabilities, including in—

(A) maritime and air domain awareness; and

(B) integrated air and missile defense systems.

SA 4326. Mr. BURR (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REVIEW OF ILLNESSES AND CONDITIONS RELATING TO VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA AND THEIR FAMILY MEMBERS.

(a) REVIEW AND PUBLICATION OF ILLNESS OR CONDITION.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399V–7. REVIEW AND PUBLICATION OF ILLNESSES AND CONDITIONS.

''Consistent with section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, not later than 1 year after the date of enactment of this section, and not less frequently than once every 3 years thereafter, the Secretary, acting through the Administrator of the Agency for Toxic Substances and Disease Registry, shall—

''(1)(A) review the scientific literature relevant to the relationship between the employment or residence of individuals at Camp Lejeune, North Carolina for not fewer than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, and specific illnesses or conditions incurred by those individuals;

''(B) determine each illness or condition for which there is evidence that exposure to a toxic substance at Camp Lejeune, North Carolina, during the period specific in subparagraph (A) may be a cause of the illness or condition; and

''(C) with respect to each illness or condition for which a determination has been made under subparagraph (B), categorize the evidence of the connection of the illness or condition to exposure described in that subparagraph as—

''(i) sufficient to conclude with reasonable confidence that the exposure is a cause of the illness or condition;

''(ii) modest supporting causation, but not sufficient to conclude with reasonable confidence that exposure is a cause of the illness or condition; or

''(iii) no more than limited supporting causation;

''(2) publish in the Federal Register and on the Internet website of the Department of Health and Human Services—

''(A) a list of each illness or condition for which a determination has been made under paragraph (1)(B), including the categorization of the evidence of causal connection relating to the illness or condition under paragraph (1)(C); and

''(B) the bibliographic citations for all literature reviewed under paragraph (1) for each illness or condition listed under such paragraph; and

''(3) update the list under paragraph (2), as applicable, to add an illness or condition for which a determination has been made under paragraph (1)(B), including the categorization of the evidence of causal connection relating to the illness or condition under paragraph (1)(C), since such list was last updated consistent with the requirements of this section.''.

(b) ELIGIBILITY FOR HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Section 1710(e)(1)(F) of title 38, United States Code, is amended—

(A) by redesignating clauses (i) through (xv) as subclauses (I) through (XV), respectively;

(B) by striking ''(F) Subject to'' and inserting ''(F)(i) Subject to'';

(C) by striking ''any of the following'' and inserting ''any of the illnesses or conditions for which the evidence of connection of the illness or condition to exposure to a toxic substance at Camp Lejeune, North Carolina, during such period is categorized as sufficient or modest in the most recent list published under section 399V–7(2) of the Public Health Service Act, which may include any of the following''; and

(D) by adding at the end the following new clause:

''(ii) For the purposes of ensuring continuation of care, any veteran who has been furnished hospital care or medical services under this subparagraph for an illness or condition shall remain eligible for hospital

care or medical services for such illness or condition notwithstanding that the evidence of connection of such illness or condition to exposure to a toxic substance at Camp Lejeune, North Carolina, during the period described in clause (i) is not categorized as sufficient or modest in the most recent list published under section 399V–7(2) of the Public Health Service Act.''.

(2) FAMILY MEMBERS.—Section 1787 of such title is amended by adding at the end the following new subsection:

''(c) CONTINUATION OF CARE.—For the purposes of ensuring continuation of care, any individual who has been furnished hospital care or medical services under this section for an illness or condition shall remain eligible for hospital care or medical services for such illness or condition notwithstanding that the illness or condition is no longer described in section 1710(e)(1)(F) of this title.''.

(3) TRANSFER OF AMOUNTS FOR PROGRAM.—Notwithstanding any other provision of law, for each of fiscal years 2022 and 2023, the Secretary of Veterans Affairs shall transfer $2,000,000 from amounts made available to the Department of Veterans Affairs for medical support and compliance to the Chief Business Office and Financial Services Center of the Department to be used to continue building and enhancing the claims processing system, eligibility system, and web portal for the Camp Lejeune Family Member Program of the Department.

SA 4327. Mr. SULLIVAN 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:

SEC. _____. INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.

Section 50302(c)(6) of title 46, United States Code, is amended by adding at the end the following:

''(C) INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.—In selecting projects described in paragraph (3) for funding under this subsection, the Secretary shall consider infrastructure improvements identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1985) that would improve the commercial operations of those seaports.''.

SA 4328. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12____. SPECIAL IMMIGRANT STATUS FOR NATIONALS OF AFGHANISTAN EMPLOYED THROUGH A COOPERATIVE AGREEMENT, GRANT, OR NONGOVERNMENTAL ORGANIZATION FUNDED BY THE UNITED STATES GOVERNMENT.

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

(1) the United States recognizes the immense contributions of the nationals of Afghanistan who worked, through cooperative agreements, grants, and nongovernmental organizations in Afghanistan, in support of the United States mission to advance the causes of democracy, human rights, and the rule of law in Afghanistan;

(2) due to the close association of such nationals of Afghanistan with the United States, their lives are at risk; and

(3) such nationals of Afghanistan should be provided with special immigrant status under the Afghan Allies and Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8).

(b) SPECIAL IMMIGRANT STATUS.—Section 602(b)(2)(A)(ii)(I) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended by inserting after ''United States Government'' the following: '', including employment in Afghanistan funded by the United States Government through a cooperative agreement, grant, or nongovernmental organization, provided that the Chief of Mission or delegated Department of State designee determines, based on a recommendation from the Federal agency or organization authorizing such funding, that such alien contributed to the United States mission in Afghanistan''.

SA 4329. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 821. PROHIBITION ON CONTRACT CLAUSES REQUIRING COVID–19 VACCINE.

Notwithstanding Executive Order No. 14042 (86 Fed. Reg. 50985; relating to ensuring adequate COVID safety protocols for Federal contractors) and the Safer Federal Worker Task Force order dated September 24, 2021, and entitled ''COVID–19 Workplace Safety: Guidance for Federal Contractors and Subcontractors'', the Department of Defense may not require any contractor or subcontractor at any tier to impose a workplace COVID–19 vaccine mandate as a condition of entering into a Federal contract or subcontract, including by including a contract clause to such effect in a Department of Defense contract.

SA 4330. Mr. RUBIO (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Uyghur Forced Labor Prevention Act

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Uyghur Forced Labor Prevention Act''.

SEC. 1292. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to strengthen the prohibition against the importation of goods made with forced labor, including by ensuring that the Government of the People's Republic of China does not undermine the effective enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), which prohibits the importation of all ''goods, wares, articles, and merchandise mined, produced or manufactured wholly or in part in any foreign country by . . . forced labor'';

(2) to lead the international community in ending forced labor practices wherever such practices occur through all means available to the United States Government, including by stopping the importation of any goods made with forced labor, including those goods mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region;

(3) to actively work to prevent, publicly denounce, and end human trafficking, including with respect to forced labor, whether sponsored by the government of a foreign country or not, and to restore the lives of those affected by human trafficking, a modern form of slavery;

(4) to regard the prevention of atrocities as a priority in the national interests of the United States; and

(5) to address gross violations of human rights in the Xinjiang Uyghur Autonomous Region—

(A) through bilateral diplomatic channels and multilateral institutions in which both the United States and the People's Republic of China are members; and

(B) using all the authorities available to the United States Government, including visa and financial sanctions, export restrictions, and import controls.

SEC. 1293. STRATEGY TO ENFORCE PROHIBITION ON IMPORTATION OF GOODS MADE THROUGH FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) PUBLIC COMMENT.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of the Treasury and the Secretary of Homeland Security shall jointly, and in consultation with the United States Trade Representative, the Secretary of State, and the Secretary of Labor, publish in the Federal Register a notice soliciting public comments on how best to ensure that goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China, including by Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the People's Republic of China, and especially in the Xinjiang Uyghur Autonomous Region, are not imported into the United States.

(2) PERIOD FOR COMMENT.—The Secretary of the Treasury and the Secretary of Homeland Security shall provide the public with not less than 60 days to submit comments in response to the notice required by paragraph (1).

(b) PUBLIC HEARING.—

(1) IN GENERAL.—Not later than 45 days after the close of the period to submit comments under subsection (a)(2), the Secretary of the Treasury, the Secretary of Homeland Security, the Secretary of Labor, the United States Trade Representative, and the Secretary of State shall jointly conduct a public

hearing inviting witnesses to testify with respect to the use of forced labor in the People's Republic of China and potential measures, including the measures described in paragraph (2), to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China into the United States.

(2) MEASURES DESCRIBED.—The measures described in this paragraph are—

(A) measures that can be taken to trace the origin of goods, offer greater supply chain transparency, and identify third country supply chain routes for goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China; and

(B) other measures for ensuring that goods mined, produced, or manufactured wholly or in part with forced labor do not enter the United States.

(c) DEVELOPMENT OF STRATEGY.—After receiving public comments under subsection (a) and holding the hearing required by subsection (b), the Secretary of the Treasury and the Secretary of Homeland Security shall jointly, and in consultation with the Secretary of Labor, the United States Trade Representative, the Secretary of State, and the Director of National Intelligence, develop a strategy for preventing the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China.

(d) ELEMENTS.—The strategy developed under subsection (c) shall include the following:

(1) A comprehensive assessment of the risk of importing goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China, including from the Xinjiang Uyghur Autonomous Region or made by Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups in any other part of the People's Republic of China, that identifies, to the extent feasible—

(A) threats, including through the potential involvement in supply chains of entities that may use forced labor, that could lead to the importation into the United States from the People's Republic of China, including through third countries, of goods mined, produced, or manufactured wholly or in part with forced labor; and

(B) what procedures can be implemented or improved to reduce such threats.

(2) A comprehensive description and evaluation—

(A) of ''pairing assistance'' and ''poverty alleviation'' or any other government labor scheme that includes the forced labor of Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups outside of the Xinjiang Uyghur Autonomous Region or similar programs of the People's Republic of China in which work or services are extracted from Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups through the threat of penalty or for which the Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups have not offered themselves voluntarily; and

(B) that includes—

(i) a list of entities working with the government of the Xinjiang Uyghur Autonomous Region to move forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region;

(ii) a list of products mined, produced, or manufactured wholly or in part by entities on the list required by clause (i);

(iii) a list of entities that exported products described in clause (ii) from the People's Republic of China into the United States;

(iv) a list of facilities and entities, including the Xinjiang Production and Construction Corps, that source material from the Xinjiang Uyghur Autonomous Region or from persons working with the government of the Xinjiang Uyghur Autonomous Region or the Xinjiang Production and Construction Corps for purposes of the ''poverty alleviation'' program or the ''pairing-assistance'' program or any other government labor scheme that uses forced or involuntary labor;

(v) a plan for identifying additional facilities and entities described in clause (iv);

(vi) a enforcement plan for each such entity, which may include issuing withhold release orders to support enforcement of section 1294 with respect to the entity;

(vii) a list of high-priority sectors for enforcement, which shall include cotton, tomatoes, and polysilicon; and

(viii) an enforcement plan for each such high-priority sector.

(3) Recommendations for efforts, initiatives, and tools and technologies to be adopted to ensure that U.S. Customs and Border Protection can accurately identify and trace goods made in the Xinjiang Uyghur Autonomous Region entering at any of the ports of the United States.

(4) A description of how U.S. Customs and Border Protection plans to enhance its use of legal authorities and other tools to ensure that no goods are entered at any of the ports of the United States in violation of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), including through the initiation of pilot programs to test the viability of technologies to assist in the examination of such goods.

(5) Guidance to importers with respect to—

(A) due diligence, effective supply chain tracing, and supply chain management measures to ensure that such importers do not import any goods mined, produced, or manufactured wholly or in part with forced labor from the People's Republic of China, especially from the Xinjiang Uyghur Autonomous Region;

(B) the type, nature, and extent of evidence that demonstrates that goods originating in the People's Republic of China were not mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region; and

(C) the type, nature, and extent of evidence that demonstrates that goods originating in the People's Republic of China, including goods detained or seized pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), were not mined, produced, or manufactured wholly or in part with forced labor.

(6) A plan to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to implement and update the strategy developed under subsection (c).

(e) SUBMISSION OF STRATEGY.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security, in consultation with the Secretary of Labor, the United States Trade Representative, and the Secretary of State, shall submit to the appropriate congressional committees a report that—

(A) in the case of the first such report, sets forth the strategy developed under subsection (c); and

(B) in the case of any subsequent such report, sets forth any updates to the strategy.

(2) UPDATES OF CERTAIN MATTERS.—Not less frequently than annually after the submission under paragraph (1)(A) of the strategy developed under subsection (c), the Secretary shall submit to the appropriate congressional committees updates to the strategy with respect to the matters described in clauses (i) through (vi) of subsection (d)(2)(B).

(3) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex, if necessary.

(4) PUBLIC AVAILABILITY.—The unclassified portion of each report required by paragraph (1) shall be made available to the public.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the application of regulations in effect on or measures taken before the date of the enactment of this Act to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor into the United States, including withhold release orders issued before such date of enactment.

SEC. 1294. REBUTTABLE PRESUMPTION THAT IMPORT PROHIBITION APPLIES TO GOODS MINED, PRODUCED, OR MANUFACTURED IN THE XINJIANG UYGHUR AUTONOMOUS REGION OR BY CERTAIN ENTITIES.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall, except as provided by subsection (b), apply a presumption that, with respect to any goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region of the People's Republic of China or produced by an entity on a list required by clause (i), (iii), or (iv) of section 1293(d)(2)(B)—

(1) the importation of such goods, wares, articles, and merchandise is prohibited under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

(2) such goods, wares, articles, and merchandise are not entitled to entry at any of the ports of the United States.

(b) EXCEPTIONS.—The Commissioner shall apply the presumption under subsection (a) unless the Commissioner determines that—

(1) the importer of record has—

(A) fully complied with the guidance described in section 1293(d)(5) and any regulations issued to implement that guidance; and

(B) completely and substantively responded to all inquiries for information submitted by the Commissioner to ascertain whether the goods were mined, produced, or manufactured wholly or in part with forced labor; and

(2) the good was not mined, produced, or manufactured wholly or in part by forced labor.

(c) REPORT REQUIRED.—Not less frequently than every 180 days, the Commissioner shall submit to the appropriate congressional committees and make available to the public a report that lists all instances in which the Commissioner declined to apply the presumption under subsection (a) during the preceding 180-day period.

(d) REGULATIONS.—The Commissioner may prescribe regulations—

(1) to implement paragraphs (1) and (2) of subsection (b); or

(2) to amend any other regulations relating to withhold release orders in order to implement this section.

(e) EFFECTIVE DATE.—This section takes effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 1295. DIPLOMATIC STRATEGY TO ADDRESS FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a report that includes a United States strategy to promote initiatives to enhance international awareness of and to address forced labor in the Xinjiang

Uyghur Autonomous Region of the People's Republic of China.

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

(1) A plan to enhance bilateral and multilateral coordination, including sustained engagement with the governments of countries that are partners and allies of the United States, to end the use of Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the Xinjiang Uyghur Autonomous Region for forced labor.

(2) A description of public affairs, public diplomacy, and counter-messaging efforts to promote awareness of the human rights situation, including with respect to forced labor, in the Xinjiang Uyghur Autonomous Region.

(3) A plan—

(A) to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to raise awareness about goods mined, produced, or manufactured wholly or in part with forced labor in the Xinjiang Uyghur Autonomous Region; and

(B) to provide humanitarian assistance, including with respect to resettlement and advocacy for imprisoned family members, to Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups, including members of such groups formerly detained in mass internment camps in the Xinjiang Uyghur Autonomous Region.

(c) ADDITIONAL MATTERS TO BE INCLUDED.—The Secretary shall include in the report required by subsection (a), based on consultations with the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of the Treasury, the following:

(1) To the extent practicable, a list of—

(A) entities in the People's Republic of China or affiliates of such entities that use or benefit from forced labor in the Xinjiang Uyghur Autonomous Region; and

(B) foreign persons that act as agents of the entities or affiliates described in subparagraph (A) to import goods into the United States.

(2) A plan for working with private sector entities seeking to conduct supply chain due diligence to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor into the United States.

(3) A description of actions taken by the United States Government to address forced labor in the Xinjiang Uyghur Autonomous Region under existing authorities, including—

(A) the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(B) the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115–441; 22 U.S.C. 2656 note); and

(C) the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note).

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

SEC. 1296. IMPOSITION OF SANCTIONS RELATING TO FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) IN GENERAL.—Section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145; 22 U.S.C. 6901 note) is amended by adding at the end the following:

''(F) Serious human rights abuses in connection with forced labor.''.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a)—

(1) takes effect on the date of the enactment of this Act; and

(2) applies with respect to the first report required by section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 submitted after such date of enactment.

(c) TRANSITION RULE.—

(1) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the committees specified in section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 a report that identifies each foreign person, including any official of the Government of the People's Republic of China, that the President determines is responsible for serious human rights abuses in connection with forced labor with respect to Uyghurs, Kazakhs, Kyrgyz, or members of other Muslim minority groups, or other persons in the Xinjiang Uyghur Autonomous Region.

(2) IMPOSITION OF SANCTIONS.—The President shall impose sanctions under subsection (c) of section 6 of the Uyghur Human Rights Policy Act of 2020 with respect to each foreign person identified in the report required by paragraph (1), subject to the provisions of subsections (d), (e), (f), and (g) of that section.

SEC. 1297. SUNSET.

Sections 1293, 1294, and 1295 shall cease to have effect on the earlier of—

(1) the date that is 8 years after the date of the enactment of this Act; or

(2) the date on which the President submits to the appropriate congressional committees a determination that the Government of the People's Republic of China has ended mass internment, forced labor, and any other gross violations of human rights experienced by Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the Xinjiang Uyghur Autonomous Region.

SEC. 1298. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) FORCED LABOR.—The term ''forced labor''—

(A) has the meaning given that term in section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

(B) includes convict labor and indentured labor under penal sanctions.

(3) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(4) PERSON.—The term ''person'' means an individual or entity.

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

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

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

SA 4331. Mr. RUBIO (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—South China Sea and East China Sea Sanctions Act of 2021

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''South China Sea and East China Sea Sanctions Act of 2021''.

SEC. 1292. SANCTIONS WITH RESPECT TO CHINESE PERSONS RESPONSIBLE FOR CHINA'S ACTIVITIES IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

(a) INITIAL IMPOSITION OF SANCTIONS.—On and after the date that is 120 days after the date of the enactment of this Act, the President may impose the sanctions described in subsection (b) with respect to any Chinese person, including any senior official of the Government of the People's Republic of China, that the President determines—

(1) is responsible for or significantly contributes to large-scale reclamation, construction, militarization, or ongoing supply of outposts in disputed areas of the South China Sea;

(2) is responsible for or significantly contributes to, or has engaged in, directly or indirectly, actions, including the use of coercion, to inhibit another country from protecting its sovereign rights to access offshore resources in the South China Sea, including in such country's exclusive economic zone, consistent with such country's rights and obligations under international law;

(3) is responsible for or complicit in, or has engaged in, directly or indirectly, actions that significantly threaten the peace, security, or stability of disputed areas of the South China Sea or areas of the East China Sea administered by Japan or the Republic of Korea, including through the use of vessels and aircraft by the People's Republic of China to occupy or conduct extensive research or drilling activity in those areas;

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to, or in support of, any person subject to sanctions pursuant to paragraph (1), (2), or (3); or

(5) is owned or controlled by, or has acted for or on behalf of, directly or indirectly, any person subject to sanctions pursuant to paragraph (1), (2), or (3).

(b) SANCTIONS DESCRIBED.—The sanctions that may be imposed with respect to a person described in subsection (a) are the following:

(1) BLOCKING OF PROPERTY.—The President may, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—In the case of an alien, the alien may be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subparagraph (A) may be subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) may—

(I) take effect immediately; and

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

(3) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the person.

(4) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to the person under—

(A) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(B) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(5) INCLUSION ON ENTITY LIST.—The President may include the entity on the entity list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations, for activities contrary to the national security or foreign policy interests of the United States.

(6) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing equity or debt instruments of the person.

(7) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the person.

(8) CORRESPONDENT AND PAYABLE-THROUGH ACCOUNTS.—In the case of a foreign financial institution, the President may prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by the foreign financial institution.

(c) EXCEPTIONS.—

(1) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of subsection (b)(1).

(2) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(3) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Paragraphs (2) and (3) of subsection (b) shall not apply if admission of an alien to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success, June 26, 1947, and entered into force, November 21, 1947, between the United Nations and the United States.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority or a requirement to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(d) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under subsection (b)(1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(e) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) ALIEN.—The term ''alien'' has the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) CHINESE PERSON.—The term ''Chinese person'' means—

(A) an individual who is a citizen or national of the People's Republic of China; or

(B) an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.

(4) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(6) PERSON.—The term ''person'' means any individual or entity.

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

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

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

(C) any person in the United States.

SEC. 1293. REPORT ON COUNTRIES THAT RECOGNIZE CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter until the date that is 3 years after such date of enactment, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report identifying each country that the Secretary determines has taken an official and stated position to recognize, after such date of enactment, the sovereignty of the People's Republic of China over territory or airspace disputed by one or more countries in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

(c) PUBLIC AVAILABILITY.—The Secretary of State shall publish the unclassified part of the report required by subsection (a) on a publicly available website of the Department of State.

SA 4332. Mr. RUBIO (for himself, Ms. CANTWELL, Mrs. BLACKBURN, Ms. ROSEN, Ms. COLLINS, Mr. CRAPO, and Ms. HASSAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1283. UNITED STATES–ISRAEL ARTIFICIAL INTELLIGENCE CENTER.

(a) SHORT TITLE.—This section may be cited as the ''United States-Israel Artificial Intelligence Center Act''.

(b) ESTABLISHMENT OF CENTER.—The Secretary of State, in consultation with the Secretary of Commerce, the Director of the National Science Foundation, and the heads of other relevant Federal agencies, shall establish the United States–Israel Artificial Intelligence Center (referred to in this section as the ''Center'') in the United States.

(c) PURPOSE.—The purpose of the Center shall be to leverage the experience, knowledge, and expertise of institutions of higher education and private sector entities in the United States and Israel to develop more robust research and development cooperation in the areas of—

(1) machine learning;

(2) image classification;

(3) object detection;

(4) speech recognition;

(5) natural language processing;

(6) data labeling;

(7) computer vision; and

(8) model explainability and interpretability.

(d) ARTIFICIAL INTELLIGENCE PRINCIPLES.—In carrying out the purposes set forth in subsection (c), the Center shall adhere to the principles for the use of artificial intelligence in the Federal Government set forth in section 3 of Executive Order 13960 (85 Fed. Reg. 78939).

(e) INTERNATIONAL PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary of State and the heads of other relevant Federal agencies, subject to the availability of appropriations, may enter into cooperative agreements supporting and enhancing dialogue and planning involving international partnerships between the Department of State or such agencies and the Government of Israel and its ministries, offices, and institutions.

(2) FEDERAL SHARE.—Not more than 50 percent of the costs of implementing the agreements entered into pursuant to paragraph (1) may be paid by the United States Government.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Center $10,000,000 for each of the fiscal years 2022 through 2026.

SA 4333. Mr. RUBIO (for himself and Ms. WARREN) submitted an amendment

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

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

SEC. 857. RISK MANAGEMENT FOR DEPARTMENT OF DEFENSE SUPPLY CHAINS.

(a) RISK MANAGEMENT FOR ALL DEPARTMENT OF DEFENSE SUPPLY CHAINS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall—

(1) develop and issue implementing guidance for risk management for Department of Defense supply chains for materiel for the Department, including pharmaceuticals;

(2) identify, in coordination with the Commissioner of Food and Drugs, supply chain information gaps regarding reliance on foreign suppliers of drugs, including active pharmaceutical ingredients and final drug products; and

(3) submit to Congress a report regarding—

(A) existing information streams, if any, that may be used to assess the reliance by the Department of Defense on high-risk foreign suppliers of drugs;

(B) vulnerabilities in the drug supply chains of the Department of Defense; and

(C) any recommendations to address—

(i) information gaps identified under paragraph (2); and

(ii) any risks related to such reliance on foreign suppliers.

(b) RISK MANAGEMENT FOR DEPARTMENT OF DEFENSE PHARMACEUTICAL SUPPLY CHAIN.—The Director of the Defense Health Agency shall—

(1) not later than one year after the issuance of the guidance required by subsection (a)(1), develop and publish implementing guidance for risk management for the Department of Defense supply chain for pharmaceuticals; and

(2) establish a working group—

(A) to assess risks to the pharmaceutical supply chain;

(B) to identify the pharmaceuticals most critical to beneficiary care at military treatment facilities; and

(C) to establish policies for allocating scarce pharmaceutical resources in case of a supply disruption.

(c) RESPONSIVENESS TESTING OF DEFENSE LOGISTICS AGENCY PHARMACEUTICAL CONTRACTS.—The Director of the Defense Logistics Agency shall modify Defense Logistics Agency Instructions 5025.03 and 3110.01—

(1) to require Defense Logistics Agency Troop Support to coordinate annually with customers in the military departments to conduct responsiveness testing of the Defense Logistics Agency's contingency contracts for pharmaceuticals; and

(2) to include the results of that testing, as reported by customers in the military departments, in the annual reports of the Warstopper Program.

SA 4334. Mr. RUBIO (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1424. EXPANSION OF DECLARATIONS REQUIRED BY THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

Section 721(b)(1)(C)(v)(IV)(cc) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)(v)(IV)(cc)) is amended by striking ''subsection (a)(4)(B)(iii)(II)'' and inserting ''subclause (II) or (III) of subsection (a)(4)(B)(iii)''.

SA 4335. Mr. RUBIO (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. INTERAGENCY REVIEW TO EVALUATE AND IDENTIFY OPPORTUNITIES FOR THE ACCELERATION OF RESEARCH ON WOMEN AND LUNG CANCER, GREATER ACCESS TO PREVENTIVE SERVICES, AND STRATEGIC PUBLIC AWARENESS AND EDUCATION CAMPAIGNS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Defense and Secretary of Veterans Affairs, shall conduct an interagency review to evaluate the status of, and identify opportunities related to—

(1) research on women and lung cancer;

(2) access to lung cancer preventive services; and

(3) strategic public awareness and education campaigns on lung cancer.

(b) CONTENT.—The review and recommendations under subsection (a) shall include—

(1) a review and comprehensive report on the outcomes of previous research, the status of existing research activities, and knowledge gaps related to women and lung cancer in all agencies of the Federal Government;

(2) specific opportunities for collaborative, interagency, multidisciplinary, and innovative research, that would—

(A) encourage innovative approaches to eliminate knowledge gaps in research;

(B) evaluate environmental and genomic factors that may be related to the etiology of lung cancer in women; and

(C) foster advances in imaging technology to improve risk assessment, diagnosis, treatment, and the simultaneous application of other preventive services;

(3) opportunities regarding the development of a national lung cancer screening strategy with sufficient infrastructure and personnel resources to expand access to such screening, particularly among underserved populations; and

(4) opportunities regarding the development of a national public education and awareness campaign on women and lung cancer and the importance of early detection of lung cancer.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the review conducted under subsection (a).

SA 4336. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON FOREIGN INVESTMENT IN SBIR AND STTR FIRMS.

(a) DEFINITIONS.—In this section, the terms ''Phase I'', ''Phase II'', ''Phase III'', ''SBIR'', and ''STTR'' have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

(b) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding foreign investment in SBIR and STTR awardees.

(c) ELEMENTS.—The report required under subsection (b) shall, to the extent practicable, include an assessment of—

(1) the pervasiveness of foreign investment in firms receiving SBIR and STTR awards, including—

(A) the number or percentage of those firms that have accepted foreign investment before receiving such an award or during the performance of such an award; and

(B) the number or percentage of those firms in which foreign individuals or entities have a minority ownership stake;

(2) the extent to which SBIR and STTR awardees are being targeted by foreign investors, including investors with ties to the People's Republic of China or the Russian Federation, for additional funding or investment before, during, or after concluding Phase I, Phase II, or Phase III;

(3) the extent to which former SBIR and STTR awardees are conducting final-stage research and product commercialization outside of the United States;

(4) the extent to which SBIR and STTR awardees are experiencing or have experienced theft of Government-funded research and development by foreign investors or actors;

(5) the extent to which existing ownership disclosure requirements are effective in protecting Federal research and development funds from theft or foreign transfer;

(6) the extent to which SBIR and STTR awardees being targeted by foreign investors poses supply chain risks and threats to the national security of the United States;

(7) recommendations for further protecting Federal research and development funds from foreign theft or influence; and

(8) recommendations for protecting SBIR and STTR awardees from foreign targeting or theft of the intellectual property of those awardees.

SA 4337. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to

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

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

SEC. 1516. REPORT ON COMPETITION WITH THE PEOPLE'S REPUBLIC OF CHINA AND THE RUSSIAN FEDERATION REGARDING SPACE-RELATED INVESTMENTS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the National Space Council shall submit to Congress a report on competition with the People's Republic of China and the Russian Federation regarding space-related investments.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of commercial investment activity by the People's Republic of China and the Russian Federation to produce technology and devices for space activities or programs.

(2) An assessment of military-civil fusion activities in the People's Republic of China and in the Russian Federation regarding space-related investments.

(3) An assessment of and recommendations to strengthen the ability of the United States to protect domestically produced intellectual property and critical technology regarding space-related investments from exportation, transfer, and foreign theft or imitation, particularly from entities affiliated with the Government of the People's Republic of China or the Government of the Russian Federation.

(4) A review and assessment of the research, technology, and commercial ties of the United States with the People's Republic of China and the Russian Federation regarding space-related investments.

(5) An interagency strategy to defend supply chains of the United States that are critical to competitiveness in space.

SA 4338. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. REPORT ON TRADE POLICIES OF PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO AFRICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the United States Trade Representative shall submit to Congress a report on the trade policies of the Government of the People's Republic of China with respect to Africa.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The use by the Government of the People's Republic of China of preferential duty treatment for goods imported into the People's Republic of China from beneficiary sub-Saharan African countries, including—

(A) the extent to which beneficiary sub-Saharan African countries obtain the benefit of favorable trade policies of the Government of the People's Republic of China; and

(B) whether the Government of the People's Republic of China is using such policies to circumvent United States trade policies.

(2) The activities conducted under the Belt and Road Initiative in Africa, including investment by the Government of the People's Republic of China in supply chains related to raw materials and natural resources, commodities, telecommunications, emerging technologies, agriculture, energy, and national security.

(3) The use by the Government of the People's Republic of China of resource-backed loans for economic exploitation and dependency in Africa.

(4) Recommendations for strengthening United States supply chains and trade relationships with beneficiary sub-Saharan African countries.

(c) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY DEFINED.—In this section, the term ''beneficiary sub-Saharan African country'' has the meaning given that term in section 506A of the Trade Act of 1974 (19 U.S.C. 2466a).

SA 4339. Mr. RUBIO (for himself, Mr. SCOTT of Florida, Mr. TOOMEY, Mr. WHITEHOUSE, Mrs. MURRAY, and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. MAKING DAYLIGHT SAVING TIME PERMANENT.

(a) SHORT TITLE.—This section may be cited as the ''Sunshine Protection Act of 2021''.

(b) REPEAL OF TEMPORARY PERIOD FOR DAYLIGHT SAVING TIME.—Section 3 of the Uniform Time Act of 1966 (15 U.S.C. 260a) is hereby repealed.

(c) ADVANCEMENT OF STANDARD TIME.—

(1) IN GENERAL.—The second sentence of subsection (a) of the first section of the Act of March 19, 1918 (commonly known as the ''Calder Act'') (15 U.S.C. 261), is amended—

(A) by striking ''4 hours'' and inserting ''3 hours'';

(B) by striking ''5 hours'' and inserting ''4 hours'';

(C) by striking ''6 hours'' and inserting ''5 hours'';

(D) by striking ''7 hours'' and inserting ''6 hours'';

(E) by striking ''8 hours'' and inserting ''by 7 hours'';

(F) by striking ''9 hours'' and inserting ''8 hours'';

(G) by striking ''10 hours;'' and inserting ''9 hours;'';

(H) by striking ''11 hours'' and inserting ''10 hours''; and

(I) by striking ''10 hours.'' and inserting ''11 hours.''.

(2) STATE EXEMPTION.—The first section of the Act of March 19, 1918 (commonly known as the ''Calder Act'') (15 U.S.C. 261) is further amended by—

(A) redesignating subsection (b) as subsection (c); and

(B) inserting after subsection (a) the following:

''(b) STANDARD TIME FOR CERTAIN STATES AND AREAS.—The standard time for a State that has exempted itself from the provisions of section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)), as in effect on the day before the date of the enactment of the Sunshine Protection Act of 2021, pursuant to such section or an area of a State that has exempted such area from such provisions pursuant to such section shall be, as such State considers appropriate—

''(1) the standard time for such State or area, as the case may be, pursuant to subsection (a) of this section; or

''(2) the standard time for such State or area, as the case may be, pursuant to subsection (a) of this section as it was in effect on the day before the date of the enactment of the Sunshine Protection Act of 2021.''.

(3) CONFORMING AMENDMENT.—The first section of the Act of March 19, 1918 (commonly known as the ''Calder Act'') (15 U.S.C. 261) is further amended, in the second sentence, by striking ''Except as provided in section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)), the'' and inserting ''Except as provided in subsection (b),''.

(4) EFFECTIVE DATE.—This section and the amendments made by this section take effect on November 6, 2022.

SA 4340. Mr. RUBIO 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 VI, add the following:

SEC. 607. MODIFICATIONS TO TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS SEPARATED FOR DEPENDENT ABUSE.

(a) COVERED PUNITIVE ACTIONS.—Subsection (b) of section 1059 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''; or'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

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

''(3) who is—

''(A) convicted of a dependent-abuse offense in a district court of the United States or a State court; and

''(B) separated from active duty pursuant to a sentence of a court-martial, or administratively separated, voluntarily or involuntarily, from active duty, for an offense other than the dependent-abuse offense; or

''(4) who is—

''(A) accused but not convicted of a dependent-abuse offense;

''(B) determined, as a result of a review by the commander of the member and based on a preponderance of evidence, to have committed the dependent-abuse offense; and

''(C) required to forfeit all pay and allowances pursuant to a sentence of a court-martial for an offense other than the dependent-abuse offense.''.

(b) RECIPIENTS OF PAYMENTS.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''resulting in the separation'' and inserting ''referred to in subsection (b)''; and

(2) in paragraph (4)—

(A) by striking ''determined as of the date'' and inserting the following: ''determined—

''(A) as of the date'';

(B) by striking ''offense or, in a case'' and inserting the following: ''offense;

''(B) in a case'';

(C) by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following new subparagraph:

''(C) in a case described in subsection (b)(4), as of, as applicable—

''(i) the first date on which the individual is held in pretrial confinement relating to the dependent-abuse offense of which the individual is accused after the 7-day review of pretrial confinement required by Rule 305(i)(2) of the Rules for Courts-Martial; or

''(ii) the date on which a review by a commander of the individual determines there is probable cause that the individual has committed that offense.''.

(c) COMMENCEMENT OF PAYMENT.—Subsection (e)(1) of such section is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting after ''offense'' the following: ''or an offense described in subsection (b)(3)(B)'';

(B) in clause (ii), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (B)—

(A) by striking ''(if the basis'' and all that follows through ''offense)''

(B) by striking the period at the end and inserting a semicolon; and

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

''(C) in the case of a member described in subsection (b)(4), shall commence as of, as applicable—

''(i) the first date on which the member is held in pretrial confinement relating to the dependent-abuse offense of which the member is accused after the 7-day review of pretrial confinement required by Rule 305(i)(2) of the Rules for Courts-Martial; or

''(ii) the date on which a review by a commander of the member determines there is probable cause that the member has committed that offense.''.

(d) DEFINITION OF DEPENDENT CHILD.—Subsection (l) of such section is amended, in the matter preceding paragraph (1)—

(1) by striking ''resulting in the separation of the former member or'' and inserting ''referred to in subsection (b) or''; and

(2) by striking ''resulting in the separation of the former member and'' and inserting ''and''.

(e) DELEGATION OF DETERMINATIONS RELATING TO EXCEPTIONAL ELIGIBILITY.—Subsection (m)(4) of such section is amended to read as follows:

''(4) The Secretary concerned may delegate the authority under paragraph (1) to authorize eligibility for benefits under this section for dependents and former dependents of a member or former member to the first general or flag officer (or civilian equivalent) in the chain of command of the member.''.

SA 4341. Mr. RUBIO (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1023. NOTIFICATION TO CONGRESS AND COASTAL STATES OF PENDING ACTION TO STRIKE FROM THE NAVAL VESSEL REGISTER NAVAL VESSELS THAT ARE VIABLE CANDIDATES FOR ARTIFICIAL REEFING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should explore and solicit artificial reefing opportunities with appropriate entities for any naval vessel planned for retirement before initiating any plans to dispose of the vessel.

(b) NOTIFICATION.—Not later than 90 days before the date on which a naval vessel that is a viable candidate for artificial reefing is to be stricken from the Naval Vessel Register, the Secretary of the Navy shall notify Congress and the appropriate agency of each coastal State of such pending action.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE AGENCY.—The term ''appropriate agency'' with respect to a coastal State means the agency that the coastal State has designated to administer an artificial reef program.

(2) COASTAL STATE.—The term ''coastal State''—

(A) means any one of the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, and Washington; and

(B) includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SA 4342. Mr. RUBIO (for himself, Mr. SCOTT of Florida, and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 143.

SA 4343. Mr. RUBIO 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:

SEC. _____. PROHIBITION ON USE BY INTELLIGENCE COMMUNITY OF FOREIGN SOCIAL MEDIA PLATFORMS.

No element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) may establish or maintain an official account of the element on any foreign owned or foreign-based high-risk social media platform for purposes of conducting official business of the element.

SA 4344. Mr. RUBIO (for himself and Mr. SCOTT of Florida) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MORATORIUM ON OIL AND GAS LEASING OFF THE COASTS OF THE STATES OF FLORIDA, GEORGIA, AND SOUTH CAROLINA.

Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''June 30, 2022'' and inserting ''June 30, 2032'';

(B) in paragraph (2), by striking ''or'' after the semicolon;

(C) in paragraph (3)(B)(iii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(4) any area in the South Atlantic Planning Area (as designated by the Bureau of Ocean Energy Management as of the date of enactment of this paragraph); or

''(5) any area in the Straits of Florida Planning Area (as designated by the Bureau of Ocean Energy Management as of the date of enactment of this paragraph).''; and

(2) by adding at the end the following:

''(d) EFFECT ON CERTAIN LEASES.—The moratoria under paragraphs (4) and (5) of subsection (a) shall not affect valid existing leases in effect on the date of enactment of this subsection.

''(e) ENVIRONMENTAL EXCEPTIONS.—Notwithstanding subsection (a), the Secretary may issue leases in areas described in that subsection for environmental conservation purposes, including the purposes of shore protection, beach nourishment and restoration, wetlands restoration, and habitat protection.''.

SA 4345. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Protecting Central American Women and Children

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Central American Women and Children Protection Act of 2021''.

SEC. 1292. WOMEN AND CHILDREN PROTECTION COMPACTS.

(a) AUTHORIZATION TO ENTER INTO COMPACTS.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, is authorized to enter into multi-year,

bilateral agreements of not longer than 6 years in duration, developed in conjunction with the governments of El Salvador, Guatemala, and Honduras (referred to in this subtitle as ''Compact Countries''). Such agreements shall be known as Women and Children Protection Compacts (referred to in this subtitle as ''Compacts'').

(b) PURPOSE.—Each Compact shall—

(1) set out the shared goals and objectives of the United States and the government of the Compact Country; and

(2) be aimed at strengthening the Compact Country's efforts—

(A) to strengthen criminal justice and civil court systems to protect women and children and serve victims of domestic violence, sexual violence, trafficking, and child exploitation and neglect, and hold perpetrators accountable;

(B) to secure, create, and sustain safe communities, building on best practices to prevent and deter violence against women and children;

(C) to ensure that schools are safe and promote the prevention and early detection of domestic abuse against women and children within communities; and

(D) to enhance security within areas experiencing endemic domestic, gang, gender-based and drug-related or similar criminal violence against women and children.

(c) COMPACT ELEMENTS.—Each Compact shall—

(1) establish a 3- to 6-year cooperative strategy and assistance plan for achieving the shared goals and objectives articulated in such Compact;

(2) be informed by the assessments of—

(A) the areas within the Compact Country experiencing the highest incidence of violence against women and children;

(B) the ability of women and children to access protection and obtain effective judicial relief; and

(C) the judicial capacity to respond to reports within the Compact Country of femicide, sexual and domestic violence, and child exploitation and neglect, and to hold the perpetrators of such criminal acts accountable;

(3) seek to address the driving forces of violence against women and children, which shall include efforts to break the binding constraints to inclusive economic growth and access to justice;

(4) identify clear and measurable goals, objectives, and benchmarks under the Compact to detect, deter and respond to violence against women and children;

(5) set out clear roles, responsibilities, and objectives under the Compact, which shall include a description of the anticipated policy and financial commitments of the central government of the Compact Country;

(6) seek to leverage and deconflict contributions and complementary programming by other donors;

(7) include a description of the metrics and indicators to monitor and measure progress toward achieving the goals, objectives, and benchmarks under the Compact, including reductions in the prevalence of femicide, sexual assault, domestic violence, and child abuse and neglect;

(8) provide for the conduct of an impact evaluation not later than 1 year after the conclusion of the Compact; and

(9) provide for a full accounting of all funds expended under the Compact, which shall include full audit authority for the Office of the Inspector General of the Department of State, the Office of the Inspector General of the United States Agency for International Development, and the Government Accountability Office, as appropriate.

(d) FUNDING LIMITATION.—Compacts may not provide for any United States assistance to be made available directly to the Government of El Salvador, the Government of Guatemala, or the Government of Honduras.

(e) TERMINATION OR SUSPENSION.—Any Compact may be suspended or terminated, with respect to a country or an entity receiving assistance pursuant to the Compact, if the Secretary of State determines that such country or entity has failed to make sufficient progress towards the goals of the Compact.

(f) SUNSET.—The authority to enter into Compacts under this subtitle shall expire on September 30, 2023.

SEC. 1293. CONGRESSIONAL NOTIFICATION.

Not later than 15 days before entering into a Compact with the Government of Guatemala, the Government of Honduras, or the Government of El Salvador, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives—

(1) a copy of the proposed Compact;

(2) a detailed summary of the cooperative strategy and assistance plan required under section 1292(c); and

(3) a copy of any annexes, appendices, or implementation plans related to the Compact.

SEC. 1294. COMPACT PROGRESS REPORTS AND BRIEFINGS.

(a) PROGRESS REPORT.—Not later than 1 year after entering into a Compact, and annually during the life of the Compact, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit a report to the congressional committees listed in section 1293 that describes the progress made under the Compact.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) analysis and information on the overall rates of gender-based violence against women and children in El Salvador, Guatemala, and Honduras, including by using survivor surveys, regardless of whether or not these acts of violence are reported to government authorities;

(2) analysis and information on incidences of cases of gender-based violence against women and children reported to the authorities in El Salvador, Guatemala, and Honduras, and the percentage of alleged perpetrators investigated, apprehended, prosecuted, and convicted;

(3) analysis and information on the capacity and resource allocation of child welfare systems in El Salvador, Guatemala, and Honduras to protect unaccompanied children;

(4) the percentage of reported violence against women and children cases reaching conviction;

(5) a baseline and percentage changes in women and children victims receiving legal and other social services;

(6) a baseline and percentage changes in school retention rates;

(7) a baseline and changes in capacity of police, prosecution service, and courts to combat violence against women and children;

(8) a baseline and changes in capacity of justice, protection, and other relevant ministries to support survivors of gender-based violence against women and children; and

(9) independent external evaluation of funded programs, including compliance with terms of the Compacts by El Salvador, Guatemala, and Honduras, and by the recipients of the assistance.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall provide a briefing to the congressional committees listed in section 1293 regarding—

(1) the data and information collected pursuant to this section; and

(2) the steps taken to protect and assist victims of domestic violence, sexual violence, trafficking, and child exploitation and neglect.

SA 4346. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. CUBA DEMOCRACY PROGRAMS.

There is authorized to be appropriated $30,000,000 for the Department of State to carry out activities to promote democracy and strengthen United States policy toward Cuba. No funds so appropriated may be obligated for business promotion, economic reform, entrepreneurship, or any other assistance that is not democracy-building, as expressly authorized in the Cuban Liberty and Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.) and the Cuban Democracy Act of 1992 (22 U.S.C. 6001 et seq.).

SA 4347. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. ADDITIONAL AMOUNT FOR RAPID SCREENING UNDER DEVELOPMENT OF MEDICAL COUNTERMEASURES AGAINST NOVEL ENTITIES PROGRAM.

(a) INCREASE.—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by $4,500,000, with the amount of the increase to be available for Advanced Component Development & Prototypes, Research, Development, Test, and Evaluation, Defense-Wide, for the Chemical and Biological Defense Program-DEM/VAL, line 82 of the table in section 4201, for the Development of Medical Countermeasures Against Novel Entities program of the Defense Threat Reduction Agency, to allow for the rapid screening of all compounds approved by the Food and Drug Administration, and other human-safe compound libraries, to identify optimal drug candidates for repurposing as medical countermeasures for coronavirus disease 2019 (commonly known as ''COVID–19'') and other novel and emerging biological threats.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby decreased by $4,500,000, with the amount of the reduction to be derived from Admin and Servicewide Activities, Operations and Maintenance, Defense-Wide, for Defense Media Activity, line 370 of the table in section 4301.

SA 4348. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. FOREIGN INFLUENCE TRANSPARENCY.

(a) SHORT TITLE.—This section may be cited as the ''Foreign Influence Transparency Act''.

(b) LIMITING EXEMPTION FROM FOREIGN AGENT REGISTRATION REQUIREMENT FOR PERSONS ENGAGING IN ACTIVITIES IN FURTHERANCE OF CERTAIN PURSUITS TO ACTIVITIES NOT PROMOTING POLITICAL AGENDA OF FOREIGN GOVERNMENTS.—

(1) IN GENERAL.—Section 3(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(e)) is inserting before the semicolon at the end the following: '', but only if the activities do not promote the political agenda of a government of a foreign country;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to activities carried out on or after the date of the enactment of this Act.

(c) DISCLOSURES OF FOREIGN GIFTS AND AGREEMENTS.—

(1) IN GENERAL.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(A) in the section heading, by adding ''**AND AGREEMENTS**'' at the end;

(B) in subsection (a), by striking ''$250,000'' and inserting ''$50,000'';

(C) in subsection (b)—

(i) in paragraph (1), in the first sentence, by inserting before the period at the end the following: '', including the content of each such contract''; and

(ii) in paragraph (2), by inserting before the period the following: '', including the content of each such contract'';

(D) in subsection (e), by inserting '', including the contents of any contracts,'' after ''reports'';

(E) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively;

(F) by inserting after subsection (d) the following:

''(e) CONFUCIUS INSTITUTE AGREEMENTS.—

''(1) DEFINED TERM.—In this subsection, the term 'Confucius Institute' means a cultural institute directly or indirectly funded by the Government of the People's Republic of China.

''(2) DISCLOSURE REQUIREMENT.—Any institution that has entered into an agreement with a Confucius Institute shall immediately make the full text of such agreement available—

''(A) on the publicly accessible website of the institution;

''(B) to the Department of Education;

''(C) to the Committee on Health, Education, Labor, and Pensions of the Senate; and

''(D) to the Committee on Education and Labor of the House of Representatives.''; and

(G) in subsection (i), as redesignated—

(i) in paragraph (2), by amending subparagraph (A) to read as follows:

''(A) a foreign government, including—

''(i) any agency of a foreign government, and any other unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

''(ii) any international or multinational organization whose membership is composed of any unit of foreign government described in clause (i); and

''(iii) any agent or representative of any such unit or such organization, while acting as such;''; and

(ii) in paragraph (3), by inserting before the semicolon at the end the following: '', or the fair market value of an in-kind gift''.

(2) EFFECT OF NONCOMPLIANCE WITH DISCLOSURE REQUIREMENT.—Any institution of higher education (as defined in section 101of the Higher Education Act of 1965 (20 U.S.C. 1001)) that is not in compliance with the disclosure requirements set forth in section 117 of such Act (20 U.S.C. 1011f) shall be ineligible to enroll foreign students under the Student and Exchange Visitor Program.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to gifts received or contracts or agreements entered into, or other activities carried out, on or after the date of the enactment of this Act.

SA 4349. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1012 and insert the following:

SEC. 1012. SUPPORT FOR A UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) MODIFICATION OF USE OF FUNDS TO SUPPORT A UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.—Section 1021 of the Ronald W. Reagan National Defense Authorization Act for fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1577), is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''2022'' and inserting ''2026''; and

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

''(4) The Secretary of Defense shall use the authority to provide assistance for a campaign under this subsection to achieve the following purposes:

''(A) Helping the Government of Colombia advance into the coca-growing regions of southern Colombia, which are dominated by paramilitary groups.

''(B) Upgrading the capability of Colombia to aggressively interdict cocaine and cocaine traffickers through the provision of radar, aircraft and airfield upgrades, and improved anti-narcotics intelligence gathering.

''(C) Increasing coca crop eradication.

''(D) Providing economic alternatives for Colombian farmers who grow coca and poppy plants.

''(E) Increasing protection of human rights, expanding the rule of law, and promoting the peace process.'';

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''2022'' and inserting ''2026''; and

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

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $461,400,000 for each of fiscal years 2022 through 2026 to support the campaign described in subsection (a).''.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the policy and strategy of the United States, as of the date on which the report is submitted, regarding United States counternarcotics assistance for Colombia.

(2) ELEMENTS.—The report required by paragraph (1) shall address the following:

(A) The key objectives of the strategy described in paragraph (1) and a detailed description of benchmarks by which to measure progress toward those objectives.

(B) The actions required of the United States to support and achieve the objectives described in subparagraph (A) and a schedule and cost estimates for implementing such actions.

(C) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(D) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency and covered organizations in Colombia.

(E) How the strategy described in paragraph (1) relates to and affects the strategy of the United States in countries neighboring Colombia.

(F) How the strategy described in paragraph (1) relates to and affects the strategy of the United States for fulfilling global counternarcotics goals.

(G) A strategy and schedule for providing material, technical, and logistical support to Colombia and neighboring countries in order to—

(i) defend the rule of law; and

(ii) more effectively impede the cultivation, production, transit, and sale of illicit narcotics.

(H) A schedule for making forward operating locations in Colombia fully operational, including—

(i) cost estimates;

(ii) a description of the potential capabilities for each proposed location; and

(iii) an explanation of how the design of the forward operating locations fits into the strategy described in paragraph (1).

(3) DEFINITIONS.—In this subsection:

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

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

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

(B) COVERED ORGANIZATION.—The term ''covered organization'' has the meaning given that term in section 1021(a) of the Ronald W. Reagan National Defense Authorization Act for fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1577).

SA 4350. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr.

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

At the appropriate place, insert the following:

SEC. _____. INVESTMENT OF THRIFT SAVINGS FUND.

Section 8438 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) In this subsection—

''(A) the term 'PCAOB' means the Public Company Accounting Oversight Board; and

''(B) the term 'registered public accounting firm' has the meaning given the term in section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)).

''(2) Notwithstanding any other provision of this section, no sums in the Thrift Savings Fund may be invested in any security that is listed on an exchange in a jurisdiction in which the PCAOB is prevented from conducting a complete inspection or investigation of a registered public accounting firm under section 104 or 105 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214, 7215), respectively, because of a position taken by an authority in that jurisdiction, as determined by the PCAOB.

''(3) The Board shall consult with the Securities and Exchange Commission on a biennial basis in order to ensure compliance with paragraph (2).''.

SA 4351. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. EXPANSION OF ENTITIES OF THE PEOPLE'S REPUBLIC OF CHINA SUBJECT TO PRESIDENTIAL AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 1237 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note) is amended—

(1) in subsection (a)(1), by striking ''(other than authorities relating to importation)''; and

(2) in subsection (b)(4)(B)—

(A) by striking clause (i) and inserting the following new clause (i):

''(i) is owned or controlled by, affiliated with, or otherwise shares common purpose or relevant characteristics with, the People's Liberation Army or a ministry of the government of the People's Republic of China, or that is owned or controlled by an entity affiliated with or that otherwise shares common purpose or relevant characteristics with the defense industrial base or surveillance technology sector of the People's Republic of China; and''; and

(B) in clause (ii) by inserting ''research and development,'' after ''services,''.

SA 4352. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INTEGRITY AND SECURITY OF FINANCIAL MARKETS.

(a) SHORT TITLE.—This section may be cited as the ''American Financial Markets Integrity and Security Act''.

(b) PROHIBITIONS RELATING TO CERTAIN COMMUNIST CHINESE MILITARY COMPANIES.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission.

(B) CONTROL; INSURANCE COMPANY.—The terms ''control'' and ''insurance company'' have the meanings given the terms in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).

(C) COVERED ENTITY.—

(i) IN GENERAL.—The term ''covered entity''—

(I) means an entity on—

(aa) the list of Communist Chinese military companies required by section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note); or

(bb) the entity list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations; and

(II) includes a parent, subsidiary, or affiliate of, or an entity controlled by, an entity described in subclause (I).

(ii) GRACE PERIOD.—For the purposes of this section, and the amendments made by this section, an entity shall be considered to be a covered entity beginning on the date that is 1 year after the date on which the entity first qualifies under the applicable provision of clause (i).

(D) EXCHANGE; SECURITY.—The terms ''exchange'' and ''security'' have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(2) PROHIBITIONS.—

(A) LISTING ON EXCHANGE.—Beginning on the date that is 1 year after the date of enactment of this Act, the Commission shall prohibit a covered entity from offering to sell or selling on an exchange (or through any other method that is within the jurisdiction of the Commission to regulate, including through the method of trading that is commonly referred to as the ''over-the-counter'' trading of securities) securities issued by the covered entity, including pursuant to an exemption to section 5 of the Securities Act of 1933 (15 U.S.C. 77e).

(B) INVESTMENTS; LIMITATION ON ACTIONS.—

(i) IN GENERAL.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(I) in section 12(d) (15 U.S.C. 80a–12(d)), by adding at the end the following:

''(4)(A) It shall be unlawful for any investment company, or any person that would be an investment company but for the application of paragraph (1) or (7) of section 3(c), to invest in a covered entity.

''(B) In this paragraph, the term 'covered entity' has the meaning given the term in subsection (b)(1)(C) of the American Financial Markets Integrity and Security Act.''; and

(II) in section 13(c)(1) (15 U.S.C. 80a–13(c)(1))—

(aa) in subparagraph (A), by striking ''or'' at the end;

(bb) in subparagraph (B), by striking the period at the end and inserting ''or''; and

(cc) by adding at the end the following:

''(C) are covered entities, as that term is defined in section 12(d)(4)(B).''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on the date that is 1 year after the date of enactment of this Act.

(C) FEDERAL FUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), on and after the date that is 180 days after the date of enactment of this Act, no Federal funds may be used to enter into, extend, or renew a contract or purchasing agreement with a covered entity.

(ii) WAIVER.—The head of a Federal agency may issue a national security waiver to the prohibition in clause (i) for a period of not more than 2 years with respect to a covered entity if the agency head submits to Congress a notification that includes—

(I) a written justification for the waiver; and

(II) a plan for a phase-out of the goods or services provided by the covered entity.

(D) INVESTMENTS BY INSURANCE COMPANIES.—

(i) IN GENERAL.—On and after the date of enactment of this Act, an insurance company may not invest in a covered entity.

(ii) CERTIFICATION OF COMPLIANCE.—

(I) IN GENERAL.—Each insurance company shall, on an annual basis, submit to the Secretary of the Treasury a certification of compliance with clause (i).

(II) RESPONSIBILITIES OF THE SECRETARY.—The Secretary of the Treasury shall create a form for the submission required under subclause (I) in such a manner that minimizes the reporting burden on an insurance company making the submission.

(iii) SHARING INFORMATION.—The Secretary of the Treasury, acting through the Federal Insurance Office, shall share the information received under clause (ii) and coordinate verification of compliance with State insurance offices.

(3) QUALIFIED TRUSTS, ETC.—

(A) IN GENERAL.—Subsection (a) of section 401 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (38) the following new paragraph:

''(39) PROHIBITED INVESTMENTS.—A trust which is part of a plan shall not be treated as a qualified trust under this subsection unless the plan provides that no part of the plan's assets will be invested in any covered entity (as defined in section 12(d)(6)(B) of the Investment Company Act of 1940).''.

(B) IRAS.—Paragraph (3) of section 408(a) of such Code is amended by striking ''contracts'' and inserting ''contracts or in any covered entity (as defined in section 12(d)(6)(B) of the Investment Company Act of 1940''.

(C) FIDUCIARY DUTY.—Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

''(f) PROHIBITED INVESTMENTS.—No fiduciary shall cause any assets of a plan to be invested in any covered entity (as defined in section 12(d)(6)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–12(d)(6)(B))).''.

(D) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by this paragraph shall apply to plan years beginning after the date which is 180 days after the date of the enactment of this Act.

(ii) PLAN AMENDMENTS.—If clause (iii) applies to any retirement plan or contract amendment—

(I) such plan or contract shall not fail to be treated as being operated in accordance with the terms of the plan during the period described in clause (iii)(II) solely because the plan operates in accordance with the amendments made by this subsection, and

(II) except as provided by the Secretary of the Treasury (or the Secretary's delegate), such plan or contract shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(iii) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(I) IN GENERAL.—This clause shall apply to any amendment to any plan or annuity contract which—

(aa) is made pursuant to the provisions of this subsection, and

(bb) is made on or before the last day of the first plan year beginning on or after the date which is 2 years after the date of the enactment of this Act (4 years after such date of enactment, in the case of a governmental plan).

(II) CONDITIONS.—This clause shall not apply to any amendment unless—

(aa) during the period beginning on the date which is 180 days after the date of the enactment of this Act, and ending on the date described in subclause (I)(bb) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(bb) such plan or contract amendment applies retroactively for such period.

(iv) SUBSEQUENT AMENDMENTS.—Rules similar to the rules of clauses (ii) and (iii) shall apply in the case of any amendment to any plan or annuity contract made pursuant to any update of the list of Communist Chinese military companies required by section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note) which is made after the effective date of the amendments made by this paragraph.

(c) MODIFICATION OF REQUIREMENTS FOR LIST OF COMMUNIST CHINESE MILITARY COMPANIES.—Section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) REVISIONS TO THE LIST.—

''(A) ADDITIONS.—The Secretary of Defense, the Secretary of Commerce, or the Director of National Intelligence may add a person to the list required by paragraph (1) at any time.

''(B) REMOVALS.—A person may be removed from the list required by paragraph (1) if the Secretary of Defense, the Secretary of Commerce, and the Director of National Intelligence agree to remove the person from the list.

''(C) SUBMISSION OF UPDATES TO CONGRESS.—Not later than February 1 of each year, the Secretary of Defense shall submit a version of the list required in paragraph (1), updated to include any additions or removals under this paragraph, to the committees and officers specified in paragraph (1).'';

(2) by striking paragraph (3) and inserting the following:

''(3) CONSULTATION.—In carrying out paragraphs (1) and (2), the Secretary of Defense, the Secretary of Commerce, and the Director of National Intelligence shall consult with each other, the Attorney General, and the Director of the Federal Bureau of Investigation.''; and

(3) in paragraph (4), in the matter preceding subparagraph (A), by striking ''making the determination required by paragraph (1) and of carrying out paragraph (2)'' and inserting ''this section''.

(d) ANALYSIS OF FINANCIAL AMBITIONS OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) ANALYSIS REQUIRED.—The Director of the Office of Commercial and Economic Analysis of the Air Force shall conduct an analysis of—

(A) the strategic importance to the Government of the People's Republic of China of inflows of United States dollars through capital markets to the People's Republic of China;

(B) the methods by which that Government seeks to manage such inflows;

(C) how the inclusion of the securities of Chinese entities in stock or bond indexes affects such inflows and serves the financial ambitions of that Government; and

(D) how the listing of the securities of Chinese entities on exchanges in the United States assists in—

(i) meeting the strategic goals of that Government, including defense, surveillance, and intelligence goals; and

(ii) the fusion of the civilian and military components of that Government.

(2) SUBMISSION TO CONGRESS.—The Director of the Office of Commercial and Economic Analysis of the Air Force shall submit to Congress a report—

(A) setting forth the results of the analysis conducted under paragraph (1); and

(B) based on that analysis, making recommendations for best practices to mitigate any national security and economic risks to the United States relating to the financial ambitions of the Government of the People's Republic of China.

SA 4353. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. LIMITATION ON USE OF FUNDS FOR THE 2022 OLYMPIC AND PARALYMPIC WINTER GAMES IN CHINA.

(a) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available by this Act may be made available to provide transportation for any United States officer or official to attend, on official Government business, the 2022 Olympic and Paralympic Winter Games in the People's Republic of China.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authorization of appropriations to provide security during the 2022 Olympic and Paralympic Winter Games to any United States athlete or associated support staff of the United States Olympic and Paralympic Committee.

SA 4354. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1210. SECURITY ASSISTANCE FOR COLOMBIA.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to build the capacity of the navy of Colombia for interoperability with—

(A) the United States;

(B) member countries of the North Atlantic Treaty Organization; and

(C) other Colombian security partners; and

(2) to bolster the ability of the military forces of Colombia to export maritime security to Central American partner countries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2022 for the Department of Defense—

(1) $20,000,000 for Foreign Military Financing assistance to Colombia for the procurement and sustainment of additional aluminum-hull riverine vessels and new littoral-riverine vessels, including training of personnel on the use of such vessels;

(2) $10,000,000 for the acquisition by Colombia of man-portable vertical lift unmanned aircraft systems for intelligence, signals, and reconnaissance support for riverine and littoral operations; and

(3) $10,000,000 to equip the marines of Colombia with Falcon-III radios for the purpose of supporting interoperable radio and data transmission.

(c) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act or any other Act may be made available for the transfer of funds to the Revolutionary Armed Forces of Colombia (commonly known as ''FARC''), the Ejército de Liberación Nacional (commonly known as ''ELN''), or any other organization designated as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

SA 4355. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1004. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF CUBA BROADCASTING.

There is authorized to be appropriated to the United States Agency for Global Media not less than $29,144,000 for fiscal year 2022 for the Office of Cuba Broadcasting, of which not less than $3,000,000 should be used—

(1) to deliver satellite-based broadband Internet services to the people of Cuba to give them unfettered access to the open Internet;

(2) to create an access point for the satellite broadband through a Radio Televisión Martí website that acts as a news aggregator rather than solely serving as a content provider; and

(3) to provide firewall circumvention tools to the people of Cuba.

SA 4356. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1004. UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION FIELD OFFICES.

(a) IN GENERAL.—Section 1412 of the BUILD Act of 2018 (22 U.S.C. 9612) is amended by adding at the end the following:

''(d) FIELD OFFICES.—The Chief Executive Officer of the Corporation shall establish field offices in Mexico, Colombia, and Brazil—

''(1) to amplify regional engagement and the execution of programs to catalyze United States private sector investment; and

''(2) to help expand economic opportunities with allies and partners in Latin America and the Caribbean.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal $10,000,000 to the United States International Development Finance Corporation for the purpose of establishing field offices in strategic locations, including Mexico, Colombia, and Brazil, to maximize United States' engagement in the Western Hemisphere.

SA 4357. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Palestinian International Terrorism Support Prevention

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Palestinian International Terrorism Support Prevention Act of 2021''.

SEC. 1292. DEFINITIONS.

Except as otherwise provided, in this subtitle:

(1) ADMITTED.—The term ''admitted'' has the meaning given that term in section 101(a)(13)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(A)).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(3) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is not a United States person; or

(B) a corporation, partnership, or other nongovernmental entity that is not a United States person.

(4) MATERIAL SUPPORT.—The term ''material support'' has the meaning given the term ''material support or resources'' in section 2339A of title 18, United States Code.

(5) PERSON.—The term ''person'' means an individual or entity.

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

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

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

SEC. 1293. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to prevent Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof from accessing its international support networks; and

(2) to oppose Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof from attempting to use goods, including medicine and dual-use items, to smuggle weapons and other materials to further acts of terrorism.

SEC. 1294. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS AND AGENCIES AND INSTRUMENTALITIES OF FOREIGN STATES SUPPORTING HAMAS, THE PALESTINIAN ISLAMIC JIHAD, OR ANY AFFILIATE OR SUCCESSOR THEREOF.

(a) IDENTIFICATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 3 years, the President shall submit to the appropriate congressional committees a report that identifies each foreign person or agency or instrumentality of a foreign state that the President determines—

(A) knowingly assists in, sponsors, or provides significant financial or material support for, or financial or other services to or in support of, the terrorist activities of any person described in paragraph (2); or

(B) directly or indirectly, knowingly and materially engages in a significant transaction with any person described in paragraph (2).

(2) PERSON DESCRIBED.—A person described in this paragraph is a foreign person that the President determines—

(A) is a senior member of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof;

(B) is a senior member of a foreign terrorist organization designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) whose members directly or indirectly support the terrorist activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof by knowingly engaging in a significant transaction with, or providing financial or material support for Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, or any person described in subparagraph (A); or

(C) directly or indirectly supports the terrorist activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof by knowingly and materially assisting, sponsoring, or providing financial or material support for, or goods or services to or in support of, Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, or any person described in subparagraph (A) or (B).

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

(4) EXCEPTION.—

(A) IN GENERAL.—The President shall not be required to identify a foreign person or an agency or instrumentality of a foreign state in a report pursuant to paragraph (1)(B) if—

(i) the foreign person or agency or instrumentality of a foreign state notifies the United States Government in advance that it proposes to engage in a significant transaction described in that paragraph; and

(ii) the President determines and notifies the appropriate congressional committees in a classified form not less than 15 days prior to the foreign person or agency or instrumentality of a foreign state engaging in the significant transaction that the significant transaction is in the national interests of the United States.

(B) NON-APPLICABILITY.—Subparagraph (A) shall not apply with respect to—

(i) an agency or instrumentality of a foreign state that the Secretary of State determines has repeatedly provided support for acts of international terrorism pursuant to section 1754(c) of the Export Controls Act of 2018 (50 U.S.C. 4813(c)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or any other provision of law; or

(ii) any significant transaction described in paragraph (1)(B) that involves, directly or indirectly, a foreign state described in clause (i).

(b) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall impose two or more of the sanctions described in paragraph (2) with respect to a foreign person or an agency or instrumentality of a foreign state identified pursuant to subsection (a).

(2) SANCTIONS DESCRIBED.—The sanctions described in this paragraph to be imposed with respect to a foreign person or an agency or instrumentality of a foreign state are the following:

(A) The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the foreign person or agency or instrumentality of a foreign state, and the Export-Import Bank of the United States shall comply with any such direction.

(B) The President may prohibit the sale of any defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to the foreign person or agency or instrumentality of a foreign state.

(C) The President may prohibit the issuance of licenses for export of any item on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) that include the foreign person or agency or instrumentality of a foreign state as a party.

(D) The President may prohibit the export of any goods or technologies controlled for national security reasons under the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, to the foreign person or agency or instrumentality of a foreign state, except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(E) The President may prohibit any United States financial institution from making loans or providing any credit or financing totaling more than $10,000,000 to the foreign person or agency or instrumentality of a foreign state, except that this subparagraph shall not apply to—

(i) any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.);

(ii) the provision of medicines, medical equipment, and humanitarian assistance; or

(iii) any credit, credit guarantee, or financial assistance provided by the Department of Agriculture to support the purchase of food or other agricultural commodities.

(F) The President may exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person or agency or instrumentality of a foreign state if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(3) EXCEPTION.—The President shall not be required to apply sanctions under this subsection with respect to a foreign person or an agency or instrumentality of a foreign state identified pursuant to subsection (a) if the President certifies in writing to the appropriate congressional committees that—

(A) the foreign person or agency or instrumentality—

(i) is no longer carrying out activities or transactions for which the sanctions were to be imposed; or

(ii) has taken and is continuing to take significant verifiable steps toward terminating the activities or transactions for which the sanctions were to be imposed; and

(B) the President has received reliable assurances from the foreign person or agency or instrumentality that it will not carry out any activities or transactions for which sanctions may be imposed under this subsection in the future.

(c) PENALTIES.—

(1) IN GENERAL.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under section 1298(b) to carry out subsection (b)(2)(F) to the same extent that such penalties apply to a person that knowingly commits an unlawful act described in section 206(a) of that Act.

(2) AUTHORITIES.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out subsection (b)(2)(F).

(d) WAIVER.—

(1) IN GENERAL.—The President may waive, on a case-by-case basis and for a period of not more than 180 days, a requirement under subsection (b) to impose or maintain sanctions with respect to a foreign person or agency or instrumentality of a foreign state if the President—

(A) determines that the waiver is in the national security interest of the United States; and

(B) not less than 30 days before the waiver takes effect, submits to the appropriate congressional committees a report on the waiver and the justification for the waiver.

(2) RENEWAL OF WAIVER.—The President may, on a case-by-case basis, renew a waiver under paragraph (1) for additional periods of not more than 180 days if the President—

(A) determines that the renewal of the waiver is in the national security interest of the United States; and

(B) not less than 15 days before the waiver expires, submits to the appropriate congressional committees a report on the renewal of the waiver and the justification for the renewal of the waiver.

(e) RULE OF CONSTRUCTION.—The authority to impose sanctions under subsection (b) with respect to a foreign person or an agency or instrumentality of a foreign state identified pursuant to subsection (a) is in addition to the authority to impose sanctions under any other provision of law with respect to foreign persons or agencies or instrumentalities of foreign states that directly or indirectly support international terrorism.

(f) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE DEFINED.—In this section, the term ''agency or instrumentality of a foreign state'' has the meaning given that term in section 1603(b) of title 28, United States Code.

(g) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and apply with respect to activities and transactions described in subsection (a) that are carried out on or after such date of enactment.

SEC. 1295. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN GOVERNMENTS THAT PROVIDE MATERIAL SUPPORT FOR THE TERRORIST ACTIVITIES OF HAMAS, THE PALESTINIAN ISLAMIC JIHAD, OR ANY AFFILIATE OR SUCCESSOR THEREOF.

(a) IDENTIFICATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report that identifies the following:

(A) Each government of a foreign country—

(i) with respect to which the Secretary of State determines has repeatedly provided support for acts of international terrorism pursuant to section 1754(c) of the Export Controls Act of 2018 (50 U.S.C. 4813(c)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or any other provision of law; and

(ii) with respect to which the President determines has provided direct or indirect material support for the terrorist activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof.

(B) Each government of a foreign country that—

(i) is not identified under subparagraph (A); and

(ii) the President determines engaged in a significant transaction so as to contribute knowingly and materially to the efforts by the government of a foreign country described in subparagraph (A)(i) to provide direct or indirect material support for the terrorist activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof.

(2) FORM OF REPORT.—Each report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(b) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall impose the following sanctions with respect to each government of a foreign country identified under subsection (a)(1):

(A) The United States Government shall suspend, for a period of one year, United States assistance to the government of the foreign country.

(B) The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of one year, the extension by that institution of any loan or financial or technical assistance to the government of the foreign country.

(C) No item on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) or the Commerce Control List set forth in Supplement No. 1 to part 774 of title 15, Code of Federal Regulations (or any successor list), may be exported to the government of the foreign country for a period of one year.

(2) EXCEPTIONS.—The President shall not be required to apply sanctions with respect to the government of a foreign country pursuant to paragraph (1)—

(A) with respect to materials intended to be used by military or civilian personnel of the United States Armed Forces at military facilities in the country; or

(B) if the application of such sanctions would prevent the United States from meeting the terms of any status of forces agreement to which the United States is a party.

(c) ADDITIONAL SANCTIONS WITH RESPECT TO STATE SPONSORS OF TERRORISM.—The President shall impose the following additional sanctions with respect to each government of a foreign country identified under subsection (a)(1)(A):

(1) The President shall, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the government of the foreign country has any interest.

(2) The President shall, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between one or more financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the government of the foreign country.

(d) WAIVER.—

(1) IN GENERAL.—The President may waive, on a case-by-case basis and for a period of not more than 180 days, a requirement under subsection (b) or (c) to impose or maintain sanctions with respect to a foreign government identified pursuant to subparagraph (A) or (B) of subsection (a)(1) if the President—

(A) determines that the waiver is in the national security interest of the United States; and

(B) not less than 30 days before the waiver takes effect, submits to the appropriate congressional committees a report on the waiver and the justification for the waiver.

(2) RENEWAL OF WAIVER.—The President may, on a case-by-case basis, renew a waiver under paragraph (1) for additional periods of not more than 180 days if the President—

(A) determines that the renewal of the waiver is in the national security interest of the United States; and

(B) not less than 15 days before the waiver expires, submits to the appropriate congressional committees a report on the renewal of the waiver and the justification for the renewal of the waiver.

(e) RULE OF CONSTRUCTION.—The authority to impose sanctions under subsection (b) or (c) with respect to each government of a foreign country identified pursuant to subparagraph (A) or (B) of subsection (a)(1) is in addition to the authority to impose sanctions under any other provision of law with respect to governments of foreign countries that provide material support to foreign terrorist organizations designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(f) TERMINATION.—The President may terminate any sanctions imposed with respect to the government of a foreign country under subsection (b) or (c) if the President determines and notifies the appropriate congressional committees that the government of the foreign country—

(1) is no longer carrying out activities or transactions for which the sanctions were imposed; and

(2) has provided assurances to the United States Government that it will not carry out

activities or transactions for which sanctions may be imposed under subsection (b) or (c) in the future.

(g) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and apply with respect to activities and transactions described in subparagraph (A) or (B) of subsection (a)(1) that are carried out on or after such date of enactment.

SEC. 1296. EXEMPTIONS RELATING TO PROVISION OF HUMANITARIAN ASSISTANCE.

(a) SANCTIONS WITH RESPECT TO FOREIGN PERSONS AND AGENCIES AND INSTRUMENTALITIES OF FOREIGN STATES.—The following activities shall be exempt from sanctions under section 1294:

(1) The conduct or facilitation of a transaction for the sale of agricultural commodities, food, medicine, or medical devices to a foreign person described in section 1294(a)(2).

(2) The provision of humanitarian assistance to a foreign person described in section 1294(a)(2), including engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes or transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.

(b) SANCTIONS WITH RESPECT TO FOREIGN GOVERNMENTS.—The following activities shall be exempt from sanctions under section 1295:

(1) The conduct or facilitation of a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof described in section 1295(a)(1).

(2) The provision of humanitarian assistance to Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof described in section 1295(a)(1), including engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes or transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.

SEC. 1297. REPORT ON ACTIVITIES OF FOREIGN COUNTRIES TO DISRUPT GLOBAL FUNDRAISING, FINANCING, AND MONEY LAUNDERING ACTIVITIES OF HAMAS, THE PALESTINIAN ISLAMIC JIHAD, OR ANY AFFILIATE OR SUCCESSOR THEREOF.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes—

(A) a list of foreign countries that support Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, or in which Hamas maintains important portions of its financial networks;

(B) with respect to each foreign country on the list required by subparagraph (A)—

(i) an assessment of whether the government of the country is taking adequate measures to freeze the assets of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof within the territory of the country; and

(ii) in the case of a country the government of which is not taking adequate measures to freeze the assets of Hamas—

(I) an assessment of the reasons that government is not taking adequate measures to freeze those assets; and

(II) a description of measures being taken by the United States Government to encourage that government to freeze those assets;

(C) a list of foreign countries in which Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, conducts significant fundraising, financing, or money laundering activities;

(D) with respect to each foreign country on the list required by subparagraph (C)—

(i) an assessment of whether the government of the country is taking adequate measures to disrupt the fundraising, financing, or money laundering activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof within the territory of the country; and

(ii) in the case of a country the government of which is not taking adequate measures to disrupt those activities—

(I) an assessment of the reasons that government is not taking adequate measures to disrupt those activities; and

(II) a description of measures being taken by the United States Government to encourage that government to improve measures to disrupt those activities; and

(E) a list of foreign countries from which Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, acquires surveillance equipment, electronic monitoring equipment, or other means to inhibit communication or political expression in Gaza.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form to the greatest extent possible and may contain a classified annex.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for the following 3 years, the Secretary of State, the Secretary of the Treasury, and the heads of other applicable Federal departments and agencies (or their designees) shall provide to the appropriate congressional committees a briefing on the disposition of the assets and activities of Hamas, the Palestinian Islamic Jihad, or any successor or affiliate thereof related to fundraising, financing, and money laundering worldwide.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

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

SEC. 1298. MISCELLANEOUS PROVISIONS.

(a) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to apply to the authorized intelligence activities of the United States.

(b) REGULATORY AUTHORITY.—The President shall, not later than 180 days after the date of the enactment of this Act, prescribe regulations as are necessary for the implementation of this subtitle.

(c) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this subtitle shall not include the authority or requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term ''good'' means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(d) TERMINATION.—This subtitle shall terminate on the earlier of—

(1) 30 days after the date on which the President certifies to the appropriate congressional committees that Hamas and the Palestinian Islamic Jihad, or any successor or affiliate thereof—

(A) are no longer designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(B) are no longer subject to sanctions pursuant to—

(i) Executive Order 12947 (50 U.S.C. 1701 note; relating to prohibiting transactions with terrorists who threaten to disrupt the Middle East peace process); and

(ii) Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism); and

(C) meet the criteria described in paragraphs (1) through (4) of section 9 of the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446; 22 U.S.C. 2378b note); or

(2) 3 years after the date of the enactment of this Act.

SEC. 1299. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this subtitle, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4358. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Sanctions and Other Measures Relating to the Taliban

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Preventing the Recognition of Terrorist States Act of 2021''.

SEC. 1292. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to continue to recognize the democratically elected government of the Islamic Republic of Afghanistan as the legitimate Government of Afghanistan;

(2) to not recognize the Islamic Emirate of Afghanistan, which is controlled by the Taliban, as the official Government of Afghanistan under any circumstances;

(3) to view the Taliban's takeover of Afghanistan as a coup d'état and therefore illegitimate;

(4) to recognize that individuals designated as terrorists by the United States, such as Sirajuddin Haqqani, will play a key role in the Taliban regime; and

(5) to continue to assist the people of Afghanistan, especially people at risk as a result of their activities, beliefs, religion, or political views.

SEC. 1293. PROHIBITION ON ACTIONS RECOGNIZING THE ISLAMIC EMIRATE OF AFGHANISTAN.

(a) IN GENERAL.—In furtherance of the policy set forth in section 1292, no Federal department or agency may take any action or extend any assistance that states or implies recognition of the Taliban's claim of sovereignty over Afghanistan.

(b) FUNDING LIMITATION.—Notwithstanding any other provision of law, no Federal funds appropriated or otherwise made available for the Department of State, the United States Agency for International Development, or

the Department of Defense on or after the date of the enactment of this Act may be obligated or expended to prepare or promulgate any policy, guidance, regulation, notice, or Executive order, or to otherwise implement, administer, or enforce any policy, that extends diplomatic recognition to the Islamic Emirate of Afghanistan.

SEC. 1294. DESIGNATION OF ISLAMIC EMIRATE OF AFGHANISTAN AS A STATE SPONSOR OF TERRORISM.

(a) IN GENERAL.—The Secretary of State shall designate the Islamic Emirate of Afghanistan as a state sponsor of terrorism.

(b) STATE SPONSOR OF TERRORISM DEFINED.—In this section, the term ''state sponsor of terrorism'' means a country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism, for purposes of—

(1) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(i));

(2) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(3) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(4) any other provision of law.

SEC. 1295. DESIGNATION OF THE TALIBAN AS A FOREIGN TERRORIST ORGANIZATION.

The Secretary of State shall designate the Taliban as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1296. DETERMINATIONS WITH RESPECT TO NARCOTICS TRAFFICKING AND MONEY LAUNDERING BY THE TALIBAN.

Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report that includes—

(1) a determination of whether the Taliban should be designated as—

(A) a significant foreign narcotics trafficker (as defined in section 808 of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1907)); or

(B) a significant transnational criminal organization under Executive Order 13581 (50 U.S.C. 1701 note; relating to blocking property of transnational criminal organizations); and

(2) a determination of whether Afghanistan, while under the control of the Taliban, should be designated as a high-risk jurisdiction subject to a call for action (commonly referred to as the ''black list'') under the criteria established for such designation by the Financial Action Task Force.

SEC. 1297. ASSESSMENT OF WHETHER RARE EARTH METALS EXPORTED FROM AFGHANISTAN VIOLATE PROHIBITION ON IMPORTATION OF GOODS MADE WITH FORCED LABOR.

The Commissioner of U.S. Customs and Border Protection shall—

(1) assess whether the importation of rare earth metals extracted in Afghanistan and goods produced from such metals violates the prohibition on importation of goods made with forced labor under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

(2) consider issuing a withhold release order with respect to such metals and goods to prevent such metals and goods from entering the United States.

SEC. 1298. REPORT ON DIPLOMATIC RELATIONS OF THE TALIBAN AND SUPPORTERS OF THE TALIBAN.

Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report that—

(1) describes the Taliban's relations with Iran, the Russian Federation, Pakistan, Saudi Arabia, the United Arab Emirates, Tajikistan, Uzbekistan, and the People's Republic of China;

(2) identifies each foreign person that knowingly assists, provides significant support or services to, or is involved in a significant transaction with, a senior member of the Taliban or a supporter of the Taliban; and

(3) assesses—

(A) the likelihood that the countries referred to in paragraph (1) will seek to invest in Afghanistan's key natural resources; and

(B) the impact of such investments on the national security of the United States.

SEC. 1299. REPORT ON SAFE HARBOR PROVIDED TO TERRORIST ORGANIZATIONS BY PAKISTAN.

Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress and make available to the public a report that describes the actions taken by the Government of Pakistan to provide safe harbor to organizations—

(1) designated by the Secretary of State as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(2) designated as a specially designated global terrorist organizations under Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

SEC. 1299A. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORTERS OF THE TALIBAN.

(a) IN GENERAL.—The President shall impose 2 or more of the sanctions described in subsection (b) with respect to each foreign person identified under paragraph (2) of section 1298 in the most recent report submitted under that section.

(b) SANCTIONS DESCRIBED.—The sanctions that may be imposed with respect to a foreign person under subsection (a) are the following:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the foreign person.

(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to the foreign person under—

(A) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.);

(B) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The President may prohibit any United States financial institution from making loans or providing credits to the foreign person totaling more than $10,000,000 in any 12-month period.

(4) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President may exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise the authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(e) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

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

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

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

(C) any person in the United States.

SEC. 1299B. REPEAL OF EXCEPTION TO SANCTIONS WITH RESPECT TO ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN RELATING TO AFGHANISTAN RECONSTRUCTION.

Subsection (f) of section 1244 of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803) is repealed.

SEC. 1299C. LIMITATION ON HUMANITARIAN ASSISTANCE THAT COULD BENEFIT FOREIGN TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Before obligating funds described in subsection (b) for assistance in or for Afghanistan and Pakistan or any other country in which organizations designated by the Secretary of State as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) hold territory or wield substantial economic or political power, the Administrator of the United States Agency for International Development shall take all appropriate steps to ensure that such assistance is not provided to or through—

(1) any individual, private or government entity, or educational institution that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity; or

(2) any private entity or educational institution that has, as a principal officer or

member of the governing board or governing board of trustees of the entity or institution, any individual who has been determined to be—

(A) involved in or advocating terrorist activity; or

(B) a member of a foreign terrorist organization.

(b) FUNDS DESCRIBED.—Funds described in this subsection are funds appropriated under the heading ''Economic Support Fund'', ''Development Assistance'', ''Global Health'', ''Transition Initiatives'', or ''International Humanitarian Assistance'' in an Act making appropriations for the Department of State, foreign operations, and related programs or making supplemental appropriations.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall, as appropriate—

(A) establish procedures to specify the steps to be taken in carrying out subsection (a); and

(B) terminate assistance—

(i) to any individual, entity, or educational institution that the Secretary has determined to be involved in or advocating terrorist activity; or

(ii) that could benefit such an individual, entity, or educational institution.

(2) INCLUSION OF CERTAIN ENTITIES.—In establishing procedures under paragraph (1)(A) with respect to steps to be taken to ensure that assistance is not provided to individuals, entities, or institutions described in subsection (a), the Administrator shall ensure that the recipients and subrecipients of assistance from the United States Agency for International Development and their contractors and subcontractors are included.

SEC. 1299D. RESTRICTION ON FOREIGN ASSISTANCE TO COUNTRIES IN WHICH COUPS D'ÉTAT HAVE OCCURRED.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available pursuant to an Act making appropriations for the Department of State, foreign operations, and related programs or making supplemental appropriations may be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of the enactment of this Act, a coup d'état or decree in which the military plays a decisive role.

(b) RESUMPTION OF ASSISTANCE.—Assistance described in subsection (a) may be resumed to a government described in that subsection if the Secretary of State certifies and reports to Congress that, subsequent to the termination of such assistance, a democratically elected government has taken office.

(c) EXCEPTION.—The prohibition under subsection (a) shall not apply to assistance to promote democratic elections or public participation in democratic processes.

(d) NOTIFICATION PROCEDURES.—Funds made available pursuant to subsection (b) or (c) shall be subject to the regular notification procedures of the Committees on Appropriations of the Senate and the House of Representatives.

SA 4359. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1210. FUNDING FOR INTERNATIONAL MILITARY EDUCATION AND TRAINING IN LATIN AMERICA, SOUTHEAST ASIA, AND AFRICA.

There is authorized to be appropriated for fiscal year 2022 for the Department of State $14,100,000 for International Military Education and Training (IMET) assistance for countries in Latin America, Southeast Asia, and Africa, to be made available for purposes of—

(1) training future leaders;

(2) fostering a better understanding of the United States;

(3) establishing a rapport between the United States Armed Forces and the military forces of countries in Latin America, Southeast Asia, and Africa to build partnerships for the future;

(4) enhancing interoperability and capabilities for joint operations; and

(5) focusing on professional military education, civilian control of the military, and protection of human rights.

SA 4360. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COUNTERING THE MILITARY-CIVIL FUSION STRATEGY OF THE CHINESE COMMUNIST PARTY.

(a) DEFINITIONS.—In this section:

(1) CHINESE ENTITY OF CONCERN.—The term ''Chinese entity of concern'' means—

(A) any college or university in the People's Republic of China that is determined by the Secretary of Defense to be involved in the implementation of the military-civil fusion strategy, including—

(i) any college or university known as the ''Seven Sons of National Defense'';

(ii) any college or university that receives funding from—

(I) the People's Liberation Army; or

(II) the Equipment Development Department, or the Science and Technology Commission, of the Central Military Commission;

(iii) any college or university in the People's Republic of China involved in military training and education, including any such college or university in partnership with the People's Liberation Army;

(iv) any college or university in the People's Republic of China that conducts military research or hosts dedicated military initiatives or laboratories, including such a college or university designated under the ''double first-class university plan'';

(v) any college or university in the People's Republic of China that is designated by the State Administration for Science, Technology, and Industry for the National Defense to host ''joint construction'' programs; and

(vi) any college or university in the People's Republic of China that has launched a platform for military-civil fusion or created national defense laboratories;

(B) any enterprise owned by the People's Republic of China; and

(C) any privately owned company in the People's Republic of China—

(i) that has received the Weapons and Equipment Research and Production Certificate;

(ii) that is otherwise known to have set up mechanisms for engaging in activity in support of military initiatives;

(iii) that has a history of subcontracting for the People's Liberation Army or its affiliates; or

(iv) that has an owner or a senior management official who has served as a delegate to the National People's Congress or a member of the Chinese People's Political Consultative Conference.

(2) COVERED ENTITY.—The term ''covered entity'' means—

(A) any Federal agency that engages in research or provides funding for research, including the National Science Foundation and the National Institutes of Health;

(B) any institution of higher education, or any other private research institution, that receives any Federal financial assistance; and

(C) any private company headquartered in the United States that receives Federal financial assistance.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term ''Federal financial assistance'' has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations (or successor regulations).

(4) MILITARY-CIVIL FUSION STRATEGY.—The term ''military-civil fusion strategy'' means the strategy of the Chinese Communist Party aiming to mobilize non-military resources and expertise to contribute directly to the development of technology for use by the People's Liberation Army.

(b) PROHIBITIONS.—

(1) IN GENERAL.—No covered entity may engage with a Chinese entity of concern in any scientific research or technical exchange that has a direct bearing on, or the potential for dual use in, the development of technologies that the Chinese Communist Party has identified as a priority of its national strategy of military-civil fusion and that are listed on the website under subsection (c)(1)(A).

(2) PRIVATE PARTNERSHIPS.—No covered entity described in subsection (a)(2)(C) may form a partnership or joint venture with another such covered entity for the purpose of engaging in any scientific research or technical exchange described in paragraph (1).

(c) WEBSITE.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the Secretary of Commerce, shall establish and periodically update a website that includes—

(A) a list of the scientific research or technical exchange for which the prohibitions under subsection (b) apply, which shall initially include quantum computing, big data analytics, semiconductors, new and advanced materials, 5G telecommunications, advanced nuclear technology (including nuclear power and energy storage), aerospace technology, and artificial intelligence; and

(B) to the extent practicable, a list of all Chinese entities of concern.

(2) RESOURCES.—In establishing the website under paragraph (1), the Secretary of Defense may use as a model any existing resources, such as the China Defense Universities Tracker maintained by the Australian Strategic Policy Institute, subject to any other laws applicable to such resources.

(d) EXCEPTION.—The prohibitions under subsection (b) shall not apply to any collaborative study or research project in fields involving information that would not contribute substantially to the goals of the military-civil fusion strategy, as determined by the guidelines set by the Secretary of Defense.

(e) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered entity described in subparagraph (B) or (C) of subsection (a)(2) that violates a prohibition under subsection (b) on or after the date of enactment of this Act shall be precluded from receiving any Federal financial assistance on or after the date of such violation.

(2) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of State, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the Secretary of Commerce, shall—

(A) promulgate regulations to enforce the prohibitions under subsection (b) and the requirement under paragraph (1); and

(B) coordinate with the heads of other Federal agencies to ensure the enforcement of such prohibitions and requirement.

SA 4361. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. TRANSFER OF CERTAIN UNEXPENDED FUNDS RELATED TO AFGHANISTAN FOR THE PURPOSE OF BUILDING A RESILIENT DOMESTIC INDUSTRIAL BASE AND STRENGTHENING DEFENSE TECHNOLOGY INNOVATION.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) great power competition with the People's Republic of China will define the future of the 21st century;

(2) the People's Republic of China is a revisionist power that seek to upend the international system in ways that are inimical to United States national interests;

(3) great power competition with the People's Republic of China is global in nature and requires a whole-of-government response;

(4) resilient domestic manufacturing, a strong and advanced United States Navy, and an innovative economy are critical to succeeding in great power competition; and

(5) promoting and supporting new technological research and development will be necessary to maintain a competitive advantage and effectively combat hostile efforts by the Government of the People's Republic of China.

(b) TRANSFER.—

(1) IN GENERAL.—The President shall transfer to each of the following appropriations accounts for the following purposes an amount equal to one-third of the total amount rescinded under paragraph (2):

(A) The Defense Production Act purchases account for activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, 4533))

(B) The Shipbuilding and Conversion, Navy account of the Department of Defense.

(C) The research, development, test, and evaluation, Defense-wide account of the Department of Defense, to be available for the Defense Advanced Research Projects Agency to carry out projects related to strengthening the United States' global advantage in strategic technologies, which may include aerospace, robotics, artificial intelligence, information technology, new and advanced materials, biotechnology, advanced machinery, telecommunications, and energy and power generation.

(2) RESCISSION OF UNEXPENDED FUNDS DEDICATED TO MAINTAINING A MILITARY AND DIPLOMATIC PRESENCE IN AFGHANISTAN.—The following amounts are hereby rescinded:

(A) The unobligated balance of amounts made available to the Department of Defense for the Afghanistan Security Forces Fund.

(B) Of the unobligated balance of amounts made available to the Department of State for Diplomatic Programs, all remaining funds relating to maintaining United States diplomatic personnel in Afghanistan.

(C) Of the unobligated balance of amounts made available for the Economic Support Fund, all remaining funds relating to implementing and supporting comprehensive strategies to combat corruption in Afghanistan, and for the reintegration of former Taliban and other extremists.

(D) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(E) Of the unobligated balance of amounts made available to the Department of State for International Military Education and Training programs, all remaining funds relating to training personnel of the Afghan security forces.

SA 4362. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONSUMER PROTECTIONS REGARDING COVERED FOREIGN SOFTWARE.

(a) CONSUMER WARNING AND ACKNOWLEDGMENT FOR DOWNLOAD OF COVERED FOREIGN SOFTWARE.—

(1) IN GENERAL.—A software marketplace operator or an owner of covered foreign software may not:

(A) Permit a consumer to download covered foreign software unless, before the download begins—

(i) a warning that meets the requirements of paragraph (2) is displayed to the consumer, separately from any privacy policy, terms of service, or other notice; and

(ii) the consumer is required to choose (by taking an affirmative step such as clicking on a button) between the options of—

(I) acknowledging such warning and proceeding with the download; or

(II) cancelling the download.

(B) Make available covered foreign software for download by consumers unless the operator or owner has in place procedures to ensure compliance with subparagraph (A).

(2) REQUIREMENTS FOR WARNING.—The requirements of this paragraph are, with respect to a warning regarding covered foreign software—

(A) that the warning include—

(i) the name of the covered foreign software;

(ii) the name of each owner of the covered foreign software, and, if applicable with respect to each such owner, the name of the covered country—

(I) under the laws of which such owner is organized;

(II) in which such owner conducts its principal operations; or

(III) in which such owner is headquartered;

(iii) the name of each controlling entity of the owner of the covered foreign software, and if applicable with respect to each such controlling entity, the name of the covered country—

(I) under the laws of which such entity is organized;

(II) in which such entity conducts its principal operations; or

(III) in which such entity is headquartered;

(iv) any enumerated risk to data privacy and security or the censorship of speech associated with the laws and practices of a covered country disclosed under this subparagraph;

(v) whether the owner of a covered foreign software, or any controlling entity of such owner, has ever provided the data of United States consumers, as it relates to such software, to any law enforcement agency, intelligence agency, or other government entity of a covered country; and

(vi) a description of how to acknowledge the warning and either proceed with or cancel the download;

(B) that the warning be updated annually; and

(C) such other requirements as the Commission, in consultation with the Attorney General of the United States, shall determine.

(3) LIABILITY OF SOFTWARE OWNER.—If a software marketplace operator permits a consumer to download covered foreign software or makes covered foreign software available for download in violation of paragraph (1), the operator shall not be liable for a violation of such paragraph if the operator reasonably relied on inaccurate information from the owner of the covered foreign software in determining that the software was not covered foreign software, and the owner of the covered foreign software shall be considered to have committed the violation of such paragraph.

(b) CONSUMER DATA PROTECTIONS.—

(1) CONSUMER DATA PRIVACY PRACTICES.—

(A) CONSUMER DATA REPORT.—Not later than 30 days after the date of enactment of this section (or in the case of covered foreign software that is created after such date or software that becomes covered foreign software after such date, 60 days after the date that such software is created or becomes covered foreign software), and annually thereafter, an owner of covered foreign software shall submit to the Commission and the Attorney General of the United States a report that includes a complete description of any consumer data privacy practice of the owner as it relates to the data of United States consumers, including—

(i) the type of data of United States consumers being accessed;

(ii) a description of how such data is used by the owner;

(iii) a description of any consumer data protection measure in place that protects the rights and interests of United States consumers;

(iv) information regarding—

(I) the number of requests from a law enforcement agency, intelligence agency, or other government entity of a covered country to disclose the consumer data of a person in the United States; and

(II) a description of how such requests were handled; and

(v) a description of any internal content moderation practice of the owner as it relates to the data of consumers in the United States, including any such practice that also relates to consumers in another country.

(B) PUBLIC ACCESSIBILITY.—Notwithstanding any other provision of law, not later than 60 days after the receipt of a report under subparagraph (A), the Attorney General of the United States shall publish the information contained in such report (except for any confidential material) in a publicly accessible manner.

(2) CONSUMER DATA DISCLOSURE PRACTICES.—

(A) EFFECT OF DISCLOSURE AND CENSORSHIP.—An owner of covered foreign software may not collect or store data of United States consumers, as it relates to such covered foreign software, if such owner complies with any request from a law enforcement agency, intelligence agency, or other government entity of a covered country—

(i) to disclose the consumer data of a person in the United States; or

(ii) to censor the online activity of a person in the United States.

(B) REPORT TO FEDERAL TRADE COMMISSION AND ATTORNEY GENERAL OF THE UNITED STATES.—Not later than 14 days after receiving a request described in subparagraph (A), an owner of covered foreign software shall submit to the Commission and the Attorney General of the United States a report that includes a description of such request.

(C) ACCESS TO CONSUMER DATA IN SUBSIDIARIES.—Not later than 1 year after the date of enactment of this section, the Commission, in consultation with the Attorney General of the United States, shall issue regulations to require an owner of covered foreign software to implement consumer data protection measures to ensure that any parent company in a covered country may not access the consumer data collected and stored, or otherwise held, by a subsidiary entity of such parent company in a country that is not a covered country.

(3) PROHIBITIONS ON STORAGE, USE, AND SHARING OF CONSUMER DATA.—

(A) USE, TRANSFER, AND STORAGE OF CONSUMER DATA.—With respect to the consumer data of any person in the United States, an owner of covered foreign software may not—

(i) use such data in a covered country;

(ii) transfer such data to a covered country; or

(iii) store such data outside of the United States.

(B) SHARING OF CONSUMER DATA.—An owner of covered foreign software may not share with, sell to, or otherwise disclose to any other commercial entity the consumer data of any person in the United States.

(4) CENSORSHIP REMEDY.—In the case where an owner of covered foreign software censors the online activity of a person in the United States, such owner shall provide any affected user with a means to appeal such censorship.

(c) NONAPPLICATION OF COMMUNICATIONS DECENCY ACT PROTECTIONS.—Notwithstanding section 230 of the Communications Act of 1934 (47 U.S.C. 230) (commonly known as the ''Communications Decency Act''), an owner of a covered foreign software shall not be considered a provider of an interactive computer service for purposes of subsection (c) of such section with respect to such covered foreign software.

(d) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section or a regulation promulgated thereunder shall be treated as a violation of a rule defining an unfair or deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section and the regulations promulgated thereunder in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section. Any person who violates this section or a regulation promulgated thereunder shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(B) ADDITIONAL RELIEF.—In addition to the penalties provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.), if a court or the Commission (in a formal adjudicative proceeding) determines that an owner of covered foreign software violated this section or a regulation promulgated thereunder, the court or the Commission shall prohibit the owner from making such software available for sale or download in the United States.

(3) REGULATIONS.—The Commission may promulgate regulations under section 553 of title 5, United States Code, to carry out this section.

(4) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(e) CRIMINAL OFFENSE.—

(1) IN GENERAL.—A software marketplace operator or an owner of covered foreign software that knowingly violates subsection (a) or (b) shall be fined $50,000 for each violation.

(2) CLARIFICATIONS.—

(A) SEPARATE VIOLATION.—For purposes of paragraph (1), each download by a consumer of a covered foreign software that does not meet the requirements of subparagraph (A) of subsection (a)(1) or is made available in violation of subparagraph (B) of such subsection shall be treated as a separate violation.

(B) INDIVIDUAL OFFENSE.—An officer of a software marketplace operator or of an owner of covered foreign software who knowingly causes a violation of subsection (a)(1) with the intent to conceal the fact that the software is covered foreign software shall be fined under title 18, United States Code.

(3) REFERRAL OF EVIDENCE BY THE FTC.—Whenever the Commission obtains evidence that a software marketplace operator or owner of covered foreign software has engaged in conduct that may constitute a violation of subsection (a) or (b), the Commission shall transmit such evidence to the Attorney General of the United States, who may institute criminal proceedings under this subsection. Nothing in this paragraph affects any other authority of the Commission to disclose information.

(f) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, the Commission, in consultation with the Attorney General of the United States, shall submit to Congress a report on the implementation and enforcement of this section.

(g) EXPANSION OF COVERED TRANSACTIONS UNDER THE DPA.—Section 721(a)(4)(B)(iii)(III) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)(B)(iii)(III)) is amended by inserting ''or commercially available'' after ''sensitive''.

(h) EXPRESS PREEMPTION OF STATE LAW.—This section shall supersede any provision of a law, regulation, or other requirement of any State or political subdivision of a State to the extent that such provision relates to the privacy or security of consumer data or the downloading of covered foreign software.

(i) DEFINITIONS.—In this section:

(1) CENSOR.—

(A) IN GENERAL.—The term ''censor'', with respect to the online activity of a person in the United States, means—

(i) to alter, delete, remove, or otherwise make inaccessible user information without the consent of such user; or

(ii) to alter, delete, remove, deny, prevent, or otherwise prohibit user activity without the consent of such user.

(B) EXCEPTION.—Such term shall not include any action by an owner of covered foreign software that is taken for the purpose of restricting access to, or availability of, material that the owner considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) COVERED COUNTRY.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''covered country'' means—

(i) China, Russia, North Korea, Iran, Syria, Sudan, Venezuela, or Cuba;

(ii) any other country the government of which the Secretary of State determines has provided support for international terrorism pursuant to—

(I) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

(II) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(III) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(IV) any other provision of law; and

(iii) any other country designated by the Attorney General of the United States based on findings that such country's control over potentially dangerous software poses an undue or unnecessary risk to the national security of the United States or to the safety and security of United States persons.

(B) PROCESS.—

(i) ADVANCE NOTICE TO CONGRESS.—The Attorney General of the United States shall not designate a country under subparagraph (A)(iii) (or revoke such a designation under clause (iii)) unless the Attorney General of the United States—

(I) provides not less than 30 days notice prior to making such designation or revocation to—

(aa) the Committee on Energy and Commerce of the House of Representatives;

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

(cc) the Committee on Commerce, Science, and Transportation of the Senate; and

(dd) the Select Committee on Intelligence of the Senate; and

(II) upon request, provides an in-person briefing to each such Committee during the 30-day notice period.

(ii) NOTICE AND PUBLICATION OF DESIGNATION.—Upon designating a country under subparagraph (A)(iii), the Attorney General of the United States shall transmit a notification of the designation to the Commission, and shall publish such notification. Such designation shall become effective on the day that is 60 days after the date on which such notification is transmitted and published.

(iii) REVOCATION OF DESIGNATION.—The designation of a country under subparagraph (A) may only be revoked by the Attorney General of the United States.

(4) COVERED FOREIGN SOFTWARE.—

(A) IN GENERAL.—The term ''covered foreign software'' means any of the following:

(i) Software that is owned or, directly or indirectly, controlled by a person described in subparagraph (B).

(ii) Software that stores data of United States consumers in a covered country.

(B) PERSONS DESCRIBED.—A person described in this subparagraph is—

(i) a person (other than an individual)—

(I) that is organized under the laws of a covered country;

(II) the principal operations of which are conducted in a covered country; or

(III) that is headquartered in a covered country; or

(ii) a person (other than an individual) that is, directly or indirectly, controlled by a person described in clause (i).

(5) MOBILE APPLICATION.—The term ''mobile application'' means a software program that runs on the operating system of a smartphone, tablet computer, or similar mobile electronic device.

(6) SOFTWARE.—The term ''software'' means any computer software program, including a mobile application.

(7) SOFTWARE MARKETPLACE OPERATOR.—The term ''software marketplace operator'' means a person who, for a commercial purpose, operates an online store or marketplace through which software is made available for download by consumers in the United States.

SA 4363. Mr. RUBIO 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:

SEC. ___. REIMBURSEMENT OF INTEREST PAYMENTS RELATED TO PUBLIC ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

''SEC. 431. REIMBURSEMENT OF INTEREST PAYMENTS RELATED TO PUBLIC ASSISTANCE.

''(a) IN GENERAL.—The President may provide financial assistance to a local government as reimbursement for qualifying interest.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) PRIME RATE.—The term 'prime rate' means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

''(2) QUALIFYING INTEREST.—The term 'qualifying interest' means, with respect to a qualifying loan, the lesser of—

''(A) the actual interest paid to a lender for such qualifying loan; and

''(B) the interest that would have been paid to a lender if such qualifying loan had an interest rate equal to the prime rate most recently published on the Federal Reserve Statistical Release on selected interest rates.

''(3) QUALIFYING LOAN.—The term 'qualifying loan' means a loan—

''(A) obtained by a local government; and

''(B) of which not less than 90 percent of the proceeds are used to fund activities for which such local government receives assistance under this Act after the date on which such loan is disbursed.''.

SA 4364. Mr. RUBIO (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AIR AMERICA.

(a) SHORT TITLE.—This section may be cited as the ''Air America Act of 2021''.

(b) FINDINGS.—Congress finds the following:

(1) Air America, Incorporated (referred to in this section as ''Air America'') and its related cover corporate entities were wholly owned and controlled by the United States Government and directed and managed by the Department of Defense, the Department of State, and the Central Intelligence Agency from 1950 to 1976.

(2) Air America, a corporation owned by the Government of the United States, constituted a ''Government corporation'', as defined in section 103 of title 5, United States Code.

(3) It is established that the employees of Air America and the other entities described in paragraph (1) were Federal employees.

(4) The employees of Air America were retroactively excluded from the definition of the term ''employee'' under section 2105 of title 5, United States Code, on the basis of an administrative policy change in paperwork requirements implemented by the Office of Personnel Management 10 years after the service of the employees had ended and, by extension, were retroactively excluded from the definition of the term ''employee'' under section 8331 of title 5, United States Code, for retirement credit purposes.

(5) The employees of Air America were paid as Federal employees, with salaries subject to—

(A) the General Schedule under subchapter III of chapter 53 of title 5, United States Code; and

(B) the rates of basic pay payable to members of the Armed Forces.

(6) The service and sacrifice of the employees of Air America included—

(A) suffering a high rate of casualties in the course of employment;

(B) saving thousands of lives in search and rescue missions for downed United States airmen and allied refugee evacuations; and

(C) lengthy periods of service in challenging circumstances abroad.

(c) DEFINITIONS.—In this section—

(1) the term ''affiliated company'', with respect to Air America, includes Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport; and

(2) the term ''qualifying service'' means service that—

(A) was performed by a United States citizen as an employee of Air America or an affiliated company during the period beginning on January 1, 1950, and ending on December 31, 1976; and

(B) is documented in the attorney-certified corporate records of Air America or any affiliated company.

(d) TREATMENT AS FEDERAL EMPLOYMENT.—Any period of qualifying service—

(1) is deemed to have been service of an employee (as defined in section 2105 of title 5, United States Code) with the Federal Government; and

(2) shall be treated as creditable service by an employee for purposes of subchapter III of chapter 83 of title 5, United States Code.

(e) RIGHTS.—An individual who performed qualifying service, or a survivor of such an individual, shall be entitled to the rights, retroactive as applicable, provided to employees and their survivors for creditable service under the Civil Service Retirement System under subchapter III of chapter 83 of title 5, United States Code, with respect to that qualifying service.

(f) DEDUCTION, CONTRIBUTION, AND DEPOSIT REQUIREMENTS.—The deposit of funds in the Treasury of the United States made by Air America in the form of a lump-sum payment apportioned in part to the Civil Service Disability & Retirement Fund in 1976 is deemed to satisfy the deduction, contribution, and deposit requirements under section 8334 of title 5, United States Code, with respect to all periods of qualifying service.

(g) APPLICATION TIME LIMIT.—Section 8345(i)(2) of title 5, United States Code, shall be applied with respect to the death of an individual who performed qualifying service by substituting ''2 years after the effective date under subsection (h) of the Air America Act of 2021'' for ''30 years after the death or other event which gives rise to title to the benefit''.

(h) EFFECTIVE DATE.—This section shall take effect on the date that is 30 days after the date of enactment of this Act.

SA 4365. Mr. RUBIO (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Taiwan Relations Reinforcement Act of 2021

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Taiwan Relations Reinforcement Act of 2021''.

SEC. 1292. A TWENTY-FIRST CENTURY PARTNERSHIP WITH TAIWAN.

(a) STATEMENT OF POLICY.—It is the policy of the United States to create and execute a plan for enhancing its relationship with Taiwan by forming a robust partnership that meets the challenges of the 21st century, fully accounts for Taiwan's democratization, and remains faithful to United States principles and values in keeping with the Taiwan Relations Act and the Six Assurances.

(b) INTERAGENCY TAIWAN POLICY TASK FORCE.—Not later than 90 days after the date of the enactment of this Act, the President shall create an interagency Taiwan policy task force consisting of senior officials from the Office of the President, the National Security Council, the Department of State, the Department of Defense, the Department of the Treasury, the Department of Commerce, and the Office of the United States Trade Representative.

(c) REPORT.—The interagency Taiwan Policy Task Force established under subsection (b) shall submit an annual unclassified report with a classified annex to the appropriate congressional committees outlining policy and actions to be taken to create and execute a plan for enhancing our partnership and relations with Taiwan.

SEC. 1293. AMERICAN INSTITUTE IN TAIWAN.

The position of Director of the American Institute in Taiwan's Taipei office shall be subject to the advice and consent of the Senate, and effective upon enactment of this Act shall have the title of Representative.

SEC. 1294. SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE PROGRAMS WITH TAIWAN.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support United States educational and exchange programs with Taiwan, including by authorizing such sum as may be necessary to promote the study of Chinese language, culture, history, and politics in Taiwan.

(b) ESTABLISHMENT OF THE UNITED STATES-TAIWAN CULTURAL EXCHANGE FOUNDATION.—The Secretary of State shall establish a new United States-Taiwan Cultural Exchange Foundation, an independent nonprofit dedicated to deepening ties between the future leaders of Taiwan and the United States. The Foundation shall work with State and local school districts and educational institutions to send high school and university students to Taiwan to study the Chinese language, culture, history, politics, and other relevant subjects.

(c) PARTNERING WITH TECRO.—State and local school districts and educational institutions such as public universities shall partner with the Taipei Economic and Cultural Representative Office (TECRO) in the United States to establish programs to promote an increase in educational and cultural exchanges.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on cooperation between the United States Government and the Taiwanese government to create an alternative to Confucius Institutes in an effort to promote freedom, democracy, universal values, culture, and history in conjunction with Chinese language education.

SEC. 1295. PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Taiwan's inclusion and meaningful participation in meetings held by international organizations.

(b) SUPPORT FOR MEANINGFUL PARTICIPATION.—The Permanent Representative of the United States to the United Nations and other relevant United States officials should actively support Taiwan's membership and meaningful participation in international organizations.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on China's efforts at the United Nations and other international bodies to block Taiwan's meaningful participation and inclusion and recommend appropriate responses to be taken by the United States.

SEC. 1296. INVITATION OF TAIWANESE COUNTERPARTS TO HIGH-LEVEL BILATERAL AND MULTILATERAL FORUMS AND EXERCISES.

(a) STATEMENT OF POLICY.—It is the policy of the United States to invite Taiwanese counterparts to participate in high-level bilateral and multilateral summits, military exercises, and economic dialogues and forums.

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

(1) the United States Government should invite Taiwan to regional dialogues on issues of mutual concern;

(2) the United States Government and Taiwanese counterparts should resume meetings under the United States-Taiwan Trade and Investment Framework Agreement and reach a bilateral free trade agreement;

(3) the United States Government should invite Taiwan to participate in bilateral and multilateral military training exercises; and

(4) the United States Government and Taiwanese counterparts should engage in a regular and routine strategic bilateral dialogue on arms sales in accordance with Foreign Military Sales mechanisms, and the United States Government should support export licenses for direct commercial sales supporting Taiwan's indigenous defensive capabilities.

SEC. 1297. REPORT ON TAIWAN TRAVEL ACT.

(a) LIST OF HIGH-LEVEL VISITS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall, in accordance with the Taiwan Travel Act (Public Law 115–135), submit to the appropriate congressional committees a list of high-level officials from the United States Government that have traveled to Taiwan and a list of high-level officials of Taiwan that have entered the United States.

(b) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on implementation of the Taiwan Travel Act.

SEC. 1298. PROHIBITIONS AGAINST UNDERMINING UNITED STATES POLICY REGARDING TAIWAN.

(a) PROHIBITION ON RECOGNITION OF PRC CLAIMS TO SOVEREIGNTY OVER TAIWAN.—

(1) STATEMENT OF POLICY.—It is the policy of the United States to oppose any attempt by the PRC authorities to unilaterally impose a timetable or deadline for unification on Taiwan.

(2) PROHIBITION ON RECOGNITION OF PRC CLAIMS WITHOUT ASSENT OF PEOPLE OF TAIWAN.— No department or agency of the United States Government may formally or informally recognize PRC claims to sovereignty over Taiwan without the assent of the people of Taiwan, as expressed directly through the democratic process.

(3) TREATMENT OF TAIWAN GOVERNMENT.—

(A) IN GENERAL.—The Department of State and other United States Government agencies shall treat the democratically elected government of Taiwan as the legitimate representative of the people of Taiwan and end the outdated practice of referring to the government in Taiwan as the ''authorities''. Notwithstanding the continued supporting role of the American Institute in Taiwan in carrying out United States foreign policy and protecting United States interests in Taiwan, the United States Government shall not place any restrictions on the ability of officials of the Department of State and other United States Government agencies from interacting directly and routinely with counterparts in the Taiwan government.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as entailing restoration of diplomatic relations with the Republic of China, which were terminated on January 1, 1979, or altering the United States Government's position on Taiwan's international status.

(b) STRATEGY TO PROTECT UNITED STATES BUSINESSES AND NONGOVERNMENTAL ENTITIES FROM COERCION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, the Secretary of the Treasury, and the heads of other relevant Federal agencies, shall submit an unclassified report, with a classified annex if necessary, to protect United States businesses and nongovernmental entities from sharp power operations, including coercion and threats that lead to censorship or self-censorship, or which compel compliance with political or foreign policy positions of the Government of the People's Republic of China and the Chinese Communist Party. The strategy shall include the following elements:

(1) Information on efforts by the Government of the People's Republic of China to censor the websites of United States airlines, hotels, and other businesses regarding the relationship between Taiwan and the People's Republic of China.

(2) Information on efforts by the Government of the People's Republic of China to target United States nongovernmental entities through sharp power operations intended to weaken support for Taiwan.

(3) Information on United States Government efforts to counter the threats posed by Chinese state-sponsored propaganda and disinformation, including information on best practices, current successes, and existing barriers to responding to this threat.

(4) Details of any actions undertaken to create a code of conduct and a timetable for implementation.

SEC. 1299. STRATEGY TO RESPOND TO SHARP POWER OPERATIONS TARGETING TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall develop and implement a strategy to respond to sharp power operations and the united front campaign supported by the Government of the People's Republic of China and the Chinese Communist Party that are directed toward persons or entities in Taiwan.

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) Development of a response to PRC propaganda and disinformation campaigns and cyber-intrusions targeting Taiwan, including—

(A) assistance in building the capacity of the Taiwan government and private-sector entities to document and expose propaganda and disinformation supported by the Government of the People's Republic of China, the Chinese Communist Party, or affiliated entities;

(B) assistance to enhance the Taiwan government's ability to develop a whole-of-government strategy to respond to sharp power operations, including election interference; and

(C) media training for Taiwan officials and other Taiwan entities targeted by disinformation campaigns.

(2) Development of a response to political influence operations that includes an assessment of the extent of influence exerted by the Government of the People's Republic of China and the Chinese Communist Party in Taiwan on local political parties, financial institutions, media organizations, and other entities.

(3) Support for exchanges and other technical assistance to strengthen the Taiwan legal system's ability to respond to sharp power operations.

(4) Establishment of a coordinated partnership, through the Global Cooperation and Training Framework, with like-minded governments to share data and best practices with the Government of Taiwan on ways to address sharp power operations supported by the Government of the People's Republic of China and the Chinese Communist Party.

SEC. 1299A. REPORT ON DETERRENCE IN THE TAIWAN STRAIT.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees a joint

report that assesses the military posture of Taiwan and the United States as it specifically pertains to the deterrence of military conflict and conflict readiness in the Taiwan Strait. In light of the changing military balance in the Taiwan Strait, the report should include analysis of whether current Taiwan and United States policies sufficiently deter efforts to determine the future of Taiwan by other than peaceful means.

SEC. 1299B. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) SHARP POWER.—The term ''sharp power'' means the coordinated and often concealed application of disinformation, media manipulation, economic coercion, cyber-intrusions, targeted investments, and academic censorship that is intended—

(A) to corrupt political and nongovernmental institutions and interfere in democratic elections and encourage self-censorship of views at odds with those of the Government of the People's Republic of China or the Chinese Communist Party; or

(B) to foster attitudes, behavior, decisions, or outcomes in Taiwan and elsewhere that support the interests of the Government of the People's Republic of China or the Chinese Communist Party.

SA 4366. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Countering Chinese Influence

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Countering the Chinese Government and Communist Party's Political Influence Operations Act''.

SEC. 1292. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Appropriations of the Senate;

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

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

(D) the Committee on Health, Education, Labor, and Pensions of the Senate;

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

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

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

(H) the Committee on Appropriations of the House of Representatives;

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

(J) the Committee on Education and Labor of the House of Representatives;

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

(L) the Committee on the Judiciary of the House of Representatives;

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

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

(2) POLITICAL INFLUENCE OPERATIONS.—The term ''political influence operations'' means the coordinated and often concealed application of disinformation, press manipulation, economic coercion, targeted investments, corruption, or academic censorship, which are often intended—

(A) to coerce and corrupt United States interests, values, institutions, or individuals; and

(B) to foster attitudes, behavior, decisions, or outcomes in the United States that support the interests of the Government of the People's Republic of China or the Chinese Communist Party.

SEC. 1293. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to clearly differentiate between the Chinese people and culture and the Government of the People's Republic of China and the Chinese Communist Party in official statements, media messaging, and policy;

(2) to clearly differentiate between legal, internationally accepted public diplomacy and strategic communications campaigns and illicit activities to undermine democratic institutions or freedoms;

(3) to protect United States citizens and legal residents from malign or coercive political influence operations;

(4) to enhance cooperation and coordination with the United Kingdom, Australia, Canada, New Zealand, Japan, Taiwan, Singapore, and the members of the European Union, whose governments and institutions have faced acute pressure from the political influence operations of the Government of the People's Republic of China and the Chinese Communist Party, and with other allies throughout the world;

(5) to create strategies to ensure that countries in Africa, the Western Hemisphere, Southeast Asia, and elsewhere are aware of the People's Republic of China's ''sharp power'' tactics, including the Chinese Communist Party's party-to-party training program, which is designed to instill admiration and emulation of Beijing's governance model and weaken democracy in these regions, and provide needed capacity to counter them effectively;

(6) to implement more advanced transparency requirements concerning collaboration with Chinese actors for media agencies, universities, think tanks, and government officials;

(7) to use various forums to raise awareness about—

(A) the goals and methods of the political influence operations of the Government of the People's Republic of China and the Chinese Communist Party; and

(B) common patterns and approaches used by Chinese intelligence agencies or related actors;

(8) to require greater transparency for Confucius Institutes, think tanks, academic programs, and nongovernmental organizations funded primarily by the Government of the People's Republic of China and the Chinese Communist Party, or by individuals or public or private organizations with a demonstrable affiliation with the Government of the People's Republic of China and the Chinese Communist Party that are operating in the United States to register through the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) or a comparable mechanism;

(9) to seek ways to increase Chinese language proficiency among mid-career professionals that do not rely on funding linked to the Government of the People's Republic of China;

(10) to ensure that existing tools are sufficiently screening for the risk of Chinese influence operations; and

(11) to create more flexible tools, as needed, with the goals of—

(A) screening investments from the Government of the People's Republic of China or sources backed by such government to protect against the takeover of United States companies by Chinese state-owned or state-driven entities; and

(B) protecting institutions or business sectors critically important to United States national security and the viability of democratic institutions.

SEC. 1294. STRATEGY TO COUNTER "SHARP POWER" POLITICAL INFLUENCE OPERATIONS AND TO PROTECT UNITED STATES CITIZENS.

(a) IN GENERAL.—The Secretary of State and the Secretary of Homeland Security, in coordination with all relevant Federal agencies, shall develop a long-term strategy—

(1) to carry out the policy set forth in section 1293(c);

(2) to effectively counter the ''sharp power'' political influence operations of the Chinese Communist Party globally and in the United States;

(3) to ensure that United States citizens, particularly Chinese Americans and members of the Chinese, Uyghur, Mongolian, Korean, Taiwanese, and Tibetan diaspora who are often the victims and primary targets of malign political influence operations, are protected;

(4) to ensure that—

(A) the United States Government strategy to protect the communities described in paragraph (3) is clearly communicated by relevant Federal officials; and

(B) secure outlets are created for reporting on intimidation and surveillance;

(5) to ensure that Chinese nationals who are legally studying, living, or working temporarily in the United States know that intimidation or surveillance by the Government of the People's Republic of China and the Chinese Communist Party is an unacceptable invasion of their rights while they reside in the United States;

(6) to provide secure outlets for reporting on intimidation and surveillance; and

(7) to identify new tools or authorities necessary to implement this strategy.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State or an appropriate high-ranking official shall—

(1) submit an unclassified report, which may include a classified annex, containing the strategy required under subsection (a) to the appropriate congressional committees; or

(2) describe the strategy required under subsection (a) through unclassified testimony before the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives.

SEC. 1295. REPORT ON THE POLITICAL INFLUENCE OPERATIONS OF THE GOVERNMENT OF CHINA AND THE CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—Because it is important for United States policymakers and the American people to be informed about the influence operations described in section 1293, not later than 270 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Director of National Intelligence, and in consultation with the heads of relevant Federal departments and agencies, shall submit an unclassified report,

which may include a classified annex, to the appropriate congressional committees that describes the political influence operations of the Government of the People's Republic of China and the Chinese Communist Party affecting the United States and select allies and partners, including the United Kingdom, Canada, Australia, New Zealand, Taiwan, and Japan, including efforts—

(1) to exert influence over United States governmental or nongovernmental institutions or individuals, or government officials among United States allies and partners;

(2) to coerce or threaten United States citizens or legal permanent residents or their families and associates living in China or elsewhere;

(3) to undermine democratic institutions and the freedoms of speech, expression, the press, association, assembly, religion, or academic thought;

(4) to otherwise suppress information in public fora, in the United States and abroad; or

(5) to develop or obtain property, facilities, infrastructure, business entities, or other assets for use in facilitating the activities described in paragraphs (1) through (4).

(b) CONTENTS.—The report required under subsection (a) shall include recommendations for the President and Congress relating to—

(1) the need for additional resources or authorities to counter political influence operations in the United States directed by the Government of the People's Republic of China and the Chinese Communist Party, including operations carried out in concert with allies;

(2) whether a permanent office to monitor and respond to political influence operations of the Government of the People's Republic of China and the Chinese Communist Party should be established within the Department of State or within the Office of the Director of National Intelligence; and

(3) whether regular public reports on the political influence operations of the Government of the People's Republic of China and the Chinese Communist Party are needed to inform Congress and the American people of the scale and scope of such operations.

SA 4367. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. IMPOSITION OF SANCTIONS WITH RESPECT TO ESTABLISHMENT OR MAINTENANCE OF MILITARY INSTALLATIONS OF PEOPLE'S LIBERATION ARMY.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to each foreign person that the President determines facilitates the establishment or maintenance of a military installation of the People's Liberation Army outside of the People's Republic of China.

(b) SANCTIONS DESCRIBED.—The sanctions to be imposed under subsection (a) with respect to a foreign person described in that subsection are the following:

(1) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

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

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise the authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under subsection (b)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(e) DEFINITIONS.—In this section:

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

(2) FOREIGN PERSON.—The term ''foreign person'' means any person that is not a United States person.

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

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

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

(C) any person in the United States.

SA 4368. Mr. RUBIO (for himself, Mrs. FEINSTEIN, and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SANCTIONING AND STOPPING RANSOMWARE.

(a) CYBERSECURITY STANDARDS FOR CRITICAL INFRASTRUCTURE.—

(1) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

''Subtitle C—Cybersecurity Standards for Critical Infrastructure

''SEC. 2231. DEFINITION OF CRITICAL INFRASTRUCTURE ENTITY.

''In this subtitle, the term 'critical infrastructure entity' means an owner or operator of critical infrastructure.

''SEC. 2232 CYBERSECURITY STANDARDS.

''(a) IN GENERAL.—The Secretary, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop and promulgate mandatory cybersecurity standards for critical infrastructure entities.

''(b) HARMONIZATION AND INCORPORATION.—In developing the cybersecurity standards required under subsection (a), the Secretary shall—

''(1) to the greatest extent practicable, ensure the cybersecurity standards are consistent with Federal regulations existing as of the date on enactment of this section; and

''(2) in coordination with the Director of the National Institute of Standards and Technology, ensure that the cybersecurity standards incorporate, to the greatest extent practicable, the standards developed with facilitation and support from the Director of the National Institute of Standards and Technology under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(15)).

''(c) COMPLIANCE ASSESSMENT.—Not less frequently than annually, the Secretary, in coordination with the heads of Sector Risk Management Agencies, shall assess the compliance of each critical infrastructure entity with the cybersecurity standards developed under subsection (a).''.

(2) 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 adding at the end the following:

''Subtitle C—Cybersecurity Standards for Critical Infrastructure

''Sec. 2231. Definition of critical infrastructure entity.

''Sec. 2232. Cybersecurity standards.''.

(b) REGULATION OF CRYPTOCURRENCY EXCHANGES.—

(1) SECRETARY OF THE TREASURY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall—

(A) develop and institute regulatory requirements for cryptocurrency exchanges operating within the United States to reduce the anonymity of users and accounts suspected of ransomware activity and make records available to the Federal Government in connection with ransomware incidents; and

(B) submit to Congress a report with any recommendations that may be necessary regarding cryptocurrency exchanges used in conjunction with ransomware.

(2) ATTORNEY GENERAL.—The Attorney General shall determine what information should be preserved by cryptocurrency exchanges to facilitate law enforcement investigations.

(c) DESIGNATION OF STATE SPONSORS OF RANSOMWARE AND REPORTING REQUIREMENTS.—

(1) DESIGNATION OF STATE SPONSORS OF RANSOMWARE.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Director of National Intelligence, shall—

(i) designate as a state sponsor of ransomware any country the government of which the Secretary has determined has provided support for ransomware demand schemes (including by providing safe haven for individuals engaged in such schemes);

(ii) submit to Congress a report listing the countries designated under clause (i); and

(iii) in making designations under clause (i), take into consideration the report submitted to Congress under subsection (d)(3)(A).

(B) SANCTIONS AND PENALTIES.—The President shall impose with respect to each state sponsor of ransomware designated under subparagraph (A)(i) the sanctions and penalties imposed with respect to a state sponsor of terrorism.

(C) STATE SPONSOR OF TERRORISM DEFINED.—In this paragraph, the term ''state sponsor of terrorism'' means a country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism, for purposes of—

(i) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(i));

(ii) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(iii) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(iv) any other provision of law.

(2) REPORTING REQUIREMENTS.—

(A) SANCTIONS RELATING TO RANSOMWARE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to Congress that describes, for each of the 5 fiscal years immediately preceding the date of such report, the number and geographic locations of individuals, groups, and entities subject to sanctions imposed by the Office of Foreign Assets Control who were subsequently determined to have been involved in a ransomware demand scheme.

(B) COUNTRY OF ORIGIN REPORT.—The Secretary of State, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall—

(i) submit a report, with a classified annex, to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that identifies the country of origin of foreign-based ransomware attacks; and

(ii) make the report described in clause (i) (excluding the classified annex) available to the public.

(C) INVESTIGATIVE AUTHORITIES REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall issue a report that outlines the authorities available to the Federal Bureau of Investigation, the United States Secret Service, the Cybersecurity and Infrastructure Security Agency, the Homeland Security Investigations, and the Office of Foreign Assets Control to respond to foreign-based ransomware attacks.

(d) DEEMING RANSOMWARE THREATS TO CRITICAL INFRASTRUCTURE AS A NATIONAL INTELLIGENCE PRIORITY.—

(1) CRITICAL INFRASTRUCTURE DEFINED.—In this subsection, the term ''critical infrastructure'' has the meaning given such term in subsection (e) of the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c(e)).

(2) RANSOMWARE THREATS TO CRITICAL INFRASTRUCTURE AS NATIONAL INTELLIGENCE PRIORITY.—The Director of National Intelligence, pursuant to the provisions of the National Security Act of 1947 (50 U.S.C. 3001 et seq.), the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), section 1.3(b)(17) of Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), as in effect on the day before the date of the enactment of this Act, and National Security Presidential Directive–26 (February 24, 2003; relating to intelligence priorities), as in effect on the day before the date of the enactment of this Act, shall deem ransomware threats to critical infrastructure a national intelligence priority component to the National Intelligence Priorities Framework.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the implications of the ransomware threat to United States national security.

(B) CONTENTS.—The report submitted under subparagraph (A) shall address the following:

(i) Identification of individuals, groups, and entities who pose the most significant threat, including attribution to individual ransomware attacks whenever possible.

(ii) Locations from where individuals, groups, and entities conduct ransomware attacks.

(iii) The infrastructure, tactics, and techniques ransomware actors commonly use.

(iv) Any relationships between the individuals, groups, and entities that conduct ransomware attacks and their governments or countries of origin that could impede the ability to counter ransomware threats.

(v) Intelligence gaps that have, or currently are, impeding the ability to counter ransomware threats.

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

(e) RANSOMWARE OPERATION REPORTING CAPABILITIES.—

(1) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

''Subtitle D—Ransomware Operation Reporting Capabilities

''SEC. 2241. DEFINITIONS.

''In this subtitle:

''(1) DEFINITIONS FROM SECTION 2201.—The definitions in section 2201 shall apply to this subtitle, except as otherwise provided.

''(2) AGENCY.—The term 'Agency' means the Cybersecurity and Infrastructure Security Agency.

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

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

''(B) the Select Committee on Intelligence of the Senate;

''(C) the Committee on the Judiciary of the Senate;

''(D) the Committee on Homeland Security of the House of Representatives;

''(E) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(F) the Committee on the Judiciary of the House of Representatives.

''(4) COVERED ENTITY.—The term 'covered entity' means—

''(A) a Federal contractor;

''(B) an owner or operator of critical infrastructure;

''(C) a non-government entity that provides cybersecurity incident response services; and

''(D) any other entity determined appropriate by the Secretary, in coordination with the head of any other appropriate department or agency.

''(5) CRITICAL FUNCTION.—The term 'critical function' means any action or operation that is necessary to maintain critical infrastructure.

''(6) DIRECTOR.—The term 'Director' means the Director of the Cybersecurity and Infrastructure Security Agency.

''(7) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 3502 of title 44, United States Code.

''(8) FEDERAL CONTRACTOR.—The term 'Federal contractor'—

''(A) means a contractor or subcontractor (at any tier) of the United States Government; and

''(B) does not include a contractor or subcontractor that is a party only to—

''(i) a service contract to provide housekeeping or custodial services; or

''(ii) a contract to provide products or services unrelated to information technology that is below the micro-purchase threshold (as defined in section 2.101 of title 48, Code of Federal Regulations, or any successor thereto).

''(9) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given the term in section 11101 of title 40, United States Code.

''(10) RANSOMWARE.—The term 'ransomware' means any type of malicious software that—

''(A) prevents the legitimate owner or operator of an information system or network from accessing electronic data, files, systems, or networks; and

''(B) demands the payment of a ransom for the return of access to the electronic data,

files, systems, or networks described in subparagraph (A).

''(11) RANSOMWARE NOTIFICATION.—The term 'ransomware notification' means a notification of a ransomware operation.

''(12) RANSOMWARE OPERATION.—The term 'ransomware operation' means a specific instance in which ransomware affects the information systems or networks owned or operated by—

''(A) a covered entity; or

''(B) a Federal agency.

''(13) SYSTEM.—The term 'System' means the ransomware operation reporting capabilities established under section 2242(b).

''SEC. 2242. ESTABLISHMENT OF RANSOMWARE OPERATION REPORTING SYSTEM.

''(a) DESIGNATION.—The Agency shall be the designated agency within the Federal Government to receive ransomware operation notifications from other Federal agencies and covered entities in accordance with this subtitle.

''(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subtitle, the Director shall establish ransomware operation reporting capabilities to facilitate the submission of timely, secure, and confidential ransomware notifications by Federal agencies and covered entities to the Agency.

''(c) SECURITY ASSESSMENT.—The Director shall—

''(1) assess the security of the System not less frequently than once every 2 years; and

''(2) as soon as is practicable after conducting an assessment under paragraph (1), make any necessary corrective measures to the System.

''(d) REQUIREMENTS.—The System shall have the ability—

''(1) to accept classified submissions and notifications; and

''(2) to accept a ransomware notification from any entity, regardless of whether the entity is a covered entity.

''(e) LIMITATIONS ON USE OF INFORMATION.—Any ransomware notification submitted to the System—

''(1) shall be exempt from disclosure under—

''(A) section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), in accordance with subsection (b)(3)(B) of such section 552; and

''(B) any State, Tribal, or local law requiring the disclosure of information or records; and

''(2) may not be—

''(A) admitted as evidence in any civil or criminal action brought against the victim of the ransomware operation; or

''(B) subject to a subpoena, unless the subpoena is issued by Congress for congressional oversight purposes.

''(f) PRIVACY AND PROTECTION.—

''(1) IN GENERAL.—Not later than the date on which the Director establishes the System, Director shall adopt privacy and protection procedures for any information submitted to the System that, at the time of the submission, is known to contain—

''(A) the personal information of a specific individual; or

''(B) information that identifies a specific individual that is not directly related to a ransomware operation.

''(2) MODEL FOR PROTECTIONS.—The Director shall base the privacy and protection procedures adopted under paragraph (1) on the privacy and protection procedures developed for information received and shared pursuant to the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.).

''(g) ANNUAL REPORTS.—

''(1) DIRECTOR REPORTING REQUIREMENT.—Not later than 1 year after the date on which the System is established and once each year thereafter, the Director shall submit to the appropriate congressional committees a report on the System, which shall include, with respect to the 1-year period preceding the report—

''(A) the number of notifications received through the System; and

''(B) the actions taken in connection with the notifications described in subparagraph (A).

''(2) SECRETARY REPORTING REQUIREMENT.—Not later than 1 year after the date on which the System is established, and once each year thereafter, the Secretary shall submit to the appropriate congressional committees a report on the types of ransomware operation information and incidents in which ransom is requested that are required to be submitted as a ransomware notification, noting any changes from the previous submission.

''(3) FORM.—Any report required under this subsection may be submitted in a classified form, if necessary.

''SEC. 2243. REQUIRED NOTIFICATIONS.

''(a) IN GENERAL.—

''(1) RANSOMWARE NOTIFICATION.—Not later than 24 hours after the discovery of a ransomware operation that compromises, is reasonably likely to compromise, or otherwise materially affects the performance of a critical function by a Federal agency or covered entity, the Federal agency or covered entity that discovered the ransomware operation shall submit a ransomware notification to the System.

''(2) INCLUSION.—A Federal agency or covered entity shall submit a ransomware notification under paragraph (1) of a ransomware operation discovered by the Federal agency or covered entity even if the ransomware operation does not occur on a system of the Federal agency or covered entity.

''(b) REQUIRED UPDATES.—A Federal agency or covered entity that submits a ransomware notification under subsection (a) shall, upon discovery of new information and not less frequently than once every 5 days until the date on which the ransomware operation is mitigated and any follow-up investigation is completed, submit updated ransomware threat information to the System.

''(c) PAYMENT DISCLOSURE.—Not later than 24 hours after a Federal agency or covered entity issues a ransom payment relating to a ransomware operation, the Federal agency or covered entity shall submit to the System details of the ransom payment, including—

''(1) the method of payment;

''(2) the amount of the payment; and

''(3) the recipient of the payment.

''(d) REQUIRED RULEMAKING.—Notwithstanding any provision of this title that may limit or restrict the promulgation of rules, not later than 180 days after the date of enactment of this subtitle, the Secretary, acting through the Director, in coordination with the Director of National Intelligence and the Attorney General, without regard to the notice and comment rule making requirements under section 553 of title 5, United States Code, and accepting comments after the effective date, shall promulgate interim final rules that define—

''(1) the conditions under which a ransomware notification is required to be submitted under subsection (a)(1);

''(2) the ransomware operation information that shall be included in a ransomware notification required under this section; and

''(3) the information that shall be included in a ransom payment disclosure required under subsection (c).

''(e) REQUIRED COORDINATION WITH SECTOR RISK MANAGEMENT AGENCIES.—The Secretary, in coordination with the head of each Sector Risk Management Agency, shall—

''(1) establish a set of reporting criteria for Sector Risk Management Agencies to submit ransomware notifications to the System; and

''(2) take steps to harmonize the criteria described in paragraph (1) with the regulatory reporting requirements in effect on the date of enactment of this subtitle.

''(f) PROTECTION FROM LIABILITY.—Section 106 of the Cybersecurity Act of 2015 (6 U.S.C. 1505) shall apply to a Federal agency or covered entity required to submit a ransomware notification to the System.

''(g) ENFORCEMENT.—

''(1) COVERED ENTITIES.—If a covered entity violates the requirements of this subtitle, the covered entity shall be subject to penalties determined by the Administrator of the General Services Administration, which may include removal from the Federal Contracting Schedules.

''(2) FEDERAL AGENCIES.—If a Federal agency violates the requirements of this subtitle, the violation shall be referred to the inspector general for the agency, and shall be treated as a matter of urgent concern.''.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by subsection (a)(2) of this section, is further amended by adding at the end the following:

''Subtitle D—Ransomware Operation Reporting Capabilities

''Sec. 2241. Definitions.

''Sec. 2242. Establishment of ransomware operation reporting system.

''Sec. 2243. Required notifications.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(A) by redesignating the second and third paragraphs (12) as paragraphs (14) and (15), respectively; and

(B) by inserting before paragraph (14), as so redesignated, the following:

''(13) carry out the responsibilities described in subtitle D relating to the ransomware operation reporting system;''.

(f) DUTIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(A) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(B) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(C) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(D) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217;

(E) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216; and

(F) by adding after section 2220, as so redesignated, the following:

''SEC. 2220A. INFORMATION SYSTEM AND NETWORK SECURITY FUND.

''(a) DEFINITIONS.—In this section:

''(1) COVERED ENTITY.—The term 'covered entity' has the meaning given the term in section 2241.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity'—

''(A) means a covered entity; and

''(B) does not include an owner or operator of critical infrastructure that is not in compliance with the cybersecurity standards developed under section 2232(a).

''(3) FUND.—The term 'Fund' means the Information System and Network Security Fund established under subsection (b)(1).

''(b) INFORMATION SYSTEM AND NETWORK SECURITY FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the 'Information System and Network Security Fund'.

''(2) CONTENTS OF FUND.—

''(A) IN GENERAL.—The Fund shall consist of such amounts as may be appropriated for deposit in the Fund.

''(B) AVAILABILITY.—

''(i) IN GENERAL.—Amounts deposited in the Fund shall remain available through the end of the tenth fiscal year beginning after the date on which funds are first appropriated to the Fund.

''(ii) REMAINDER TO TREASURY.—Any unobligated balances in the Fund after the date described in clause (i) are rescinded and shall be transferred to the general fund of the Treasury.

''(3) USE OF FUND.—

''(A) IN GENERAL.—Amounts deposited in the Fund shall be available to the Director to distribute to eligible entities pursuant to this subsection, in such amounts as the Director determines appropriate, subject to subparagraph (B).

''(B) DISTRIBUTION.—The amounts distributed to eligible entities under this paragraph shall be made for a specific network security purpose, including to enable network recovery from an event affecting the network cybersecurity of the eligible entity.

''(4) ADMINISTRATION OF FUND.—The Director, in consultation with the Secretary and in coordination with the head of each Sector Risk Management Agency, shall—

''(A) establish criteria for distribution of amounts under paragraph (3); and

''(B) administer the Fund to support network security for eligible entities.

''(5) REPORT REQUIRED.—For each fiscal year for which amounts in the Fund are available under this subsection, the Director shall submit to Congress a report that—

''(A) describes how, and to which eligible entities, amounts from the Fund have been distributed;

''(B) details the criteria established under paragraph (4)(A); and

''(C) includes any additional information that the Director determines appropriate, including projected requested appropriations for the next fiscal year.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for deposit in the Fund $1,500,000,000, which shall remain available until the last day of the tenth fiscal year beginning after the fiscal year during which funds are first appropriated for deposit in the Fund.

''SEC. 2220B. PUBLIC AWARENESS OF CYBERSECURITY OFFERINGS.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Director shall establish a public awareness campaign relating to the cybersecurity services of the Federal Government.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director $10,000,000 for each of fiscal years 2022 through 2031 to carry out subsection (a).

''SEC. 2220C. DARK WEB ANALYSIS.

''(a) DEFINITION OF DARK WEB.—In this section, the term 'dark web' means a part of the internet that—

''(1) cannot be accessed through standard web browsers; and

''(2) requires specific software, configurations, or authorizations for access.

''(b) AUTHORITY TO ANALYZE.—The Director may monitor the internet, including the dark web, for evidence of a compromise to critical infrastructure.

''(c) MONITORING CAPABILITIES.—The Director shall develop, institute, and oversee capabilities to carry out the authority of the Director under subsection (b).

''(d) NOTIFICATION.—If the Director finds credible evidence of a compromise to critical infrastructure under subsection (c), as soon as is practicable after the finding, the Director shall notify the owner or operator of the compromised critical infrastructure in a manner that protects the sources and methods that led to the finding of the compromise.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(A) in the first paragraph (12), by striking ''section 2215'' and inserting ''section 2217''; and

(B) by redesignating the second and third paragraphs (12) as paragraphs (13) and (14), respectively.

(3) TABLE OF CONTENTS.—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 striking the item relating to section 2214 and all that follows through the item relating to section 2217 and inserting the following:

''Sec. 2214. National Asset Database.
''Sec. 2215. Duties and authorities relating to .gov internet domain.
''Sec. 2216. Joint Cyber Planning Office.
''Sec. 2217. Cybersecurity State Coordinator.
''Sec. 2218. Sector Risk Management Agencies.
''Sec. 2219. Cybersecurity Advisory Committee.
''Sec. 2220. Cybersecurity education and training programs.
''Sec. 2220A. Information System and Network Security Fund.
''Sec. 2220B. Public awareness of cybersecurity offerings.
''Sec. 2220C. Dark web analysis.''.

(4) ADDITIONAL TECHNICAL AMENDMENT.—

(A) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

SA 4369. Mr. PORTMAN (for himself, Mr. PETERS, Ms. SINEMA, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 16___. AUTHORITY FOR NATIONAL CYBER DIRECTOR TO ACCEPT DETAILS ON NONREMIBURSABLE BASIS.

Section 1752(e) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively, and indenting such subparagraphs two ems to the right;

(2) in the matter before subparagraph (A), as redesignated by paragraph (1), by striking ''The Director may'' and inserting the following:

''(1) IN GENERAL.—The Director may'';

(3) in paragraph (1)—

(A) as redesignated by paragraph (2), by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) accept officers or employees of the United States or member of the Armed Forces on a detail from an element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) or from another element of the Federal Government on a nonreimbursable basis, as jointly agreed to by the heads of the receiving and detailing elements, for a period not to exceed three years;''; and

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

''(2) RULES OF CONSTRUCTION REGARDING DETAILS.—Paragraph (1)(C) shall not be construed to impose any limitation on any other authority for reimbursable or nonreimbursable details. A nonreimbursable detail made under such paragraph shall not be considered an augmentation of the appropriations of the receiving element of the Office of the National Cyber Director.''.

SA 4370. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODERNIZATION OF NATIONAL SECURITY CRIMES.

(a) PENALTY FOR EXTRATERRITORIAL KILLING OF A UNITED STATES NATIONAL FOR TERRORIST PURPOSES.—Section 2332(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''in the first degree'' after ''murder'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

''(2) if the killing is murder in the second degree (as defined in section 1111(a)), be fined under this title, punished by imprisonment for any term of years or for life, or both;'';

(4) in paragraph (3), as so redesignated, by striking ''ten years'' and inserting ''15 years''; and

(5) in paragraph (4), as so redesignated, by striking ''three years'' and inserting ''8 years''.

(b) CLARIFYING UNITED STATES JURISDICTION IN CONSPIRACY CASES.—Section 956 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking '', within the jurisdiction of the United States,''; and

(2) in subsection (b), by striking '', within the jurisdiction of the United States,''.

(c) EXPANDING OFFENSE OF HOSTAGE TAKING AGAINST UNITED STATES NATIONALS ABROAD.—Section 1203 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after ''release of the person detained,'' the following: ''or in order to coerce, intimidate, or retaliate against a governmental organization or a civilian population,''; and

(2) in subsection (b)—

(A) in paragraph (1)(C), by inserting after ''compelled'' the following: '', coerced, intimidated, or retaliated against''; and

(B) in paragraph (2), by inserting after ''compelled'' the following: '', coerced, intimidated, or retaliated against''.

(d) EXPANDING AVAILABILITY OF SUPERVISED RELEASE IN TERRORISM-RELATED JUVENILE PROCEEDINGS.—Section 5037(d) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''may not extend'';

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(C) by inserting before clause (i), as so redesignated, the following:

''(A) except as provided in subparagraph (B), may not extend—'';

(D) in subparagraph (A), as so designated—

(i) in clause (i), as so redesignated, by striking ''a term that extends''; and

(ii) in clause (ii), as so redesignated—

(I) by striking ''a term that extends''; and

(II) by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following:

''(B) may not extend beyond the date that is 10 years after the date when the juvenile becomes 21 years old if the juvenile—

''(i) is charged with an offense listed in section 2332b(g)(5)(B); and

''(ii) is eligible under section 5032 for a motion to transfer to adult status, but is not transferred to adult status.'';

(2) in paragraph (5), in the fifth sentence, by inserting after ''26th birthday,'' the following: ''in the case of a juvenile described in paragraph (2)(B), no term of official detention may continue beyond the juvenile's 31st birthday,''; and

(3) in paragraph (6), in the second sentence, by inserting after ''26th birthday,'' the following: ''in the case of a juvenile described in paragraph (2)(B), no term of juvenile delinquent supervision may continue beyond the juvenile's 31st birthday,''.

(e) EXPANDING USE OF SUPERVISED RELEASE FOR CONVICTED TERRORISTS.—Section 3583(j) of title 18, United States Code, is amended—

(1) by striking ''for any offense'' and inserting the following: ''for—

''(1) any offense'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(2) an offense under section 371 (relating to conspiracy to commit offense against or defraud the United States), when the charge includes an offense listed in section 2332b(5)(B) as the predicate for the conspiracy, is not more than 10 years.''.

(f) CLARIFYING PROCESS FOR PROTECTING CLASSIFIED INFORMATION UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by striking ''The court, upon'' and inserting the following:

''(a) IN GENERAL.—The court, upon''; and

(2) by adding at the end the following:

''(b) PROCEDURE.—If the United States seeks to delete, withhold, or otherwise obtain other relief under subsection (a) with respect to the discovery of any classified information, the United States may object to the disclosure of such classified information, supported by an ex parte declaration signed by any knowledgeable official of the United States possessing authority to classify such information that sets forth the identifiable damage to the national security that the disclosure of such information reasonably could be expected to cause.''.

(g) CLARIFYING APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT IN JUVENILE PROCEEDINGS.—Section 1 of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end the following:

''(c) In this Act, the terms 'criminal prosecution', 'criminal case', and 'criminal proceeding', and any related terms, include proceedings under chapter 403 of title 18, United States Code.''.

(h) CLARIFYING THAT TERRORISTS MAY QUALIFY FOR TRANSFER TO ADULT STATUS UNDER JUVENILE TRANSFER PROVISION.—

(1) DELINQUENCY PROCEEDINGS IN DISTRICT COURTS; TRANSFER FOR CRIMINAL PROSECUTION.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking ''or section 1002(a),'' and inserting ''section 1002(a),''; and

(ii) by striking ''section 922(x) or section 924(b), (g), or (h)'' and inserting ''or section 922(x), 924(b), (g), or (h), or 2332b(g)(5)(B)''; and

(B) in the fourth undesignated paragraph—

(i) in the first sentence—

(I) by striking ''or section 1002(a),'' and inserting ''section 1002(a),''; and

(II) by striking ''or section 922(x) of this title, or in section 924(b), (g), or (h)'' and inserting ''or section 922(x), 924(b), (g), or (h), or 2332b(g)(5)(B)'';

(ii) in the second sentence—

(I) by striking ''crime of violence is an offense under'' and inserting ''crime is an offense described in''; and

(II) by inserting ''or 2332b(g)(5)(B),'' after ''1113,''; and

(iii) in the fourth sentence, by striking ''(i) or 2275'' and inserting ''or (i), 2275, or 2332b(g)(5)(B)''.

(2) USE OF JUVENILE RECORDS.—Section 5038 of title 18, United States Code, is amended—

(A) in subsection (d), in the first sentence—

(i) by striking ''or section 1001(a),'' and inserting '', section 1001(a),''; and

(ii) by inserting ''or section 2332b(g)(5)(B) of this title,'' after ''Controlled Substances Import and Export Act,''; and

(B) in subsection (f)—

(i) by striking ''or section 1001(a),'' and inserting '', section 1001(a),''; and

(ii) by inserting ''or section 2332b(g)(5)(B) of this title,'' after ''Controlled Substances Import and Export Act,''.

SA 4371. 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, insert the following:

SEC. _____. NATIONAL DEEPFAKE AND DIGITAL PROVENANCE TASK FORCE.

(a) DEFINITIONS.—In this section:

(1) DIGITAL CONTENT FORGERY.—The term ''digital content forgery'' means the use of emerging technologies, including artificial intelligence and machine learning techniques, to fabricate or manipulate audio, visual, or text content with the intent to mislead.

(2) DIGITAL CONTENT PROVENANCE.—The term ''digital content provenance'' means the verifiable chronology of the origin and history of a piece of digital content, such as an image, video, audio recording, or electronic document.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a private sector or nonprofit organization; or

(B) an institution of higher education.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means—

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

(B) the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(7) TASK FORCE.—The term ''Task Force'' means the National Deepfake and Provenance Task Force established under subsection (b)(1).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Director of the Office of Science and Technology Policy, shall establish a task force, to be known as ''the National Deepfake Provenance Task Force'', to—

(A) investigate the feasibility of, and obstacles to, developing and deploying standards and technologies for determining digital content provenance;

(B) propose policy changes to reduce the proliferation and impact of digital content forgeries, such as the adoption of digital content provenance and technology standards; and

(C) serve as a formal mechanism for public and private sector coordination and information sharing to facilitate the creation and implementation of a coordinated plan to address the growing threats posed by digital content forgeries.

(2) MEMBERSHIP.—

(A) CO-CHAIRPERSONS.—The following shall serve as co-chairpersons of the Task Force:

(i) The Secretary or a designee of the Secretary.

(ii) The Director of the Office of Science and Technology Policy or a designee of the Director.

(B) COMPOSITION.—The Task Force shall be composed of 12 members, of whom—

(i) 4 shall be representatives from the Federal Government, including the co-chairpersons of the Task Force;

(ii) 4 shall be representatives from institutions of higher education; and

(iii) 4 shall be representatives from private or nonprofit organizations.

(C) APPOINTMENT.—Not later than 120 days after the date of enactment of this Act, the co-chairpersons of the Task Force shall appoint members to the Task Force in accordance with subparagraph (A) from among technical and legal experts in—

(i) artificial intelligence;

(ii) media manipulation;

(iii) digital forensics;

(iv) secure digital content and delivery;

(v) cryptography;

(vi) privacy;

(vii) civil rights; or

(viii) related subjects.

(D) TERM OF APPOINTMENT.—The term of a member of the Task Force shall end on the date described in subsection (g)(1).

(E) VACANCY.—Any vacancy occurring in the membership of the Task Force shall be filled in the same manner in which the original appointment was made.

(F) EXPENSES FOR NON-FEDERAL MEMBERS.—Members of the Task Force described in clauses (ii) and (iii) of subparagraph (B) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees under subchapter I of

chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(c) COORDINATED PLAN.—

(1) IN GENERAL.—The Task Force shall develop a coordinated plan to—

(A) reduce the proliferation and impact of digital content forgeries, including by exploring how the adoption of a digital content provenance standard could assist with reducing the proliferation of digital content forgeries;

(B) develop mechanisms for content creators to—

(i) cryptographically certify the authenticity of original media and non-deceptive manipulations; and

(ii) enable the public to validate the authenticity of original media and non-deceptive manipulations to establish digital content provenance; and

(C) increase the ability of internet companies, journalists, watchdog organizations, other relevant entities, and members of the public to—

(i) meaningfully scrutinize and identify potential digital content forgeries; and

(ii) relay trust and information about digital content provenance to content consumers.

(2) CONTENTS.—The plan required under paragraph (1) shall include the following:

(A) A Government-wide research and development agenda to—

(i) improve technologies and systems to detect digital content forgeries; and

(ii) relay information about digital content provenance to content consumers.

(B) An assessment of the feasibility of, and obstacles to, the deployment of technologies and systems to capture, preserve, and display digital content provenance.

(C) An assessment of the feasibility of, and challenges in, distinguishing between—

(i) benign or helpful alterations to digital content; and

(ii) intentionally deceptive or obfuscating alterations to digital content.

(D) A discussion of best practices, including any necessary standards, for the adoption and effective use of technologies and systems to determine digital content provenance and detect digital content forgeries.

(E) Conceptual proposals for necessary research projects and experiments to further develop successful technology to ascertain digital content provenance.

(F) Proposed policy changes, including changes in law, to—

(i) incentivize the adoption of technologies, systems, open standards, or other means to detect digital content forgeries and determine digital content provenance; and

(ii) reduce the incidence, proliferation, and impact of digital content forgeries.

(G) Recommendations for models for public-private partnerships to fight disinformation and reduce digital content forgeries, including partnerships that support and collaborate on—

(i) industry practices and standards for determining digital content provenance;

(ii) digital literacy education campaigns and user-friendly detection tools for the public to reduce the proliferation and impact of disinformation and digital content forgeries;

(iii) industry practices and standards for documenting relevant research and progress in machine learning and related areas; and

(iv) the means and methods for identifying and addressing the technical and financial infrastructure that supports the proliferation of digital content forgeries, such as inauthentic social media accounts and bank accounts.

(H) An assessment of privacy and civil liberties requirements associated with efforts to deploy technologies and systems to determine digital content provenance or reduce the proliferation of digital content forgeries, including statutory or other proposed policy changes.

(I) A determination of metrics to define the success of—

(i) technologies or systems to detect digital content forgeries;

(ii) technologies or systems to determine digital content provenance; and

(iii) other efforts to reduce the incidence, proliferation, and impact of digital content forgeries.

(d) CONSULTATIONS.—In carrying out subsection (c), the Task Force shall consult with the following:

(1) The Director of the National Science Foundation.

(2) The National Academies of Sciences, Engineering, and Medicine.

(3) The Director of the National Institute of Standards and Technology.

(4) The Director of the Defense Advanced Research Projects Agency.

(5) The Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence.

(6) The Secretary of Energy.

(7) The Secretary of Defense.

(8) The Attorney General.

(9) The Secretary of State.

(10) The Federal Trade Commission.

(11) The United States Trade Representative.

(12) Representatives from private industry and nonprofit organizations.

(13) Representatives from institutions of higher education.

(14) Such other individuals as the Task Force considers appropriate.

(e) STAFF.—

(1) IN GENERAL.—Staff of the Task Force shall be comprised of detailees with expertise in artificial intelligence or related fields from—

(A) the Department of Homeland Security;

(B) the National Institute of Standards and Technology; or

(C) any other Federal agency the co-chairpersons of the Task Force consider appropriate with the consent of the head of the Federal agency.

(2) OTHER ASSISTANCE.—

(A) IN GENERAL.—The co-chairpersons of the Task Force may enter into an agreement with an eligible entity for the temporary assignment of employees of the eligible entity to the Task Force in accordance with this paragraph.

(B) APPLICATION OF ETHICS RULES.—An employee of an eligible entity assigned to the Task Force under subparagraph (A)—

(i) shall be considered a special Government employee for the purpose of Federal law, including—

(I) chapter 11 of title 18, United States Code; and

(II) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(ii) notwithstanding section 202(a) of title 18, United States Code, may be assigned to the Task Force for a period of not more than 2 years.

(C) FINANCIAL LIABILITY.—An agreement entered into with an eligible entity under subparagraph (A) shall require the eligible entity to be responsible for any costs associated with the assignment of an employee to the Task Force.

(D) TERMINATION.—The co-chairpersons of the Task Force may terminate the assignment of an employee to the Task Force under subparagraph (A) at any time and for any reason.

(f) TASK FORCE REPORTS.—

(1) INTERIM REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which all of the appointments have been made under subsection (b)(2)(C), the Task Force shall submit to the President and the relevant congressional committees the coordinated plan developed under subsection (c)(1) in the form of an interim report containing the findings, conclusions, and recommendations of the Task Force.

(B) CONTENTS.—The report required under subparagraph (A) shall include specific recommendations for ways to reduce the proliferation and impact of digital content forgeries, including the deployment of technologies and systems to determine digital content provenance.

(2) FINAL REPORT.—Not later than 180 days after the date of the submission of the interim report under paragraph (1)(A), the Task Force shall submit to the President and the relevant congressional committees the coordinated plan developed under subsection (c)(1) in the form of a final report containing the findings, conclusions, and recommendations of the Task Force.

(3) REQUIREMENTS.—With respect to each report submitted under this subsection—

(A) the Task Force shall make the report publicly available; and

(B) the report—

(i) shall be produced in an unclassified form; and

(ii) may include a classified annex.

(g) TERMINATION.—

(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the final report under subsection (f)(2).

(2) RECORDS.—Upon the termination of the Task Force under paragraph (1), each record of the Task Force shall become a record of the National Archives and Records Administration.

SA 4372. 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, insert the following:

SEC. ____. CRITICAL DOMAIN RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

"SEC. 890B. HOMELAND SECURITY CRITICAL DOMAIN RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—

''(1) RESEARCH AND DEVELOPMENT.—The Secretary is authorized to conduct research and development to—

''(A) identify United States critical domains for economic security and homeland security; and

''(B) evaluate the extent to which disruption, corruption, exploitation, or dysfunction of any of such domain poses a substantial threat to homeland security.

''(2) REQUIREMENTS.—

''(A) RISK ANALYSIS OF CRITICAL DOMAINS.—The research under paragraph (1) shall include a risk analysis of each identified United States critical domain for economic security to determine the degree to which

there exists a present or future threat to homeland security in the event of disruption, corruption, exploitation, or dysfunction to such domain. Such research shall consider, to the extent possible, the following:

''(i) The vulnerability and resilience of relevant supply chains.

''(ii) Foreign production, processing, and manufacturing methods.

''(iii) Influence of malign economic actors.

''(iv) Asset ownership.

''(v) Relationships within the supply chains of such domains.

''(vi) The degree to which the conditions referred to in clauses (i) through (v) would place such a domain at risk of disruption, corruption, exploitation, or dysfunction.

''(B) ADDITIONAL RESEARCH INTO HIGH-RISK CRITICAL DOMAINS.—Based on the identification and risk analysis of United States critical domains for economic security pursuant to paragraph (1) and subparagraph (A) of this paragraph, respectively, the Secretary may conduct additional research into those critical domains, or specific elements thereof, with respect to which there exists the highest degree of a present or future threat to homeland security in the event of disruption, corruption, exploitation, or dysfunction to such a domain. For each such high-risk domain, or element thereof, such research shall—

''(i) describe the underlying infrastructure and processes;

''(ii) analyze present and projected performance of industries that comprise or support such domain;

''(iii) examine the extent to which the supply chain of a product or service necessary to such domain is concentrated, either through a small number of sources, or if multiple sources are concentrated in one geographic area;

''(iv) examine the extent to which the demand for supplies of goods and services of such industries can be fulfilled by present and projected performance of other industries, identify strategies, plans, and potential barriers to expand the supplier industrial base, and identify the barriers to the participation of such other industries;

''(v) consider each such domain's performance capacities in stable economic environments, adversarial supply conditions, and under crisis economic constraints;

''(vi) identify and define needs and requirements to establish supply resiliency within each such domain; and

''(vii) consider the effects of sector consolidation, including foreign consolidation, either through mergers or acquisitions, or due to recent geographic realignment, on such industries' performances.

''(3) CONSULTATION.—In conducting the research under paragraphs (1) and (2)(B), the Secretary shall consult with appropriate Federal agencies, including the Bureau of Industry and Security at the Department of Commerce, State agencies, and private sector stakeholders.

''(4) PUBLICATION.—Beginning 1 year after the date of the enactment of this section, the Secretary shall publish a report containing information relating to the research under paragraphs (1) and (2)(B), including findings, evidence, analysis, and recommendations. Such report shall be updated annually through 2026.

''(b) SUBMISSION TO CONGRESS.—Not later than 90 days after the publication of each report required under subsection (a)(4), the Secretary shall transmit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate each such report, together with a description of actions the Secretary, in consultation with appropriate Federal agencies, will undertake or has undertaken in response to each such report.

''(c) DEFINITIONS.—In this section:

''(1) ECONOMIC SECURITY.—The term 'economic security' means the condition of having secure and resilient domestic production capacity, combined with reliable access to the global resources necessary to maintain an acceptable standard of living and to protect core national values.

''(2) UNITED STATES CRITICAL DOMAINS FOR ECONOMIC SECURITY.—The term 'United States critical domains for economic security' means the critical infrastructure and other associated industries, technologies, and intellectual property, or any combination thereof, that are essential to the economic security of the United States.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of fiscal years 2022 through 2026 to carry out this section.''.

(b) CLERICAL 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 item relating to section 890A the following new item:

''Sec. 890B. Homeland security critical domain research and development.''.

SA 4373. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ADDITION OF RHODE ISLAND TO THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL.

Section 302(a)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(B)) is amended—

(1) by inserting ''Rhode Island,'' after ''States of'';

(2) by inserting ''Rhode Island,'' after ''except North Carolina,'';

(3) by striking ''21'' and inserting ''23''; and

(4) by striking ''13'' and inserting ''14''.

SA 4374. Mr. REED submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF PERIOD FOR ADJUSTMENT OF STATUS FOR CERTAIN LIBERIAN NATIONALS.

Section 7611(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 2020 (8 U.S.C. 1255 note) is amended by striking ''2 years'' and inserting ''3 years''.

SA 4375. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. REPEAL OF SUNSET ON PROHIBITION ON COMMERCIAL EXPORT OF CERTAIN COVERED MUNITIONS ITEMS TO HONG KONG POLICE FORCE.

The Act entitled ''An Act to prohibit the commercial export of covered munitions and crime control items to the Hong Kong Police Force'', approved November 27, 2019 (Public Law 116–77; 133 Stat. 1173), as amended by section 1252 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking section 3.

SA 4376. Mr. MERKLEY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. CHINA CENSORSHIP MONITOR AND ACTION GROUP.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED RESEARCH ENTITY.—The term ''qualified research entity'' means an entity that—

(A) is a nonpartisan research organization or a federally funded research and development center;

(B) has appropriate expertise and analytical capability to write the report required under subsection (c); and

(C) is free from any financial, commercial, or other entanglements, which could undermine the independence of such report or create a conflict of interest or the appearance of a conflict of interest, with—

(i) the Government of the People's Republic of China;

(ii) the Chinese Communist Party;

(iii) any company incorporated in the People's Republic of China or a subsidiary of any such company; or

(iv) any company or entity incorporated outside of the People's Republic of China that is believed to have a substantial financial or commercial interest in the People's Republic of China.

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

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

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

(b) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—

(1) IN GENERAL.—The President shall establish an interagency task force, which shall be known as the ''China Censorship Monitor and Action Group'' (referred to in this subsection as the ''Task Force'').

(2) MEMBERSHIP.—The President shall—

(A) appoint the chair of the Task Force from among the staff of the National Security Council;

(B) appoint the vice chair of the Task Force from among the staff of the National Economic Council; and

(C) direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(vii) The Federal Communications Commission.

(viii) The United States Agency for Global Media.

(ix) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) oversee the development and execution of an integrated Federal Government strategy to monitor and address the impacts of efforts directed, or directly supported, by the Government of the People's Republic of China to censor or intimidate, in the United States or in any of its possessions or territories, any United States person, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech; and

(B) submit the strategy developed pursuant to subparagraph (A) to the appropriate congressional committees not later than 120 days after the date of the enactment of this Act.

(4) MEETINGS.—The Task Force shall meet not less frequently than twice per year.

(5) CONSULTATIONS.—The Task Force should regularly consult, to the extent necessary and appropriate, with—

(A) Federal agencies that are not represented on the Task Force;

(B) independent agencies of the United States Government that are not represented on the Task Force;

(C) relevant stakeholders in the private sector and the media; and

(D) relevant stakeholders among United States allies and partners facing similar challenges related to censorship or intimidation by the Government of the People's Republic of China.

(6) REPORTING REQUIREMENTS.—

(A) ANNUAL REPORT.—The Task Force shall submit an annual report to the appropriate congressional committees that describes, with respect to the reporting period—

(i) the strategic objectives and policies pursued by the Task Force to address the challenges of censorship and intimidation of United States persons while in the United States or any of its possessions or territories, which is directed or directly supported by the Government of the People's Republic of China;

(ii) the activities conducted by the Task Force in support of the strategic objectives and policies referred to in clause (i); and

(iii) the results of the activities referred to in clause (ii) and the impact of such activities on the national interests of the United States.

(B) FORM OF REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

(C) CONGRESSIONAL BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Task Force shall provide briefings to the appropriate congressional committees regarding the activities of the Task Force to execute the strategy developed pursuant to paragraph (3)(A).

(c) REPORT ON CENSORSHIP AND INTIMIDATION OF UNITED STATES PERSONS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall select and seek to enter into an agreement with a qualified research entity that is independent of the Department of State to write a report on censorship and intimidation in the United States and its possessions and territories of United States persons, including United States companies that conduct business in the People's Republic of China, which is directed or directly supported by the Government of the People's Republic of China.

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

(i) assess major trends, patterns, and methods of the Government of the People's Republic of China's efforts to direct or directly support censorship and intimidation of United States persons, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech;

(ii) assess, including through the use of illustrative examples, as appropriate, the impact on and consequences for United States persons, including United States companies that conduct business in the People's Republic of China, that criticize—

(I) the Chinese Communist Party;

(II) the Government of the People's Republic of China;

(III) the authoritarian model of government of the People's Republic of China; or

(IV) a particular policy advanced by the Chinese Communist Party or the Government of the People's Republic of China;

(iii) identify the implications for the United States of the matters described in clauses (i) and (ii);

(iv) assess the methods and evaluate the efficacy of the efforts by the Government of the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests;

(v) include policy recommendations for the United States Government, including recommendations regarding collaboration with United States allies and partners, to address censorship and intimidation by the Government of the People's Republic of China; and

(vi) include policy recommendations for United States persons, including United States companies that conduct business in China, to address censorship and intimidation by the Government of the People's Republic of China.

(C) APPLICABILITY TO UNITED STATES ALLIES AND PARTNERS.—To the extent practicable, the report required under subparagraph (A) should identify implications and policy recommendations that are relevant to United States allies and partners facing censorship and intimidation directed or directly supported by the Government of the People's Republic of China.

(2) SUBMISSION OF REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit the report written by the qualified research entity selected pursuant to paragraph (1)(A) to the appropriate congressional committees.

(B) PUBLICATION.—The report referred to in subparagraph (A) shall be made accessible to the public online through relevant United States Government websites.

(3) FEDERAL GOVERNMENT SUPPORT.—The Secretary of State and other Federal agencies selected by the President shall provide the qualified research entity selected pursuant to paragraph (1)(A) with timely access to appropriate information, data, resources, and analyses necessary for such entity to write the report described in paragraph (1)(A) in a thorough and independent manner.

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

SA 4377. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 719, between lines 12 and 13, insert the following:

(9) An assessment of actions by the Government of the United States or the Government of the People's Republic of China that could be interpreted by the other government as provocative or requiring a strategic response and consequent measures to avoid inadvertent escalation of conflict.

(10) An assessment of whether sufficient personnel are currently dedicated to strategic stability and arms control with the People's Republic of China.

SA 4378. Mr. MERKLEY (for himself and Mr. ROMNEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. SENSE OF CONGRESS ON SELECTION OF HOST CITIES FOR THE OLYMPIC GAMES.

It is the sense of Congress that—

(1) the International Olympic Committee should not consider a proposal to host the Olympic Games from a country that is engaging in genocide, crimes against humanity, or serious violations of internationally recognized human rights; and

(2) if, after the date of the enactment of this Act, the International Olympic Committee awards the honor of hosting the Olympic Games to a country that subsequently engages in genocide, crimes against humanity, or serious violations of internationally recognized human rights, the

International Olympic Committee should meet and reassign such honor to another country.

SA 4379. Mr. WARNER 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 VI, add the following:

SEC. 607. COMBATING FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) DESIGNATION OF SENIOR OFFICIAL TO COMBAT FOOD INSECURITY.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to be responsible for, and accountable to the Secretary with respect to, combating food insecurity among members of the Armed Forces and their families. The Secretary shall designate the senior official from among individuals who are appointed to a position in the Department by the President, by and with the advice and consent of the Senate.

(2) RESPONSIBILITIES.—The senior official designated under paragraph (1) shall be responsible for the following:

(A) Oversight of policy, strategy, and planning for efforts of the Department of Defense to combat food insecurity among members of the Armed Forces and their families.

(B) Coordinating with other Federal agencies with respect to combating food insecurity.

(C) Such other matters as the Secretary considers appropriate.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF REPORT ON FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the report required by section 656 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1433).

(2) BRIEFING AND REPORT.—The Comptroller General shall—

(A) brief the congressional defense committees on the review conducted under paragraph (1) not later than 180 days after receiving the report described in that paragraph; and

(B) submit to the congressional defense committees a report on that review not later than 180 days after providing the briefing under subparagraph (A).

SA 4380. Mr. WARNER 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 VI, add the following:

SEC. 607. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF REPORT ON FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the report required by section 656 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1433).

(b) BRIEFING AND REPORT.—The Comptroller General shall—

(1) brief the congressional defense committees on the review conducted under subsection (a) not later than 180 days after receiving the report described in that subsection; and

(2) submit to the congressional defense committees a report on that review not later than 180 days after providing the briefing under paragraph (1).

SA 4381. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, insert the following:

SEC. 728. MODIFICATIONS AND REPORT RELATED TO REALIGNMENT OR REDUCTION OF MILITARY MEDICAL MANNING AND MEDICAL BILLETS.

(a) MODIFICATIONS TO LIMITATION ON REALIGNMENT OR REDUCTION.—Section 719 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1454), as amended by section 717 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended—

(1) in subsection (a), by striking ''180 days following the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021'' and inserting ''the one-year period following the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022''; and

(2) in subsection (b)(1), by inserting '', including any billet validation requirements determined pursuant to estimates provided in the joint medical estimate under section 732(b)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1817),'' after ''requirements of the military department of the Secretary''.

(b) GAO REPORT ON REALIGNMENT OR REDUCTION OF MILITARY MEDICAL MANNING AND MEDICAL BILLETS.—

(1) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the the Senate and the House of Representatives a report on the analyses used to support any realignment or reduction of military medical manning, including any realignment or reduction of medical billets of the military departments.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) An analysis of the use of the joint medical estimate under section 732(b)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1817) and wartime scenarios to determine military medical manpower requirements, including with respect to pandemic influenza and homeland defense missions.

(B) An assessment of whether the Secretaries of the military departments have used the processes under section 719(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1454) to ensure that a sufficient combination of skills, specialties, and occupations are validated and filled prior to the transfer of any medical billets of a military department to fill other military medical manpower needs.

(C) An assessment of the effect of the reduction or realignment of such billets on local health care networks and whether the Director of the Defense Health Agency has conducted such an assessment in coordination with the Secretaries of the military departments.

SA 4382. Mr. WARNER (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2815. COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF CERTAIN STATUTORY PROVISIONS INTENDED TO IMPROVE THE EXPERIENCE OF RESIDENTS OF PRIVATIZED MILITARY HOUSING.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an independent assessment of the implementation by the Department of Defense of sections 2890 and 2891c(b) of title 10, United States Code.

(2) ELEMENTS.—The assessment required under paragraph (1) shall include—

(A) a summary and evaluation of the analysis and information provided to residents of privatized military housing regarding the assessment of performance indicators pursuant to section 2891c(b) of title 10, United States Code, and the extent to which such residents have requested such an assessment;

(B) a summary of the extent to which the Department collects and uses data on whether members of the Armed Forces and their families residing in privatized military housing, including family and unaccompanied housing, have exercised the rights afforded in the Military Housing Privatization Initiative Tenant Bill of Rights under subsection (a) of section 2890 of title 10, United States Code, to include the rights specified under paragraphs (8), (12), (13), (14), and (15) of subsection (b) of such section, and an evaluation of the implementation by the Department of Defense of such section; and

(C) such other matters as the Comptroller General considers necessary.

(b) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than March 31, 2022, the Comptroller General shall provide to the Committees on Armed Services of the Senate and the House of Representatives an interim briefing on the assessment conducted under subsection (a).

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the

Committees on Armed Services of the Senate and the House of Representatives a report on the assessment conducted under subsection (a).

(c) PRIVATIZED MILITARY HOUSING DEFINED.—In this section, the term ''privatized military housing'' means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

SA 4383. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 807. DEPARTMENT OF DEFENSE NATIONAL IMPERATIVE FOR INDUSTRIAL SKILLS PROGRAM.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense shall carry out and accelerate the Department of Defense National Imperative for Industrial Skills Program within the Industrial Base Analysis and Sustainment (IBAS) Office to evaluate and further develop workforce development training programs for training the skilled industrial workers needed in the defense industrial base.

(2) PRIORITIES.—In carrying out the program, the Secretary shall prioritize—

(A) innovative training programs that can rapidly train skilled workers for placement in the defense industrial base faster than traditional training programs and at the scale needed to measurably reduce, as rapidly as possible, the manpower shortages that currently exist; and

(B) training programs that can address the specific manufacturing requirements and skills that are unique to critical industrial sectors of the defense industrial base, such as naval shipbuilding.

(b) FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated for the Department of Defense for fiscal year 2022 for Research, Development, Test, and Evaluation, Defense-wide and available for Industrial Base Analysis and Sustainment Support is increased by $10,00,000, with the amount of such increase to be available for pilot projects carried out pursuant to subsection (a).

(2) OFFSET.—The amount authorized to be appropriated for the Department of Defense for fiscal year 2022 for Other Procurement, Navy and available for LCS MCM Mission Modules is reduced by $10,000,000.

SA 4384. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. PILOT PROGRAM FOR TACTICAL VEHICLE SAFETY DATA COLLECTION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall jointly carry out a pilot program to evaluate the feasibility of using data recorders to monitor, assess, and improve the readiness and safety of the operation of military tactical vehicles.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to allow for the automated identification of hazards and potential hazards on and off military installations;

(2) to mitigate and increase awareness of hazards and potential hazards on and off military installations;

(3) to identify near-miss accidents;

(4) to create a standardized record source for accident investigations;

(5) to assess individual driver proficiency, risk, and readiness;

(6) to increase consistency in the implementation of military installation and unit-level range safety programs across military installations and units;

(7) to evaluate the feasibility of incorporating metrics generated from data recorders into the safety reporting systems and to the Defense Readiness Reporting System as a measure of assessing safety risks, mitigations, and readiness;

(8) to determine the costs and benefits of retrofitting data recorders on legacy platforms and including data recorders as a requirement in acquisition of military tactical vehicles; and

(9) any other matters as determined by the Secretary concerned.

(c) REQUIREMENTS.—In carrying out the pilot program, the Secretary of the Army and the Secretary of the Navy shall—

(1) assess the feasibility of using commercial technology, such as smartphones or technologies used by insurance companies, as a data recorder;

(2) test and evaluate a minimum of two data recorders that meet the pilot program requirements;

(3) select a data recorder capable of collecting and exporting the telemetry data, event data, and driver identification during operation and accidents;

(4) install and maintain a data recorder on a sufficient number of each of the military tactical vehicles listed under subsection (f) at installations selected by the Secretary concerned under subsection (e) for statistically significant results;

(5) establish and maintain a database that contains telemetry data, driver data, and event data captured by the data recorder;

(6) regularly generate for each installation selected under subsection (e) a dataset that is viewable in widely available mapping software of hazards and potential hazards based on telemetry data and event data captured by the data recorders;

(7) generate actionable data sets and statistics on individual, vehicle, and military installation;

(8) require commanders at the installations selected under subsection (e) to incorporate the actionable data sets and statistics into the installation range safety program;

(9) require unit commanders at the installations selected under subsection (e) to incorporate the actionable data sets and statistics into the unit driver safety program;

(10) evaluate the feasibility of integrating data sets and statistics to improve driver certification and licensing based on data recorded and generated by the data recorders;

(11) use open architecture to the maximum extent practicable; and

(12) carry out any other activities determined by the Secretary as necessary to meet the purposes under subsection (b).

(d) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall develop a plan for implementing the pilot program.

(e) LOCATIONS.—Each Secretary concerned shall carry out the pilot program at not fewer than one military installation in the United States selected by the Secretary concerned that meets the following conditions:

(1) Contains the necessary force structure, equipment, and maneuver training ranges to collect driver and military tactical vehicle data during training and routine operation.

(2) Represents at a minimum one of the five training ranges identified in the study by the Comptroller General of the United States titled ''Army and Marine Corps Should Take Additional Actions to Mitigate and Prevent Training Accidents'' that did not track unit location during the training events.

(f) COVERED MILITARY TACTICAL VEHICLES.—The pilot program shall cover the following military tactical vehicles:

(1) Army Strykers.

(2) Marine Corps Light Armored Vehicles.

(3) Army Medium Tactical Vehicles.

(4) Marine Corps Medium Tactical Vehicle Replacements.

(g) METRICS.—The Secretaries shall develop metrics to evaluate the effectiveness of the pilot program in monitoring, assessing, and improving vehicle safety, driver readiness, and mitigation of risk.

(h) REPORTS.—

(1) INITIAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees a report on the pilot program that addresses the plan for implementing the requirements under subsection (c), including the established metrics under subsection (g).

(2) INTERIM.—Not later than three years after the commencement of the pilot program, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees a report on the status of the pilot program, including the preliminary results in carrying out the pilot program, the metrics generated during the pilot program, disaggregated by military tactical vehicle, location, and service, and the implementation plan under subsection (d).

(3) FINAL.—

(A) IN GENERAL.—Not later than 90 days after the termination of the pilot program, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees a report on the results of the program.

(B) ELEMENTS.—The report required by subparagraph (A) shall—

(i) assess the effectiveness of the pilot program in meeting the purposes under subsection (b);

(ii) include the metrics generated during the pilot program, disaggregated by military tactical vehicle, location, and service;

(iii) include the views of range personnel, unit commanders, and members of the Armed Forces involved in the pilot program on the level of effectiveness of the technology selected;

(iv) provide a cost estimate for equipping legacy military tactical vehicles with data recorders;

(v) determine the instances in which data recorders should be a requirement in the acquisition of military tactical vehicles;

(vi) recommend whether the pilot program should be expanded or made into a program of record; and

(vii) recommend any statutory, regulatory, or policy changes required to support the purposes under subsection (b).

(i) TERMINATION.—The authority to carry out the pilot program under subsection (a)

shall terminate five years after the date of the enactment of this Act.

(j) DEFINITIONS.—In this section:

(1) ACCIDENT.—The term ''accident'' means a collision, rollover, or other mishap involving a motor vehicle.

(2) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(3) DATA RECORDER.—The term ''data recorder'' means technologies installed in a motor vehicle to record driver identification, telemetry data, and event data related to the operation of the motor vehicle.

(4) DRIVER IDENTIFICATION.—The term ''driver identification'' means data enabling the unique identification of the driver operating a motor vehicle.

(5) EVENT DATA.—The term ''event data'' includes data related to—

(A) the start and conclusion of each vehicle operation;

(B) a vehicle accident;

(C) a vehicle acceleration, velocity, or location with an increased potential for an accident; or

(D) a vehicle orientation with an increased potential for an accident.

(6) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Army with respect to matters concerning the Army; and

(B) the Secretary of the Navy with respect to matters concerning the Navy and Marine Corps.

(7) TELEMETRY DATA.—The term ''telemetry data'' includes—

(A) time;

(B) vehicle distance traveled;

(C) vehicle acceleration and velocity;

(D) vehicle orientation, including roll, pitch, and yaw; and

(E) vehicle location in a geographic coordinate system, including elevation.

SA 4385. Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. CONSIDERATION OF HUMAN RIGHTS RECORDS OF RECIPIENTS OF SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 127e of title 10, United States Code, is amended—

(1) in subsection (c)(2) by adding at the end of the following new subparagraph—

''(D) The processes through which the Secretary shall, in consultation with the Secretary of State, ensure that prior to a decision to provide any support to foreign forces, irregular forces, groups, or individuals full consideration is given to any credible information available to the Department of State relating to violations of human rights by such entities.''.

(2) in subsection (d)(2)—

(A) in subparagraph (H), by inserting '', including the promotion of good governance and rule of law and the protection of civilians and human rights'' before the period at the end;

(B) in subparagraph (I), by striking the period at the end and inserting ''or violations of the Geneva Conventions of 1949, including—

''(i) with respect to any unit that receives such support, vetting the unit for violations of human rights;

''(ii) providing human rights training to units receiving such support; and

''(iii) providing for the investigation of allegations of violations of human rights and termination of such support in cases of credible information of such violations.''; and

(C) by adding at the end the following new subparagraph:

''(J) A description of the human rights record of the recipient, including for purposes of section 362 of this title, and any relevant attempts by such recipient to remedy such record.'';

(3) in subsection (i)(3) by adding at the end the following new subparagraph:

''(I) An assessment of how support provided under this section advances United States national security priorities and aligns with other United States Government efforts to address underlying risk factors of terrorism and violent extremism.''; and

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

''(j) PROHIBITION ON USE OF FUNDS.—(1) Except as provided in paragraphs (2) and (3), no funds may be used to provide support to any foreign forces, irregular forces, groups, or individuals if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights.

''(2) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition under paragraph (1) if the Secretary determines that the waiver is required by extraordinary circumstances.

''(3) The prohibition under paragraph (1) shall not apply with respect to the foreign forces, irregular forces, groups, or individuals of a country if the Secretary of Defense, after consultation with the Secretary of State, determines that—

''(A) the government of such country has taken all necessary corrective steps; or

''(B) the support is necessary to assist in disaster relief operations or other humanitarian or national security emergencies.''.

SA 4386. Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 572 and insert the following:

SEC. 572. ALLOCATION OF AUTHORITY FOR NOMINATIONS TO THE SERVICE ACADEMIES IN THE EVENT OF THE DEATH, RESIGNATION, OR EXPULSION FROM OFFICE OF A MEMBER OF CONGRESS.

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.—Chapter 753 of title 10, United States Code, is amended by inserting after section 7442 the following new section:

''§ 7442a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate

''(a) SENATORS.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section 7442(a)(3) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

''(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for cadets for an academic year in accordance with section 7442(a)(4) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the Senators from the State of the congressional district concerned, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

''(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Member pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 7442 of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member's successor occurs after the date of the deadline for submittal of nominations for cadets for the academic year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 753 of such title is amended by inserting after the item relating to section 7442 the following new item:

''7442a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.''.

(b) UNITED STATES NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 853 of title 10, United States Code, is amended by inserting after section 8454 the following new section:

''§ 8454a. Midshipmen: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate

''(a) SENATORS.—In the event a Senator does not submit nominations for midshipmen for an academic year in accordance with section 8454(a)(3) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year, the nominations for midshipmen otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

''(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for midshipmen for an academic year in accordance with section 8454(a)(4) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year, the nominations for midshipmen otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the Senators from the State of the congressional district concerned, with such

nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

''(c) CONSTRUCTION OF AUTHORITY.—Any nomination for midshipmen made by a Member pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 8454 of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member's successor occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 853 of such title is amended by inserting after the item relating to section 8454 the following new item:

''8454a. Midshipmen: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.''.

(c) AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 953 of title 10, United States Code, is amended by inserting after section 9442 the following new section:

''§ 9442a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate

''(a) SENATORS.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section 9442(a)(3) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

''(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for cadets for an academic year in accordance with section 9442(a)(4) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the Senators from the State of the congressional district concerned, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

''(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Member pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 9442 of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member's successor occurs after the date of the deadline for submittal of nominations for cadets for the academic year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 953 of such title is amended by inserting after the item relating to section 9442 the following new item:

''9442a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.''.

(d) MERCHANT MARINE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by inserting after section 51302 the following new section:

''§ 51302a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate

''(a) SENATORS.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section 51302(b)(1) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

''(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for cadets for an academic year in accordance with section 51302(b)(2) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the Senators from the State of the congressional district concerned, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

''(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Member pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 51302 of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member's successor occurs after the date of the deadline for submittal of nominations for cadets for the academic year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by inserting after the item relating to section 51302 the following new item:

''51302a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.''.

SA 4387. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him 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 XI, insert the following:

SEC. _____. TREATMENT OF HOURS WORKED UNDER A QUALIFIED TRADE-OF-TIME ARRANGEMENT.

Section 5542 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) Notwithstanding any other provision of this section, any hours worked by a firefighter under a qualified trade-of-time arrangement shall be disregarded for purposes of any determination relating to eligibility for, or the amount of, any overtime pay under this section.

''(2) For purposes of this subsection—

''(A) the term 'qualified trade-of-time arrangement' means an arrangement under which 2 firefighters who are employed by the same agency agree, solely at their option and with the approval of their employing agency, to substitute for one another during scheduled work hours in the performance of work in the same capacity; and

''(B) the term 'firefighter' means a firefighter as defined by section 8331(21) or 8401(14).''.

SA 4388. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2836. INCREASE IN AMOUNTS AVAILABLE FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION FOR REVITALIZATION AND RECAPITALIZATION OF LABORATORIES.

Section 2805(d) of title 10, United States Code, is amended by striking ''$6,000,000'' each place it appears and inserting ''$10,000,000''.

SA 4389. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COAST GUARD YARD IMPROVEMENT.

Of the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, $175,000,000 shall be made available for fiscal year 2022 for the Commandant of the Coast Guard to improve facilities at the Coast Guard Yard in Baltimore, Maryland, including dock, dry dock, and capital equipment improvements and dredging necessary to facilitate access to such Coast Guard Yard.

SA 4390. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON PREVENTING TACTICAL VEHICLE TRAINING ACCIDENTS.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, each Secretary concerned shall submit to the congressional defense committees and to the Comptroller General of the United States a plan to address the recommendations in the report by the Comptroller General entitled ''Army and Marine Corps Should Take Additional Actions to Mitigate and Prevent Training Accidents'' (GAO–21–361).

(2) ELEMENTS.—Each plan submitted under paragraph (1) shall include, with respect to each recommendation in the report described in such paragraph that the Secretary concerned has implemented or intends to implement—

(A) a summary of actions that have been or will be taken to implement the recommendation; and

(B) a schedule, with specific milestones, for completing implementation of the recommendation.

(b) DEADLINE FOR IMPLEMENTATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall carry out activities to implement the plan of the Secretary developed under subsection (a).

(2) EXCEPTION FOR IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—

(A) DELAYED IMPLEMENTATION.—A Secretary concerned may initiate implementation of a recommendation in the report described in subsection (a) after the date specified in paragraph (1) if, on or before such date, the Secretary provides to the congressional defense committees a specific justification for the delay in implementation of such recommendation.

(B) NONIMPLEMENTATION.—A Secretary concerned may decide not to implement a recommendation in the report described in subsection (a) if, on or before the date specified in paragraph (1), the Secretary provides to the congressional defense committees—

(i) a specific justification for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the conditions underlying the recommendation.

(c) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' means—

(1) the Secretary of the Army, with respect to matters concerning the Army; and

(2) the Secretary of the Navy, with respect to matters concerning the Navy.

SA 4391. Mr. VAN HOLLEN (for himself, Mr. CARPER, Mr. BLUMENTHAL, Mr. WYDEN, Mr. DURBIN, Mr. CASEY, Mr. KAINE, Mr. HEINRICH, and Mr. WARNER) submitted an amendment intended to be proposed by him 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—District of Columbia National Guard Home Rule

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the ''District of Columbia National Guard Home Rule Act''.

SEC. 1072. EXTENSION OF NATIONAL GUARD AUTHORITIES TO MAYOR OF THE DISTRICT OF COLUMBIA.

(a) MAYOR AS COMMANDER-IN-CHIEF.—Section 6 of the Act entitled ''An Act to provide for the organization of the militia of the District of Columbia, and for other purposes'', approved March 1, 1889 (sec. 49–409, D.C. Official Code), is amended by striking ''President of the United States'' and inserting ''Mayor of the District of Columbia''.

(b) RESERVE CORPS.—Section 72 of such Act (sec. 49–407, D.C. Official Code) is amended by striking ''President of the United States'' each place it appears and inserting ''Mayor of the District of Columbia''.

(c) APPOINTMENT OF COMMISSIONED OFFICERS.—(1) Section 7(a) of such Act (sec. 49–301(a), D.C. Official Code) is amended—

(A) by striking ''President of the United States'' and inserting ''Mayor of the District of Columbia''; and

(B) by striking ''President.'' and inserting ''Mayor.''.

(2) Section 9 of such Act (sec. 49–304, D.C. Official Code) is amended by striking ''President'' and inserting ''Mayor of the District of Columbia''.

(3) Section 13 of such Act (sec. 49–305, D.C. Official Code) is amended by striking ''President of the United States'' and inserting ''Mayor of the District of Columbia''.

(4) Section 19 of such Act (sec. 49–311, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''to the Secretary of the Army'' and all that follows through ''which board'' and inserting ''to a board of examination appointed by the Commanding General, which''; and

(B) in subsection (b), by striking ''the Secretary of the Army'' and all that follows through the period and inserting ''the Mayor of the District of Columbia, together with any recommendations of the Commanding General.''.

(5) Section 20 of such Act (sec. 49–312, D.C. Official Code) is amended—

(A) by striking ''President of the United States'' each place it appears and inserting ''Mayor of the District of Columbia''; and

(B) by striking ''the President may retire'' and inserting ''the Mayor may retire''.

(d) CALL FOR DUTY.—(1) Section 45 of such Act (sec. 49–103, D.C. Official Code) is amended by striking '', or for the United States Marshal'' and all that follows through ''shall thereupon order'' and inserting ''to order''.

(2) Section 46 of such Act (sec. 49–104, D.C. Official Code) is amended by striking ''the President'' and inserting ''the Mayor of the District of Columbia''.

(e) GENERAL COURTS MARTIAL.—Section 51 of such Act (sec. 49–503, D.C. Official Code) is amended by striking ''the President of the United States'' and inserting ''the Mayor of the District of Columbia''.

SEC. 1073. CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) FAILURE TO SATISFACTORILY PERFORM PRESCRIBED TRAINING.—Section 10148(b) of title 10, United States Code, is amended by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(b) APPOINTMENT OF CHIEF OF NATIONAL GUARD BUREAU.—Section 10502(a)(1) of such title is amended by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(c) VICE CHIEF OF NATIONAL GUARD BUREAU.—Section 10505(a)(1)(A) of such title is amended by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(d) OTHER SENIOR NATIONAL GUARD BUREAU OFFICERS.—Section 10506(a)(1) of such title is amended by striking ''the commanding general of the District of Columbia National Guard'' both places it appears and inserting ''the Mayor of the District of Columbia''.

(e) CONSENT FOR ACTIVE DUTY OR RELOCATION.—(1) Section 12301 of such title is amended—

(A) in subsection (b), by striking ''commanding general of the District of Columbia National Guard'' in the second sentence and inserting ''Mayor of the District of Columbia''; and

(B) in subsection (d), by striking the period at the end and inserting the following: '', or, in the case of the District of Columbia National Guard, the Mayor of the District of Columbia.''.

(2) Section 12406 of such title is amended by striking ''the commanding general of the National Guard of the District of Columbia'' and inserting ''the Mayor of the District of Columbia''.

(f) CONSENT FOR RELOCATION OF UNITS.—Section 18238 of such title is amended by striking ''the commanding general of the National Guard of the District of Columbia'' and inserting ''the Mayor of the District of Columbia''.

SEC. 1074. CONFORMING AMENDMENTS TO TITLE 32, UNITED STATES CODE.

(a) MAINTENANCE OF OTHER TROOPS.—Section 109(c) of title 32, United States Code, is amended by striking ''(or commanding general in the case of the District of Columbia)''.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—Section 112(h)(2) of such title is amended by striking ''the Commanding General of the National Guard of the District of Columbia'' and inserting ''the Mayor of the District of Columbia''.

(c) ADDITIONAL ASSISTANCE.—Section 113 of such title is amended by adding at the end the following new subsection:

''(e) INCLUSION OF DISTRICT OF COLUMBIA.—In this section, the term 'State' includes the District of Columbia.''.

(d) APPOINTMENT OF ADJUTANT GENERAL.—Section 314 of such title is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) and (d) as subsections and (c), respectively; and

(3) in subsection (b) (as so redesignated), by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia,''.

(e) RELIEF FROM NATIONAL GUARD DUTY.—Section 325(a)(2)(B) of such title is amended by striking ''commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(f) AUTHORITY TO ORDER TO PERFORM ACTIVE GUARD AND RESERVE DUTY.—

(1) AUTHORITY.—Subsection (a) of section 328 of such title is amended by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(2) CLERICAL AMENDMENTS.—

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

''SEC. 328. ACTIVE GUARD AND RESERVE DUTY: AUTHORITY OF CHIEF EXECUTIVE.''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 328 and inserting the following new item:

''328. Active Guard and Reserve duty: authority of chief executive.''.

(g) PERSONNEL MATTERS.—Section 505 of such title is amended by striking ''commanding general of the National Guard of the District of Columbia'' in the first sentence and inserting ''Mayor of the District of Columbia''.

(h) NATIONAL GUARD CHALLENGE PROGRAM.—Section 509 of such title is amended—

(1) in subsection (c)(1), by striking ''the commanding general of the District of Columbia National Guard, under which the Governor or the commanding general'' and inserting ''the Mayor of the District of Columbia, under which the Governor or the Mayor'';

(2) in subsection (g)(2), by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia'';

(3) in subsection (j), by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''; and

(4) in subsection (k), by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(i) ISSUANCE OF SUPPLIES.—Section 702(a) of such title is amended by striking ''commanding general of the National Guard of the District of Columbia'' and inserting ''Mayor of the District of Columbia''.

(j) APPOINTMENT OF FISCAL OFFICER.—Section 708(a) of such title is amended by striking ''commanding general of the National Guard of the District of Columbia'' and inserting ''Mayor of the District of Columbia''.

SEC. 1075. CONFORMING AMENDMENT TO THE DISTRICT OF COLUMBIA HOME RULE ACT.

Section 602(b) of the District of Columbia Home Rule Act (sec. 1–206.02(b), D.C. Official Code) is amended by striking ''the National Guard of the District of Columbia,''.

SA 4392. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. BRIEFING AND REPORT ON APPROACH FOR CERTAIN PROPERTIES AFFECTED BY NOISE FROM MILITARY FLIGHT OPERATIONS.

(a) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the use and applicability of the Air Installations Compatible Use Zones program of the Department of Defense to support noise mitigation and insulation efforts for fixed wing aircraft, including any such efforts funded under grants from the Office of Local Defense Community Cooperation of the Department.

(b) MATTERS.—The briefing under subsection (a) shall include a discussion of the following:

(1) Changes to current practices regarding the Air Installations Compatible Use Zones program that are necessary to support noise mitigation and insulation efforts relating to existing covered facilities.

(2) The number of fixed wing aircraft facilities covered by existing studies under such program.

(3) The proportion of existing studies under such program that accurately reflect current and reasonably foreseeable fixed wing aviation activity.

(4) Expected timelines for each military department to develop and update all studies under such program to reflect current and reasonably foreseeable fixed wing activity.

(5) An approximate number of covered facilities anticipated to be within the 65 decibel day–night average sound level for installations with existing studies under such program, including such facilities specifically located in crash zones or accident potential zones.

(6) An assessment of the viability of making eligibility to receive funding for noise mitigation and insulation efforts contingent on the completion of certain measures to ensure compatibility of civilian land use activity with conclusions under such program.

(7) Any barriers to the timely review and generation of studies under such program, including with respect to staffing and gaps in authorities.

(8) The estimated cost to develop and update required practices and studies under such program.

(9) Future opportunities to consult with local communities affected by noise from military flight operations.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the final outcome of the update process being undertaken by the Secretary with respect to the Air Installations Compatible Use Zones program.

(2) ELEMENTS.—The report required by paragraph (1) shall include further details and analysis with respect to each matter specified in subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''Air Installations Compatible Use Zones program'' has the meaning given such term in Department of Defense Instruction 4165.57.

(2) The term ''covered facility'' means any—

(A) private residence;

(B) hospital;

(C) daycare facility;

(D) school; or

(E) facility the primary purpose of which is to serve senior citizens.

SA 4393. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. PROVIDING END-TO-END ELECTRONIC VOTING SERVICES FOR ABSENT UNIFORMED SERVICES VOTERS IN LOCATIONS WITH LIMITED OR IMMATURE POSTAL SERVICE.

(a) PLAN.—

(1) DEVELOPMENT.—In consultation with the Chief Information Officer of the Department of Defense, the Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.) shall develop a plan for providing end-to-end electronic voting services (including services for registering to vote, requesting an electronic ballot, completing the ballot, and returning the ballot) in participating States for absent uniformed services voters under such Act who are deployed or mobilized to locations with limited or immature postal service (as determined by the Presidential designee).

(2) SPECIFICATIONS.—The Presidential designee shall include in the plan developed under paragraph (1)—

(A) methods to ensure that voters have the opportunity to verify that their ballots are received and tabulated correctly by the appropriate State and local election officials;

(B) methods to generate a verifiable and auditable vote trail for the purposes of any recount or audit conducted with respect to an election; and

(C) an assessment of whether commercially available technologies may be used to carry out any of the elements of the plan.

(3) CONSULTATION WITH STATE AND LOCAL ELECTION OFFICIALS.—The Presidential designee shall develop the plan under paragraph (1) in consultation with appropriate State and local election officials to ensure that the plan may be implemented successfully in any State which agrees to participate in the plan.

(4) USE OF CONTRACTORS.—To the extent the Presidential designee determines to be appropriate, the Presidential designee may include in the plan developed under paragraph (1) provisions for the use of contractors to carry out any of the elements of the plan.

(5) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Presidential designee shall submit the plan developed under paragraph (1) to the Committees on Armed Services of the House of Representatives and Senate.

(b) IMPLEMENTATION.—If the Presidential designee determines it feasible, the Presidential designee shall implement the plan developed under subsection (a)—

(1) for a trial group of voters in participating States for elections for Federal office held in 2024; and

(2) for all such voters in participating States for elections for Federal office held in 2026 and any succeeding year.

SA 4394. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON AUTHORITIES IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(1) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE IX—LIMITATIONS

''SEC. 901. LIMITATIONS ON AUTHORITIES TO SURVEIL UNITED STATES PERSONS AND ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.

''(a) DEFINITIONS.—In this section:

''(1) PEN REGISTER AND TRAP AND TRACE DEVICE.—The terms 'pen register' and 'trap and trace device' have the meanings given such terms in section 3127 of title 18, United States Code.

''(2) UNITED STATES PERSON.—The term 'United States person' has the meaning given such term in section 101.

''(3) DERIVED.—Information or evidence is 'derived' from an acquisition when the Government would not have originally possessed the information or evidence but for that acquisition, and regardless of any claim that the information or evidence is attenuated from the surveillance or search, would inevitably have been discovered, or was subsequently reobtained through other means

''(b) LIMITATION ON AUTHORITIES.—Notwithstanding any other provision of this Act, an officer of the United States may not under this Act request an order for, and the Foreign Intelligence Surveillance Court may not under this Act order—

''(1) electronic surveillance of a United States person;

''(2) a physical search of a premises, information, material, or property used exclusively by, or under the open and exclusive control of, a United States person;

''(3) approval of the installation and use of a pen register or trap and trace device to obtain information concerning a United States person;

''(4) the production of tangible things (including books, records, papers, documents, and other items) concerning a United States person; or

''(5) the targeting of a United States person for the acquisition of information.

''(c) LIMITATION ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.—

''(1) DEFINITION OF AGGRIEVED PERSON.—In this subsection, the term 'aggrieved person' means a person who is the target of any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

''(2) IN GENERAL.—Except as provided in paragraph (3), any information concerning a United States person acquired or derived from an acquisition under this Act shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

''(3) USE BY AGGRIEVED PERSONS.—An aggrieved person who is a United States person may use information concerning such person acquired under this Act in a criminal, civil, or administrative proceeding or as part of a criminal, civil, or administrative investigation.''.

(2) CLERICAL AMENDMENT.—The table of contents preceding section 101 is amended by adding at the end the following:

''TITLE IX—LIMITATIONS

''Sec. 901. Limitations on authorities to surveil United States persons and on use of information concerning United States persons.''.

(b) LIMITATION ON SURVEILLANCE UNDER EXECUTIVE ORDER 12333.—

(1) DEFINITIONS.—In this subsection:

(A) AGGRIEVED PERSON.—The term ''aggrieved person'' means a person who is the target of any surveillance activity under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities) or any other person whose communications or activities were subject to any surveillance activity under such Executive Order.

(B) PEN REGISTER; TRAP AND TRACE DEVICE; UNITED STATES PERSON.—The terms ''pen register'', ''trap and trace device'', and ''United States person'' have the meanings given such terms in section 901 of the Foreign Intelligence Surveillance Act of 1978, as added by subsection (a).

(2) LIMITATION ON ACQUISITION.—Where authority is provided by statute or by the Federal Rules of Criminal Procedure to perform physical searches or to acquire, directly or through third parties, communications content, non-contents information, or business records, those authorizations shall provide the exclusive means by which such searches or acquisition shall take place if the target of acquisition is a United States person and the information is sought for foreign intelligence purposes.

(3) LIMITATION ON USE IN LEGAL PROCEEDINGS.—Except as provided in paragraph (5), any information concerning a United States person acquired or derived from an acquisition under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), where such acquisition is not authorized by statute or by the Federal Rules of Criminal Procedure, shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

(4) LIMITATION ON UNITED STATES PERSON QUERIES.—No governmental entity shall query communications content, non-contents information, or business records acquired for foreign intelligence purposes under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities) but without statutory authorization or authorization under the Federal Rules of Criminal Procedure using search terms associated with a United States person.

(5) USE BY AGGRIEVED PERSONS.—An aggrieved person who is a United States person may use information concerning such person acquired under Executive Order 12333 in a criminal, civil, or administrative proceeding or as part of a criminal, civil, or administrative investigation.

SA 4395. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1213 and insert the following:

SEC. 1213. PROHIBITION ON USE OF FUNDS FOR TALIBAN AND RESCISSION OF UNOBLIGATED BALANCES FOR AFGHANISTAN.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or any other Act may be made available for the transfer of funds, supplies, or any other item of monetary value to the Taliban.

(b) RESCISSION.—

(1) IN GENERAL.—There are hereby rescinded all unobligated balances from the amounts appropriated or otherwise made available to the covered funds for reconstruction activities in Afghanistan.

(2) COVERED FUNDS DEFINED.—In this subsection, the term ''covered funds'' means, with respect to amounts appropriated for Afghanistan—

(A) the Afghanistan Security Forces Fund (ASFF);

(B) the Economic Support Fund (ESF);

(C) International Narcotics Control and Law Enforcement (INCLE);

(D) the Commanders' Emergency Response Program (CERP);

(E) Drug Interdiction and Counter-Drug Activities (DICDA);

(F) Migration and Refugee Assistance (MRA);

(G) International Disaster Assistance (IDA); and

(H) Non-Proliferation, Antiterrorism, Demining, and Related (NADR).

SA 4396. Mr. RISCH (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—International Pandemic Preparedness and COVID–19 Response

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''International Pandemic Preparedness and COVID-19 Response Act of 2021''.

SEC. 1292. DEFINITIONS.

In this subtitle:

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

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

(B) the Committee on Appropriations of the Senate;

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

(D) the Committee on Appropriations of the House of Representatives.

(2) GLOBAL HEALTH SECURITY AGENDA; GHSA.—The terms ''Global Health Security Agenda'' and ''GHSA'' mean the multi-sectoral initiative launched in 2014 and renewed in 2018 that brings together countries, regions, international organizations, non-governmental organizations, and the private sector to elevate global health security as a national-level priority, to share best practices, and to facilitate national capacity to comply with and adhere to—

(A) the International Health Regulations (2005);

(B) the World Organisation for Animal Health international standards and guidelines;

(C) United Nations Security Council Resolution 1540 (2004);

(D) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction, done at Washington, London, and Moscow, April 10, 1972 (commonly referred to as the ''Biological Weapons Convention'');

(E) the Global Health Security Agenda 2024 Framework; and

(F) other relevant frameworks that contribute to global health security.

(3) GLOBAL HEALTH SECURITY INDEX .—The term ''Global Health Security Index'' means the comprehensive assessment and benchmarking of health security and related capabilities across the countries that make up the States Parties to the International Health Regulations (2005).

(4) GLOBAL HEALTH SECURITY INITIATIVE.—The term ''Global Health Security Initiative'' means the informal network of countries and organizations that came together in 2001 to undertake concerted global action to strengthen public health preparedness and response to chemical, biological, radiological, and nuclear threats, including pandemic influenza.

(5) JOINT EXTERNAL EVALUATION.—The term ''Joint External Evaluation'' means the

World Health Organization-facilitated, voluntary, collaborative, multi-sectoral process to assess country capacity to prevent, detect, and rapidly respond to public health risks occurring naturally or due to deliberate or accidental events, assess progress in achieving the targets under the International Health Regulations (2005), and recommend priority actions.

(6) KEY STAKEHOLDERS.—The term ''key stakeholders'' means actors engaged in efforts to advance global health security programs and objectives, including—

(A) national and local governments in partner countries;

(B) other bilateral donors;

(C) international, regional, and local organizations, including private, voluntary, nongovernmental, and civil society organizations;

(D) international, regional, and local financial institutions;

(E) representatives of historically marginalized groups, including women, youth, and indigenous peoples;

(F) the private sector, including medical device, technology, pharmaceutical, manufacturing, logistics, and other relevant companies; and

(G) public and private research and academic institutions.

(7) ONE HEALTH APPROACH.—The term ''One Health approach'' means the collaborative, multi-sectoral, and transdisciplinary approach toward achieving optimal health outcomes in a manner that recognizes the interconnection between people, animals, plants, and their shared environment.

(8) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term ''relevant Federal departments and agencies'' means any Federal department or agency implementing United States policies and programs relevant to the advancement of United States global health security and diplomacy overseas, which may include—

(A) the Department of State;

(B) the United States Agency for International Development;

(C) the Department of Health and Human Services;

(D) the Department of Defense;

(E) the Defense Threat Reduction Agency;

(F) the Millennium Challenge Corporation;

(G) the Development Finance Corporation;

(H) the Peace Corps; and

(I) any other department or agency that the President determines to be relevant for these purposes.

(9) RESILIENCE.—The term ''resilience'' means the ability of people, households, communities, systems, institutions, countries, and regions to reduce, mitigate, withstand, adapt to, and quickly recover from stresses and shocks in a manner that reduces chronic vulnerability to pandemic threats and facilitates inclusive growth.

(10) USAID.—The term ''USAID'' means the United States Agency for International Development.

SEC. 1293. PURPOSE.

The purpose of this subtitle is to accelerate and enhance the United States international response to pandemics, including the COVID–19 pandemic, and to operationalize lessons learned from current and prior emergency responses in a manner that—

(1) advances the global health security and diplomacy objectives of the United States;

(2) improves coordination among the relevant Federal departments and agencies implementing United States foreign assistance for global health security; and

(3) more effectively enables partner countries to strengthen and sustain resilient health systems and supply chains with the resources, capacity, and personnel required to prevent, prepare for, detect, and respond to infectious disease threats before they become pandemics.

SEC. 1294. ENHANCING THE UNITED STATES' INTERNATIONAL RESPONSE TO COVID–19 AND FUTURE PANDEMICS.

(a) STATEMENT OF POLICY REGARDING INTERNATIONAL COOPERATION TO END THE COVID–19 PANDEMIC.—It shall be the policy of the United States to lead and implement a comprehensive and coordinated international response to end the COVID–19 pandemic in a manner that recognizes the critical role that multilateral and regional organizations can and should play in pandemic response, including by—

(1) seeking adoption of a United Nations Security Council resolution that—

(A) declares pandemics, including the COVID–19 pandemic, to be a threat to international peace and security; and

(B) urges member states to address this threat by aligning their health preparedness plans with international best practices, including those established by the Global Health Security Agenda, to improve country capacity to prevent, detect, and respond to infectious disease threats;

(2) advancing efforts to reform the World Health Organization so that it serves as an effective, normative, and coordinating body that is capable of aligning member countries around a strategic operating plan to detect, contain, treat, and deter the further spread of COVID–19;

(3) providing timely, appropriate levels of financial support to United Nations agencies responding to the COVID–19 pandemic;

(4) prioritizing United States foreign assistance for the COVID–19 response in the most vulnerable countries and regions;

(5) encouraging other donor governments to similarly increase contributions to the United Nations agencies responding to the COVID–19 pandemic in the world's poorest and most vulnerable countries;

(6) working with key stakeholders to accelerate progress toward meeting and exceeding, as practicable, global COVID–19 vaccination goals, whereby—

(A) at least 40 percent of the population in all countries is vaccinated by the end of 2021; and

(B) at least 70 percent of the population in all countries is vaccinated by the opening date of the 77th regular session of the United Nations General Assembly;

(7) engaging with key overseas stakeholders, including through multilateral facilities such as the COVID–19 Vaccines Global Access initiative (referred to in this section as ''COVAX'') and the Access to COVID–19 Tools (ACT) Accelerator initiative, and expanding bilateral efforts, including through the International Development Finance Corporation, to accelerate the development, manufacturing, production, and efficient and equitable distribution of—

(A) vaccines and related raw materials to meet or exceed the vaccination goals under paragraph (6); and

(B) global health commodities, including supplies to combat COVID–19 and to help immediately disrupt the transmission of SARS–CoV–2;

(8) supporting global COVID–19 vaccine distribution strategies that strengthen underlying health systems and ensure that people living in vulnerable and marginalized communities, including women, do not face undue barriers to vaccination;

(9) working with key stakeholders, including through the World Bank Group, the International Monetary Fund, the International Finance Corporation, and other relevant regional and bilateral financial institutions, to address the economic and financial implications of the COVID–19 pandemic, while taking into account the differentiated needs of disproportionately affected, vulnerable, and marginalized populations;

(10) entering into discussions with vaccine manufacturing companies to support partnerships, with the goal of ensuring adequate global supply of vaccines, which may include necessary components and raw materials;

(11) establishing clear timelines, benchmarks, and goals for COVID–19 response strategies and activities under this section; and

(12) generating commitments of resources in support of the goals referred to in paragraph (6).

(b) OVERSIGHT OF UNITED STATES FOREIGN ASSISTANCE TO END THE COVID–19 PANDEMIC.—

(1) REPORTING REQUIREMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State and the USAID Administrator shall jointly submit to the appropriate congressional committees—

(A) an unclassified report containing a description of funds already obligated and expended under title X of the American Rescue Plan Act of 2021 (Public Law 117–2); and

(B) a plan that describes the objectives and timeline for the obligation and expenditure of all remaining funds appropriated under title X of the American Rescue Plan Act of 2021, to include support for civil society for the protection of human rights in the context of the COVID–19 pandemic, which shall be submitted in an unclassified form, and should include a description of steps taken pursuant to each objective specified in the plan.

(2) CONGRESSIONAL CONSULTATION.—Not less frequently than once every 60 days, until the completion or termination of the implementation plan required under paragraph (1)(B), and upon the request from one or more of the appropriate congressional committees, the Secretary of State and the USAID Administrator shall provide a briefing to the appropriate congressional committees regarding the report required under paragraph (1)(A) and the status of the implementation of the plan required under paragraph (1)(B).

(3) BRANDING.—In providing assistance under this section, the Secretary of State and the USAID Administrator, with due consideration for the safety and security of implementing partners and beneficiaries, shall prescribe the use of logos or other insignia, which may include the flag of the United States, to appropriately identify such assistance as being from the people of the United States.

(c) UNITED STATES CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA COVID–19 RESPONSE MECHANISM.—United States contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria COVID–19 Response Mechanism under section 10003(a)(2) of the American Rescue Plan Act of 2021 (Public Law 107–2)—

(1) shall be meaningfully leveraged in a manner that incentivizes other public and private donor contributions; and

(2) shall be subject to the reporting and withholding requirements under subsections (c), (d)(4)(A)(ii), (d)(4)(C), (d)(5), (d)(6), (f), and (g) of section 202 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622).

(d) GLOBAL COVID–19 VACCINE DISTRIBUTION AND DELIVERY.—

(1) ACCELERATING GLOBAL VACCINE DISTRIBUTION STRATEGY.—The President shall develop a strategy to expand access to, and accelerate the global distribution of, COVID–19 vaccines to other countries, which shall—

(A) identify the countries that have the highest infection and death rates due to COVID–19, the lowest COVID–19 vaccination

rates, and face the most difficult political, logistical, and financial challenges to obtaining and delivering COVID–19 vaccines, and describe the basis and metrics used to make such determinations;

(B) identify which countries and regions will be prioritized and targeted for COVID–19 vaccine delivery, and the rationale for such prioritization;

(C) describe efforts that the United States is making to increase COVID–19 vaccine manufacturing capacity, both domestically and internationally, as appropriate, through support for the establishment or refurbishment of regional manufacturing hubs in South America, South Africa, and South Asia, including through the provision of international development finance, and estimate when, how many, and which types of vaccines will be provided by the United States Government bilaterally and through COVAX;

(D) describe efforts to encourage international partners to take actions similar to the efforts referred to in subparagraph (C);

(E) describe how the United States Government will ensure efficient delivery of COVID–19 vaccines to intended recipients, including United States citizens residing overseas, and identify complementary United States foreign assistance that will facilitate vaccine readiness, distribution, delivery, monitoring, and administration activities;

(F) describe how the United States Government will ensure the efficient delivery and administration of COVID–19 vaccines to United States citizens residing overseas, including through the donation of vaccine doses to United States embassies and consulates, as appropriate, giving priority to—

(i) countries in which United States citizens are deemed ineligible or low priority in the national vaccination deployment plan; and

(ii) countries that are not presently distributing a COVID–19 vaccine that—

(I) has been licensed or authorized for emergency use by the Food and Drug Administration; or

(II) has met the necessary criteria for safety and efficacy established by the World Health Organization;

(G) summarize the United States Government's efforts to encourage and facilitate technology sharing and the licensing of intellectual property, to the extent necessary, to support the adequate and timely supply of vaccines and vaccine components to meet the vaccination goals specified in subsection (a)(6), giving due consideration to avoiding undermining intellectual property innovation and intellectual property rights or protections with respect to vaccine development in performing the assessment required under this subparagraph;

(H) describe the roles, responsibilities, tasks, and, as appropriate, the authorities of the Secretary of State, the USAID Administrator, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Chief Executive Officer of the United States International Development Finance Corporation, and the heads of other relevant Federal departments and agencies with respect to the implementation of such strategy;

(I) describe how the Department of State and USAID will coordinate with the Secretary of Health and Human Services and the heads of other relevant Federal agencies to expedite the export and distribution of excess federally purchased vaccines to support countries in need and ensure such vaccines will not be wasted;

(J) summarize the United States public diplomacy strategies for branding and addressing vaccine misinformation and hesitancy within partner countries; and

(K) describe efforts that the United States is making to help countries disrupt the current transmission of COVID–19, while simultaneously increasing vaccination rates, utilizing medical products and medical supplies.

(2) SUBMISSION OF STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit the strategy described in paragraph (1) to—

(A) the appropriate congressional committees;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(C) the Committee on Energy and Commerce of the House of Representatives.

(3) LIMITATION.—

(A) IN GENERAL.—No Federal funds may be made available to COVAX to procure vaccines produced by any companies owned or controlled by the Government of the People's Republic of China or by the Chinese Communist Party unless the Secretary of State certifies that the People's Republic of China—

(i) is providing financial support to COVAX that is commensurate with the United States' contribution to COVAX; and

(ii) publically discloses transparent data on the quality, safety, and efficacy of its COVID–19 vaccines.

(B) SAFEGUARDS.—The President shall ensure that appropriate safeguards are put in place to ensure that the condition described in subparagraph (A) is honored by Gavi, the Vaccine Alliance.

(e) LEVERAGING UNITED STATES BILATERAL GLOBAL HEALTH PROGRAMS FOR THE INTERNATIONAL COVID–19 RESPONSE.—

(1) AUTHORIZATION FOR LEVERAGING BILATERAL PROGRAM ACTIVITIES.—Amounts authorized to be appropriated or otherwise made available to carry out section 104 of the Foreign Assistance Act (22 U.S.C. 2151b) may be used in countries receiving United States foreign assistance—

(A) to combat the COVID–19 pandemic, including through the sharing of COVID–19 vaccines; and

(B) to support related activities, including—

(i) strengthening vaccine readiness;

(ii) reducing vaccine hesitancy and misinformation;

(iii) delivering and administering COVID–19 vaccines;

(iv) strengthening health systems and supply chains;

(v) supporting health care workforce planning, training, and management;

(vi) enhancing transparency, quality, and reliability of public health data;

(vii) increasing bidirectional testing, including screening for symptomatic and asymptomatic cases; and

(viii) building laboratory capacity.

(2) ADJUSTMENT OF TARGETS AND GOALS.—The Secretary of State, in coordination with the heads of other relevant Federal departments and agencies, shall submit an annual report to the appropriate congressional committees that identifies—

(A) any adjustments to original program targets and goals that result from the use of funds for the purposes authorized under paragraph (1); and

(B) the amounts needed in the following fiscal year to meet the original program goals, as necessary and appropriate.

(f) REPORT ON HUMANITARIAN RESPONSE TO THE COVID–19 PANDEMIC.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the USAID Administrator and the Secretary of Health and Human Services, shall submit a report to the appropriate congressional committees that—

(A) assesses the global humanitarian response to COVID–19; and

(B) outlines specific elements of the United States Government's country-level humanitarian response to the COVID–19 pandemic.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) for countries receiving United States assistance, a description of humanitarian and health-worker access to crisis-affected areas, including—

(i) legal and bureaucratic restrictions on the entry of humanitarian workers from abroad, to include visa authorizations that do not allow adequate time for humanitarian workers to quarantine upon arrival in-line with host country regulations, conduct needs assessments, and subsequently implement multilateral and United States-funded programming in an efficient, effective, and unrestricted manner;

(ii) restrictions on travel by humanitarian workers within such country to reach the areas of operation where vulnerable and marginalized populations reside;

(iii) access to medical evacuation in the event of a health emergency;

(iv) access to personal protective equipment for United States Government implementing partners; and

(v) efforts to support access to COVID–19 vaccines for humanitarian and health-workers and crisis-affected communities;

(B) an analysis and description of countries (regardless of whether such countries have received direct United States assistance) that have expressly prevented vulnerable populations from accessing necessary assistance related to COVID–19, including—

(i) the omission of vulnerable populations from national response plans;

(ii) laws, policies, or practices that restrict or preclude treatment of vulnerable populations at public hospitals and health facilities; and

(iii) exclusion of, or discrimination against, vulnerable populations in law, policy, or practice that prevents equitable access to food, shelter, and other basic assistance;

(C) a description of United States Government efforts to facilitate greater humanitarian access, including—

(i) advocacy and diplomatic efforts with relevant foreign governments and multilateral institutions to ensure that vulnerable and marginalized populations are included in national response plans and other relevant plans developed in response to the COVID–19 pandemic; and

(ii) advocacy and diplomatic efforts with relevant foreign governments to ensure that appropriate visas, work permits, and domestic travel exemptions are issued for humanitarian and health workers responding to the COVID–19 pandemic; and

(D) a description of United States Government plans and efforts to address the second-order impacts of the COVID–19 pandemic and an assessment of the resources required to implement such plans, including efforts to address—

(i) famine and acute food insecurity;

(ii) gender-based violence;

(iii) mental health and psychosocial support needs;

(iv) child protection needs;

(v) health, education, and livelihoods;

(vi) shelter; and

(vii) attempts to close civil society space, including through bureaucratic, administrative, and health or security related impediments.

(g) SAFEGUARDING DEMOCRACY AND HUMAN RIGHTS DURING THE COVID–19 PANDEMIC.—

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

(A) governments may be required to take appropriate extraordinary measures during public health emergencies to halt the spread of disease, including closing businesses and public events, limiting access to public spaces, and restricting the movement of people;

(B) certain foreign governments have taken measures in response to COVID–19 that violate the human rights of their citizens without clear public health justification, oversight measures, or sunset provisions;

(C) governments using the COVID–19 pandemic as a pretext for repression have undermined democratic institutions, debilitated institutions for transparency and public integrity, quashed legitimate dissent, and attacked journalists, civil society organizations, activists, independent voices, and vulnerable and marginalized populations, including refugees and migrants, with far-reaching consequences that will extend beyond the current crisis;

(D) foreign governments should take immediate steps to release from prison all arbitrarily detained United States citizens and political prisoners who may be at increased risk for contracting or suffering from complications from COVID–19;

(E) COVID–19 threatens to roll back decades of progress for women and girls, disproportionately affecting women economically, educationally, and with respect to health, while also leading to alarming rises in gender based violence; and

(F) during and after the pandemic, the Department of State and USAID should directly, and through nongovernmental organizations or international organizations, provide assistance and implement programs that support democratic institutions, civil society, free media, and the advancement of internationally recognized human rights.

(2) FUNDING FOR CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS.—

(A) PROGRAM PRIORITIES.—Amounts made available for each of the fiscal years 2022 through 2026 to carry out the purposes of sections 101 and 102 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and 2151–1), including programs to support democratic institutions, human rights defenders, civil society, and freedom of the press, should be targeted, to the extent feasible, toward civil society organizations in countries in which emergency government measures taken in response to the COVID–19 pandemic have violated internationally recognized human rights.

(B) ELIGIBLE ORGANIZATIONS.—Civil society organizations operating in countries in which emergency government measures taken in response to the COVID–19 pandemic violated internationally recognized human rights shall be eligible to receive funds made available to carry out the purposes of sections 101 and 102 of the Foreign Assistance Act of 1961 for each of the fiscal years 2022 through 2026, for—

(i) programs designed to strengthen and support civil society, human rights defenders, freedom of association, and the freedom of the press;

(ii) programs to restore democratic institutions; and

(iii) peacebuilding and conflict prevention to address the impacts of COVID–19 on social cohesion, public trust, and conflict dynamics by adapting existing programs or investing in new ones.

(C) FINAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that—

(i) lists the countries whose emergency measures limiting internationally recognized human rights in a manner inconsistent with the principles of limitation and derogation remain in place;

(ii) describes such countries' emergency measures, including—

(I) how such procedures violate internationally recognized human rights; and

(II) an analysis of the impact of such measures on access to health and efforts to control the COVID–19 pandemic within the country;

(iii) describes—

(I) security and intelligence surveillance measures implemented by countries during the COVID–19 pandemic;

(II) the extent to which such measures have been, or have not been, rolled back; and

(III) whether and how such measures impact internationally recognized human rights; and

(iv) includes a strategic plan by the Department of State and USAID that addresses, through multilateral and bilateral diplomacy and foreign assistance, the persistent issues related to the restriction of internationally recognized human rights in the COVID–19 response.

(h) PUBLIC DIPLOMACY AND COMBATING DISINFORMATION AND MISINFORMATION ABOUT COVID–19.—

(1) UNITED STATES AGENCY FOR GLOBAL MEDIA.—

(A) FINDING.—Congress finds that the United States Agency for Global Media (referred to in this subsection as ''USAGM'') broadcasting entities and grantees have proven valuable in providing timely and accurate information, particularly in countries in which the free press is under threat.

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

(i) accurate, investigative, and scientific journalism is critical for societies to effectively combat global health threats; and

(ii) Congress supports—

(I) accurate and objective investigative and scientific reporting by USAGM networks and grantees regarding COVID–19; and

(II) platforms that help dispel and combat misinformation about the COVID–19 pandemic.

(C) VOICE OF AMERICA.—It is the sense of Congress that amounts authorized to be appropriated or otherwise made available to Voice of America should be used—

(i) to expand programs such as POLYGRAPH.info;

(ii) to provide critical tools for combating propaganda associated with COVID–19; and

(iii) to assist journalists in providing accurate information to local media outlets.

(D) OFFICE OF CUBA BROADCASTING.—It is the sense of Congress that Radio Televisión Martí and Digital Martí should continue to broadcast programs that detect, highlight, and dispel disinformation.

(E) RADIO FREE EUROPE/RADIO LIBERTY.—

(i) FINDING.—Congress finds that Radio Free Europe/Radio Liberty (referred to in this section as ''RFE/RL'') operate in media markets in which authoritarian state and nonstate actors, including Russia, heavily invest in misinformation and disinformation campaigns designed to promote confusion and mistrust.

(ii) SENSE OF CONGRESS.—It is the sense of Congress that RFE/RL should—

(I) increase investigative reporting regarding the impacts of COVID–19, the political and social responses governments are taking in response to COVID–19, and the lasting impacts such actions will have on key political freedoms; and

(II) expand its ''digital first'' strategy.

(F) RADIO FREE ASIA.—

(i) FINDING.—Congress finds that Radio Free Asia (RFA) operates in a media market dominated by powerful state-run media that have invested heavily in media distortion and disinformation, including about COVID–19.

(ii) SENSE OF CONGRESS.—It is the sense of Congress that RFA should—

(I) commission technical experts to bolster efforts to counter social media tools, including bots used by some countries to promote misinformation;

(II) expand digital programming and local coverage to expose China's media manipulation techniques; and

(III) increase English language content to help counter China's propaganda directed toward English-speaking audiences.

(G) MIDDLE EAST BROADCASTING NETWORKS.—

(i) FINDING.—Congress finds that the Middle East Broadcasting Networks operate largely in closed media markets in which malign state and nonstate actors remain active.

(ii) SENSE OF CONGRESS.—It is the sense of Congress that the Middle East Broadcasting Networks should—

(I) continue plans to expand an investigative news unit; and

(II) work to ensure that reporting continues amidst operational challenges on the ground.

(H) OPEN TECHNOLOGY FUND.—

(i) FINDING.—Congress finds that the Open Technology Fund works to advance internet freedom in repressive environments by supporting technologies that—

(I) provide secure and uncensored access to USAGM's content and the broader internet; and

(II) counter attempts by authoritarian governments to control the internet and restrict freedom online.

(ii) SENSE OF CONGRESS.—It is the sense of Congress that the Open Technology Fund should—

(I) support a broad range of technologies to respond to increasingly aggressive and sophisticated censorship and surveillance threats and provide more comprehensive and tailored support to USAGM's networks; and

(II) provide direct assistance to USAGM's networks to improve the digital security of reporting operations and journalists.

(2) DEPARTMENT OF STATE PUBLIC DIPLOMACY PROGRAMS.—

(A) FINDINGS.—Congress finds the following:

(i) The Department of State's public diplomacy programs build global networks that can address shared challenges, such as the COVID–19 pandemic, including through exchanges of researchers, public health experts, and scientists.

(ii) The programs referred to in clause (i) play a critical role in creating open and resilient information environments where democracies can thrive, as articulated in the 2020 Public Diplomacy Strategic Plan, including by—

(I) improving media quality with journalist training and reporting tours;

(II) conducting media literacy programs; and

(III) supporting media access activities.

(iii) The International Visitor Leadership Program and Digital Communications Network engaged journalists around the world to combat COVID–19 disinformation, promote unbiased reporting, and strengthen media literacy.

(iv) More than 12,000 physicians holding J–1 visas from 130 countries—

(I) are engaged in residency or fellowship training at approximately 750 hospitals throughout the United States, the majority of whom are serving in States that have been the hardest hit by COVID–19; and

(II) throughout the pandemic, have served on the front lines of the medical workforce

and in United States university laboratories researching ways to detect and treat the virus.

(B) VISA PROCESSING BRIEFING.—Not later than 30 days after the date of the enactment of this Act, the Assistant Secretary for Consular Affairs shall brief the appropriate congressional committees by providing—

(i) a timeline for increasing visa processing capacities at embassies around the world, notably where there are—

(I) many American citizens, including dual nationals; and

(II) many visa applicants for educational and cultural exchange programs that promote United States foreign policy objectives and economic stability to small businesses, universities, and communities across the United States;

(ii) a detailed plan for using existing authorities to waive or provide other alternatives to in-person appointments and interviews;

(iii) an assessment of whether additional authorities and resources are required for the use of videoconference appointments and interviews as an alternative to in-person appointments and interviews; and

(iv) a detailed plan for using existing authorities to rapidly cross-train and surge temporary personnel to support consular services at embassies and consulates of the United States around the world, and an assessment of whether additional authorities and resources are required.

(C) GLOBAL ENGAGEMENT CENTER.—

(i) FINDING.—Congress finds that since the beginning of the COVID–19 pandemic, publications, websites, and platforms associated with China, Russia, and Iran have sponsored disinformation campaigns related to the COVID–19 pandemic, including falsely blaming the United States for the disease.

(ii) SENSE OF CONGRESS.—It is the sense of Congress that the Global Engagement Center should continue its efforts to expose and counter state and non-state-sponsored disinformation related to COVID–19, the origins of COVID–19, and COVID–19 vaccinations.

(i) FINDINGS AND SENSE OF CONGRESS REGARDING THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—

(1) FINDINGS.—Congress finds the following:

(A) The COVID–19 pandemic is causing a global economic recession, as evidenced by the global economic indicators described in subparagraphs (B) through (D).

(B) The United Nations Conference on Trade and Development determined that the COVID–19 pandemic pushed the global economy into recession in 2020 on a scale that has not been witnessed since the 1930s.

(C) Developed countries are expected to experience a relatively more significant rebound in gross domestic product growth during 2021 than is expected to be experienced in developing countries, leading to concerns about a further expansion in the gap between rich and poor countries, particularly if this trend continues into 2022.

(D) Global markets have suffered losses ranging between 5 percent and over 10 percent since the beginning of the pandemic. While markets are recovering in 2021, global job losses and unemployment rates remain high, with—

(i) approximately 33,000,000 labor hours lost globally (13 per cent of the total hours lost) due to outright unemployment; and

(ii) an estimated additional 81,000,000 labor hours lost due to inactivity or underemployment.

(E) Given the prolonged nature of the COVID–19 pandemic, African finance ministers have requested continued efforts to provide—

(i) additional liquidity;

(ii) better market access;

(iii) more concessional resources; and

(iv) an extension in the Debt Service Suspension Initiative established by the Group of 20.

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

(A) even when markets begin to recover in the future, it is likely that access to capital will be especially challenging for developing countries, which still will be struggling with the containment of, and recovery from, the COVID–19 pandemic;

(B) economic uncertainty and the inability of individuals and households to generate income are major drivers of political instability and social discord, which create conditions for insecurity;

(C) it is in the security and economic interests of the United States to assist in the economic recovery of developing countries that are made more vulnerable and unstable from the public health and economic impacts of the COVID–19 pandemic;

(D) United States foreign assistance and development finance institutions should seek to blunt the impacts of a COVID–19 related economic recession by supporting investments in sectors critical to maintaining economic stability and resilience in low and middle income countries;

(E) the need for the United States International Development Finance Corporation's support for advancing development outcomes in less developed countries, as mandated by the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9601 et seq.), is critical to ensuring lasting and resilient economic growth in light of the COVID–19 pandemic's exacerbation of economic hardships and challenges;

(F) The United States International Development Finance Corporation should adjust its view of risk versus return by taking smart risks that may produce a lower rate of financial return, but produce significant development outcomes in responding to the economic effects of COVID–19;

(G) to mitigate the economic impacts of the COVID–19 recession, the United States International Development Finance Corporation should use its resources and authorities, among other things—

(i) to ensure loan support for small- and medium-sized enterprises;

(ii) to offer local currency loans to borrowers for working capital needs;

(iii) to create dedicated financing opportunities for new ''customers'' that are experiencing financial hardship due to the COVID–19 pandemic; and

(iv) to work with other development finance institutions to create co-financing facilities to support customers experiencing hardship due to the COVID–19 pandemic.

(j) SENSE OF CONGRESS REGARDING INTERNATIONAL COOPERATION TO PREVENT AND RESPOND TO FUTURE PANDEMICS.—It is the sense of Congress that—

(1) global pandemic preparedness and response requires international and regional cooperation and action;

(2) the United States should lead efforts in multilateral fora, such as the Group of 7, the Group of 20, and the United Nations, by collaborating and cooperating with other countries and international and regional organizations, including the World Health Organization and other key stakeholders, to implement international strategies, tools, and agreements to better prevent, detect, and respond to future infectious disease threats before they become pandemics; and

(3) the United States should enhance and expand coordination and collaboration among the relevant Federal departments and agencies, the Food and Agriculture Organization of the United Nations, the World Health Organization, and the World Organization for Animal Health, to advance a One Health approach toward preventing, detecting, and responding to zoonotic threats in the human-animal interface.

(k) ROLES OF THE DEPARTMENT OF STATE, THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN INTERNATIONAL PANDEMIC RESPONSE.—

(1) DESIGNATION OF LEAD AGENCIES FOR COORDINATION OF THE UNITED STATES' INTERNATIONAL RESPONSE TO INFECTIOUS DISEASE OUTBREAKS WITH SEVERE OR PANDEMIC POTENTIAL.—The President shall designate relevant Federal departments and agencies, including the Department of State, USAID, and the Department of Health and Human Services (including the Centers for Disease Control and Prevention), to lead specific aspects of the United States' international response to outbreaks of emerging high-consequence infectious disease threats.

(2) NOTIFICATION.—Not later than 120 days after the date of the enactment of this Act, the President shall notify the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives of the designations made pursuant to paragraph (1), including detailed descriptions of the roles and responsibilities of each relevant department and agency.

(l) USAID DISASTER SURGE CAPACITY.—

(1) SURGE CAPACITY.—Amounts authorized to be appropriated or otherwise made available to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), including funds made available for ''Assistance for Europe, Eurasia and Central Asia'', may be used, in addition to amounts otherwise made available for such purposes, for the cost (including support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to global health emergencies and natural or man-made disasters.

(2) NOTIFICATION.—Not later than 15 days before making funds available to address man-made disasters pursuant to paragraph (1), the Secretary of State or the USAID Administrator shall notify the appropriate congressional committees of such action.

(m) STATEMENT OF POLICY ON HUMANITARIAN ASSISTANCE TO COUNTRIES AFFECTED BY PANDEMICS.—

(1) STATEMENT OF POLICY.—It shall be the policy of the United States—

(A) to ensure that United States assistance to address pandemics, including the provision of vaccines, reaches vulnerable and marginalized populations, including racial and religious minorities, refugees, internally displaced persons, migrants, stateless persons, women, children, the elderly, and persons with disabilities;

(B) to ensure that United States assistance, including development finance, addresses the second order effects of a pandemic, including acute food insecurity; and

(C) to protect and support humanitarian actors who are essential workers in preventing, mitigating and responding to the spread of a pandemic among vulnerable and marginalized groups described in subparagraph (A), including ensuring that such humanitarian actors—

(i) are exempted from unreasonable travel restrictions to ensure that they can effectively provide life-saving assistance; and

(ii) are prioritized as frontline workers in country vaccine distribution plans.

(2) FACILITATING EFFECTIVE AND SAFE HUMANITARIAN ASSISTANCE.—The Secretary of State, in coordination with the USAID Administrator, should carry out actions that

accomplish the policies set forth in paragraph (1), including by—

(A) taking steps to ensure that travel restrictions implemented to help contain the spread of a pandemic are not applied to individuals authorized by the United States Government to travel to, or reside in, a designated country to provide assistance related to, or otherwise impacted by, an outbreak;

(B) approving the use of foreign assistance for the procurement of personal protective equipment by United States Government implementing partners from businesses within or nearby the country receiving foreign assistance on an urgent basis and in a manner consistent with efforts to respond to the spread of a pandemic in the United States; and

(C) waiving certain travel restrictions implemented to help contain the spread of a pandemic in order to facilitate the medical evacuation of United States Government implementing partners, regardless of nationality.

SEC. 1295. INTERNATIONAL PANDEMIC PREVENTION AND PREPAREDNESS.

(a) PARTNER COUNTRY DEFINED.—In this section, the term ''partner country'' means a foreign country in which the relevant Federal departments and agencies are implementing United States assistance for global health security and pandemic prevention and preparedness under this subtitle.

(b) UNITED STATES GLOBAL HEALTH SECURITY AND DIPLOMACY STRATEGY AND REPORT.—

(1) IN GENERAL.—The President shall develop, update, maintain, and advance a comprehensive strategy for improving global health security and pandemic prevention, preparedness, and response that—

(A) clearly articulates the policy goals related to pandemic prevention, preparedness, and response, and actions necessary to elevate and strengthen United States diplomatic leadership in global health security and pandemic preparedness, including by building the expertise of the diplomatic corps;

(B) improves the effectiveness of United States foreign assistance to prevent, detect, and respond to infectious disease threats, including through the advancement of a One Health approach, the Global Health Security Agenda, the International Health Regulations (2005), and other relevant frameworks and programs that contribute to global health security and pandemic preparedness;

(C) establishes specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans for United States foreign policy and assistance for global health security that promote learning and adaptation and reflect international best practices relating to global health security, transparency, and accountability;

(D) establishes transparent means to improve coordination and performance by the relevant Federal departments and agencies and sets out clear roles and responsibilities that reflect the unique capabilities and resources of each such department and agency;

(E) establishes mechanisms to improve coordination and avoid duplication of effort among the relevant Federal departments and agencies, partner countries, donor countries, the private sector, multilateral organizations, and other key stakeholders, and ensures collaboration at the country level;

(F) supports, and is aligned with, partner country-led, global health security policy and investment plans, developed with input from key stakeholders, as appropriate;

(G) prioritizes working with partner countries with—

(i) demonstrated need, as identified through the Joint External Evaluation process, the Global Health Security Index classification of health systems, national action plans for health security, the Global Health Security Agenda, other risk-based assessments, and other complementary or successor indicators of global health security and pandemic preparedness; and

(ii) demonstrated commitment to transparency, including budget and global health data transparency, complying with the International Health Regulations (2005), investing in domestic health systems, and achieving measurable results;

(H) reduces long-term reliance upon United States foreign assistance for global health security by—

(i) helping build and enhance community resilience to infectious disease emergencies and threats, such as COVID–19 and Ebola;

(ii) ensuring that United States global health assistance is strategically planned and coordinated in a manner that contributes to the strengthening of overall health systems and builds the capacity of local organizations and institutions;

(iii) promoting improved domestic resource mobilization, co-financing, and appropriate national budget allocations for strong public health systems, global health security, and pandemic preparedness and response in partner countries; and

(iv) ensuring partner country ownership of global health security strategies, data, programs, and outcomes;

(I) supports health budget and workforce planning in partner countries, including training in public financial management and budget data transparency;

(J) works to ensure that—

(i) partner countries have national action plans for health security that are developed with input from key stakeholders, including communities and the private sector;

(ii) United States foreign assistance for global health security is aligned with such national action plans for health security in partner countries, developed with input from key stakeholders, including communities and the private sector, to the greatest extent practicable and appropriate; and

(iii) United States global health security efforts are aligned with ongoing strategies and initiatives across government agencies to help nations better identify and prevent health impacts related to deforestation, climate-related events, and increased unsafe interactions between wildlife, livestock, and people, including the emergence, reemergence, and spread of zoonoses;

(K) strengthens linkages between complementary bilateral and multilateral foreign assistance programs, including efforts of the World Bank, the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, Gavi, the Vaccine Alliance, and regional health organizations, that contribute to the development of more resilient health systems and supply chains in partner countries with the capacity, resources, and personnel required to prevent, detect, and respond to infectious disease threats; and

(L) supports innovation and partnerships with the private sector, health organizations, civil society, nongovernmental organizations, and health research and academic institutions to improve pandemic preparedness and response, including for the prevention and detection of infectious disease, and the development and deployment of effective and accessible infectious disease tracking tools, diagnostics, therapeutics, and vaccines.

(2) SUBMISSION OF STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the President shall submit the strategy required under paragraph (1) to the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives.

(3) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the submission of the strategy to the congressional committees referred to in paragraph (2), and not later than October 1 of each year thereafter for the following 4 fiscal years, the President shall submit a report to such congressional committees that describes—

(i) the status of the implementation of the strategy required under paragraph (1);

(ii) any necessary updates to the strategy;

(iii) the progress made in implementing the strategy, with specific information related to the progress toward improving countries' ability to detect, respond and prevent the spread of infectious disease threats, such as COVID–19 and Ebola; and

(iv) details on the status of funds made available to carry out the purposes of this section.

(B) AGENCY-SPECIFIC PLANS.—The reports required under subparagraph (A) shall include specific implementation plans from each relevant Federal department and agency that describe—

(i) how updates to the strategy may have impacted the agency's plan during the preceding calendar year;

(ii) the progress made in meeting the goals, objectives, and benchmarks under implementation plans during the preceding year;

(iii) the anticipated staffing plans and contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the strategy;

(iv) a transparent, open, and detailed accounting of obligations by each of the relevant Federal departments and agencies to implement the strategy, including—

(I) the statutory source of obligated funds;

(II) the amounts obligated;

(III) implementing partners;

(IV) targeted beneficiaries; and

(V) activities supported;

(v) the efforts of the relevant Federal department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and enduring returns, including through specific activities to strengthen health systems, as appropriate; and

(vi) a plan for regularly reviewing and updating programs and partnerships, and for sharing lessons learned with a wide range of stakeholders in an open, transparent manner.

(C) FORM.—The reports required under subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

(c) COMMITTEE ON GLOBAL HEALTH SECURITY AND PANDEMIC AND BIOLOGICAL THREATS.—

(1) STATEMENT OF POLICY.—It shall be the policy of the United States—

(A) to promote global health security as a core national security interest; and

(B) to ensure effective coordination and collaboration between the relevant Federal departments and agencies engaged in efforts to advance the global health security of the United States.

(2) COORDINATION.—

(A) ESTABLISHMENT OF COMMITTEE.—There is authorized to be established, within the National Security Council, the Committee on Global Health Security and Pandemic and Biological Threats (referred to in this subsection as the ''Committee''), whose day-to-day operations should be led by the Special Advisor for Global Health Security.

(B) SPECIAL ADVISOR FOR GLOBAL HEALTH SECURITY.—The Special Advisor for Global Health Security—

(i) should serve on the staff of the National Security Council; and

(ii) may also be the Senior Director for the Global Health Security and Biodefense Directorate within the Executive Office of the President, who reports to the Assistant to the President for National Security Affairs.

(C) FUNCTIONS.—

(i) IN GENERAL.—The functions of the Committee should be—

(I) to provide strategic guidance for the development of a policy framework for United States Government activities relating to global health security, including pandemic prevention, preparedness and response; and

(II) to ensure policy coordination between United States Government agencies.

(ii) ACTIVITIES.—In carrying out the functions described in clause (i), the Committee should—

(I) conduct, in coordination with the heads of relevant Federal departments and agencies, a review of existing United States global health security policies and strategies;

(II) develop recommendations for how the Federal Government may regularly update and harmonize the policies and strategies referred to in subclause (I) to enable the United States Government to respond to pandemic threats and to monitor the implementation of such strategies;

(III) develop a plan for modernizing global early warning and trigger systems for scaling action to prevent, detect, respond to, and recover from emerging biological threats;

(IV) provide policy-level recommendations regarding the Global Health Security Agenda goals, objectives, and implementation, and other international efforts to strengthen pandemic prevention, preparedness and response;

(V) review the progress toward, and working to resolve challenges in, achieving United States commitments under the Global Health Security Agenda;

(VI) develop protocols for coordinating and deploying a global response to emerging high-consequence infectious disease threats that outline the respective roles for relevant Federal agencies in facilitating and supporting such response operations that should facilitate the operational work of Federal agencies and of the Special Advisor for Global Health Security;

(VII) make recommendations regarding appropriate responses to specific pandemic threats and ensure the coordination of domestic and international agencies regarding the Federal Government's efforts to prevent, detect, respond to, and recover from biological events;

(VIII) take steps to strengthen the global pandemic supply chain and address any barriers to the timely delivery of supplies in response to a pandemic, including through engagement with the private sector, as appropriate;

(IX) develop recommendations to ensure the effective sharing of information from domestic and international sources about pandemic threats among the relevant Federal departments and agencies, State and local governments, and international partners and organizations; and

(X) develop guidelines to enhance and improve the operational coordination between State and local governments and Federal agencies with respect to pandemic threats.

(D) RESPONSIBILITIES OF DEPARTMENTS AND AGENCIES.—The Committee and the Special Advisor for Global Health Security shall not assume any responsibilities or authorities of the head of any Federal department, agency, or office, including the foreign affairs responsibilities and authorities of the Secretary of State to oversee the implementation of programs and policies that advance global health security within foreign countries.

(E) SPECIFIC ROLES AND RESPONSIBILITIES.—

(i) IN GENERAL.—The heads of the relevant Federal departments and agencies should—

(I) make global health security and pandemic threat reduction a high priority within their respective departments and agencies, and include global health security and pandemic threat reduction-related activities within their respective agencies' strategic planning and budget processes;

(II) designate a senior-level official to be responsible for global health security and pandemic threat reduction at each of their respective departments and agencies;

(III) designate an appropriate representative at the Assistant Secretary level or higher to participate on the Committee whenever the head of the department or agency cannot participate;

(IV) keep the Committee apprised of Global Health Security and pandemic threat reduction-related activities undertaken within their respective departments and agencies;

(V) ensure interagency cooperation and collaboration and maintain responsibility for agency-related programmatic functions including, as applicable, in coordination with partner governments, country teams, and global health security in-country teams; and

(VI) keep the Committee apprised of GHSA-related activities undertaken within their respective agencies.

(ii) ADDITIONAL ROLES AND RESPONSIBILITIES.—In addition to the roles and responsibilities described in clause (i), the heads of the relevant Federal departments and agencies should carry out their respective roles and responsibilities described in—

(I) Executive Order 13747 (81 Fed. Reg. 78701; relating to Advancing the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious Disease Threats); and

(II) the National Security Memorandum-1 on United States Global Leadership to Strengthen the International COVID–19 Response and to Advance Global Health Security and Biological Preparedness, as in effect on the day before the date of the enactment of this Act.

(d) UNITED STATES OVERSEAS GLOBAL HEALTH SECURITY AND DIPLOMACY COORDINATION.—

(1) ESTABLISHMENT.—There is established, within the Department of State, a Special Representative for United States International Activities to Advance Global Health Security and Diplomacy Overseas (referred to in this subsection as the ''Special Representative'').

(2) APPOINTMENT; QUALIFICATIONS.—The Special Representative—

(A) shall be appointed by the President, by and with the advice and consent of the Senate;

(B) shall report to the Secretary of State; and

(C) shall have—

(i) demonstrated knowledge and experience in the fields of development and public health, epidemiology, or medicine; and

(ii) relevant diplomatic, policy, and political expertise.

(3) AUTHORITIES.—The Special Representative is authorized—

(A) to operate internationally to carry out the purposes of this section;

(B) to lead in developing a global pandemic prevention, preparedness and response framework to support global pandemic prevention, preparedness, responses and recovery efforts, including through—

(i) diplomatic engagement and related foreign policy efforts, such as multilateral and bilateral arrangements, enhanced coordination of engagement with multilateral organizations and countries, and the mobilization of donor contributions; and

(ii) support for United States citizens living abroad, including consular support;

(C) to serve as the representative of the Department of State on the Committee on Global Health Security and Pandemic and Biological Threats authorized to be established under subsection (b)(2)(B);

(D) to represent the United States in the multilateral, catalytic financing mechanism described in section 1296(b)(1);

(E) to transfer and allocate United States foreign assistance funding authorized to be appropriated pursuant to paragraph (6) to the relevant Federal departments and agencies implementing the strategy required under subsection (b), in coordination with the Office of Management and Budget and USAID;

(F) to utilize detailees, on a reimbursable or nonreimbursable basis, from the relevant Federal departments and agencies and hire personal service contractors, who may operate domestically and internationally, to ensure that the Office of the Special Representative has access to the highest quality experts available to the United States Government to carry out the functions under this subtitle; and

(G) to perform such other functions as the Secretary of State may assign.

(4) DUTIES.—The Special Representative shall coordinate, manage, and oversee United States foreign policy, diplomatic efforts, and foreign assistance funded with amounts appropriated pursuant to paragraph (6) to advance the relevant elements of the United States Global Health Security and Diplomacy Strategy developed pursuant to subsection (b), including by—

(A) developing and coordinating a global pandemic prevention, preparedness and response framework consistent with paragraph (3)(B);

(B) enhancing engagement with multilateral organizations and partner countries, including through the mobilization of donor support;

(C) enhancing coordination of consular services for United States citizens abroad in the event of a global health emergency;

(D) ensuring effective program coordination and implementation of international activities, by the relevant Federal departments and agencies by—

(i) formulating, issuing, and updating related policy guidance;

(ii) establishing, in consultation with USAID and the Department of Health and Human Services, unified auditing, monitoring, and evaluation plans;

(iii) aligning, in coordination with United States chiefs of mission and country teams in partner countries—

(I) the foreign assistance resources funded with amounts appropriated pursuant to paragraph (6); and

(II) international activities described in the implementation plans required under subsection (b)(3)(B) with the relevant Federal departments and agencies in a manner that—

(aa) is consistent with Executive Order 13747 (81 Fed. Reg. 78701; relating to Advancing the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious Disease Threats);

(bb) is consistent with the National Security Memorandum on United States Global Leadership to Strengthen the International COVID–19 Response and to Advance Global

Health Security and Biological Preparedness, issued by President Biden on January 21, 2021; and

(cc) reflects and leverages the unique capabilities of each such department and agency;

(iv) convening, as appropriate, an interagency working group on international pandemic prevention and preparedness, headed by the Special Representative and including representatives from the relevant Federal departments and agencies, to facilitate coordination of activities relating to pandemic prevention and preparedness in partner countries under this subtitle;

(v) working with, and leveraging the expertise and activities of, the Office of the United States Global AIDS Coordinator, the Office of the United States Global Malaria Coordinator, and similar or successor entities that are implementing United States global health assistance overseas; and

(vi) avoiding duplication of effort and working to resolve policy, program, and funding disputes among the relevant Federal departments and agencies;

(E) leading diplomatic efforts to identify and address current and emerging threats to global health security;

(F) coordinating, in consultation with the Secretary of Health and Human Services and the USAID Administrator, effective representation of the United States in relevant international forums, including at the World Health Organization, the World Health Assembly, and meetings of the Global Health Security Agenda and of the Global Health Security Initiative;

(G) working to enhance coordination with, and transparency among, the governments of partner countries and key stakeholders, including the private sector;

(H) promoting greater donor and national investment in partner countries to build more resilient health systems and supply chains, including through representation and participation in a multilateral, catalytic financing mechanism for global health security and pandemic prevention and preparedness, consistent with section 1296;

(I) securing bilateral and multilateral financing commitments to advance the Global Health Security Agenda, in coordination with the relevant Federal departments and agencies, including through funding for the financing mechanism described in section 1296; and

(J) providing regular updates to the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives regarding the fulfillment of the duties described in this subsection.

(5) DEPUTY REPRESENTATIVE.—The Special Representative should be supported by a deputy, who—

(A) should be an employee of USAID serving in a career or noncareer position in the Senior Executive Service or at the level of a Deputy Assistant Administrator or higher;

(B) should have demonstrated knowledge and experience in the fields of development and public health, epidemiology, or medicine; and

(C) serves concurrently as the deputy and performs the functions described in section 3(h) of Executive Order 13747 (81 Fed. Reg. 78701).

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated $5,000,000,000, for the 5-year period beginning on October 1, 2022, to carry out the purposes of this subsection and section 1296, which, in consultation with the appropriate congressional committees and subject to the requirements under chapters 1 and 10 of part I and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), may include support for—

(i) enhancing preparedness in partner countries through implementation of the Global Health Security Strategy developed pursuant to subsection (b);

(ii) replenishing the Emergency Reserve Fund at USAID, established pursuant to section 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) to address new or emerging infectious disease threats, as necessary and appropriate;

(iii) United States contributions to the World Bank Health Emergency Preparedness and Response Multi-Donor Fund; and

(iv) United States contributions to a multilateral, catalytic financing mechanism for global health security and pandemic prevention and preparedness described in section 1296(b).

(B) EXCEPTION.—Section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) shall not apply to assistance made available pursuant to this subsection.

(e) RESILIENCE.—It shall be the policy of the United States to support the growth of healthier, more stable societies, while advancing the global health security interests of the United States by working with key stakeholders—

(1) in developing countries that are highly vulnerable to the emergence, reemergence, and spread of infectious diseases with pandemic potential, including disease outbreaks resulting from natural and manmade disasters, human displacement, loss of natural habitat, poor access to water, sanitation, and hygiene, and other political, security, economic, and climatic shocks and stresses;

(2) to develop effective tools to identify, analyze, forecast, and mitigate the risks that make such countries vulnerable;

(3) to better integrate short-, medium-, and long-term recovery efforts into global health emergency response and disaster relief; and

(4) to ensure that international assistance and financing tools are effectively designed, objectively informed, strategically targeted, carefully coordinated, reasonably adapted, and rigorously monitored and evaluated in a manner that advances the policy objectives under this subsection.

(f) STRENGTHENING HEALTH SYSTEMS.—

(1) STATEMENT OF POLICY.—It shall be the policy of the United States to ensure that bilateral global health assistance programs are effectively managed and coordinated to contribute to the strengthening of health systems in each country in which such programs are carried out, as necessary and appropriate for the purposes of achieving improved health outcomes.

(2) COORDINATION.—The Administrator of USAID shall work with the Global Malaria Coordinator and the United States Global AIDS Coordinator and Special Representative for Global Health Diplomacy at the Department of State, and, as appropriate, the Secretary of Health and Human Services, to identify areas of collaboration and coordination in countries with global health programs and activities undertaken by USAID pursuant to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25) and other relevant statutes to ensure that such activities contribute to health systems strengthening.

(3) PILOT PROGRAM .—

(A) IN GENERAL.—The Administrator of USAID should identify not fewer than 5 countries in which the United States has significant bilateral investments in global health to develop an integrated approach toward health systems strengthening that takes advantage of all sources of funding for global health in such country, with the aim of establishing an enduring model for coordinating health systems strengthening activities, including improving pandemic preparedness in additional countries in the future.

(B) ASSESSMENT.—In each of the countries selected under subparagraph (A), USAID missions, in consultation with USAID's Office of Health Systems, should conduct an assessment that—

(i) takes a comprehensive view of the constraints in the country's health system that prevent the achievement of desired outcomes of United States Government-supported health programs;

(ii) identifies the best opportunities for improving health systems to achieve improved outcomes, including obstacles to health service delivery;

(iii) maps the resources of the country and other donors in the health sector with a focus on investment in health system strengthening; and

(iv) develops, based on the results of the assessment described in clause (i), and implements a new or revised 5-year strategy for United States assistance to strengthen the country's health system that—

(I) provides a framework for implementing such strategy;

(II) identifies key areas for investments to strengthen the health system in alignment with other donors and achieve health outcomes beyond a single sector;

(III) specifies the anticipated role of health programs undertaken by each of the relevant Federal departments and agencies operating in the country in implementing such strategy;

(IV) includes clear goals, benchmarks, outputs, desired outcomes, a means of measuring progress and a cost analysis; and

(V) requires reporting by each Federal department and agency regarding their participation and contribution, including in the PEPFAR Annual Report to Congress.

(C) STRATEGIES TO STRENGTHEN HEALTH SYSTEMS.—USAID missions in countries identified pursuant subparagraph (A) should develop a strategy to strengthen health systems based on the assessment developed pursuant to subparagraph (B) that—

(i) ensures complementarity with priorities identified under any other action plan focused on strengthening a country's health system, such as the World Health Organization's Joint External Evaluation and National Action Plans for Health Security;

(ii) identifies bureaucratic barriers and inefficiencies, including poor linkages between government ministries and between ministries and donor agencies and the extent of any corruption, and identify actions to overcome such barriers;

(iii) identifies potential obstacles to the implementation of the strategy, such as issues relating to lack of political will, poor governance of an effective health system at all levels of the country's public health systems, especially with respect to governing bodies and councils at the provincial, district, and community levels, and the exclusion of women, minorities, other underserved groups, and frontline health workers in decision making;

(iv) includes proposals for mobilizing sufficient and durable financing for health systems;

(v) identifies barriers to building and retaining an effective frontline health workforce with key global health security capacities, informed by the International Health Regulations (2005), including—

(I) strengthened data collection and analysis;

(II) data driven decision making capacity;

(III) recommendations for partner country actions to achieve a workforce that conforms with the World Health Organization's recommendation for at least 44.5 doctors, nurses, and midwives and at least 15 paid, trained, equipped, and professionally supervised community health workers for every 10,000 people, while supporting proper distribution and high-quality job performance; and

(IV) inclusion of the community health workforce in planning for a resilient health system to ensure essential service delivery and pandemic response;

(vi) identifies deficiencies in information systems and communication technologies that prevent linkages at all levels of the health system delivery and medical supply systems and promotes interoperability across data systems with near real-time data, while protecting data security;

(vii) identifies weaknesses in supply chain and procurement systems and practices, and recommends ways to improve the efficiency, transparency, and effectiveness of such systems and practices;

(viii) identifies obstacles to health service access and quality and improved health outcomes for women and girls, and for the poorest and most vulnerable, including a lack of social support and other underlying causes, and recommendations for how to overcome such obstacles;

(ix) includes plans for integrating innovations in health technologies, services, and systems;

(x) identifies barriers to health literacy, community engagement, and patient empowerment, and recommendations for overcoming such barriers;

(xi) includes proposals for strengthening community health systems and the community-based health workforce informed by the World Health Organization guideline on health policy and system support to optimize community health worker programmes (2018), including the professionalization of community health workers;

(xii) describes the role of the private sector and nongovernmental health providers, including community groups engaged in health promotion and mutual assistance and other institutions engaged in health delivery, including the extent to which the local population utilizes such health services;

(xiii) facilitates rapid response during health emergencies, such as last mile delivery of vaccines to respond to and prevent the spread of infectious diseases with epidemic and pandemic potential; and

(xiv) ensures that relevant USAID missions and bureaus are appropriately staffed and resourced to carry out such activities efficiently, effectively, and in-line with best practices.

(D) CONSULTATION AND REPORTING REQUIREMENTS.—

(i) CONSULTATION.—In developing a strategy pursuant to subparagraph (C), each USAID mission should consult with a wide variety of stakeholders, including—

(I) relevant partner government institutions;

(II) professional associations;

(III) patient groups;

(IV) civil society organizations (including international nongovernmental organizations with relevant expertise in program implementation); and

(V) the private sector.

(ii) REPORTING.—Not later than 180 days after the date of the enactment of this Act, the Administrator of USAID and the United States Global AIDS Coordinator shall submit a report to the appropriate congressional committees detailing the progress of the pilot program authorized under this paragraph, including—

(I) progress made toward the integration and co-financing of health systems strengthening activities by USAID and the Office of the Global AIDS Coordinator; and

(II) the results of integrated efforts under this section, including for cross-cutting efforts to strengthen local health workforces.

(4) TECHNICAL CAPACITY.—

(A) IN GENERAL.—The Administrator of USAID shall ensure that USAID is sufficiently resourced and staffed to ensure performance, consistency, and adoption of best practices in USAID's health systems programs, including the pilot program authorized under paragraph (3).

(B) RESOURCES.—The Administrator of USAID and the United States Global AIDS Coordinator shall include detail in the fiscal year 2023 Congressional Budget Justification regarding health systems strengthening activities, including—

(i) the plans for, and the progress toward, reaching the capacity described in subparagraph (A);

(ii) the requirements for sustaining such capacity, including the resources needed by USAID; and

(iii) budget detail on the integration and joint funding of health systems capacity building, as appropriate.

(5) INTERNATIONAL EFFORTS.—The Secretary of State, in coordination with the Administrator of USAID and, as appropriate, the Secretary of Health and Human Services, should work with the Global Fund to Fight AIDS, Tuberculosis, and Malaria, Gavi, the Vaccine Alliance, bilateral donors, and other relevant multilateral and international organizations and stakeholders to develop—

(A) shared core indicators for strengthened health systems;

(B) agreements among donors that reporting requirements for health systems come from country systems to reduce the burden placed on partner countries;

(C) structures for joint assessments, plans, auditing, and consultations; and

(D) a regularized approach to coordination on health systems strengthening.

(6) PUBLIC PRIVATE PARTNERSHIPS TO IMPROVE HEALTH SYSTEMS STRENGTHENING.—The country strategies developed under paragraph (3)(C) should include a section that—

(A) discusses the role of the private sector (including corporate, local, and international organizations with relevant expertise); and

(B) identifies relevant opportunities for the private sector—

(i) to accelerate research and development of innovative health and information technology, and to offer training related to its use;

(ii) to contribute to improvements in health administration and management processes;

(iii) to improve system efficiency;

(iv) to develop training related to clinical practice guidelines; and

(v) to help countries develop systems for documenting outcomes and achievements related to activities undertaken to strengthen the health sector.

(7) AUTHORIZATION FOR USE OF FUNDS.—Amounts authorized to be appropriated or otherwise made available to carry out section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b) may be made available to carry out this subsection.

(g) ADDITIONAL AUTHORITIES.—

(1) FOREIGN ASSISTANCE ACT OF 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(A) in section 104(c)(1) (22 U.S.C. 2151b(c)(1)), by inserting ''(emphasizing health systems strengthening, as appropriate)'' after ''health services'';

(B) in section 104A (22 U.S.C. 2151b–2)—

(i) in subsection (b)(3)(D), by striking ''including health care systems, under other international donor support'' and inserting ''including through support for health systems strengthening, under other donor support''; and

(ii) in subsection (f)(3)(Q), by inserting ''the Office of the United States Global AIDS Coordinator, partner countries, and the Global Fund to Fight AIDS, Tuberculosis, and Malaria to ensure that their actions support the activities taken to strengthen the overall health systems in recipient countries, and efforts by'' after ''efforts by''; and

(C) in section 104B(g)(2) (22 U.S.C. 2151b–3(g)(2)), by inserting ''strengthening the health system of the country and'' after ''contribute to''.

(2) UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003.—Section 204(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7623(a)) is amended—

(A) in paragraph (1)(A), by inserting ''in a manner that is coordinated with, and contributes to, efforts through other assistance activities being carried out to strengthen national health systems and health policies'' after ''systems''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by inserting ''as part of a strategy to improve overall health'' before the semicolon at the end;

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

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

(iv) by adding at the end the following:

''(F) to contribute to efforts that build health systems capable of preventing, detecting and responding to HIV/AIDS, tuberculosis, malaria and other infectious diseases with pandemic potential.''.

(h) AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE COALITION FOR EPIDEMIC PREPAREDNESS INNOVATIONS.—

(1) IN GENERAL.—The United States is authorized to participate in the Coalition for Epidemic Preparedness Innovations (referred to in this subsection as ''CEPI'').

(2) INVESTORS COUNCIL AND BOARD OF DIRECTORS.—

(A) INITIAL DESIGNATION.—The President shall designate an employee of USAID to serve on the Investors Council and, if nominated, on the Board of Directors of CEPI, as a representative of the United States during the period beginning on the date of such designation and ending on September 30, 2022.

(B) ONGOING DESIGNATIONS.—The President may designate an employee of the relevant Federal department or agency with fiduciary responsibility for United States contributions to CEPI to serve on the Investors Council and, if nominated, on the Board of Directors of CEPI, as a representative of the United States.

(C) QUALIFICATIONS.—Any employee designated pursuant to subparagraph (A) or (B) shall have demonstrated knowledge and experience in the fields of development and public health, epidemiology, or medicine, from the Federal department or agency with primary fiduciary responsibility for United States contributions pursuant to paragraph (3).

(D) COORDINATION .—In carrying out the responsibilities under this subsection, an employee designated by the President to serve on the Investors Council or the Board of Directors, as applicable, shall coordinate with the Secretary of Health and Human Services to promote alignment, as appropriate, between CEPI and the strategic objectives and activities of the Secretary of Health and Human Services with respect to the research, development, and procurement of

medical countermeasures, consistent with titles III and XXVIII of the Public Health Service Act (42 U.S.C. 241 et seq. and 300hh et seq.).

(3) CONSULTATION.—Not later than 60 days after the date of the enactment of this Act, the employee designated pursuant to paragraph (2)(A) shall consult with the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives regarding—

(A) the manner and extent to which the United States plans to participate in CEPI, including through the governance of CEPI;

(B) any planned financial contributions from the United States to CEPI; and

(C) how participation in CEPI is expected to support—

(i) the United States Global Health Security Strategy required under this subtitle;

(ii) the applicable revision of the National Biodefense Strategy required under section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104); and

(iii) any other relevant programs relating to global health security and biodefense.

(4) UNITED STATES CONTRIBUTIONS.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the President, consistent with the provisions under section 10003(a)(1) of the American Rescue Plan Act of 2021, should make an immediate contribution to CEPI in the amount of $300,000,000, to expand research and development of vaccines to combat the spread of COVID–19 variants.

(B) NOTIFICATION.—Not later than 15 days before a contribution is made available pursuant to subparagraph (A), the President shall notify the appropriate congressional committees of the details of the amount, purposes, and national interests served by such contribution.

(i) INTELLIGENCE ASSESSMENTS REGARDING NOVEL DISEASES AND PANDEMIC THREATS.—

(1) DEFINED TERM.—In this subsection, the term ''appropriate committees of Congress'' means—

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

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

(C) the Committee on Health, Education, Labor, and Pensions of the Senate;

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

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

(F) the Committee on Energy and Commerce of the House of Representatives.

(2) INTELLIGENCE ASSESSMENTS.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 4 years, the National Intelligence Council shall submit to the appropriate committees of Congress an intelligence assessment regarding the risks posed to the national security interests of the United States by the emergence, reemergence, and overseas transmission of pathogens with pandemic potential.

(B) ELEMENTS.—The intelligence assessments submitted pursuant to subparagraph (A) shall—

(i) identify the countries or regions most vulnerable to the emergence or reemergence of a pathogen with pandemic potential, including the most likely sources and pathways of such emergence or reemergence, whether naturally occurring, accidental, or deliberate;

(ii) assess the likelihood that a pathogen described in clause (i) will spread to the United States, the United States Armed Forces, diplomatic or development personnel of the United States stationed abroad, or citizens of the United States living abroad in a manner that could lead to an epidemic in the United States or otherwise affect the national security or economic prosperity of the United States;

(iii) assess the preparedness of countries around the world, particularly those identified pursuant to clause (i), to prevent, detect, and respond to pandemic threats; and

(iv) identify any scientific, capacity, or governance gaps in the preparedness of countries identified pursuant to clause (i), including an analysis of the capacity and performance of any country or entity described in clause (iii) in complying with biosecurity standards, as applicable.

(3) CONGRESSIONAL BRIEFINGS.—The National Intelligence Council shall provide an annual briefing to the appropriate committees of Congress regarding—

(A) the most recent intelligence assessments submitted pursuant to paragraph (2)(A); and

(B) the emergence or reemergence of pathogens with pandemic potential that could lead to an epidemic described in paragraph (2)(A)(ii).

(4) PUBLIC AVAILABILITY.—The Director of National Intelligence shall make publicly available an unclassified version of each intelligence assessment submitted pursuant to paragraph (2)(A).

(j) PANDEMIC EARLY WARNING NETWORK.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of the other relevant Federal departments and agencies, shall work with the World Health Organization and other key stakeholders to establish or strengthen effective early warning systems, at the partner country, regional, and international levels, that utilize innovative information and analytical tools and robust review processes to track, document, analyze, and forecast infectious disease threats with epidemic and pandemic potential.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 4 years, the Secretary of State, in coordination with the Secretary of Health and Human Services and the heads of the other relevant Federal departments and agencies, shall submit a report to the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives that describes United States Government efforts and opportunities to establish or strengthen effective early warning systems to detect infectious disease threats internationally.

(k) INTERNATIONAL EMERGENCY OPERATIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that it is essential to enhance the capacity of key stakeholders to effectively operationalize early warning and execute multi-sectoral emergency operations during an infectious disease outbreak, particularly in countries and areas that deliberately withhold critical global health data and delay access during an infectious disease outbreak in advance of the next infectious disease outbreak with pandemic potential.

(2) PUBLIC HEALTH EMERGENCIES OF INTERNATIONAL CONCERN.—The Secretary of State, in coordination with the Secretary of Health and Human Services, should work with the World Health Organization and like-minded member states to adopt an approach toward assessing infectious disease threats under the International Health Regulations (2005) for the World Health Organization to identify and transparently communicate, on an ongoing basis, varying levels of risk leading up to a declaration by the Director General of the World Health Organization of a Public Health Emergency of International Concern for the duration and in the aftermath of such declaration.

(3) EMERGENCY OPERATIONS.—The Secretary of State and the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies, and consistent with the requirements under the International Health Regulations (2005) and the objectives of the World Health Organization's Health Emergencies Programme, the Global Health Security Agenda, and national actions plans for health security, shall work, in coordination with the World Health Organization, with partner countries and other key stakeholders to support the establishment, strengthening, and rapid response capacity of global health emergency operations centers, at the partner country and international levels, including efforts—

(A) to collect and share public health data, assess risk, and operationalize early warning;

(B) to secure, including through utilization of stand-by arrangements and emergency funding mechanisms, the staff, systems, and resources necessary to execute cross-sectoral emergency operations during the 48-hour period immediately following an infectious disease outbreak with pandemic potential; and

(C) to organize and conduct emergency simulations.

SEC. 1296. FINANCING MECHANISM FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREVENTION AND PREPAREDNESS.

(a) ELIGIBLE PARTNER COUNTRY DEFINED.—In this section, the term ''eligible partner country'' means a country in which the Fund for Global Health Security and Pandemic Prevention and Preparedness to be established under subsection (b) may finance global health security and pandemic prevention and preparedness assistance programs under this subtitle based on the country's demonstrated—

(1) need, as identified through the Joint External Evaluation process, the Global Health Security Index classification of health systems, national action plans for health security, the World Organization for Animal Health's Performance of Veterinary Services evaluation, and other complementary or successor indicators of global health security and pandemic prevention and preparedness; and

(2) commitment to transparency, including—

(A) budget and global health data transparency;

(B) complying with the International Health Regulations (2005);

(C) investing in domestic health systems; and

(D) achieving measurable results.

(b) ESTABLISHMENT OF FUND FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREVENTION AND PREPAREDNESS.—

(1) NEGOTIATIONS FOR ESTABLISHMENT OF FUND FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREVENTION AND PREPAREDNESS.—The Secretary of State, in coordination with the USAID Administrator, the Secretary of Health and Human Services, and the heads of other relevant Federal departments and agencies, as necessary and appropriate, should seek to enter into negotiations with donors, relevant United Nations agencies, including the World Health Organization, and other key multilateral stakeholders, to establish—

(A) a multilateral, catalytic financing mechanism for global health security and pandemic prevention and preparedness, which may be known as the Fund for Global Health Security and Pandemic Prevention and Preparedness (referred to in this section as ''the Fund''), to address the need for and secure durable financing in accordance with the provisions of this subsection; and

(B) an Advisory Board to the Fund in accordance with subsection (e).

(2) PURPOSES.—The purposes of the Fund should be—

(A) to close critical gaps in global health security and pandemic prevention and preparedness; and

(B) to work with, and build the capacity of, eligible partner countries in the areas of global health security, infectious disease control, and pandemic prevention and preparedness, in a manner that—

(i) prioritizes capacity building and financing availability in eligible partner countries;

(ii) incentivizes countries to prioritize the use of domestic resources for global health security and pandemic prevention and preparedness;

(iii) leverages government, nongovernment, and private sector investments;

(iv) regularly responds to and evaluates progress based on clear metrics and benchmarks, such as the Joint External Evaluation and the Global Health Security Index;

(v) aligns with and complements ongoing bilateral and multilateral efforts and financing, including through the World Bank, the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, the Coalition for Epidemic Preparedness and Innovation, and Gavi, the Vaccine Alliance; and

(vi) helps countries accelerate and achieve compliance with the International Health Regulations (2005) and the fulfillment of the Global Health Security Agenda 2024 Framework not later than 5 years after the date on which the Fund is established, in coordination with the ongoing Joint External Evaluation national action planning process.

(3) EXECUTIVE BOARD.—

(A) IN GENERAL.—The Fund should be governed by a transparent and accountable body (referred to in this section as the ''Executive Board''), which should—

(i) function as a partnership with, and through full engagement by, donor governments, eligible partner countries, and independent civil society; and

(ii) be composed of not more than 20 representatives of governments, foundations, academic institutions, independent civil society, indigenous people, vulnerable communities, frontline health workers, and the private sector with demonstrated commitment to carrying out the purposes of the Fund and upholding transparency and accountability requirements.

(B) DUTIES.—The Executive Board should—

(i) be charged with approving strategies, operations, and grant making authorities in order to conduct effective fiduciary, monitoring, and evaluation efforts, and other oversight functions;

(ii) determine operational procedures such that the Fund is able to effectively fulfill its mission;

(iii) provide oversight and accountability for the Fund in collaboration with the Inspector General to be established pursuant to subsection (d)(5)(A)(i);

(iv) develop and utilize a mechanism to obtain formal input from eligible partner countries, independent civil society, and implementing entities relative to program design, review, and implementation and associated lessons learned; and

(v) coordinate and align with other multilateral financing and technical assistance activities, and with the United States and other nations leading outbreak prevention, preparedness, and response activities in partner countries, as appropriate.

(C) COMPOSITION.—The Executive Board should include—

(i) representatives of the governments of founding member countries who, in addition to the requirements under subparagraph (A), qualify based upon meeting an established initial contribution threshold, which should be not less than 10 percent of total initial contributions, and a demonstrated commitment to supporting the International Health Regulations (2005);

(ii) a geographically diverse group of members who—

(I) come from donor countries, eligible partner countries, academic institutions, independent civil society, including indigenous organizations, and the private sector; and

(II) are selected on the basis of their experience and commitment to innovation, best practices, and the advancement of global health security objectives;

(iii) representatives of the World Health Organization; and

(iv) the chair of the Global Health Security Steering Group.

(D) CONTRIBUTIONS.—Each government or private sector entity represented on the Executive Board should agree to make annual contributions to the Fund in an amount not less than the minimum determined by the Executive Board.

(E) QUALIFICATIONS.—Individuals appointed to the Executive Board should have demonstrated knowledge and experience across a variety of sectors, including human and animal health, agriculture, development, defense, finance, research, and academia.

(F) CONFLICTS OF INTEREST.—

(i) TECHNICAL EXPERTS.—The Executive Board may include independent technical experts who are not affiliated with, or employed by, a recipient country or organization.

(ii) MULTILATERAL BODIES AND INSTITUTIONS.—Executive Board members appointed pursuant to subparagraph (C)(iii) should be required to recuse themselves from matters presenting conflicts of interest, including financing decisions relating to such bodies and institutions.

(G) UNITED STATES REPRESENTATION.—

(i) FOUNDING MEMBER.—The Secretary of State should seek—

(I) to establish the United States as a founding member of the Fund; and

(II) to ensure that the United States is represented on the Executive Board by an officer or employee of the United States, who shall be appointed by the President.

(ii) EFFECTIVE AND TERMINATION DATES.—

(I) EFFECTIVE DATE.—This subparagraph shall take effect upon the date on which the Secretary of State certifies and submits to Congress an agreement establishing the Fund.

(II) TERMINATION DATE.—The membership established pursuant to clause (i) shall terminate upon the date of termination of the Fund.

(H) REMOVAL PROCEDURES.—The Fund should establish procedures for the removal of members of the Executive Board who—

(i) engage in a consistent pattern of human rights abuses;

(ii) fail to uphold global health data transparency requirements; or

(iii) otherwise violate the established standards of the Fund, including in relation to corruption.

(c) AUTHORITIES.—

(1) PROGRAM OBJECTIVES.—

(A) IN GENERAL.—In carrying out the purpose set forth in subsection (b), the Fund, acting through the Executive Board, should—

(i) develop grant making requirements to be administered by an independent technical review panel comprised of entities barred from applying for funding or support;

(ii) provide grants, including challenge grants, technical assistance, concessional lending, catalytic investment funds, and other innovative funding mechanisms, in coordination with ongoing bilateral and multilateral efforts, as appropriate—

(I) to help eligible partner countries close critical gaps in health security, as identified through the Joint External Evaluation process, the Global Health Security Index classification of health systems, and national action plans for health security and other complementary or successor indicators of global health security and pandemic prevention and preparedness; and

(II) to support measures that enable such countries, at the national and subnational levels, and in partnership with civil society and the private sector, to strengthen and sustain resilient health systems and supply chains with the resources, capacity, and personnel required to prevent, detect, mitigate, and respond to infectious disease threats, including the emergence or reemergence of pathogens, before they become pandemics;

(iii) leverage the expertise, capabilities, and resources of proven, existing agencies and organizations to effectively target and manage resources for impact, including through alignment with, and co-financing of, complementary programs, as appropriate and consistent with subparagraph (C); and

(iv) develop recommendations for a mechanism for assisting countries that are at high risk for the emergence or reemergence of pathogens with pandemic potential to participate in the Global Health Security Agenda and the Joint External Evaluations.

(B) ACTIVITIES SUPPORTED.—The activities to be supported by the Fund should include efforts—

(i) to enable eligible partner countries to formulate and implement national health security and pandemic prevention and preparedness action plans, advance action packages under the Global Health Security Agenda, and adopt and uphold commitments under the International Health Regulations (2005) and other related international health agreements and arrangements, as appropriate;

(ii) to support health security budget planning in eligible partner countries, including training in public financial management, budget and health data transparency, human resource information systems, and integrated and transparent budget and health data;

(iii) to strengthen the health workforce, including hiring, training, and deploying experts and other essential staff, including community health workers, to improve frontline prevention of, and monitoring and preparedness for, unknown, new, emerging, or reemerging pathogens, epidemics, and pandemic threats, including capacity to surge and manage additional staff during emergencies;

(iv) to improve the quality of community health worker programs as the foundation of pandemic preparedness and response through application of appropriate assessment tools;

(v) to improve infection prevention and control, the protection of healthcare workers, including community health workers, and access to water and sanitation within healthcare settings;

(vi) to combat the threat of antimicrobial resistance;

(vii) to strengthen laboratory capacity and promote biosafety and biosecurity through

the provision of material and technical assistance;

(viii) to reduce the risk of bioterrorism, the emergence, reemergence, or spread of zoonotic disease (whether through loss of natural habitat, the commercial trade in wildlife for human consumption, or other means), and accidental biological release;

(ix) to build technical capacity to manage, as appropriate, supply chains for applicable global health commodities through effective forecasting, procurement, warehousing, and delivery from central warehouses to points of service in both the public and private sectors;

(x) to enable bilateral, regional, and international partnerships and cooperation, including through pandemic early warning systems and emergency operations centers, to identify and address transnational infectious disease threats exacerbated by natural and man-made disasters, human displacement, and zoonotic infection;

(xi) to establish partnerships for the sharing of best practices and enabling eligible countries to meet targets and indicators under the Joint External Evaluation process, the Global Health Security Index classification of health systems, and national action plans for health security relating to the prevention, detection, and treatment of neglected tropical diseases;

(xii) to build the capacity of eligible partner countries to prepare for and respond to second order development impacts of infectious disease outbreaks and maintain essential health services, while accounting for the differentiated needs and vulnerabilities of marginalized populations, including women and girls;

(xiii) to develop and utilize metrics to monitor and evaluate programmatic performance and identify best practices, including in accordance with Joint External Evaluation benchmarks, Global Health Security Agenda targets, and Global Health Security Index indicators;

(xiv) to develop and deploy mechanisms to enhance and independently monitor the transparency and accountability of global health security and pandemic prevention and preparedness programs and data, in compliance with the International Health Regulations (2005), including through the sharing of trends, risks, and lessons learned;

(xv) to promote broad participation in health emergency planning and advisory bodies, including by women and frontline health workers;

(xvi) to develop and implement simulation exercises, produce and release after action reports, and address related gaps;

(xvii) to support countries in conducting Joint External Evaluations;

(xviii) to improve disease surveillance capacity in partner counties, including at the community level, such that those countries are better able to detect and respond to known and unknown pathogens and zoonotic infectious diseases; and

(xix) to support governments through coordinated and prioritized assistance efforts to prevent the emergence, reemergence, or spread of zoonotic diseases caused by deforestation, commercial trade in wildlife for human consumption, climate-related events, and unsafe interactions between wildlife, livestock, and people.

(C) IMPLEMENTATION OF PROGRAM OBJECTIVES.—In carrying out the objectives under subparagraph (A), the Fund should work to eliminate duplication and waste by upholding strict transparency and accountability standards and coordinating its programs and activities with key partners working to advance global health security and pandemic prevention and preparedness, including—

(i) governments, independent civil society, nongovernmental organizations, research and academic institutions, and private sector entities in eligible partner countries;

(ii) the pandemic early warning systems and international emergency operations centers to be established under subsections (j) and (k) of section 1295;

(iii) the World Health Organization;

(iv) the Global Health Security Agenda;

(v) the Global Health Security Initiative;

(vi) the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(vii) the United Nations Office for the Coordination of Humanitarian Affairs, UNICEF, and other relevant funds, programs, and specialized agencies of the United Nations;

(viii) Gavi, the Vaccine Alliance;

(ix) the Coalition for Epidemic Preparedness Innovations (CEPI);

(x) The World Organisation for Animal Health;

(xi) The United Nations Environment Programme;

(xii) Food and Agriculture Organization; and

(xiii) the Global Polio Eradication Initiative.

(2) PRIORITY.—In providing assistance under this section, the Fund should give priority to low-and lower middle income countries with—

(A) low scores on the Global Health Security Index classification of health systems;

(B) measurable gaps in global health security and pandemic prevention and preparedness identified under Joint External Evaluations and national action plans for health security;

(C) demonstrated political and financial commitment to pandemic prevention and preparedness; and

(D) demonstrated commitment to upholding global health budget and data transparency and accountability standards, complying with the International Health Regulations (2005), investing in domestic health systems, and achieving measurable results.

(3) ELIGIBLE GRANT RECIPIENTS.—Governments and nongovernmental organizations should be eligible to receive grants as described in this section.

(d) ADMINISTRATION.—

(1) APPOINTMENTS.—The Executive Board should appoint—

(A) an Administrator, who should be responsible for managing the day-to-day operations of the Fund; and

(B) an independent Inspector General, who should be responsible for monitoring grants implementation and proactively safeguarding against conflicts of interests.

(2) AUTHORITY TO ACCEPT AND SOLICIT CONTRIBUTIONS.—The Fund should be authorized to solicit and accept contributions from governments, the private sector, foundations, individuals, and nongovernmental entities.

(3) ACCOUNTABILITY; CONFLICTS OF INTEREST; CRITERIA FOR PROGRAMS.—As part of the negotiations described in subsection (b)(1), the Secretary of the State, consistent with paragraph (4), should—

(A) take such actions as are necessary to ensure that the Fund will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Fund, including the cost of administering the Fund;

(B) ensure there is agreement to put in place a conflict of interest policy to ensure fairness and a high standard of ethical conduct in the Fund's decision-making processes, including proactive procedures to screen staff for conflicts of interest and measures to address any conflicts, such as potential divestments of interests, prohibition from engaging in certain activities, recusal from certain decision-making and administrative processes, and representation by an alternate board member; and

(C) seek agreement on the criteria that should be used to determine the programs and activities that should be assisted by the Fund.

(4) SELECTION OF PARTNER COUNTRIES, PROJECTS, AND RECIPIENTS.—The Executive Board should establish—

(A) eligible partner country selection criteria, to include transparent metrics to measure and assess global health security and pandemic prevention and preparedness strengths and vulnerabilities in countries seeking assistance;

(B) minimum standards for ensuring eligible partner country ownership and commitment to long-term results, including requirements for domestic budgeting, resource mobilization, and co-investment;

(C) criteria for the selection of projects to receive support from the Fund;

(D) standards and criteria regarding qualifications of recipients of such support;

(E) such rules and procedures as may be necessary for cost-effective management of the Fund; and

(F) such rules and procedures as may be necessary to ensure transparency and accountability in the grant-making process.

(5) ADDITIONAL TRANSPARENCY AND ACCOUNTABILITY REQUIREMENTS.—

(A) INSPECTOR GENERAL.—

(i) IN GENERAL.—The Secretary of State shall seek to ensure that the Inspector General appointed pursuant to paragraph (1)—

(I) is fully enabled to operate independently and transparently;

(II) is supported by and with the requisite resources and capacity to regularly conduct and publish, on a publicly accessible website, rigorous financial, programmatic, and reporting audits and investigations of the Fund and its grantees; and

(III) establishes an investigative unit that—

(aa) develops an oversight mechanism to ensure that grant funds are not diverted to illicit or corrupt purposes or activities; and

(bb) submits an annual report to the Executive Board describing its activities, investigations, and results.

(ii) SENSE OF CONGRESS ON CORRUPTION.—It is the sense of Congress that—

(I) corruption within global health programs contribute directly to the loss of human life and cannot be tolerated; and

(II) in making financial recoveries relating to a corrupt act or criminal conduct under a grant, as determined by the Inspector General, the responsible grant recipient should be assessed at a recovery rate of up to 150 percent of such loss.

(B) ADMINISTRATIVE EXPENSES.—The Secretary of State shall seek to ensure the Fund establishes, maintains, and makes publicly available a system to track the administrative and management costs of the Fund on a quarterly basis.

(C) FINANCIAL TRACKING SYSTEMS.—The Secretary of State shall ensure that the Fund establishes, maintains, and makes publicly available a system to track the amount of funds disbursed to each grant recipient and sub-recipient during a grant's fiscal cycle.

(D) EXEMPTION FROM DUTIES AND TAXES.—The Secretary should ensure that the Fund adopts rules that condition grants upon agreement by the relevant national authorities in an eligible partner country to exempt from duties and taxes all products financed by such grants, including procurements by any principal or sub-recipient for the purpose of carrying out such grants.

(e) ADVISORY BOARD.—

(1) IN GENERAL.—There should be an Advisory Board to the Fund.

(2) APPOINTMENTS.—The members of the Advisory Board should be composed of—

(A) a geographically diverse group of individuals that includes representation from low- and middle-income countries;

(B) individuals with experience and leadership in the fields of development, global health, epidemiology, medicine, biomedical research, and social sciences; and

(C) representatives of relevant United Nations agencies, including the World Health Organization, and nongovernmental organizations with on-the ground experience in implementing global health programs in low and lower-middle income countries.

(3) RESPONSIBILITIES.—The Advisory Board should provide advice and guidance to the Executive Board of the Fund on the development and implementation of programs and projects to be assisted by the Fund and on leveraging donations to the Fund.

(4) PROHIBITION ON PAYMENT OF COMPENSATION.—

(A) IN GENERAL.—Except for travel expenses (including per diem in lieu of subsistence), no member of the Advisory Board should receive compensation for services performed as a member of the Board.

(B) UNITED STATES REPRESENTATIVE.—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board may not accept compensation for services performed as a member of the Board, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative's home or regular place of business in the performance of services for the Board.

(5) CONFLICTS OF INTEREST.—Members of the Advisory Board should be required to disclose any potential conflicts of interest prior to serving on the Advisory Board and, in the event of any conflicts of interest, recuse themselves from such matters during their service on the Advisory Board.

(f) REPORTS TO CONGRESS.—

(1) STATUS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the USAID Administrator, and the heads of other relevant Federal departments and agencies, shall submit a report to the appropriate congressional committees that describes the progress of international negotiations to establish the Fund.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the establishment of the Fund, and annually thereafter for the duration of the Fund, the Secretary of State, shall submit a report to the appropriate congressional committees regarding the administration of the Fund.

(B) REPORT ELEMENTS.—The report required under subparagraph (A) shall describe—

(i) the goals of the Fund;

(ii) the programs, projects, and activities supported by the Fund;

(iii) private and governmental contributions to the Fund; and

(iv) the criteria utilized to determine the programs and activities that should be assisted by the Fund, including baselines, targets, desired outcomes, measurable goals, and extent to which those goals are being achieved.

(3) GAO REPORT ON EFFECTIVENESS.—Not later than 2 years after the date on which the Fund is established, the Comptroller General of the United States shall submit a report to the appropriate congressional committees that evaluates the effectiveness of the Fund, including the effectiveness of the programs, projects, and activities supported by the Fund, as described in subsection (c)(1).

(g) UNITED STATES CONTRIBUTIONS.—

(1) IN GENERAL.—Subject to submission of the certification under this subsection, the President is authorized to make available for United States contributions to the Fund such funds as may be appropriated or otherwise made available for such purpose.

(2) NOTIFICATION.—The Secretary of State shall notify the appropriate congressional committees not later than 15 days in advance of making a contribution to the Fund, including—

(A) the amount of the proposed contribution;

(B) the total of funds contributed by other donors; and

(C) the national interests served by United States participation in the Fund.

(3) LIMITATION.—During the 5-year period beginning on the date of the enactment of this Act, a United States contribution to the Fund may not cause the cumulative total of United States contributions to the Fund to exceed 33 percent of the total contributions to the Fund from all sources.

(4) WITHHOLDINGS.—

(A) SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—If the Secretary of State determines that the Fund has provided assistance to a country, the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) has repeatedly provided support for acts of international terrorism, the United States shall withhold from its contribution to the Fund for the next fiscal year an amount equal to the amount expended by the Fund to the government of such country.

(B) EXCESSIVE SALARIES.—During the 5-year period beginning on the date of the enactment of this Act, if the Secretary of State determines that the salary of any individual employed by the Fund exceeds the salary of the Vice President of the United States for such fiscal year, the United States should withhold from its contribution for the next fiscal year an amount equal to the aggregate amount by which the salary of each such individual exceeds the salary of the Vice President of the United States.

(C) ACCOUNTABILITY CERTIFICATION REQUIREMENT.—The Secretary of State may withhold not more than 20 percent of planned United States contributions to the Fund until the Secretary certifies to the appropriate congressional committees that the Fund has established procedures to provide access by the Office of Inspector General of the Department of State, as cognizant Inspector General, the Inspector General of the Department of Health and Human Services, the Inspector General of USAID, and the Comptroller General of the United States to the Fund's financial data and other information relevant to United States contributions to the Fund (as determined by the Inspector General of the Department of State, in consultation with the Secretary of State).

(h) COMPLIANCE WITH THE FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2016.—Section 2(3) of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114–191; 22 U.S.C. 2394c note) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) the International Pandemic Preparedness and COVID-19 Response Act of 2021.''.

(i) PROHIBITION AGAINST UNITED STATES FOREIGN ASSISTANCE FOR THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—None of the assistance authorized to be appropriated under this subtitle may be made available to the Government of the People's Republic of China or to any entity owned or controlled by the Government of the People's Republic of China.

SA 4397. Mr. GRASSLEY 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. COMPTROLLER GENERAL REPORT ON ACTUAL COST OF CERTAIN NET ASSESSMENTS CONDUCTED BY THE OFFICE OF NET ASSESSMENT.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the results of an analysis of the actual cost of performance of net assessments conducted by the Office of Net Assessment of standing trends and future prospects of United States military capabilities and national potential in comparison with those of other countries or groups of countries so as to identify emerging or future threats or opportunities for the United States.

SA 4398. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. AUSTRALIA-UNITED STATES LEGISLATIVE EXCHANGE PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The People's Republic of China continues to assert its regional ambitions in the Indo-Pacific region.

(2) The ideological aims driving the Chinese Communist Party's foreign policy runs counter to aims of democracies such as the United States and its allies.

(3) Australia has been one of the United State's staunchest allies for well over 100 years. This ''Mateship'' began with the visit of the American Great White Fleet to Sydney Harbor in 1908. The budding relationship was soon sealed through American and Australian troops fighting and dying together in the World War I.

(4) Since the World War I, Australians and Americans—

(A) have supported each other in every major military conflict in which the United States was involved; and

(B) have mutually supported each another in intelligence-sharing.

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

(1) the United States must continue to build and maintain strong relationships with allies and partners in the Indo-Pacific region to successfully compete with the People's Republic of China;

(2) the Australia-United States relationship will continue to be vital throughout the 21st century and beyond to compete with and deter China;

(3) as the Australia-United States alliance evolves, it is vital to ensure that emerging leaders in both countries develop a deep understanding of their ally's view of the world; and

(4) exchange programs between key legislative national security staff from Congress and Australian Parliament will further bind our nations together.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—The Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, working through a designated nonprofit, such as a think tank, a foundation, or another suitable organization contracted by the Department of Defense competitive award process, shall work with the leaders of the Australian Parliament to establish the Australia-United States Legislative Exchange Program (referred to in this section as the ''Program'').

(2) PURPOSE.—The purpose of the Program shall be to coordinate annual 1 to 2 week legislative exchanges between United States congressional staff and the Australian parliamentary staff that focus on national security, foreign policy, and other issues of mutual interest between the 2 countries.

(3) SELECTION OF STAFF.—

(A) CONGRESSIONAL STAFF.—In carrying out the Program, the congressional leaders referred to in paragraph (1), in consultation with the head of the nonprofit designated pursuant to paragraph (1), shall jointly select a bipartisan, bicameral group of congressional staff for each exchange described in paragraph (2).

(B) PARLIAMENTARY STAFF.—It is the sense of Congress that leaders in the Australian Parliament will select a politically balanced group of Australian parliamentary staff who will participate in each exchange described in paragraph (2).

(4) VENUES.—The exchanges described in paragraph (2) shall take place primarily in Washington, D.C. and Canberra, Australia, but may include opportunities for staff—

(A) to engage in cultural immersion activities; and

(B) to tour other key regions in each country in accordance with the purposes of the Program.

(5) PROGRAM ACTIVITIES.—Program participants, while visiting the partner country, shall—

(A) meet with senior executive and legislative branch officials, think tank scholars, and nonprofit advocacy groups; and

(B) participate in specially designed courses covering the politics and foreign policy issues in such country with the intent to foster a deeper understanding of the political environment in which their counterparts operate.

(6) CONSULTATION.—In managing the Program on behalf of the congressional leaders referred to in paragraph (1), the head of the nonprofit designated pursuant to paragraph (1) shall consult with, and accepting guidance from, senior staff of the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives.

(7) ALUMNI NETWORK.—The head of the nonprofit designated pursuant to paragraph (1) shall establish an alumni network program, in cooperation with a representative of the Australian Parliament, that brings together past alumni of the program for special events or programs that provide for further exchanges and lasting relationships between policymakers and leaders in both countries.

SA 4399. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIV, add the following:

Subtitle D—Extraction and Processing of Defense Minerals in the United States

SEC. 1431. SHORT TITLE.

This subtitle may be cited as the ''Restoring Essential Energy and Security Holdings Onshore for Rare Earths Act of 2021'' or the ''REEShore Act of 2021''.

SEC. 1432. DEFINITIONS.

In this subtitle:

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

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

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

(2) DEFENSE MINERAL.—The term ''defense mineral'' has the meaning given the term ''critical mineral'' in section 7002(a) of the Energy Act of 2020 (division Z of Public Law 116–260; 30 U.S.C. 1606(a)).

(3) DEFENSE MINERAL PRODUCT.—The term ''defense mineral product'' means any product—

(A) formed or comprised of, or manufactured from, one or more defense minerals; and

(B) used in military defense technologies or other related applications.

SEC. 1433. REPORT ON ESTABLISHMENT OF STRATEGIC DEFENSE MINERAL AND DEFENSE MINERAL PRODUCTS RESERVE.

(a) FINDINGS.—Congress finds that the storage of substantial quantities of defense minerals and defense mineral products will—

(1) diminish the vulnerability of the United States to the effects of a severe supply chain interruption; and

(2) provide limited protection from the short-term consequences of an interruption in supplies of defense mineral products.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in procuring defense minerals and defense mineral products, the Secretary of Defense should prioritize procurement of defense minerals and defense mineral products from sources in the United States, including that are mined, produced, separated, and manufactured within the United States.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the United States Geologic Survey, and the Secretary of Defense shall jointly submit to the appropriate congressional committees a report describing—

(A) the strategic requirements of the United States regarding stockpiles of defense minerals and defense mineral products; and

(B) the requirements for such metals and products to support the United States for one year in the event of a supply disruption.

(2) CONSIDERATIONS.—In developing the report required by paragraph (1), the Secretary of the Interior and the Secretary of Defense shall take into consideration the needs of the Armed Forces of the United States, the defense industrial and technology sectors, and any places, organizations, physical infrastructure, or digital infrastructure designated as critical to the national security of the United States.

(d) REASSESSMENT OF REQUIREMENTS.—The Secretary of the Interior and the Secretary of Defense shall—

(1) jointly and continually reassess the strategic requirements described in paragraph (1) of subsection (c) and the considerations described in paragraph (2) of that subsection; and

(2) not less frequently than annually, submit to the appropriate congressional committees a report—

(A) on that reassessment; and

(B) describing any activities relating to the establishment or use of a strategic defense minerals and defense mineral products reserve during the preceding year.

SEC. 1434. REPORT ON DISCLOSURES CONCERNING DEFENSE MINERALS BY CONTRACTORS OF DEPARTMENT OF DEFENSE.

Not later than December 31, 2021, and annually thereafter, the Secretary of Defense, after consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Interior, shall submit to the appropriate congressional committees a report that includes—

(1) a disclosure, provided by a contractor to the Department of Defense, of any system with a defense mineral product that is a permanent magnet, including an identification of the country or countries in which—

(A) the defense minerals used in the magnet were mined;

(B) such defense minerals were refined into oxides;

(C) such defense minerals were made into metals and alloys; and

(D) the magnet was sintered or bonded and magnetized;

(2) if a contractor cannot make the disclosure described in paragraph (1) with respect to a magnet, an assessment of the effect of requiring the contractor to establish and implement an independently verifiable supply chain tracking system in order to provide that disclosure not later than 180 days after providing the magnet to the Department of Defense;

(3) an assessment of the extent of reliance by the United States on foreign countries, and especially countries that are not allies of the United States, for defense minerals;

(4) a determination with respect to which systems are of the greatest concern for interruptions of defense minerals supply chains; and

(5) any suggestions for legislation or funding that would mitigate supply chain security gaps.

SEC. 1435. PRODUCTION IN AND USES OF DEFENSE MINERALS BY UNITED STATES ALLIES.

(a) POLICY.—It shall be the policy of the United States to encourage countries that are allies of the United States to eliminate their dependence on non-allied countries for defense minerals to the maximum extent practicable.

(b) REPORT REQUIRED.—Not later than December 31, 2022, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report—

(1) describing in detail the discussions of such Secretaries with countries that are allies of the United States concerning supply chain security for defense minerals;

(2) assessing the likelihood of those countries discontinuing the use of defense minerals from the People's Republic of China or other countries that such Secretaries deem to be of concern; and

(3) assessing initiatives in other countries to increase defense mineral mining and production capabilities.

SA 4400. Mr. WICKER (for himself, Mr. CARDIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. TRANSNATIONAL REPRESSION ACCOUNTABILITY AND PREVENTION.

(a) SHORT TITLE.—This section may be cited as the ''Transnational Repression Accountability and Prevention Act of 2021'' or as the ''TRAP Act of 2021''.

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

(1) The International Criminal Police Organization (INTERPOL) works to prevent and fight crime through enhanced cooperation and innovation on police and security matters, including kleptocracy, counterterrorism, cybercrime, counternarcotics, and transnational organized crime.

(2) United States membership and participation in INTERPOL advances the national security and law enforcement interests of the United States related to combating kleptocracy, terrorism, cybercrime, narcotics, and transnational organized crime.

(3) Article 2 of INTERPOL's Constitution states that the organization aims ''[to] ensure and promote the widest possible mutual assistance between all criminal police authorities . . . in the spirit of the 'Universal Declaration of Human Rights' ''.

(4) Article 3 of INTERPOL's Constitution states that ''[i]t is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character''.

(5) These principles provide INTERPOL with a foundation based on respect for human rights and avoidance of politically motivated actions by the organization and its members.

(6) According to the Justice Manual of the United States Department of Justice, ''[i]n the United States, national law prohibits the arrest of the subject of a Red Notice issued by another INTERPOL member country, based upon the notice alone''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that some INTERPOL member countries have repeatedly misused INTERPOL's databases and processes, including Notice and Diffusion mechanisms, for activities of an overtly political or other unlawful character and in violation of international human rights standards, including making requests to harass or persecute political opponents, human rights defenders, or journalists.

(d) SUPPORT FOR INTERPOL INSTITUTIONAL REFORMS.—The Attorney General and the Secretary of State shall—

(1) use the voice, vote, and influence of the United States, as appropriate, within INTERPOL's General Assembly and Executive Committee to promote reforms aimed at improving the transparency of INTERPOL and ensuring its operation consistent with its Constitution, particularly articles 2 and 3, and Rules on the Processing of Data, including—

(A) supporting INTERPOL's reforms enhancing the screening process for Notices, Diffusions, and other INTERPOL communications to ensure they comply with INTERPOL's Constitution and Rules on the Processing of Data (RPD);

(B) supporting and strengthening INTERPOL's coordination with the Commission for Control of INTERPOL's Files (CCF) in cases in which INTERPOL or the CCF has determined that a member country issued a Notice, Diffusion, or other INTERPOL communication against an individual in violation of articles 2 or 3 of the INTERPOL Constitution, or the RPD, to prohibit such member country from seeking the publication or issuance of any subsequent Notices, Diffusions, or other INTERPOL communication against the same individual based on the same set of claims or facts;

(C) increasing, to the extent practicable, dedicated funding to the CCF and the Notices and Diffusions Task Force in order to further expand operations related to the review of requests for red notices and red diffusions;

(D) supporting candidates for positions within INTERPOL's structures, including the Presidency, Executive Committee, General Secretariat, and CCF who have demonstrated experience relating to and respect for the rule of law;

(E) seeking to require INTERPOL in its annual report to provide a detailed account, disaggregated by member country or entity of—

(i) the number of Notice requests, disaggregated by color, that it received;

(ii) the number of Notice requests, disaggregated by color, that it rejected;

(iii) the category of violation identified in each instance of a rejected Notice;

(iv) the number of Diffusions that it cancelled without reference to decisions by the CCF; and

(v) the sources of all INTERPOL income during the reporting period; and

(F) supporting greater transparency by the CCF in its annual report by providing a detailed account, disaggregated by country, of—

(i) the number of admissible requests for correction or deletion of data received by the CCF regarding issued Notices, Diffusions, and other INTERPOL communications; and

(ii) the category of violation alleged in each such complaint;

(2) inform the INTERPOL General Secretariat about incidents in which member countries abuse INTERPOL communications for politically motivated or other unlawful purposes so that, as appropriate, action can be taken by INTERPOL; and

(3) request to censure member countries that repeatedly abuse and misuse INTERPOL's red notice and red diffusion mechanisms, including restricting the access of those countries to INTERPOL's data and information systems.

(e) REPORT ON INTERPOL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and biannually thereafter for a period of 4 years, the Attorney General and the Secretary of State, in consultation with the heads of other relevant United States Government departments or agencies, shall submit to the appropriate committees of Congress a report containing an assessment of how INTERPOL member countries abuse INTERPOL Red Notices, Diffusions, and other INTERPOL communications for political motives and other unlawful purposes within the past three years.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A list of countries that the Attorney General and the Secretary determine have repeatedly abused and misused the red notice and red diffusion mechanisms for political purposes.

(B) A description of the most common tactics employed by member countries in conducting such abuse, including the crimes most commonly alleged and the INTERPOL communications most commonly exploited.

(C) An assessment of the adequacy of INTERPOL mechanisms for challenging abusive requests, including the Commission for the Control of INTERPOL's Files (CCF), an assessment of the CCF's March 2017 Operating Rules, and any shortcoming the United States believes should be addressed.

(D) A description of how INTERPOL's General Secretariat identifies requests for red notice or red diffusions that are politically motivated or are otherwise in violation of INTERPOL's rules and how INTERPOL reviews and addresses cases in which a member country has abused or misused the red notice and red diffusion mechanisms for overtly political purposes.

(E) A description of any incidents in which the Department of Justice assesses that United States courts and executive departments or agencies have relied on INTERPOL communications in contravention of existing law or policy to seek the detention of individuals or render judgments concerning their immigration status or requests for asylum, with holding of removal, or convention against torture claims and any measures the Department of Justice or other executive departments or agencies took in response to these incidents.

(F) A description of how the United States monitors and responds to likely instances of abuse of INTERPOL communications by member countries that could affect the interests of the United States, including citizens and nationals of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(G) A description of what actions the United States takes in response to credible information it receives concerning likely abuse of INTERPOL communications targeting employees of the United States Government for activities they undertook in an official capacity.

(H) A description of United States advocacy for reform and good governance within INTERPOL.

(I) A strategy for improving interagency coordination to identify and address instances of INTERPOL abuse that affect the interests of the United States, including international respect for human rights and fundamental freedoms, citizens and nationals of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully

present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(3) FORM OF REPORT.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex, as appropriate. The unclassified portion of the report shall be posted on a publicly available website of the Department of State and of the Department of Justice.

(4) BRIEFING.—Not later than 30 days after the submission of each report under paragraph (1), the Department of Justice and the Department of State, in coordination with other relevant United States Government departments and agencies, shall brief the appropriate committees of Congress on the content of the reports and recent instances of INTERPOL abuse by member countries and United States efforts to identify and challenge such abuse, including efforts to promote reform and good governance within INTERPOL.

(f) PROHIBITION REGARDING BASIS FOR EXTRADITION.—No United States Government department or agency may extradite an individual based solely on an INTERPOL Red Notice or Diffusion issued by another INTERPOL member country for such individual.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

(2) INTERPOL COMMUNICATIONS.—The term ''INTERPOL communications'' means any INTERPOL Notice or Diffusion or any entry into any INTERPOL database or other communications system maintained by INTERPOL.

SA 4401. Mr. THUNE (for Mr. ROUNDS (for himself, Ms. SINEMA, Mr. COTTON, Mr. CRAMER, Mr. KELLY, Mr. KING, Mr. PETERS, Ms. ROSEN, Mr. PORTMAN, Mr. BRAUN, and Mr. DAINES)) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. MCCAIN-MANSFIELD FELLOWSHIP PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''eligible individual'' means an individual who meets the eligibility criteria established under subsection (d)(1)(A);

(2) the term ''Program'' means the McCain-Mansfield Fellowship Program established under subsection (b); and

(3) the term ''Sergeant at Arms'' means the Sergeant at Arms and Doorkeeper of the Senate.

(b) ESTABLISHMENT.—Not later than December 31, 2023, and subject to the availability of appropriations, the Sergeant at Arms shall establish a fellowship program to be known as the McCain-Mansfield Fellowship Program for wounded or disabled veterans.

(c) FELLOWSHIPS.—Under the Program, an eligible individual may serve a 24-month fellowship in the office of a Senator.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Committee on Rules and Administration of the Senate shall promulgate regulations for the administration of the Program, including establishing the criteria for—

(A) eligibility to participate in a fellowship under the Program; and

(B) a method of prioritizing the assignment of fellowships to the offices of Senators under the Program, if the amount made available to carry out the Program for a fiscal year is not enough to provide fellowships in all offices requesting to participate in the Program for such fiscal year.

(2) PLACEMENT.—An eligible individual may serve in a fellowship under the Program at the office of a Senator in the District of Columbia or at a State office of the Senator.

(3) AUTHORITY FOR AGREEMENT.—The Sergeant at Arms may enter into an agreement with the Chief Administrative Officer of the House of Representatives for the joint operation of the Program, the Congressional Gold Star Family Fellowship Program established under House Resolution 107, 116th Congress, agreed to October 29, 2019, and the Wounded Warrior Fellowship Program carried out by the Chief Administrative Officer.

(e) EXCLUSION OF APPOINTEES FOR PURPOSES OF COMPENSATION LIMITS.—The compensation paid to any eligible individual serving in a fellowship under the Program in the office of a Senator shall not be included in the determination of the aggregate gross compensation for employees employed by the Senator under section 105(d)(1) of the Legislative Branch Appropriation Act, 1968 (20 U.S.C. 4575(d)(1)).

SA 4402. Mr. SULLIVAN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. REPORT ON ABILITY OF DEPARTMENT OF DEFENSE TO INTERDICT OR BLOCKADE CERTAIN VESSELS IN THE SOUTH AND EAST CHINA SEAS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the ability of the Department of Defense, in the event of hostilities between the United States and the People's Republic of China, to interdict or blockade civilian merchant shipping vessels transiting the South and East China Seas under the flag of the People's Republic of China.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of each of the following:

(A) The number of such vessels that transit the South and East China Seas annually.

(B) The annual percentage of trade by the People's Republic of China that is conducted through the South and East China Seas by such vessels.

(C) The maritime choke points in the South and East China Seas that are most important to the People's Republic of China.

(D) The capacity and capability of the Department—

(i) to execute a blockade of such vessels around maritime choke points in the South and East China Seas; and

(ii) to otherwise interdict such vessels.

(E) The manner in which the granting or rejection of basing, overflight, or transit rights by countries bordering the South and East China Seas would affect the ability of the Department to interdict or blockade such vessels.

(2) A description of any instance of Department-funded wargames in which the United States or the People's Republic of China initiated any type of blockade, including the lessons learned from any such instance and the views of the game participants.

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

SA 4403. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1264. CHINESE DEBT STUDY.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, working through the Under Secretary of State for Economic Affairs, shall direct each United States embassy to prepare a report outlining Chinese equity and assets within their respective countries of operation.

(b) CONTENTS.—Each report prepared pursuant to subsection (a) shall include, with respect to the indebted country—

(1) an assessment of the country's overall debt obligations to the People's Republic of China;

(2) a list of known infrastructure projects that are financed from capital provided by—

(A) the banking system of the People's Republic of China, including—

(i) policy banks, including—

(I) the China Development Bank;

(II) the Export-Import Bank of China; and

(III) the Agricultural Development Bank of China;

(ii) commercial banks owned by the Government of the People's Republic of China, including—

(I) the Bank of China;

(II) the Industrial and Commercial Bank of China;

(III) the Agricultural Bank of China;

(IV) the China Construction Bank; and

(V) the Bank of Communications Limited;

(iii) sovereign wealth funds, including—

(I) China Investment Corporation;

(II) China Life Insurance Company;

(III) China National Social Security Fund; and

(IV) the Silk Road Fund;

(iv) urban commercial banks; and

(v) rural financial institutions;

(B) international financing institutions, including—

(i) the World Bank Group;

(ii) the Asian Development Bank;

(iii) the Asian Infrastructure Investment Bank; and

(iv) the New Development Bank; and

(C) any other financial institution or entity the Secretary of State considers appropriate;

(3) an assessment of which known infrastructure projects included in the list described in paragraph (2) are projects under the Belt and Road Initiative;

(4) any domestic vulnerabilities that the debts referred to in paragraph (1) could exacerbate in such country;

(5) a list of collateral for debts incurred by Belt and Road Initiative projects described in paragraph (3); and

(6) a list of known assets in the country that are owned by entities controlled by the Government of the People's Republic of China, including telecommunications and critical infrastructure.

(c) SUBMISSION; COMPILATION.—

(1) STAFFING.—Each diplomatic post shall designate at least 1 employee—

(A) to monitor the investments of the entities referred to in subsection (b)(2); and

(B) to compile the reports required under subsection (a).

(2) SUBMISSION.—Not later than 120 days after receiving each directive described in subsection (a), the ambassador or chargé d'affaires of each embassy shall submit a report containing the information described in subsection (b) to the Under Secretary of State for Economic Growth.

(3) COMPILATION.—The Under Secretary of State for Economic Growth shall annually compile the information contained in the reports submitted pursuant to paragraph (2) to create a centralized database of information about Chinese capital investments in the developing world.

(d) NOTIFICATIONS; ANNUAL REPORT.—

(1) NOTIFICATIONS.—After the submission of the initial reports pursuant to subsection (c)(2), the Under Secretary of State for Economic Growth require that the employees designated under subsection (c)(1), under the supervision of the ambassador or chargé d'affaires of the diplomatic post to which they are assigned, to notify the Under Secretary not later than 30 days after the date on which the employee discovers that an entity referred to in subsection (b)(2) has made a new investment in an infrastructure project in the country in which such diplomatic post is located.

(2) ANNUAL REPORT.—The ambassador or chargé d'affaires of each embassy shall submit a holistic annual report to the Under Secretary of State for Economic Growth that contains information about all investments in infrastructure projects made in the country in which such embassy is located by any entity referred to in subsection (b)(2) during the 1-year period immediately preceding such submission.

(e) USE OF INFORMATION.—The Under Secretary of State for Economic Growth, in consultation with the Under Secretary of State for Political Affairs, shall utilize the information in the database compiled pursuant to subsection (c)(2) to provide guidance to the leadership and staff of relevant embassies to counter the influence of the People's Republic of China in the indebted countries.

SA 4404. Mr. KELLY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LAND TAKEN INTO TRUST FOR BENEFIT OF THE GILA RIVER INDIAN COMMUNITY.

(a) DEFINITIONS.—In this section:

(1) BLACKWATER TRADING POST LAND.—The term ''Blackwater Trading Post Land'' means the approximately 55.3 acres of land as depicted on the map that—

(A) is located in Pinal County, Arizona, and bordered by Community land to the east, west, and north and State Highway 87 to the south; and

(B) is owned by the Community.

(2) COMMUNITY.—The term ''Community'' means the Gila River Indian Community of the Reservation.

(3) MAP.—The term ''map'' means the map entitled ''Results of Survey, Ellis Property, A Portion of the West ½ of Section 12, Township 5 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona'' and dated October 15, 2012.

(4) RESERVATION.—The term ''Reservation'' means the land located within the exterior boundaries of the reservation created under sections 3 and 4 of the Act of February 28, 1859 (11 Stat. 401, chapter LXVI), and Executive orders of August 31, 1876, June 14, 1879, May 5, 1882, November 15, 1883, July 31, 1911, June 2, 1913, August 27, 1914, and July 19, 1915, and any other lands placed in trust for the benefit of the Community.

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

(b) LAND TAKEN INTO TRUST FOR BENEFIT OF THE GILA RIVER INDIAN COMMUNITY.—

(1) IN GENERAL.—The Secretary shall take the Blackwater Trading Post Land into trust for the benefit of the Community, after the Community—

(A) conveys to the Secretary all right, title, and interest of the Community in and to the Blackwater Trading Post Land;

(B) submits to the Secretary a request to take the Blackwater Trading Post Land into trust for the benefit of the Community;

(C) conducts a survey (to the satisfaction of the Secretary) to determine the exact acreage and legal description of the Blackwater Trading Post Land, if the Secretary determines a survey is necessary; and

(D) pays all costs of any survey conducted under subparagraph (C).

(2) AVAILABILITY OF MAP.—Not later than 180 days after the Blackwater Trading Post Land is taken into trust under paragraph (1), the map shall be on file and available for public inspection in the appropriate offices of the Secretary.

(3) LANDS TAKEN INTO TRUST PART OF RESERVATION.—After the date on which the Blackwater Trading Post Land is taken into trust under paragraph (1), the land shall be treated as part of the Reservation.

(4) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be allowed at any time on the land taken into trust under paragraph (1).

(5) DESCRIPTION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall cause the full metes-and-bounds description of the Blackwater Trading Post Land to be published in the Federal Register. The description shall, on publication, constitute the official description of the Blackwater Trading Post Land.

SA 4405. Mr. PETERS 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 XVI, insert the following:

SEC. 16___. PILOT PROGRAM ON PUBLIC-PRIVATE PARTNERSHIPS WITH INTERNET ECOSYSTEM COMPANIES TO DETECT AND DISRUPT ADVERSARY CYBER OPERATIONS.

(a) PILOT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall, acting through the Director of the Cybersecurity and Infrastructure Security Agency and in coordination with the Secretary of Defense and National Cyber Director, establish and commence a pilot program to assess the feasibility and advisability of entering into public-private partnerships with internet ecosystem companies to facilitate, within the bounds of the applicable provisions of law and companies' terms of service, policies, procedures, contracts, and other agreements, actions by such companies to discover and disrupt use of the platforms, systems, services, and infrastructure of such companies by malicious cyber actors.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—Under the pilot program required by subsection (a), the Secretary shall seek to enter into one or more public-private partnerships with internet ecosystem companies to facilitate actions as described in subsection (a).

(2) VOLUNTARY PARTICIPATION.—(A) Participation by an internet ecosystem company in a public-private partnership under the pilot program shall be voluntary.

(B) Participation by an internet ecosystem company in any activity under the pilot program set forth in subsection (c), or otherwise occurring under the pilot program, shall be voluntary.

(C) No funds appropriated by any Act may be used to direct, pressure, coerce, or otherwise require that any internet ecosystem company take any action on their platforms, systems, services, and infrastructure as part of this pilot program.

(c) AUTHORIZED ACTIVITIES.—In establishing and conducting the pilot program under subsection (a), the Secretary may—

(1) provide assistance to a participating company in developing effective know-your-customer processes and requirements;

(2) provide information, analytics, and technical assistance to improve the ability of participating companies to detect and prevent illicit or suspicious procurement, payment, and account creation on their own platforms, systems, services, or infrastructure;

(3) develop and socialize best practices for the collection, retention, and sharing of data by participating companies to support internet ecosystem company discovery of malicious cyber activity, investigations, and attribution on their own platforms, systems, services, or infrastructure;

(4) provide actionable, timely, and relevant information to participating companies, such as information about ongoing operations and infrastructure, threats, tactics, and procedures, and indicators of compromise, to enable such companies to detect and disrupt the use of their platforms, systems, services, and infrastructure by malicious cyber actors;

(5) provide recommendations for (but not design, develop, install, operate, or maintain) operational workflows, assessment and

compliance practices, and training that participating internet ecosystem companies can institute within their companies to reliably detect and disrupt the use of their platforms, systems, services, and infrastructure by malicious cyber actors;

(6) provide recommendations for accelerating, to the greatest extent practicable, the automation of existing or instituted operational workflows to operate at line-rate in order to enable real-time mitigation without the need for manual review or action;

(7) provide recommendations for (but not design, develop, install, operate, or maintain) technical capabilities to enable participating internet ecosystem companies to collect and analyze data on malicious activities occurring on their platforms, systems, services, and infrastructure to detect and disrupt operations of malicious cyber actors; and

(8) provide recommendations regarding relevant mitigations for suspected or discovered malicious cyber activity and thresholds for action.

(d) COMPETITION CONCERNS.—Consistent with section 1905 of title 18, United States Code, the Secretary shall ensure that any trade secret or proprietary information of a participating internet ecosystem company made known to the Federal Government pursuant to a public-private partnership under the pilot program remains private and protected unless explicitly authorized by the participating company.

(e) IMPARTIALITY.—In carrying out the pilot program under subsection (a), the Secretary shall not take any action that is intended primarily to advance the particular business interests of a given company but are otherwise authorized to take actions that advance the interests of the United States, notwithstanding differential impact or benefit to a given company's or given companies' business interests.

(f) RESPONSIBILITIES.—

(1) SECRETARY OF HOMELAND SECURITY.—The Secretary shall exercise primary responsibility for the pilot program required by subsection (a), organizing and directing authorized activities with participating Federal Government organizations and internet ecosystem companies to achieve the objectives of the pilot program.

(2) NATIONAL CYBER DIRECTOR.—The National Cyber Director shall support prioritization and cross-agency coordination for the pilot program required by subsection (a), including ensuring appropriate participation by participating agencies and the identification and prioritization of key private sector entities and initiatives for the pilot program.

(3) SECRETARY OF DEFENSE.—The Secretary of Defense shall provide support and resources to the pilot program required by subsection (a), including the provision of technical and operational expertise drawn from appropriate and relevant components of the Department of Defense, including the National Security Agency, United States Cyber Command, the Chief Information Officer, the Office of the Secretary of Defense, military department Principal Cyber Advisors, and the Defense Advanced Research Projects Agency.

(g) PARTICIPATION OF OTHER FEDERAL GOVERNMENT COMPONENTS.—The Secretary may invite to participate in the pilot program required by subsection (a) the heads of such departments or agencies as the Secretary considers appropriate.

(h) INTEGRATION WITH OTHER EFFORTS.—The Secretary shall ensure that the pilot program makes use of, builds upon, and, as appropriate, integrates with and does not duplicate other efforts of the Department of Homeland Security and the Department of Defense relating to cybersecurity, including the following:

(1) The Joint Cyber Defense Collaborative of the Cybersecurity and Infrastructure Security Agency.

(2) The Cybersecurity Collaboration Center and Enduring Security Framework of the National Security Agency.

(i) RULES OF CONSTRUCTION.—

(1) LIMITATION ON GOVERNMENT ACCESS TO DATA.—Nothing in this section authorizes sharing of information, including information relating to customers of internet ecosystem companies or private individuals, from an internet ecosystem company to an agency, officer, or employee of the Federal Government unless otherwise authorized by another provision of law and the Secretary shall ensure compliance with this subsection.

(2) STORED COMMUNICATIONS ACT.—Nothing in this section 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'').

(3) THIRD PARTY CUSTOMERS.—Nothing in this section shall be construed to require a third party, such as a customer or managed service provider of an internet ecosystem company, to participate in the pilot program.

(j) BRIEFINGS.—

(1) INITIAL.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall, in coordination with the Secretary of Defense and the National Cyber Director, brief the appropriate committees of Congress on the pilot program required by subsection (a).

(B) ELEMENTS.—The briefing required by subparagraph (A) shall include the following:

(i) The plans of the Secretary for the conduct of the pilot program under subsection (a).

(ii) Identification of key priorities for the pilot program.

(iii) Identification of any potential challenges in standing up the pilot program or impediments to private sector participation in the program, such as a lack of liability protection.

(iv) A description of the roles and responsibilities under the pilot program of each participating Federal entity.

(2) ANNUAL.—

(A) IN GENERAL.—Not later than two years after the date of the enactment of this Act, and annually thereafter for three years, the Secretary shall, in coordination with the Secretary of Defense and the National Cyber Director, brief the appropriate committees of Congress on the progress of the pilot program required by subsection (a).

(B) ELEMENTS.—Each briefing required by subparagraph (A) shall include the following:

(i) Recommendations for addressing relevant policy, budgetary, and legislative gaps to make the pilot program more effective.

(ii) Such recommendations as the Secretary may have for increasing private sector participation in the pilot program, such as providing liability protection.

(iii) A description of the challenges encountered in carrying out subsection (a), including any concerns expressed by private sector partners regarding participation in the pilot program.

(iv) The findings of the Secretary with respect to the feasibility and advisability of extending or expanding the pilot program

(v) Such other matters as the Secretary considers appropriate.

(k) TERMINATION.—The pilot program required by subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

(l) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Homeland Security and the Committee on Armed Services of the House of Representatives.

(2) The term ''internet ecosystem company'' means a business incorporated in the United States that provide cybersecurity services, internet service, content delivery services, Domain Name Service, cloud services, mobile telecommunications services, email and messaging services, internet browser services, or such other services as the Secretary determines appropriate for the purposes of the pilot program required by subsection (a).

(3) The term ''participating company'' means an internet ecosystem company that has entered into a public-private partnership with the Secretary under subsection (b).

(4) The term ''Secretary'' means the Secretary of Homeland Security.

SA 4406. Mrs. SHAHEEN (for herself, Mr. KELLY, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. ADDITIONAL VISAS UNDER AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended, in the matter preceding clause (i), by striking ''34,500'' and inserting ''38,500''.

SA 4407. Mrs. SHAHEEN (for herself, Mr. PORTMAN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1264. REPORTS ON JOINT STATEMENT OF THE UNITED STATES AND GERMANY ON SUPPORTING UKRAINE, EUROPEAN ENERGY SECURITY, AND CLIMATE GOALS.

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

(1) the United States remains opposed to the completion of the Nord Stream 2 pipeline, which threatens the energy security of many European allies;

(2) the United States is concerned by recent efforts by the Russian Federation to

weaponize gas supplies to advance its geopolitical agenda and exploit the vulnerabilities of Eastern European companies; and

(3) the Government of Germany must make every effort—

(A) to act upon all deliverables outlined in the joint statement reached between the United States and Germany on July 15, 2021;

(B) to apply sanctions with respect to the Russian Federation for any malign activity that weaponizes gas supplies to European allies; and

(C) to comply with the regulatory framework under the European Union's Third Energy Package with respect to Nord Stream 2.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter through September 30, 2023, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation of the United States-Germany climate and energy joint statement announced by the President on July 15, 2021.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of efforts undertaken by Germany to execute the elements of such joint statement, including efforts—

(i) to implement assistance programs that—

(I) support energy diversification in Ukraine; and

(II) commit funding to, and mobilize investments toward, sustainable energy;

(ii) to support Ukraine in negotiations with Gazprom to extend the current transit agreement; and

(iii) to engage more deeply in the Minsk Agreements and the Normandy Format for a political solution to the Russian Federation's illegal occupation of Crimea.

(B) An assessment of activities by the United States and Germany to advance and provide funding for the Three Seas Initiative.

(C) A description of any activity of, or supported by, the Government of the Russian Federation—

(i) to weaponize the gas supplies of the Russian Federation so as to exert political pressure upon any European country;

(ii) to withhold gas supplies for the purpose of extracting excessive profit over European customers; or

(iii) to seek exemption from the European Union's Third Energy Package regulatory framework.

SA 4408. Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. WARNER, Mr. RUBIO, Mr. RISCH, Mr. MENENDEZ, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1053 and insert the following:

SEC. 1053. ANOMALOUS HEALTH INCIDENTS.

(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the Department of Defense;

(B) the Department of State;

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

(D) the Department of Justice;

(E) the Department of Homeland Security; and

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

(b) ANOMALOUS HEALTH INCIDENTS INTERAGENCY COORDINATOR.—

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

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

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

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

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

(2) DESIGNATION OF AGENCY COORDINATION LEADS.—

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

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

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

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

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

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

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

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

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

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

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

(4) BRIEFINGS.—

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

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

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

(ii) an update on new or persistent incidents;

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the threat posed by anomalous health incidents;

(2) known defensive techniques; and

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

SA 4409. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 14106. OFFICE OF GLOBAL WOMEN'S ISSUES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Office of Global Women's Issues (referred to in this section as the ''Office'') in the Department of State (referred to in this section as the ''Department'') should—

(1) be headed by the Ambassador-at-Large for Global Women's Issues, who should be appointed by the President, by and with the advice and consent of the Senate;

(2) coordinate, under the direction of the Secretary of State (referred to in this section as the ''Secretary''), the United States foreign policy efforts to promote gender equality and the rights and empowerment of women and girls in United States diplomacy, partnerships, and programs;

(3) serve as the principal advisor to the Secretary regarding gender equality, women's and girls' empowerment, and violence against women and girls as a priority of United States foreign policy;

(4) represent the United States in diplomatic and multilateral fora on matters relevant to the status of women and girls;

(5) advise the Secretary and provide input on all activities, policies, programs, and funding relating to gender equality and the advancement of women and girls internationally for all bureaus and offices of the Department and in the international programs of all other Federal agencies;

(6) work to ensure that efforts to advance gender equality and women's and girls' empowerment are fully integrated into the programs, structures, processes, and capacities of all bureaus and offices of the Department and in the international programs of other Federal agencies; and

(7) conduct regular consultations with civil society organizations that are working to advance gender equality and empower women and girls internationally.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report or provide a briefing to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the efforts of the Office to carry out the duties described in subsection (a).

SA 4410. Mr. PETERS (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 356. DEPARTMENT OF DEFENSE TRANSPARENCY REGARDING RESEARCH RELATING TO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) support research efforts relating to perfluoroalkyl or polyfluoroalkyl substances; and

(2) establish practices to ensure the timely and complete dissemination of research findings and related data relating to perfluoroalkyl or polyfluoroalkyl substances to the general public.

(b) PUBLICATION OF INFORMATION.—Beginning not later than 30 days after the date of the enactment of this Act, Secretary of Defense shall publish on the publicly available website established under section 331(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note) timely and regularly updated information on the research efforts of the Department of Defense relating to perfluoroalkyl or polyfluoroalkyl substances, which shall include the following:

(1) A description of any research collaborations and data sharing by the Department with the Department of Veterans Affairs, the Agency for Toxic Substances and Disease Registry, or any other agency (as defined in section 551 title 5, United States Code), States, academic institutions, nongovernmental organizations, or any other entity.

(2) Regularly updated information on research projects supported or conducted by the Department of Defense pertaining to the development, testing, and evaluation of a fluorine-free firefighting foam or any other alternative to aqueous film forming foam that contains perfluoroalkyl or polyfluoroalkyl substances.

(3) Regularly updated information on research projects supported or conducted by the Department pertaining to the health effects of perfluoroalkyl or polyfluoroalkyl substances, including information relating to the impact of such substances on firefighters, veterans, and military families.

(4) Regularly updated information on research projects supported or conducted by the Department pertaining to treatment options for drinking water, surface water, ground water, and the safe disposal of perfluoroalkyl or polyfluoroalkyl substances.

(5) Budget information, including specific spending information for the research projects relating to perfluoroalkyl or polyfluoroalkyl substances that are supported or conducted by the Department.

(6) Such other matters as may be relevant to ongoing research projects supported or conducted by the Department to address the use of perfluoroalkyl or polyfluoroalkyl substances and the health effects of the use of such substances.

(c) DISAGGREGATION OF INFORMATION.—To the degree applicable, all of the information made published under subsection (b) shall be disaggregated by State, congressional district, component of the Department, military installation name, and military installation type.

(d) FORMAT.—The information published under subsection (b) shall be made available in a downloadable, machine-readable, open, and a user-friendly format.

(e) DEFINITIONS.—In this section:

(1) The term ''military installation'' includes active, inactive, and former military installations.

(2) The term ''perfluoroalkyl substance'' means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(3) The term ''polyfluoroalkyl substance'' means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

SA 4411. Mr. PETERS 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 XI, add the following:

SEC. 1110. WHISTLEBLOWER PROTECTIONS FOR EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Section 2105(c)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking ''or'' at the end; and

(2) by adding at the end the following:

''(F) alleged violations of paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of section 2302(b), which shall be received, investigated, adjudicated, and subject to judicial review under the procedures, legal burdens of proof, and remedies provided for under this title; or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2302(a)(2)(C) of title 5, United States Code, is amended in the matter preceding clause (i) by inserting ''and, in the case of an alleged prohibited personnel practice described under paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of subsection (b), a nonappropriated fund instrumentality under the jurisdiction of the Armed Forces,'' after ''Government Publishing Office,''.

(2) Section 1587 of title 10, United States Code, is repealed.

(3) The table of sections for chapter 81 of title 10, United States Code, is amended by striking the item relating to section 1587.

SA 4412. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPETITIVE STATUS FOR CERTAIN EMPLOYEES HIRED BY INSPECTORS GENERAL TO SUPPORT THE LEAD IG MISSION.

Section 8L(d)(5) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking ''a lead Inspector General for'' and inserting ''any Inspector General specified in subsection (c) for oversight of''; and

(2) in subparagraph (B), by striking ''2 years'' and inserting ''4 years''.

SA 4413. Mr. PETERS (for himself, Mr. TESTER, and Mr. DAINES) 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 V, insert the following:

SEC. _____. IMPROVING THE REVIEW OF DISCHARGES AND DISMISSALS.

(a) INTERAGENCY DISCHARGE REVIEW BOARD TASK FORCE.—Section 1553 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1)(A) There is hereby established a task force on the review of discharges and dismissals under this section.

''(B) The task force established by subparagraph (A) shall be known as the 'Interagency Discharge Review Board Task Force' (in this subsection the 'Task Force').

''(2) The Task Force shall be composed of the following:

''(A) The Assistant Secretary for Manpower and Reserve Affairs of each military department.

''(B) The Secretary of Veterans Affairs.

''(C) The Assistant Secretary of Defense for Health Affairs.

''(D) Such other persons as the Chairperson of the Task Force considers appropriate.

''(3) The Chairperson of the Task Force shall be the Deputy Under Secretary of Defense for Personnel and Readiness.

''(4)(A) The Task Force shall develop strategies to increase the efficacy of reviews of discharges and dismissals under this section.

''(B) In carrying out subparagraph (A), the Task Force shall analyze the following:

''(i) The structures and processes used under this section to review discharges and dismissals and how such structures and processes vary across the military services.

''(ii) Outreach procedures of the Department of Defense for members of the armed forces and veterans transitioning from service in the armed forces to civilian life.

''(iii) Decision notification policies of the boards established under this section.

''(iv) Department of Defense coordination protocols regarding matters relating to reviews of discharges and dismissals under this section with State veterans agencies, the Department of Veterans Affairs, the Department of Housing and Urban Development, the Department of Health and Human Services, and veterans service organizations.

''(v) Such other measures as the Task Force determines may be necessary to ensure continued modernization of the review of discharges and dismissals under section 1553 of title 10, United States Code.

''(5) In this subsection, the term 'veterans service organization' means an organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.''.

(b) ANNUAL REPORTS.—Section 1553 of such title, as amended by subsection (a), is further amended by adding at the end the following new subsection:

''(h)(1) Not later than 90 days after the end of each fiscal year, the task force established by subsection (g)(1) shall submit to the appropriate committees of Congress a report on the implementation of this section.

''(2) Each report submitted under paragraph (1) shall include the following:

''(A) A summary of the activities undertaken by the task force during the most recent fiscal year.

''(B) The number of motions or requests for review received during the last fiscal year by a board established under this section, disaggregated by military service.

''(C) The percentage of such motions and requests that resulted in a correction to upgrade the characterization of discharge or dismissal of a former member of the armed forces.

''(D) The average amount of time between a submittal of a motion or request described in subparagraph (A) and a final decision of a board with respect to the motion or request.

''(3) In this subparagraph, the term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

''(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.''.

(c) NOTICE.—Section 1553 of such title, as amended by subsections (a) and (b), is further amended by adding at the end the following new subsection:

''(i) NOTICE.—Not later than 30 days after the date on which a board established under this section reaches a final decision with respect to correcting a discharge or dismissal of a former member of the armed forces, the board shall transmit to the Secretary of Veterans Affairs, the State agency of the home of the former member (using the most current contract information available to the Secretary of Defense) that has a mission to serve veterans, any legal professional representing the former member, and the former member notice of such decision.''.

(d) PRESEPARATION COUNSELING.—Section 1142(b) of such title is amended by adding at the end the following new paragraph:

''(20) A description of the process for review under section 1553 of this title.''.

SA 4414. Mr. PETERS (for himself, Mr. TESTER, Mr. LANKFORD, Mr. MORAN, and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 576. RECORD OF MILITARY SERVICE FOR MEMBERS OF THE ARMED FORCES.

(a) STANDARD RECORD OF SERVICE REQUIRED.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1168 the following new sections:

''§ 1168a. Discharge or release: record of military service

''(a) RECORD OF SERVICE REQUIRED.—

''(1) IN GENERAL.—The Secretary of Defense shall establish and implement a standard record of military service for all members of the active and reserve components of the armed forces to encompass all duty under this title and titles 32, and 14.

''(2) DESIGNATION.—The record of service shall be known as the 'Certificate of Military Service'.

''(b) NATURE AND SCOPE.—The record of service required by subsection (a) shall—

''(1) consist of a standardized summary of the service on active duty, inactive duty, annual training, active duty for training, and State active duty in the armed forces of each member who serves in the armed forces;

''(2) be the same document for all members of the armed forces; and

''(3) replace and serve the same function as a discharge certificate or certificate of release from active duty for purposes of section 1168 of this title that is performed as of the date of the enactment of this Act by Department of Defense Form DD–214.

''(c) COORDINATION.—In carrying out this section, the Secretary of Defense shall coordinate with all applicable stakeholders, including the Secretary of Veterans Affairs, in order to ensure that the record of service required by subsection (a) serves as acceptable proof of military service for receipt of applicable benefits under the laws administered by such stakeholders.''.

(b) ISSUANCE TO MEMBERS OF RESERVE COMPONENTS.—Chapter 59 of such title, as amended by subsection (a), is further amended by inserting after section 1168a the following new section:

''§ 1168b. Record of military service: issuance to members of reserve components

''An up-to-date record of service (as provided for by section 1168a of this title) shall be issued to members of the reserve components of the armed forces as follows:

''(1) Upon permanent change to duty status (retirement, resignation, Expiration Term of Service, commissioning to officer/warrant officer, or permanent transfer to active duty).

''(2) Upon discharge or release from temporary active duty orders (minimum of 90 days on orders or 30 days for a contingency operation).

''(3) Upon promotion to each grade (starting at O–3 for commissioned officers, W–3 for warrant officers, and E–4 for enlisted members).

''(4) In the case of a member of the National Guard, upon any transfer to the National Guard of another State or territory (commonly referred to as an 'Interstate Transfer').''.

(c) CONFORMING AMENDMENTS RELATED TO CURRENT DISCHARGE CERTIFICATE AUTHORITIES.—

(1) IN GENERAL.—Subsection (a) of section 1168 of title 10, United States Code, is amended—

(A) by striking ''his discharge certificate or certificate of release from active duty, respectively, and his final pay'' and inserting ''the member's record or military service (as provided for by section 1168a of this title), and the member's final pay''; and

(B) by striking ''him or his'' and inserting ''the member or the member's''.

(2) HEADING AMENDMENT.—The heading of such section 1168 is amended to read as follows:

''§ 1168. Discharge or release from active duty: limitations; issuance of record of military service''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by striking the item relating to section 1168 and inserting the following new items:

''1168. Discharge or release from active duty: limitations; issuance of record of military service.

''1168a. Discharge or release: record of military service.

''1168b. Record of military service: issuance to members of reserve components.''.

SA 4415. Mr. PETERS (for himself, Mrs. BLACKBURN, Mr. TESTER, and Mr.

PADILLA) submitted an amendment intended to be proposed by him 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 VI, add the following:

SEC. 6___. REDUCED RETIREMENT ELIGIBILITY AGE FOR CERTAIN MEMBERS OF READY RESERVE CALLED TO ACTIVE DUTY FOR CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR (CBRN) RESPONSE MISSIONS.

Section 12731(f) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''or (3)'' after ''paragraph (2)'';

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) In the case of a person who as a member of the Ready Reserve performs active service described in subparagraph (B) after March 1, 2009, the eligibility age for purposes of subsection (a)(1) shall be reduced, subject to subparagraph (D), below 60 years of age by three months for each aggregate of 90 days on which such person performs such active service in any fiscal year after March 1, 2009. A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

''(B) Active service described in this subparagraph is service under a call to active duty authorized by the President or the Secretary of Defense under section 502(f) of title 32 with a chemical, biological, radiological, and nuclear (CBRN) response mission in the continental United States, including the Chemical, Biological, Radiological, Nuclear, and High Yield Explosive (CBRNE) Consequence Management Reaction Force (CCMRF)/Command and Control CBRN Response Element-Bravo (C2CRE-B) mission.

''(C) If a member described in subparagraph (A) is wounded or otherwise injured or becomes ill while serving on active duty pursuant to a call or order to active duty described in subparagraph (B), and the member is then ordered to active duty under section 12301(h)(1) of this title to receive medical care for the wound, injury, or illness, each day of active duty under that order for medical care shall be treated as a continuation of the original call or order to active duty for purposes of reducing the eligibility age of the member under this paragraph.

''(D) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).''; and

(4) in paragraph (4), as redesignated by paragraph (2), by inserting ''or (3)'' after ''paragraph (2)''.

SA 4416. Mr. COONS submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMMERCIALIZATION ACTIVITIES IN THE SBIR AND STTR PROGRAMS.

(a) IMPROVEMENTS TO COMMERCIALIZATION SELECTION.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (g)—

(i) in paragraph (4)(B)(i), by striking ''1 year'' and inserting ''180 days'';

(ii) in paragraph (11), by striking ''and'' at the end;

(iii) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(13) with respect to peer review carried out under the SBIR program, to the extent practicable, include in the peer review—

''(A) the likelihood of commercialization in addition to scientific and technical merit and feasibility; and

''(B) not less than 1 reviewer with commercialization expertise who is capable of assessing the likelihood of commercialization.'';

(B) in subsection (o)—

(i) in paragraph (4)(B)(i), by striking ''1 year'' and inserting ''180 days'';

(ii) in paragraph (15), by striking ''and'' at the end;

(iii) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(17) with respect to peer review carried out under the STTR program, to the extent practicable, include in the peer review—

''(A) the likelihood of commercialization in addition to scientific and technical merit and feasibility; and

''(B) not less than 1 reviewer with commercialization expertise who is capable of assessing the likelihood of commercialization.'';

(C) in subsection (cc)—

(i) by striking ''During fiscal years 2012 through 2022, the National Institutes of Health, the Department of Defense, and the Department of Education'' and inserting the following:

''(1) IN GENERAL.—During fiscal years 2022 through 2027, each Federal agency with an SBIR or STTR program''; and

(ii) by adding at the end the following:

''(2) LIMITATION.—The total value of awards provided by a Federal agency under this subsection in a fiscal year shall be—

''(A) except as provided in subparagraph (B), not more than 10 percent of the total funds allocated to the SBIR and STTR programs of the Federal agency during that fiscal year; and

''(B) with respect to the National Institutes of Health, not more than 15 percent of the total funds allocated to the SBIR and STTR programs of the National Institutes of Health during that fiscal year.

''(3) EXTENSION.—During fiscal years 2026 and 2027, each Federal agency with an SBIR or STTR program may continue phase flexibility as described in this subsection only if the reports required under subsection (tt)(1)(B) have been submitted to the appropriate committees.'';

(D) in subsection (hh)(2)(A)(i), by inserting ''application process and requirements'' after ''simplified and standardized''; and

(E) by adding at the end the following:

''(vv) TECHNOLOGY COMMERCIALIZATION OFFICIAL.—Each Federal agency participating in the SBIR or STTR program shall designate a Technology Commercialization Official in the Federal agency, who shall—

''(1) have sufficient commercialization experience;

''(2) provide assistance to SBIR and STTR program awardees in commercializing and transitioning technologies;

''(3) identify SBIR and STTR program technologies with sufficient technology and commercialization readiness to advance to Phase III awards or other non-SBIR or STTR program contracts;

''(4) coordinate with the Technology Commercialization Officials of other Federal agencies to identify additional markets and commercialization pathways for promising SBIR and STTR program technologies;

''(5) submit to the Administration an annual report on the number of technologies from the SBIR or STTR program that have advanced commercialization activities, including information required in the commercialization impact assessment under subsection (xx);

''(6) submit to the Administration an annual report on actions taken by the Federal agency, and the results of those actions, to simplify, standardize, and expedite the application process and requirements, procedures, and contracts as required under subsection (hh) and described in subsection (xx)(E); and

''(7) carry out such other duties as the Federal agency determines necessary.''.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives summarizing the metrics relating to and an evaluation of the authority provided under section 9(cc) of the Small Business Act, as amended by subsection (a), which shall include the size and location of the small business concerns receiving awards under the SBIR or STTR program.

(b) IMPROVEMENTS TO TECHNICAL AND BUSINESS ASSISTANCE; COMMERCIALIZATION IMPACT ASSESSMENT; PATENT ASSISTANCE.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by subsection (a), is amended—

(1) in subsection (q)—

(A) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by striking ''may enter into an agreement with 1 or more vendors selected under paragraph (2)(A)'' and inserting ''shall authorize recipients of awards under the SBIR or STTR program to select, if desired, commercialization activities provided under subparagraph (A), (B), or (C) of paragraph (2)''; and

(ii) by inserting '', cybersecurity assistance'' after ''intellectual property protections'';

(B) in paragraph (2), by adding at the end the following:

''(C) STAFF.—A small business concern may, by contract or otherwise, use funding provided under this section to hire new staff, augment staff, or direct staff to conduct or participate in training activities consistent with the goals listed in paragraph (1).'';

(C) in paragraph (3), by striking subparagraphs (A) and (B) and inserting the following:

''(A) PHASE I.—A Federal agency described in paragraph (1) shall authorize a recipient of a Phase I SBIR or STTR award to utilize not more than $6,500 per project, included as part of the award of the recipient or in addition to the amount of the award of the recipient as determined appropriate by the head of the Federal agency, for the services described in paragraph (1)—

''(i) provided through a vendor selected under paragraph (2)(A);

''(ii) provided through a vendor other than a vendor selected under paragraph (2)(A);

''(iii) achieved through the activities described in paragraph (2)(C); or

''(iv) provided or achieved through any combination of clauses (i), (ii), and (iii).

''(B) PHASE II.—A Federal agency described in paragraph (1) shall authorize a recipient of

a Phase II SBIR or STTR award to utilize not more than $50,000 per project, included as part of the award of the recipient or in addition to the amount of the award of the recipient as determined appropriate by the head of the Federal agency, for the services described in paragraph (1)—

''(i) provided through a vendor selected under paragraph (2)(A);

''(ii) provided through a vendor other than a vendor selected under paragraph (2)(A);

''(iii) achieved through the activities described in paragraph (2)(C); or

''(iv) provided or achieved through any combination of clauses (i), (ii), and (iii).''; and

(D) by adding at the end the following:

''(5) TARGETED REVIEW.—A Federal agency may perform targeted reviews of technical and business assistance funding as described in subsection (mm)(1)(F).''; and

(2) by adding at the end the following:

''(ww) I-CORPS PARTICIPATION.—

''(1) IN GENERAL.—Each Federal agency that is required to conduct an SBIR or STTR program with an Innovation Corps (commonly known as 'I-Corps') program shall—

''(A) provide an option for participation in an I-Corps teams course by recipients of an award under the SBIR or STTR program; and

''(B) authorize the recipients described in subparagraph (A) to use an award provided under subsection (q) to provide additional technical assistance for participation in the I-Corps teams course.

''(2) COST OF PARTICIPATION.—The cost of participation by a recipient described in paragraph (1)(A) in an I-Corps course may be provided by—

''(A) an I-Corps team grant;

''(B) funds awarded to the recipient under subsection (q);

''(C) the participating teams or other sources as appropriate; or

''(D) any combination of sources described in subparagraphs (A), (B), and (C).

''(xx) COMMERCIALIZATION IMPACT ASSESSMENT.—

''(1) IN GENERAL.—The Administrator shall coordinate with each Federal agency with an SBIR or STTR program to develop an annual commercialization impact assessment report of the Federal agency, which shall measure, for the 5-year period preceding the report—

''(A) for Phase II contracts—

''(i) the total amount of sales of new products and services to the Federal Government or other commercial markets;

''(ii) the total outside investment from partnerships, joint ventures, or other private sector funding sources;

''(iii) the total number of technologies licensed to other companies;

''(iv) the total number of acquisitions of small business concerns participating in the SBIR program or the STTR program that are acquired by other entities;

''(v) the total number of new spin-out companies;

''(vi) the total outside investment from venture capital or angel investments;

''(vii) the total number of patent applications;

''(viii) the total number of patents acquired;

''(ix) the year of first Phase I award and the total number of employees at time of first Phase I award;

''(x) the total number of employees from the preceding completed year; and

''(xi) the percent of revenue, as of the date of the report, generated through SBIR or STTR program funding;

''(B) the total number and value of subsequent Phase II awards, as described in subsection (bb), awarded for each particular project or technology;

''(C) the total number and value of Phase III awards awarded subsequent to a Phase II award;

''(D) the total number and value of non-SBIR and STTR program Federal awards and contracts; and

''(E) actions taken by the Federal agency, and the results of those actions, relating to developing a simplified and standardized application process and requirements, procedures, and model contracts throughout the Federal agency for Phase I, Phase II, and Phase III SBIR program awards in subsection (hh).

''(2) PUBLICATION.—A commercialization impact assessment report described in paragraph (1) of a Federal agency shall be—

''(A) included in the annual report of the Federal agency required under this section; and

''(B) published on the website of the Administration.

''(yy) PATENT ASSISTANCE.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'low bono services' means services provided at a reduced fee; and

''(B) the term 'USPTO' means the United States Patent and Trademark Office.

''(2) ASSISTANCE.—The Administrator shall enter into an interagency agreement with the USPTO to assist recipients of an award under the SBIR or STTR program (in this paragraph referred to as 'SBIR and STTR recipients') relating to intellectual property protection through—

''(A) track one processing, under which the USPTO may—

''(i) allocate—

''(I) not less than 5 percent or 500 track one requests, whichever is greater, per year to SBIR and STTR recipients on a first-come, first-served basis; and

''(II) not more than 2 track one requests to an individual SBIR and STTR recipient, to expedite final disposition on SBIR and STTR program patent applications; and

''(ii) waive the track one fee requirement for SBIR and STTR recipients; and

''(B) through the USPTO Patent Pro Bono Program, providing SBIR and STTR recipients—

''(i) pro bono services if the recipient—

''(I) had a total gross income of more than $150,000 but less than $5,000,000 in the preceding calendar year, and expects a total gross income of more than $150,000 but less than $5,000,000 in the current calendar year;

''(II) is not under any obligation to assign the rights to the invention to another entity other than the Federal Government; and

''(III) has not previously received USPTO pro bono or low bono services; or

''(ii) low bono services if the recipient—

''(I) had a total gross income of more than $5,000,000 but less than $10,000,000 in the preceding calendar year, and expects a total gross income of more than $5,000,000 but less than $10,000,000 in the current calendar year;

''(II) is not under any obligation to assign the rights to the invention to another entity other than the Federal Government; and

''(III) has not previously received USPTO pro bono or low bono services.

''(3) OUTREACH.—The Administrator shall coordinate with the USPTO to provide outreach regarding the pro se assistance program and scam prevention services of the USPTO.''.

SA 4417. Mr. RISCH (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Ukraine Security Partnership Act of 2021

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Ukraine Security Partnership Act of 2021''.

SEC. 1292. FINDINGS.

Congress makes the following findings:

(1) Throughout its history, Ukraine has experienced several long periods of occupation.

(2) Between 1919 and 1991, Ukraine was brutally ruled by the Soviet Union, whose policy of agricultural collectivization caused the Holodomor of 1932–1933, a man-made famine that resulted in the death of at least 3,000,000 Ukrainians by starvation.

(3) During the Nazi occupation of Ukraine accompanying World War II—

(A) approximately 3,500,000 Ukrainian civilians and 3,000,000 soldiers were killed; and

(B) approximately 1,500,000 Jews were massacred.

(4) Ukraine declared its independence from Moscow in 1991, after the collapse of the Soviet Union.

(5) In the 1994 Budapest Memorandum, the Russian Federation, the United States, and the United Kingdom pledged to ''respect the independence and sovereignty and the existing borders of Ukraine'' and ''refrain from the threat or use of force against the territorial integrity or political independence of Ukraine'' in exchange for Ukraine's surrender of its nuclear arsenal.

(6) From November 2004 through January 2005, thousands of Ukrainians took to the streets to peacefully protest electoral fraud and widespread corruption by the ruling elite in the 2004 Presidential election, successfully triggering a re-vote, in what became known as the Orange Revolution.

(7) During Ukraine's 2014 Revolution of Dignity, or Euromaidan, the pro-Russian government of President Viktor Yanukovych was forced to resign after thousands of Ukrainians peacefully protested Yanukovych's decision to reject a closer relationship with the European Union and his continued systemic corruption, and over 100 of those protestors were killed by violent government suppression.

(8) Fearful of Ukraine's strengthened pro-Western orientation after the Revolution of Dignity, the Government of the Russian Federation, in violation of international law and in contravention of its commitments in the Budapest Memorandum—

(A) sent undisclosed military personnel into Ukraine's Autonomous Republic of Crimea in February 2014 and has illegally occupied the Crimean Peninsula for the past seven years;

(B) sent covert, unmarked military personnel into the Ukrainian regions of Donetsk and Luhansk in April 2014, instigating and supporting a still-ongoing conflict that has cost nearly 14,000 lives; and

(C) provided the Buk missile system used by those Russia-led forces to shoot down Malaysian Airlines Flight 17 over eastern Ukraine in July 2014, killing all 298 passengers and crew on board.

(9) Under Russian control, Crimean authorities have kidnapped, imprisoned, and tortured Crimean Tatars, opposition figures, activists, and other minority populations, and have persecuted religious minorities by pressing false charges of terrorism and deregistering religious centers.

(10) In September 2014, in an attempt to stop the fighting that the Russian Federation had initiated in eastern Ukraine, France, Germany, Ukraine, the Russian Federation, the Organization for Security and Cooperation (OSCE), and Russia-led forces from eastern Ukraine signed the Minsk Protocol.

(11) In February 2015, after the failure of the initial Minsk Protocol, the Russian Federation committed to the Minsk II Agreement, the roadmap for resolving the conflict in eastern Ukraine, signed by the Governments of Ukraine, Russia, France, and Germany.

(12) Despite these agreements, the Government of the Russian Federation continues to violate Ukrainian sovereignty through—

(A) manipulation of Ukraine's dependence on Russian natural gas, including cutting off access in 2014, which deprived Ukraine of its energy supply and transit fees;

(B) espionage and clandestine assassinations on Ukrainian territory;

(C) continuous cyber warfare against the Government of Ukraine and Ukrainian businesses, such as the NotPetya hack in 2017; and

(D) seizure of Ukrainian property and citizens, including the November 2018 seizure in the Kerch Strait of three Ukrainian naval vessels and 24 Ukrainian officers on board those vessels.

(13) In July 2018, Secretary of State Michael R. Pompeo issued the Crimea Declaration and reiterated in February 2020 on the sixth anniversary of Russia's illegal occupation that ''Crimea is Ukraine''.

(14) On February 26, 2021 President Joseph R. Biden confirmed that Crimea is Ukraine and the United States does not and will never recognize Russia's purported annexation of the peninsula.

(15) Since April 2014, at least 4,100 Ukrainian soldiers have died fighting for their country against the Russian Federation and Russia-led forces, while no less than 3,361 civilians have perished as a result of that fighting.

(16) Despite Ukraine's tumultuous history and neighborhood, in under 30 years it has risen from the collapse of the Soviet Union to become a developing democracy, steadily working to overcome its Soviet legacy of oppression, oligarchic control, and corruption.

(17) Running on a strong anti-corruption platform, Volodymyr Zelensky won the 2019 presidential election with 73 percent of the vote, and his political party, Servant of the People, won a parliamentary majority in the Ukrainian parliament.

(18) The OSCE confirmed the 2019 elections were ''competitive and fundamental freedoms were generally respected''.

(19) In March and April 2021, the Russian Federation amassed over 75,000 troops on its border with the Eastern Ukraine and in the occupied territory of Crimea.

(20) Since 2014, the Government of Ukraine has made difficult and substantial reforms in an effort to address corruption and more closely align with the West, such as slimming and decentralizing its bureaucracy, removing immunity from prosecution for Members of Parliament, reforming its gas, pension, and procurement systems, and working to adapt its military to the standards of the North Atlantic Treaty Organization (NATO).

(21) Despite progress in reforming many areas of Ukrainian governance, serious issues still remain, particularly in the areas of corruption and rule of law.

(22) The United States Government has consistently supported Ukraine's democratic transition and its fight against Russia-led forces by assisting its governance reform efforts, maintaining robust and coordinated sanctions against the Russian Federation alongside the European Union, and providing the Ukrainian military with training and equipment, including lethal defensive weaponry.

(23) In addition to the United States, the European Union, European countries, and Canada have provided substantial diplomatic, monetary, and military support for Ukraine's democratic transition and its fight against Russia-led forces in eastern Ukraine, and also have implemented and maintained robust sanctions regimes against the Russian Federation for its illegal occupation of Crimea and its active destabilization of Ukraine.

(24) the Government of Ukraine has steadfastly supported the United States and European allies by deploying troops to Iraq, Afghanistan, and NATO's Kosovo Force (KFOR), allowing United States military planes to refuel on Ukrainian soil, and trading billions of dollars' worth of goods and services with the United States.

(25) NATO has recently decided to include Ukraine in its Enhanced Opportunities Partnership in recognition of Ukraine's contributions to NATO missions and efforts to reform its military in line with NATO standards.

(26) Since the Russian Federation's 2014 invasion of Ukraine, the United States Congress has demonstrated its support for Ukraine through the passage of legislation, including the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (Public Law 113–95; 22 U.S.C. 8901 et seq.), the Ukraine Freedom Support Act (Public Law 113–272; 22 U.S.C. 8921 et seq.), the Ukraine Security Assistance Initiative established under section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068), the Countering America's Adversaries Through Sanctions Act (Public Law 115–44), and the Protecting Europe's Energy Security Act of 2019 (Public Law 116–92, title LXXV), and the United States Congress continues to demonstrate strong support for assisting Ukraine in defending itself and deterring Russia.

SEC. 1293. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Ukraine stands as a bulwark against the malign influence of the Russian Federation in Europe, and robust United States support for Ukraine is vital to United States national security and demonstrates the commitment of the United States to upholding a free and open international order;

(2) since Ukraine's independence in 1991, the Government and people of Ukraine have made significant strides towards improved governance, rule of law, anti-corruption measures, and economic reforms;

(3) Ukraine's long-term viability is directly connected to its efforts to reduce corruption and build strong democratic institutions that are able to defend against internal and external corrupt actors;

(4) the efforts and sacrifices of Ukrainian citizens to determine their own fate after centuries of oppression, through democratic representation and governance reforms, is evidence of that country's dedication to a free, independent, and democratic future;

(5) Ukraine has proven itself to be a valuable security partner of the United States, not simply a recipient of assistance;

(6) it is in the national security interests of the United States to continue and deepen its security partnership with Ukraine, including through the provision of both lethal and non-lethal assistance;

(7) the United States should continue to place policy-based conditions on Ukraine's receipt of financial and military assistance, as that mechanism has proven effective in incentivizing reforms in Ukraine;

(8) the United States should use its voice and vote at NATO to encourage the adoption of a policy by the Alliance that all of its member states will refuse to recognize the illegal attempted annexation of Crimea by the Russian Federation;

(9) the United States should support at the highest level and take an active part in the Ukrainian ''Crimean Platform'' initiative to ensure that the international community's attention remains focused on—

(A) the unacceptable violation of Ukraine's territorial integrity in Crimea; and

(B) working towards the reversal of such violation;

(10) the United States should continue to bolster the capacity of the Ukrainian Navy as it strives to fulfill the goals it set out in its ''Strategy of the Naval Forces of the Armed Forces of Ukraine 2035'';

(11) the military-focused technical, training, maintenance, and logistical assistance provided by the United States to Ukraine is as essential as the military hardware provided to the country;

(12) all security assistance provided to Ukraine should continue to be subject to rigorous vetting requirements under section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) and security cooperation under section 362 of title 10, United States Code, including assistance provided to units in the National Guard of Ukraine as well as all units falling under the authority of the Ministry of Defense;

(13) the Office of Defense Cooperation at the United States Embassy in Ukraine should be fully staffed with officers who serve three-year terms in order to administer the security assistance being provided to the country;

(14) the Secretary of Defense should conduct an assessment of the staffing resources of the Office of Defense Cooperation and strongly consider providing additional staff to the Office of Defense Cooperation in Ukraine;

(15) the United States should continue to support Ukraine's NATO aspirations, including through work towards a Membership Action Plan;

(16) the enduring partnership between the United States and Ukraine, including bipartisan support for a sovereign, democratic, and whole Ukraine through political, monetary, and military assistance, remains strong and must continue to be reaffirmed; and

(17) the United States should continue to strongly support Ukraine's ambitions to join the Euro-Atlantic community of democracies.

SEC. 1294. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to refuse to recognize the attempted annexation of Crimea by the Russian Federation, an action that was taken in contravention of international law;

(2) to utilize existing sanctions and other authorities to deter malign actions by the Russian Federation in or intended to harm Ukraine, including the mandates and authorities codified by—

(A) the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9401 et seq.); and

(B) the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note);

(3) to work with our European allies to coordinate strategies to curtail Russian malign influence in Ukraine;

(4) to work with our allies and partners to conduct more frequent multinational freedom of navigation operations in the Black Sea in order to demonstrate support for Ukraine's internationally-recognized maritime boundaries, to safeguard the unimpeded

traffic of lawful commerce, and to push back against excessive Russian Federation claims of sovereignty;

(5) to work with our allies and partners to demonstrate support for Ukraine's territorial integrity, including its internationally-recognized land borders; and

(6) to support democratic, economic, and anti-corruption reforms in Ukraine and the country's integration into Euro-Atlantic institutions.

SEC. 1295. STRATEGY ON UNITED STATES DIPLOMATIC SUPPORT FOR UKRAINE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report with a strategy on how the United States will work to diplomatically support Ukraine during fiscal years 2022 through 2026.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of how relevant departments and agencies of the United States Government will work together to collectively support efforts by the Government of Ukraine to deter Russian aggression in the form of military incursions, cyber attacks, the coercive use of energy resources, the disruption of lawful commerce and traffic to Ukrainian ports, use of passportization, and efforts to corrupt the Ukrainian political and economic systems.

(2) A description of the United States' current efforts and strategy to support Ukrainian diplomatic initiatives when they align with United States interests.

(3) A strategy on how the United States will use its voice and vote at the United Nations, OSCE, Council of Europe, NATO, and other relevant international bodies to support Ukraine and its reform efforts.

(4) A strategy on how the United States will assist Ukraine in bolstering its diplomatic, economic, energy, and maritime relationships with key Black Sea countries, including Bulgaria, Romania, Turkey, and Georgia.

(5) A strategy on how the United States will engage with Germany, France, Ukraine, and Russia to advance the Normandy Format and Minsk Agreements.

(6) An assessment of Ukraine's recent progress on anti-corruption reforms and a strategy on how the United States will work with allies to continue to engage Ukraine to ensure meaningful progress on democratic, economic, and anti-corruption reforms.

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

SEC. 1296. UNITED STATES-EUROPE WORKING GROUP ON UKRAINE.

(a) IN GENERAL.—The Secretary of State should seek to establish a United States-Europe Working Group on Ukraine.

(b) REPRESENTATION.—The United States-Europe Working Group on Ukraine should include high-level representatives from the European Union, its institutions, and relevant European governments, as appropriate, to jointly prioritize, evaluate and coordinate economic and policy reform assistance and support for Ukraine.

(c) TERMINATION.—The authorities authorized under this section shall terminate on September 30 of the fifth fiscal year beginning after the date of the enactment of this Act.

SEC. 1297. SPECIAL ENVOY FOR UKRAINE.

(a) ESTABLISHMENT.—The President should appoint, by and with the consent of the Senate, a Special Envoy for Ukraine, who should report to the Assistant Secretary of State for Europe and Eurasia.

(b) RANK.—The Special Envoy for Ukraine shall have the rank and status of ambassador.

(c) RESPONSIBILITIES.—The Special Envoy for Ukraine should—

(1) serve as the United States liaison to the Normandy Format, tasked with leading the peace process between Ukraine and the Russian Federation;

(2) facilitate diplomatic outreach to and dialogue with countries in the Black Sea region that, like Ukraine, are faced with the impact of Russia's growing militarization of the Sea;

(3) coordinate closely with the Chief of Mission in Ukraine;

(4) coordinate with the United States-Europe Working Group on Ukraine established pursuant to section 1296;

(5) coordinate with the OSCE Special Monitoring Mission to Ukraine; and

(6) provide the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regular updates and briefings on the status of peace negotiations.

(d) TERMINATION.—The Special Envoy for Ukraine position authorized under subsection (a) shall terminate 5 years after the date of the enactment of this Act.

SEC. 1298. FOREIGN MILITARY FINANCING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State for each of fiscal years 2022 through 2026 $300,000,000 for Foreign Military Financing (FMF) assistance to Ukraine to assist the country in meeting its defense needs.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for each fiscal year pursuant to subsection (a), not more than $150,000,000 shall be made available until the Secretary of State makes the certification described in paragraph (2) for such fiscal year, including a detailed explanation justifying the certification with respect to each of the categories listed in subparagraphs (A) through (G) of such paragraph. The certification shall be submitted to the appropriate congressional committees in unclassified form, but may contain a classified annex.

(2) CERTIFICATION.—The certification described in this paragraph is a certification by the Secretary of State, in coordination with the Secretary of Defense, that the Government of Ukraine has taken actions to—

(A) make defense institutional reforms, in accordance with NATO standards;

(B) further strengthen civilian control of the military;

(C) reform its state-owned arms production sector;

(D) increase transparency and accountability in defense procurement;

(E) respect Verkhovna Rada efforts to exercise oversight of the Ministry of Defense and military forces;

(F) promote respect for the observation of human rights as enshrined in the requirements of section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) within the security forces of Ukraine; and

(G) support the work of Ukraine's anti-corruption bodies, including the High Anti-Corruption Court, National Anti-Corruption Bureau, and the Special Anti-Corruption Prosecutor's Office.

(c) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or support pursuant to subsection (a), the Secretary of State shall submit to the appropriate congressional committees a notification containing the following:

(1) A detailed description of the assistance or support to be provided, including—

(A) the objectives of such assistance or support;

(B) the budget for such assistance or support; and

(C) the expected or estimated timeline for delivery of such assistance or support.

(2) A description of such other matters as the Secretary considers appropriate.

(d) SENSE OF CONGRESS.—It is the sense of Congress that assistance provided under this section should—

(1) prioritize the procurement of vessels for the Ukrainian Navy and other articles that bolster the capacity of the Ukrainian Navy to counter Russian maritime aggression and maintain the freedom of innocent passage throughout the Black Sea; and

(2) ensure adequate planning for maintenance for any equipment provided.

(e) AUTHORITY TO PROVIDE LETHAL ASSISTANCE.—The Secretary of State is authorized to provide lethal assistance under this section, including anti-armor weapon systems, mortars, crew-served weapons and ammunition, grenade launchers and ammunition, anti-tank weapons systems, anti-ship weapons systems, anti-aircraft weapons systems, and small arms and ammunition.

SEC. 1299. EXPEDITED EXCESS DEFENSE ARTICLES TRANSFER PROGRAM.

During fiscal years 2022 through 2026, the delivery of excess defense articles to Ukraine shall be given the same priority as that given other countries and regions under section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

SEC. 1299A. STRATEGY ON EXCESS DEFENSE ARTICLES FROM ALLIES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a classified strategy on how the United States will encourage third countries to donate excess defense equipment to Ukraine.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A listing of all friendly and allied nations that have excess defense material that may be compatible with the needs and systems utilized by the Armed Forces of Ukraine.

(2) A description of the diplomatic efforts undertaken by the United States Government to encourage allied nations to donate their excess defense articles to Ukraine on an expedited basis.

SEC. 1299B. IMET COOPERATION WITH UKRAINE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State $4,000,000 for each of fiscal years 2022 through 2026 for International Military Education and Training (IMET) assistance for Ukraine. The assistance shall be made available for the following purposes:

(1) Training of future leaders.

(2) Fostering a better understanding of the United States.

(3) Establishing a rapport between the United States Armed Forces and Ukraine's military to build partnerships for the future.

(4) Enhancement of interoperability and capabilities for joint operations.

(5) Focusing on professional military education, civilian control of the military, and human rights.

(b) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or support pursuant to subsection (a), the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification containing the following elements:

(1) A detailed description of the assistance or support to be provided, including—

(A) the objectives of such assistance or support;

(B) the budget for such assistance or support; and

(C) the expected or estimated timeline for delivery of such assistance or support.

(2) A description of such other matters as the Secretary considers appropriate.

SEC. 1299C. STRATEGY ON IMET PROGRAMMING IN UKRAINE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Ukraine should fully utilize the United States IMET program, encourage eligible officers and civilian leaders to participate in the training, and promote successful graduates to positions of prominence in the Ukrainian Armed Forces.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a strategy for the implementation of the IMET program in Ukraine authorized under section 1299B.

(c) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) A clear plan, developed in close consultation with the Ukrainian Ministry of Defense and the Armed Forces of Ukraine, for how the IMET program will be used by the United States Government and the Government of Ukraine to propel program graduates to positions of prominence in support of the Ukrainian military's reform efforts in line with NATO standards.

(2) An assessment of the education and training requirements of the Ukrainian military and clear recommendations for how IMET graduates should be assigned by the Ukrainian Ministry of Defense upon completion of education or training.

(3) An accounting of the current combat requirements of the Ukrainian military and an assessment of the viability of alternative mobile training teams, distributed learning, and other flexible solutions to reach such students.

(4) An identification of opportunities to influence the next generation of leaders through attendance at United States staff and war colleges, junior leader development programs, and technical schools.

(d) FORM.—The strategy required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1299D. SENSE OF CONGRESS ON LOAN PROGRAM.

It is the sense of Congress that—

(1) as appropriate, the United States Government should provide direct loans to Ukraine for the procurement of defense articles, defense services, and design and construction services pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2763) to support the further development of Ukraine's military forces; and

(2) such loans should be considered an additive security assistance tool, and not a substitute for Foreign Military Financing for grant assistance or Ukraine Security Assistance Initiative programming.

SEC. 1299E. STRATEGY TO PROTECT UKRAINE'S DEFENSE INDUSTRY FROM STRATEGIC COMPETITORS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should work with the Government of Ukraine to ensure strategic assets and companies in Ukraine's aerospace and defense sector are not subject to foreign ownership, control, or undue influence by strategic competitors to the United States, such as the People's Republic of China (PRC). These efforts will require support from across the Executive Branch and should leverage all available tools and authorities.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of Defense and the Secretary of State and in consultation with the heads of other relevant Departments and agencies as the President may determine, shall submit to the appropriate committees of Congress a strategy to support Ukraine in protecting its aerospace and defense industry from predatory investments.

(2) ELEMENTS.—The strategy required under paragraph (1) shall include the following elements:

(A) An assessment of the efforts by strategic competitors, such as the PRC, to acquire strategic assets and companies in Ukraine's aerospace and defense sector and the national security implications for Ukraine, the United States, and other NATO allies and partners.

(B) An assessment of the vulnerabilities that strategic competitors of the United States exploit to acquire strategic assets in the Ukrainian aerospace and defense sector, Ukraine's progress in addressing them, and United States initiatives to support these efforts such as assistance in strengthening Ukraine's investment screening and national security vetting laws.

(C) An assessment of Ukraine's efforts to make reforms necessary to incentivize Western investment in Ukraine's aerospace and defense sector and United States support for these efforts.

(D) A strategy to—

(i) promote, as appropriate, United States direct investment in Ukraine's aerospace and defense sector;

(ii) better leverage tools like debt financing, equity investments, and political risk insurance to incentivize greater participation by United States firms;

(iii) provide an alternative to PRC investments; and

(iv) engage like-minded allies and partners on these efforts.

(3) FORM.—The strategy required under paragraph (1) shall be submitted in classified form.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 1299F. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of State $50,000,000 for each of the fiscal years 2022 through 2026 for the purposes described in subsection (b) with respect to Ukraine.

(b) USE OF FUNDS.—Amounts appropriated pursuant to subsection (a) may only be used—

(1) to strengthen Ukraine's cyber security, cyber resilience and intellectual property enforcement;

(2) to provide support and training in Ukraine for—

(A) sectoral reforms related to banking and public finance management reform;

(B) the privatization of state-owned enterprises;

(C) regulatory independence;

(D) subsidy reform;

(E) land reform;

(F) corporate governance; and

(G) foreign investment screening;

(3) to combat corruption, improve the rule of law, and otherwise strengthen independent legal institutions, including by—

(A) expanding regional anti-corruption training and exchanges among Ukrainian Ministry officials, law enforcement officers, judges, and prosecutors to build peer support, share best practices, maintain reform momentum, and protect reforms from capture;

(B) supporting regional training of United States Embassy personal responsible for supporting anti-corruption and the rule of law to improve their effectiveness in supporting the consolidation and expansion of reform;

(4) to respond to the humanitarian crises caused or aggravated by the invasion and occupation of Ukraine by the Russian Federation, including by supporting internally displaced persons and communities in conflict-affected areas;

(5) to improve participatory legislative processes in Ukraine, including through—

(A) engagement with members of the Verkhovna Rada;

(B) training on government oversight, legal education, political transparency and competition, and compliance with international obligations; and

(C) supporting the development of professional legislative staff to advise and assist member of the Verkhovna Rada and committees in the execution of their duties and build legal and policy expertise within the Verkhovna Rada; and

(6) to further build the capacity of civil society, independent media, human rights, and other nongovernmental organizations in Ukraine, with an emphasis on—

(A) building capacity outside of Kyiv; and

(B) regional civil society training and exchange programs.

SEC. 1299G. DETERMINATION OF WHETHER NORD STREAM 2 AG AND ASSOCIATED CONSTRUCTION VESSELS MEET CRITERIA FOR IMPOSITION OF SANCTIONS UNDER PROTECTING EUROPE'S ENERGY SECURITY ACT OF 2019.

(a) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to Congress a report that includes the following:

(1) The determination of the President with respect to whether Nord Stream 2 AG meets the criteria for the imposition of sanctions under the Protecting Europe's Energy Security Act of 2019.

(2) The determination of the President with respect to whether the following vessels and entities meet the criteria for the imposition of sanctions under the Protecting Europe's Energy Security Act of 2019:

(A) Akademik Cherskiy.

(B) Umka.

(C) Errie.

(D) Yuri Topchev.

(E) Mentor.

(F) DP Gezina.

(G) Krebs GEO.

(H) Vladislav Strizhov.

(I) Glomar Wave.

(J) Finval.

(K) Katun.

(L) Venie.

(M) Murman.

(N) Baltiyskiy Issledovatel.

(O) Artemis Offshore.

(P) Havila Subsea.

(Q) Russian Maritime Register of Shipping.

(R) LLC Insurance Company Constanta.

(S) TÜV Austria Holding AG.

(3) A detailed explanation for each determination made under paragraph (1) or (2), including with respect to any determination that the criteria for the imposition of sanctions under the Protecting Europe's Energy Security Act of 2019 were not met with respect to a vessel or entity.

(b) DEFINITION.—In this section, the term ''Protecting Europe's Energy Security Act of 2019'' means the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note), as amended by section 1242 of the William M. (Mac)

Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

SEC. 1299H. APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subtitle, the term ''appropriate congressional committees'' means—

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

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

SA 4418. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. DEPARTMENT OF STATE REPORT ON PEOPLE REPUBLIC OF CHINA'S UNITED NATIONS PEACEKEEPING EFFORTS.

(a) ANNUAL REPORT.—Not later than January 31 of each year through January 31, 2027, the Secretary of State shall submit to the appropriate congressional committees a report on the People Republic of China's United Nations peacekeeping efforts.

(b) ELEMENTS.—The report required under subsection (a) shall include an assessment of the People Republic of China's contributions to United Nations peacekeeping missions, including—

(1) a detailed list of the placement of People Republic of China's peacekeeping troops;

(2) an estimate of the amount of money that the People's Republic of China receives from the United Nations for its peacekeeping contributions;

(3) an estimate of the portion of the money the People's Republic of China receives for its peacekeeping operations and troops that comes from United States contributions to United Nations peacekeeping efforts;

(4) an analysis comparing the locations of People Republic of China's peacekeeping troops and the locations of ''One Belt, One Road'' projects; and

(5) an assessment of the number of Chinese United Nations peacekeepers who are part of the People's Liberation Army or People's Armed Police, including which rank, divisions, branches, and theater commands.

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

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

(2) the Committee on Foreign Affairs of the House of Representatives.

SA 4419. Ms. ROSEN (for herself, Ms. ERNST, Ms. DUCKWORTH, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 844. SMALL BUSINESS LOANS FOR NONPROFIT CHILD CARE PROVIDERS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(10) NONPROFIT CHILD CARE PROVIDERS.—

''(A) DEFINITION.—In this paragraph, the term 'covered nonprofit child care provider' means an organization—

''(i) that—

''(I) is in compliance with licensing requirements for child care providers of the State in which the organization is located;

''(II) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

''(III) is primarily engaged in providing child care for children from birth to compulsory school age;

''(ii) for which each employee and regular volunteer complies with the criminal background check requirements under section 658H(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(b)); and

''(iii) that may—

''(I) provide care for school-age children outside of school hours or outside of the school year; or

''(II) offer preschool or prekindergarten educational programs.

''(B) ELIGIBILITY FOR LOAN PROGRAMS.—Notwithstanding any other provision of this subsection, a covered nonprofit child care provider shall be deemed to be a small business concern for purposes of any program under this Act or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) under which—

''(i) the Administrator may make loans to small business concerns;

''(ii) the Administrator may guarantee timely payment of loans to small business concerns; or

''(iii) the recipient of a loan made or guaranteed by the Administrator may make loans to small business concerns.''.

SA 4420. Ms. ROSEN (for herself and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1109 and insert the following:

SEC. 1109. CIVILIAN CYBERSECURITY RESERVES PILOT PROJECT.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''Agency'' means the Cybersecurity and Infrastructure Security Agency.

(2) COMPETITIVE SERVICE.—The term ''competitive service'' has the meaning given the term in section 2102 of title 5, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the Agency.

(4) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given the term in section 2103 of title 5, United States Code.

(5) EXECUTIVE AGENT.—The term ''Executive Agent'' means the Executive Agent of the United States Cyber Command.

(6) SIGNIFICANT INCIDENT.—The term ''significant incident''—

(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

(i) the national security interests, foreign relations, or economy of the United States; or

(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

(B) does not include an incident or a portion of a group of related incidents that occurs on—

(i) a national security system, as defined in section 3552 of title 44, United States Code; or

(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

(7) TEMPORARY POSITION.—The term ''temporary position'' means a position in the competitive or excepted service for a period of 180 days or less.

(8) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given the term in section 2101 of title 5, United States Code.

(b) PILOT PROJECT.—There is established a pilot project under which—

(1) the Executive Agent, in coordination with the Chief Information Officer of the Department of Defense, shall establish a Civilian Cybersecurity Reserve at the United States Cyber Command in accordance with subsection (c); and

(2) the Director may establish a Civilian Cybersecurity Reserve at the Agency in accordance with subsection (d).

(c) CIVILIAN CYBERSECURITY RESERVE AT THE UNITED STATES CYBER COMMAND.—

(1) DEFINITIONS.—In this subsection:

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

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

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

(iii) the Committee on Appropriations of the Senate;

(iv) the Committee on Homeland Security of the House of Representatives;

(v) the Committee on Armed Services of the House of Representatives; and

(vi) the Committee on Appropriations of the House of Representatives.

(B) CIVILIAN CYBERSECURITY RESERVE.—The term ''Civilian Cybersecurity Reserve'' means the Civilian Cybersecurity Reserve at the United States Cyber Command established under subsection (b)(1).

(C) PILOT PROJECT.—The term ''pilot project'' means the pilot project established by subsection (b) with respect to the United States Cyber Command.

(2) PURPOSE.—The purpose of the Civilian Cybersecurity Reserve is to enable the United States Cyber Command to effectively respond to significant incidents.

(3) ALTERNATIVE METHODS.—Consistent with section 4703 of title 5, United States Code, in carrying out the pilot project, the Executive Agent may, without further authorization from the Office of Personnel Management, provide for alternative methods of—

(A) establishing qualifications requirements for, recruitment of, and appointment to positions; and

(B) classifying positions.

(4) APPOINTMENTS.—Under the pilot project, upon occurrence of a significant incident, the Executive Agent—

(A) may activate members of the Civilian Cybersecurity Reserve by—

(i) noncompetitively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service; or

(ii) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service;

(B) shall notify Congress whenever a member is activated under subparagraph (A); and

(C) may appoint not more than 50 members to the Civilian Cybersecurity Reserve under subparagraph (A) at any time.

(5) STATUS AS EMPLOYEES.—An individual appointed under paragraph (4) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code.

(6) ADDITIONAL EMPLOYEES.—Individuals appointed under paragraph (4) shall be in addition to any employees of the United States Cyber Command who provide cybersecurity services.

(7) EMPLOYMENT PROTECTIONS.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and non-discrimination in reemployment of individuals appointed under paragraph (4), provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.

(8) STATUS IN RESERVE.—During the period beginning on the date on which an individual is recruited by the United States Cyber Command to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (4), and during any period in between any such appointments, the individual shall not be considered a Federal employee.

(9) ELIGIBILITY; APPLICATION AND SELECTION.—

(A) IN GENERAL.—Under the pilot project, the Executive Agent shall establish criteria for—

(i) individuals to be eligible for the Civilian Cybersecurity Reserve; and

(ii) the application and selection processes for the Civilian Cybersecurity Reserve.

(B) REQUIREMENTS FOR INDIVIDUALS.—The criteria established under subparagraph (A)(i) with respect to an individual shall include—

(i) if the individual has previously served as a member of the Civilian Cybersecurity Reserve, that the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve; and

(ii) cybersecurity expertise.

(C) PRESCREENING.—The Executive Agent shall—

(i) conduct a prescreening of each individual prior to appointment under paragraph (4) for any topic or product that would create a conflict of interest; and

(ii) require each individual appointed under paragraph (4) to notify the Executive Agent if a potential conflict of interest arises during the appointment.

(D) AGREEMENT REQUIRED.—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Executive Agent to become such a member, which shall set forth the rights and obligations of the individual and the United States Cyber Command.

(E) EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.—A member of the Selected Reserve under section 10143 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(F) PROHIBITION.—Any individual who is an employee of the executive branch may not be recruited or appointed to serve in the Civilian Cybersecurity Reserve.

(10) SECURITY CLEARANCES.—

(A) IN GENERAL.—The Executive Agent shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with the duties of the position, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and authorities.

(B) COST OF SPONSORING CLEARANCES.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out the duties of the member, the United States Cyber Command shall be responsible for the cost of sponsoring the security clearance of the member.

(11) STUDY AND IMPLEMENTATION PLAN.—

(A) STUDY.—Not later than 60 days after the date on which the Principal Cyber Advisor to the Secretary of Defense, in conjunction with the Under Secretary for Personnel and Readiness of the Department of Defense and the Principal Cyber Advisors of the military services, submits the evaluation of reserve models tailored to the support of cyberspace operations for the Department required by section 1730(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), the Executive Agent shall begin a study on the design and implementation of the pilot project required under subsection (b)(1), including—

(i) compensation and benefits for members of the Civilian Cybersecurity Reserve;

(ii) activities that members may undertake as part of their duties;

(iii) methods for identifying and recruiting members, including alternatives to traditional qualifications requirements;

(iv) methods for preventing conflicts of interest or other ethical concerns as a result of participation in the pilot project and details of mitigation efforts to address any conflict of interest concerns;

(v) resources, including additional funding, needed to carry out the pilot project;

(vi) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and

(vii) processes and requirements for training and onboarding members.

(B) IMPLEMENTATION PLAN.—Not later than one year after beginning the study required under subparagraph (A), the Executive Agent shall—

(i) submit to the appropriate congressional committees an implementation plan for the pilot project; and

(ii) provide to the appropriate congressional committees a briefing on the implementation plan.

(C) PROHIBITION.—The Executive Agent may not take any action to begin implementation of the pilot project until the Executive Agent fulfills the requirements under subparagraph (B).

(12) PROJECT GUIDANCE.—Not later than two years after the date of the enactment of this Act, the Executive Agent shall, in consultation with the Office of Personnel Management and the Office of Government Ethics, issue guidance establishing and implementing the pilot project.

(13) BRIEFINGS AND REPORT.—

(A) BRIEFINGS.—Not later than one year after the date on which the Executive Agent issues guidance establishing and implementing the pilot project under paragraph (12), the Executive Agent shall provide to the appropriate congressional committees a briefing on activities carried out under the pilot project, including—

(i) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;

(ii) an evaluation of the ethical requirements of the pilot project;

(iii) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the United States Cyber Command during significant incidents; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(B) REPORT.—Not earlier than 180 days and not later than 90 days before the date on which the pilot project terminates under subsection (e), the Executive Agent shall submit to the appropriate congressional committees a report and provide a briefing on recommendations relating to the pilot project, including recommendations for—

(i) whether the pilot project should be modified, extended in duration, or established as a permanent program, and if so, an appropriate scope for the program;

(ii) how to attract participants, ensure a diversity of participants, and address any barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve;

(iii) the ethical requirements of the pilot project and the effectiveness of mitigation efforts to address any conflict of interest concerns; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(14) EVALUATION.—Not later than three years after the Civilian Cybersecurity Reserve is established under subsection (b)(1), the Comptroller General of the United States shall—

(A) conduct a study evaluating the pilot project; and

(B) submit to Congress—

(i) a report on the results of the study; and

(ii) a recommendation with respect to whether the pilot project should be modified.

(d) CIVILIAN CYBERSECURITY RESERVE AT THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) DEFINITIONS.—In this subsection:

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

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

(ii) the Committee on Appropriations of the Senate;

(iii) the Committee on Homeland Security of the House of Representatives;

(iv) the Committee on Oversight and Reform of the House of Representatives; and

(v) the Committee on Appropriations of the House of Representatives.

(B) CIVILIAN CYBERSECURITY RESERVE.—The term ''Civilian Cybersecurity Reserve'' means the Civilian Cybersecurity Reserve at the Agency established under subsection (b)(2).

(C) PILOT PROJECT.—The term ''pilot project'' means the pilot project established by subsection (b) with respect to the Agency.

(2) PURPOSE.—The purpose of a Civilian Cybersecurity Reserve is to enable the Agency to effectively respond to significant incidents.

(3) ALTERNATIVE METHODS.—Consistent with section 4703 of title 5, United States Code, in carrying out the pilot project, the Director may, without further authorization from the Office of Personnel Management, provide for alternative methods of—

(A) establishing qualifications requirements for, recruitment of, and appointment to positions; and

(B) classifying positions.

(4) APPOINTMENTS.—Under the pilot project, upon occurrence of a significant incident, the Director—

(A) may activate members of the Civilian Cybersecurity Reserve by—

(i) noncompetitively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service; or

(ii) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service;

(B) shall notify Congress whenever a member is activated under subparagraph (A); and

(C) may appoint not more than 30 members to the Civilian Cybersecurity Reserve under subparagraph (A) at any time.

(5) STATUS AS EMPLOYEES.—An individual appointed under paragraph (4) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code.

(6) ADDITIONAL EMPLOYEES.—Individuals appointed under paragraph (4) shall be in addition to any employees of the Agency who provide cybersecurity services.

(7) EMPLOYMENT PROTECTIONS.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and non-discrimination in reemployment of individuals appointed under paragraph (4), provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.

(8) STATUS IN RESERVE.—During the period beginning on the date on which an individual is recruited by the Agency to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (4), and during any period in between any such appointments, the individual shall not be considered a Federal employee.

(9) ELIGIBILITY; APPLICATION AND SELECTION.—

(A) IN GENERAL.—Under the pilot project, the Director shall establish criteria for—

(i) individuals to be eligible for the Civilian Cybersecurity Reserve; and

(ii) the application and selection processes for the Civilian Cybersecurity Reserve.

(B) REQUIREMENTS FOR INDIVIDUALS.—The criteria established under subparagraph (A)(i) with respect to an individual shall include—

(i) previous employment—

(I) by the executive branch;

(II) within the uniformed services;

(III) as a Federal contractor within the executive branch; or

(IV) by a State, local, Tribal, or territorial government;

(ii) if the individual has previously served as a member of the Civilian Cybersecurity Reserve, that the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve; and

(iii) cybersecurity expertise.

(C) PRESCREENING.—The Director shall—

(i) conduct a prescreening of each individual prior to appointment under paragraph (4) for any topic or product that would create a conflict of interest; and

(ii) require each individual appointed under paragraph (4) to notify the Director if a potential conflict of interest arises during the appointment.

(D) AGREEMENT REQUIRED.—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Director to become such a member, which shall set forth the rights and obligations of the individual and the Agency.

(E) EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.—A member of the Selected Reserve under section 10143 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(F) PRIORITY.—In appointing individuals to the Civilian Cybersecurity Reserve, the Agency shall prioritize the appointment of individuals described in subclause (I) or (II) of subparagraph (B)(i) before considering individuals described in subclause (III) or (IV) of subparagraph (B)(i).

(G) PROHIBITION.—Any individual who is an employee of the executive branch may not be recruited or appointed to serve in the Civilian Cybersecurity Reserve.

(10) SECURITY CLEARANCES.—

(A) IN GENERAL.—The Director shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with the duties of the position, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and authorities.

(B) COST OF SPONSORING CLEARANCES.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out the duties of the member, the Agency shall be responsible for the cost of sponsoring the security clearance of the member.

(11) STUDY AND IMPLEMENTATION PLAN.—

(A) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Director shall begin a study on the design and implementation of the pilot project, including—

(i) compensation and benefits for members of the Civilian Cybersecurity Reserve;

(ii) activities that members may undertake as part of their duties;

(iii) methods for identifying and recruiting members, including alternatives to traditional qualifications requirements;

(iv) methods for preventing conflicts of interest or other ethical concerns as a result of participation in the pilot project and details of mitigation efforts to address any conflict of interest concerns;

(v) resources, including additional funding, needed to carry out the pilot project;

(vi) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and

(vii) processes and requirements for training and onboarding members.

(B) IMPLEMENTATION PLAN.—Not later than one year after beginning the study required under subparagraph (A), the Director shall—

(i) submit to the appropriate congressional committees an implementation plan for the pilot project; and

(ii) provide to the appropriate congressional committees a briefing on the implementation plan.

(C) PROHIBITION.—The Director may not take any action to begin implementation of the pilot project until the Director fulfills the requirements under subparagraph (B).

(12) PROJECT GUIDANCE.—If the Director establishes the Civilian Cybersecurity Reserve, not later than two years after the date of the enactment of this Act, the Director shall, in consultation with the Office of Personnel Management and the Office of Government Ethics, issue guidance establishing and implementing the pilot project.

(13) BRIEFINGS AND REPORT.—

(A) BRIEFINGS.—Not later than one year after the date on which the Director issues guidance establishing and implementing the pilot project under paragraph (12), and every year thereafter until the date on which the pilot project terminates under subsection (e), the Director shall provide to the appropriate congressional committees a briefing on activities carried out under the pilot project, including—

(i) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;

(ii) an evaluation of the ethical requirements of the pilot project;

(iii) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the Agency during significant incidents; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(B) REPORT.—Not earlier than 180 days and not later than 90 days before the date on which the pilot project terminates under subsection (e), the Director shall submit to the appropriate congressional committees a report and provide a briefing on recommendations relating to the pilot project, including recommendations for—

(i) whether the pilot project should be modified, extended in duration, or established as a permanent program, and if so, an appropriate scope for the program;

(ii) how to attract participants, ensure a diversity of participants, and address any barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve;

(iii) the ethical requirements of the pilot project and the effectiveness of mitigation efforts to address any conflict of interest concerns; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(14) EVALUATION.—Not later than three years after the Civilian Cybersecurity Reserve is established under subsection (b)(2), the Comptroller General of the United States shall—

(A) conduct a study evaluating the pilot project; and

(B) submit to Congress—

(i) a report on the results of the study; and

(ii) a recommendation with respect to whether the pilot project should be modified, extended in duration, or established as a permanent program.

(e) SUNSET.—The pilot project established by subsection (b) shall terminate on the date that is four years after the date of the enactment of this Act.

(f) NO ADDITIONAL FUNDS.—

(1) IN GENERAL.—No additional funds are authorized to be appropriated for the purpose of carrying out this section.

(2) EXISTING AUTHORIZED AMOUNTS.—Funds to carry out this section may, as provided in advance in appropriations Acts, only come from amounts authorized to be appropriated to—

(A) the United States Cyber Command, with respect to the Civilian Cybersecurity Reserve at the United States Cyber Command established under subsection (b)(1); and

(B) the Agency, with respect to the Civilian Cybersecurity Reserve at the Agency established under subsection (b)(2).

SA 4421. Mr. PETERS (for himself, Mr. PORTMAN, Mr. WARNER, and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLARIFICATION FOR UPSTREAM MANUFACTURERS.

(a) DEFINITIONS.—Section 9901(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(2)) is amended—

(1) by inserting ''production,'' before ''or research and development''; and

(2) by striking ''of semiconductors.'' and inserting ''of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment.''.

(b) SEMICONDUCTOR INCENTIVES.—Section 9902(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''for semiconductor fabrication'' and inserting ''for the fabrication'';

(B) by inserting ''production,'' before ''or research and development''; and

(C) by striking the period at the end and inserting ''of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment.''; and

(2) in paragraph (4)(A), by striking ''used for semiconductors'' and inserting ''used for the purposes''.

SA 4422. Mr. INHOFE (for Mr. ROUNDS (for himself, Mr. LUJÁN, Mr. THUNE, Mr. RUBIO, Mr. SULLIVAN, Mr. INHOFE, Mr. CRAMER, Mr. DAINES, Mr. CASSIDY, Mr. MORAN, Mr. KELLY, Ms. KLOBUCHAR, Mr. PADILLA, and Ms. SINEMA)) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following:

''CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

''Sec.
''150401. Organization.
''150402. Purposes.
''150403. Membership.
''150404. Board of directors.
''150405. Officers.
''150406. Nondiscrimination.
''150407. Powers.
''150408. Exclusive right to name, seals, emblems, and badges.
''150409. Restrictions.
''150410. Duty to maintain tax-exempt status.
''150411. Records and inspection.
''150412. Service of process.
''150413. Liability for acts of officers and agents.
''150414. Failure to comply with requirements.
''150415. Annual report.

''§ 150401 Organization

''The National American Indian Veterans, Incorporated, a nonprofit corporation organized in the United States (referred to in this chapter the 'corporation'), is a federally chartered corporation.

''§ 150402. Purposes

''The purposes of the corporation are those stated in the articles of incorporation, constitution, and bylaws of the corporation, and include a commitment—

''(1) to uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian Nations;

''(2) to unite under one body all American Indian veterans who served in the Armed Forces of United States;

''(3) to be an advocate on behalf of all American Indian veterans without regard to whether they served during times of peace, conflict, or war;

''(4) to promote social welfare (including educational, economic, social, physical, and cultural values and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

''(5) to serve as an advocate for the needs of American Indian veterans and their families and survivors in their dealings with all Federal and State government agencies;

''(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between American Indian veterans and American society; and

''(7) to provide technical assistance to the Bureau of Indian Affairs regional areas that are not served by any veterans committee or organization or program by—

''(A) providing outreach service to Indian Tribes in need; and

''(B) training and educating Tribal Veterans Service Officers for Indian Tribes in need.

''§ 150403. Membership

''Subject to section 150406, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and bylaws of the corporation.

''§ 150404. Board of directors

''Subject to section 150406, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

''§ 150405. Officers

''Subject to section 150406, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

''§ 150406. Nondiscrimination

''In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

''§ 150407. Powers

''The corporation shall have only those powers granted the corporation through its articles of incorporation, constitution, and bylaws, which shall conform to the laws of the jurisdiction under which the corporation is incorporated.

''§ 150408. Exclusive right to name, seals, emblems, and badges

''(a) IN GENERAL.—The corporation shall have the sole and exclusive right to use the names 'National American Indian Veterans, Incorporated' and 'National American Indian Veterans', and such seals, emblems, and badges as the corporation may lawfully adopt.

''(b) EFFECT.—Nothing in this section interferes or conflicts with any established or vested rights.

''§ 150409. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not—

''(1) issue any shares of stock; or

''(2) declare or pay any dividends.

''(b) DISTRIBUTION OF INCOME OR ASSETS.—

''(1) IN GENERAL.—The income or assets of the corporation may not—

''(A) inure to any person who is a member, officer, or director of the corporation; or

''(B) be distributed to any such person during the life of the charter granted by this chapter.

''(2) EFFECT.—Nothing in this subsection prevents the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

''(c) LOANS.—The corporation may not make any loan to any officer, director, member, or employee of the corporation.

''(d) NO FEDERAL ENDORSEMENT.—The corporation may not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of the activities of the corporation.

''§ 150410. Duty to maintain tax-exempt status

''The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986.

''§ 150411. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete books and records of accounts;

''(2) minutes of any proceeding of the corporation involving any of member of the corporation, the board of directors, or any committee having authority under the board of directors; and

''(3) at the principal office of the corporation, a record of the names and addresses of all members of the corporation having the right to vote.

''(b) INSPECTION.—

''(1) IN GENERAL.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such a member, for any proper purpose, at any reasonable time.

''(2) EFFECT.—Nothing in this section contravenes—

''(A) the laws of the jurisdiction under which the corporation is incorporated; or

''(B) the laws of those jurisdictions within the United States and its territories within which the corporation carries out activities in furtherance of the purposes of the corporation.

''§ 150412. Service of process

''With respect to service of process, the corporation shall comply with the laws of—

''(1) the jurisdiction under which the corporation is incorporated; and

''(2) those jurisdictions within the United States and its territories within which the corporation carries out activities in furtherance of the purposes of the corporation.

''§ 150413. Liability for acts of officers and agents

''The corporation shall be liable for the acts of the officers and agents of the corporation acting within the scope of their authority.

''§ 150414. Failure to comply with requirements

''If the corporation fails to comply with any of the requirements of this chapter, including the requirement under section 150410

to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

"§ 150415. Annual report

''(a) IN GENERAL.—The corporation shall submit to Congress an annual report describing the activities of the corporation during the preceding fiscal year.

''(b) SUBMITTAL DATE.—Each annual report under this section shall be submitted at the same time as the report of the audit of the corporation required by section 10101(b).

''(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1503 the following:

''1504. National American Indian Veterans, Incorporated .....150401''.

SA 4423. Mr. INHOFE (for Mr. ROUNDS (for himself and Mr. MANCHIN)) 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 IX, insert the following:

SEC. _____. MODIFICATION OF POSITION OF PRINCIPAL CYBER ADVISOR.

(a) DESIGNATION OF PRINCIPAL CYBER ADVISOR.—Paragraph (1) of section 932(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) is amended to read as follows:

''(1) DESIGNATION.—(A) The Secretary shall designate, from among the personnel of the Office of the Under Secretary of Defense for Policy, a Principal Cyber Advisor to act as the principal advisor to the Secretary on military cyber forces and activities.

''(B) The Secretary may only designate an official under this paragraph if such official was appointed to the position in which such official serves by and with the advice and consent of the Senate.''.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—Section 905(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 391 note) is amended by striking ''Secretary of Defense'' and inserting ''Under Secretary of Defense for Policy''.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on such recommendations as the Deputy Secretary may have for alternate reporting structures for the Principal Cyber Advisor and the Deputy Principal Cyber Advisor within the Office of the Secretary of Defense.

SA 4424. Mr. INHOFE (for Mr. ROUNDS (for himself, Mr. MANCHIN, and Mr. KING)) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PAYMENT OF PAY AND ALLOWANCES OF CERTAIN OFFICERS FROM APPROPRIATION FOR IMPROVEMENTS.

Section 36 of the Act of August 10, 1956 (70A Stat. 634, chapter 1041; 33 U.S.C. 583a), is amended—

(1) by striking ''Regular officers of the Corps of Engineers of the Army, and reserve officers of the Army who are assigned to the Corps of Engineers,'' and inserting the following:

''(a) IN GENERAL.—The personnel described in subsection (b)''; and

(2) by adding at the end the following:

''(b) PERSONNEL DESCRIBED.—The personnel referred to in subsection (a) are the following:

''(1) Regular officers of the Corps of Engineers of the Army.

''(2) The following members of the Army who are assigned to the Corps of Engineers:

''(A) Reserve component officers.

''(B) Warrant officers (whether regular or reserve component).

''(C) Enlisted members (whether regular or reserve component).''.

SA 4425. Mr. REED (for himself, Mr. SULLIVAN, Mr. SASSE, Ms. ERNST, Mrs. SHAHEEN, Ms. HIRONO, and Mr. ROMNEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. SPECIAL IMMIGRANT STATUS FOR NATIONALS OF AFGHANISTAN EMPLOYED THROUGH A COOPERATIVE AGREEMENT, GRANT, OR NONGOVERNMENTAL ORGANIZATION FUNDED BY THE UNITED STATES GOVERNMENT.

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

(1) the United States recognizes the immense contributions of the nationals of Afghanistan who worked, through cooperative agreements, grants, and nongovernmental organizations in Afghanistan, in support of the United States mission to advance the causes of democracy, human rights, and the rule of law in Afghanistan;

(2) due to the close association of such nationals of Afghanistan with the United States, their lives are at risk; and

(3) such nationals of Afghanistan should be provided with special immigrant status under the Afghan Allies and Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8).

(b) SPECIAL IMMIGRANT STATUS.—Section 602(b)(2)(A)(ii)(I) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended by inserting after ''United States Government'' the following: '', including employment in Afghanistan funded by the United States Government through a cooperative agreement, grant, or nongovernmental organization, provided that the Chief of Mission or delegated Department of State designee determines, based on a recommendation from the Federal agency or organization authorizing such funding, that such alien contributed to the United States mission in Afghanistan''.

SA 4426. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31___. DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

Section 215A of the Federal Power Act (16 U.S.C. 824o–1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ''of the 48 contiguous States or the District of Columbia'' and inserting ''State'';

(B) by redesignating paragraph (8) as paragraph (9); and

(C) by inserting after paragraph (7) the following:

''(8) RESILIENCE.—The term 'resilience' has the meaning given the term in section 1304A(j) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17384a(j)).'';

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''the 48 contiguous States and the District of Columbia'' and inserting ''any State''; and

(3) by adding at the end the following:

''(g) AUTHORITY TO ADDRESS VULNERABILITIES.—The Secretary may, to the extent that funds are made available for such purposes in advance in appropriations Acts, enter into contracts or cooperative agreements with external providers of electric energy—

''(1) to improve the resilience of defense critical electric infrastructure; and

''(2) to reduce the vulnerability of critical defense facilities designated under subsection (c) to the disruption of the supply of electric energy to those facilities.''.

SA 4427. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3157. UNIVERSITY-BASED NUCLEAR NONPROLIFERATION COLLABORATION PROGRAM.

(a) IN GENERAL.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2565 et seq.) is amended by adding at the end the following new section:

"SEC. 4312. UNIVERSITY-BASED NUCLEAR NONPROLIFERATION COLLABORATION PROGRAM.

''(a) PROGRAM.—The Administrator shall—

''(1) establish a program to develop a policy research consortium of institutions of higher education and nonprofit entities in support of implementing and innovating the defense nuclear nonproliferation programs of the Administration; and

''(2) execute such program in a manner similar to the program established under section 4814.

''(b) PURPOSES.—The purposes of the consortium established under subsection (a) are as follows:

''(1) To inform the formulation and application of policy through the conduct of research and analysis regarding defense nuclear nonproliferation programs.

''(2) To maintain open-source databases on issues relevant to understanding defense nuclear nonproliferation, arms control, and nuclear security.

''(3) To facilitate the collaboration of research centers of excellence relating to defense nuclear nonproliferation to better distribute expertise to specific issues and scenarios regarding relating to nuclear nonproliferation, arms control, and nuclear security .

''(c) DUTIES.—

''(1) SUPPORT.—The Administrator shall ensure that the consortium established under subsection (a) provides support to individuals described in paragraph (2) through the use of nongovernmental fellowships, scholarships, research internships, workshops, short courses, summer schools, and research grants.

''(2) INDIVIDUALS DESCRIBED.—Individuals described in this paragraph are graduate students, academics, and policy specialists, who are focused on policy innovation related to—

''(A) defense nuclear nonproliferation;

''(B) arms control;

''(C) nuclear deterrence;

''(D) foreign nuclear programs;

''(E) nuclear safeguards and security; or

''(F) educating and training individuals interested in the study of defense nuclear nonproliferation policy.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4311 the following new item:

''Sec. 4312. University-based nuclear nonproliferation collaboration program.''.

SA 4428. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GRANT ELIGIBILITY OF CERTAIN AIR TRAFFIC CONTROL TOWER COVERED PROJECTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the airport sponsor of a covered project shall be eligible for a grant under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, from any funds made available by an Act of Congress for ''Grants-In-Aid for Airports'' for fiscal years 2022 and 2023.

(b) COVERED PROJECTS DEFINED.—In subsection (a), the term ''covered project'' means a project for relocating, reconstructing, repairing, or improving an air traffic control tower that—

(1) is owned by the sponsor of a primary airport;

(2) as of the date of enactment of this Act, was over 60 years of age; and

(3) in fiscal year 2019, handled over 300,000 total terminal operations.

SA 4429. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ASSISTANCE IN THE TRANSITION OF A CERTAIN HOSPITAL TO A MEDICARE RURAL EMERGENCY HOSPITAL.

(a) SPECIAL RULE.—In the case of a critical access hospital (as defined in section 1861(mm) of the Social Security Act (42 U.S.C. 1395x(mm)) with a Centers for Medicare & Medicaid Services certification number of 371338, the following shall apply:

(1) Pursuant to the June 11, 2021, Centers for Medicare & Medicaid Services letter sent to the critical access hospital—

(A) the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall suspend the running of the twenty-four month extension mentioned in the October 15, 2019, letter to the hospital during the COVID–19 public health emergency; and

(B) the hospital shall have 19.7 months after the end of the COVID–19 public health emergency to notify the Centers for Medicare & Medicaid Services of the hospital's intent to either convert to an acute care hospital, transition to a rural emergency hospital under section 1861(kkk) of the Social Security Act (42 U.S.C. 1395x(kkk)) (if the hospital qualifies as such), or terminate as a critical access hospital.

(2) Prior to the end of the 19.7 months described in paragraph (1)(B), the Secretary shall not take an adverse redesignation action with respect to the critical access hospital status of the hospital as long as the hospital continues to meet all of the requirements for designation as a critical access hospital other than the distance requirement under section 1820(c)(2)(B)(i) of such Act (42 U.S.C. 1395i–4(c)(2)(B)(i)).

(3) If, prior to the end of the 19.7 months described in paragraph (1)(B), the critical access hospital notifies the Secretary of the hospital's intention to transition to a rural emergency hospital, the Secretary—

(A) shall give priority to the processing of the request for such transition; and

(B) shall not take an adverse redesignation action with respect to the critical access hospital status of the hospital prior to the later of—

(i) the end of the 19.7 months described in paragraph (1)(B); or

(ii) the date the Secretary makes a final determination with respect to such request.

(b) TIMELINE FOR REGULATIONS.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than July 1, 2022, promulgate a proposed rule to carry out the provisions of, and amendments made by, section 125 of division CC of the Consolidated Appropriations Act, 2021 (Public Law 116–260); and

(B) not later than November 1, 2022, promulgate a final rule to carry out such provisions and amendments.

(2) ADDITIONAL INFORMATION.—The Secretary shall ensure that the proposed and final rules required under paragraph (1) contain a description of the additional information that will be required under section 1861(kkk)(4) of the Social Security Act (42 U.S.C. 1395x(kkk)(4)).

SA 4430. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. ____. EDUCATION PROGRAM TO SUPPORT PRIMARY HEALTH SERVICE FOR UNDERSERVED POPULATIONS.

(a) FINDINGS.—Congress finds the following:

(1) Access to high quality primary care is associated with improved health outcomes and lower health care costs.

(2) Substantial disparities exist in the distribution of primary care providers.

(3) Shortages of health care providers affect Tribal, rural, and medically underserved communities more than the populations of more densely populated areas, resulting in such communities experiencing significant health challenges and disparities.

(4) American Indian, Alaskan Natives, and Native Hawaiians tend to have lower health status, lower life expectancy, and disproportionate disease burden when compared to other Americans.

(5) Having training experiences in, living among, and being a member of Tribal, rural, and medically underserved communities increases cultural awareness and can influence career choice for physicians to better serve such populations.

(6) Research shows there is a relationship between the characteristics of a physician and the eventual practice location, including being part of an underrepresented minority or growing up in a rural area.

(b) ESTABLISHMENT OF PROGRAM.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by adding at the end the following:

''SEC. 742. EDUCATION PROGRAM TO SUPPORT PRIMARY HEALTH SERVICE FOR UNDERSERVED POPULATIONS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a grant program to award grants to public institutions of higher education located in a covered State to carry out the activities described in subsection (d) for the purposes of—

''(1) expanding and supporting education for medical students who are preparing to become physicians in a covered State; and

''(2) preparing and encouraging each such student training in a covered State to serve Tribal, rural, or medically underserved communities as a primary care physician after completing such training.

''(b) ELIGIBILITY.—In order to be eligible to receive a grant under this section, a public institution of higher education shall submit an application to the Secretary that includes—

''(1) a certification that such institution will use amounts provided to the institution to carry out the activities described in subsection (d); and

''(2) a description of how such institution will carry out such activities.

''(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to public institutions of higher education that—

''(1) are located in a State with not fewer than 2 federally recognized Tribes; and

''(2) demonstrate a public-private partnership.

''(d) AUTHORIZED ACTIVITIES.—An eligible entity that receives a grant under this section shall use the funds made available under such grant to carry out the following activities:

''(1) Support or expand community-based experiential training for medical students who will practice in or serve Tribal, rural, and medically underserved communities.

''(2) Develop and operate programs to train medical students in primary care services.

''(3) Develop and implement curricula that—

''(A) includes a defined set of clinical and community-based training activities that emphasize care for Tribal, rural, or medically underserved communities;

''(B) is applicable to primary care practice with respect to individuals from Tribal, rural, or medically underserved communities;

''(C) identifies and addresses challenges to health equity, including the needs of Tribal, rural, and medically underserved communities;

''(D) supports the use of telehealth technologies and practices;

''(E) considers social determinants of health in care plan development;

''(F) integrates behavioral health care into primary care practice, including prevention and treatment of opioid disorders and other substance use disorders;

''(G) promotes interprofessional training that supports a patient-centered model of care; and

''(H) builds cultural and linguistic competency.

''(4) Increase the capacity of faculty to implement the curricula described in paragraph (3).

''(5) Develop or expand strategic partnerships to improve health outcomes for individuals from Tribal, rural, and medically underserved communities, including with—

''(A) federally recognized Tribes, Tribal colleges, and Tribal organizations;

''(B) Federally-qualified health centers;

''(C) rural health clinics;

''(D) Indian health programs;

''(E) primary care delivery sites and systems; and

''(F) other community-based organizations.

''(6) Develop a plan to track graduates' chosen specialties for residency and the States in which such residency programs are located.

''(7) Develop, implement, and evaluate methods to improve recruitment and retention of medical students from Tribal, rural, and medically underserved communities.

''(8) Train and support instructors to serve Tribal, rural, and medically underserved communities.

''(9) Prepare medical students for transition into primary care residency training and future practice.

''(10) Provide scholarships to medical students.

''(e) GRANT PERIOD.—A grant under this section shall be awarded for a period of not more than 5 years.

''(f) GRANT AMOUNT.—Each fiscal year, the amount of a grant made to a public institution of higher education under this section shall be in amount that is not less than $1,000,000.

''(g) MATCHING REQUIREMENT.—Each public institution of higher education that receives a grant under this section shall provide, from non-Federal sources, an amount equal to or greater than 10 percent of the total amount of Federal funds provided to the institution each fiscal year during the period of the grant (which may be provided in cash or in kind).

''(h) DEFINITIONS.—In this section:

''(1) COVERED STATE.—The term 'covered State' means a State that is in the top quartile of States by projected unmet demand for primary care providers, as determined by the Secretary

''(2) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given such term in section 1905(l)(2)(B) of the Social Security Act.

''(3) INDIAN HEALTH PROGRAM.—The term 'Indian health program' has the meaning given such term in section 4 of the Indian Health Care Improvement Act.

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965, provided that such institution is public in nature.

''(5) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' has the meaning given such term in section 799B.

''(6) RURAL HEALTH CLINIC.—The term 'rural health clinic' has the meaning given such term in section 1861(aa) of the Social Security Act.

''(7) RURAL POPULATION.—The term 'rural population' means the population of a geographical area located—

''(A) in a non-metropolitan county; or

''(B) in a metropolitan county designated as rural by the Administrator of the Health Resources and Services Administration.

''(8) TRIBAL POPULATION.—The term 'Tribal population' means the population of any Indian Tribe recognized by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2023 through 2027.''.

SA 4431. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1516. MODIFICATION TO ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

Section 1664 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''or any subsequent fiscal year'' after ''fiscal year 2021''; and

(2) by adding at the end the following new subsections:

''(d) DISTRIBUTION OF ESTIMATE.—As soon as practicable after submitting an estimate as described in paragraph (1) of subsection (a) and making the certification described in paragraph (2) of such subsection, the Secretary shall make such estimate available to any licensee operating under the Order and Authorization described in such subsection.

''(e) AUTHORITY OF SECRETARY OF DEFENSE TO SEEK RECOVERY OF COSTS.—The Secretary may work directly with any licensee (or any future assignee, successor, or purchaser) affected by the Order and Authorization described in subsection (a) to seek recovery of costs incurred by the Department as a result of the effect of such order and authorization.

''(f) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary shall establish and facilitate a process for any licensee (or any future assignee, successor, or purchaser) subject to the Order and Authorization described in subsection (a) to provide reimbursement to the Department, only to the extent provided in appropriation Acts, for the covered costs and eligible reimbursable costs submitted and certified to the congressional defense committees under such subsection.

''(2) USE OF FUNDS.—The Secretary shall use any funds received under this subsection, to the extent and in such amounts as are provided in advance in appropriation Acts, for covered costs described in subsection (b) and the range of eligible reimbursable costs identified under subsection (a)(1).

''(3) REPORT.—Not later than 90 days after the date on which the Secretary establishes the process required by paragraph (1), the Secretary shall submit to the congressional defense committees a report on such process.

''(g) GOOD FAITH.—The execution of the responsibilities of this section by the Department shall be considered to be good faith actions pursuant to paragraph 104 of the Order and Authorization described in subsection (a).''.

SA 4432. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. EXPANSION OF PROPERTY OF DEPARTMENT OF DEFENSE NOT ELIGIBLE FOR SALE OR DONATION FOR LAW ENFORCEMENT ACTIVITIES AND STUDY ON USE OF SUCH AUTHORITY TO SELL OR DONATE PROPERTY.

(a) IN GENERAL.—Section 2576a(e) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(5) Explosives.

''(6) Firearms of 0.5 caliber or greater and ammunition of 0.5 caliber or greater.

''(7) Asphyxiating gases, including those comprised of lachrymatory agents, and analogous liquids, materials, or devices.''.

(b) STUDY.—

(1) IN GENERAL.—The Director of the Defense Logistics Agency shall conduct a study on the use by the Department of Defense of the authority under section 2576a of title 10, United States Code, and the administration of such authority by the Law Enforcement Support Office of the Department.

(2) ELEMENTS.—The study required under paragraph (1) shall include—

(A) an analysis of the degree to which personal property transferred under section

2576a of title 10, United States Code, has been distributed equitably between larger, well-resourced municipalities and units of government and smaller, less well-resourced municipalities and units of government; and

(B) an identification of potential modifications to the authority under such section to ensure that property transferred under such section is transferred in a manner that provides adequate opportunity for participation by smaller, less well-resourced municipalities and units of government.

(3) REPORT.—Not later than December 1, 2022, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the results of the study conducted under paragraph (1).

SA 4433. Mr. PORTMAN (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. ECONOMIC DEFENSE RESPONSE TEAMS.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of State, shall develop and implement a pilot program for the creation of deployable economic defense response teams to help provide emergency technical assistance and support to a country subjected to the threat or use of coercive economic measures and to play a liaison role between the legitimate government of that country and the United States Government. Such assistance and support may include the following activities:

(1) Reducing the partner country's vulnerability to coercive economic measures.

(2) Minimizing the damage that such measures by an adversary could cause to that country.

(3) Implementing any bilateral or multilateral contingency plans that may exist for responding to the threat or use of such measures.

(4) In coordination with the partner country, developing or improving plans and strategies by the country for reducing vulnerabilities and improving responses to such measures in the future.

(5) Assisting the partner country in dealing with foreign sovereign investment in infrastructure or related projects that may undermine the partner country's sovereignty.

(6) Assisting the partner country in responding to specific efforts from an adversary attempting to employ economic coercion that undermines the partner country's sovereignty, including efforts in the cyber domain, such as efforts that undermine cybersecurity or digital security of the partner country or initiatives that introduce digital technologies in a manner that undermines freedom, security, and sovereignty of the partner country.

(7) Otherwise providing direct and relevant short-to-medium term economic or other assistance from the United States and marshalling other resources in support of effective responses to such measures.

(b) INSTITUTIONAL SUPPORT.—The pilot program required by subsection (a) should include the following elements:

(1) Identification and designation of relevant personnel within the United States Government with expertise relevant to the objectives specified in subsection (a), including personnel in—

(A) the Department of State, for overseeing the economic defense response team's activities, engaging with the partner country government and other stakeholders, and other purposes relevant to advancing the success of the mission of the economic defense response team;

(B) the United States Agency for International Development, for the purposes of providing technical, humanitarian, and other assistance, generally;

(C) the Department of the Treasury, for the purposes of providing advisory support and assistance on all financial matters and fiscal implications of the crisis at hand;

(D) the Department of Commerce, for the purposes of providing economic analysis and assistance in market development relevant to the partner country's response to the crisis at hand, technology security as appropriate, and other matters that may be relevant;

(E) the Department of Energy, for the purposes of providing advisory services and technical assistance with respect to energy needs as affected by the crisis at hand;

(F) the Department of Homeland Security, for the purposes of providing assistance with respect to digital and cybersecurity matters, and assisting in the development of any contingency plans referred to in paragraphs (3) and (6) of subsection (a) as appropriate;

(G) the Department of Agriculture, for providing advisory and other assistance with respect to responding to coercive measures such as arbitrary market closures that affect the partner country's agricultural sector;

(H) the Office of the United States Trade Representative with respect to providing support and guidance on trade and investment matters; and

(I) other Federal departments and agencies as determined by the President.

(2) Negotiation of memoranda of understanding, where appropriate, with other United States Government components for the provision of any relevant participating or detailed non-Department of State personnel identified under paragraph (1).

(3) Negotiation of contracts, as appropriate, with private sector representatives or other individuals with relevant expertise to advance the objectives specified in subsection (a).

(4) Development within the United States Government of—

(A) appropriate training curricula for relevant experts identified under paragraph (1) and for United States diplomatic personnel in a country actually or potentially threatened by coercive economic measures;

(B) operational procedures and appropriate protocols for the rapid assembly of such experts into one or more teams for deployment to a country actually or potentially threatened by coercive economic measures; and

(C) procedures for ensuring appropriate support for such teams when serving in a country actually or potentially threatened by coercive economic measures, including, as applicable, logistical assistance, office space, information support, and communications.

(5) Negotiation with relevant potential host countries of procedures and methods for ensuring the rapid and effective deployment of such teams, and the establishment of appropriate liaison relationships with local public and private sector officials and entities.

(c) REPORTS REQUIRED.—

(1) REPORT ON ESTABLISHMENT.—Upon establishment of the pilot program required by subsection (a), the Secretary of State shall provide the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives with a detailed report and briefing describing the pilot program, the major elements of the program, the personnel and institutions involved, and the degree to which the program incorporates the elements described in subsection (a).

(2) FOLLOW-UP REPORT.—Not later than one year after the report required by paragraph (1), the Secretary of State shall provide the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives with a detailed report and briefing describing the operations over the previous year of the pilot program established pursuant to subsection (a), as well as the Secretary's assessment of its performance and suitability for becoming a permanent program.

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

(d) DECLARATION OF AN ECONOMIC CRISIS REQUIRED.—

(1) NOTIFICATION.—The President may activate an economic defense response team for a period of 180 days under the authorities of this section to assist a partner country in responding to an unusual and extraordinary economic coercive threat by an adversary of the United States upon the declaration of a coercive economic emergency, together with notification to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) EXTENSION AUTHORITY.—The President may activate the response team for an additional 180 days upon the submission of a detailed analysis to the committees described in paragraph (1) justifying why the continued deployment of the economic defense response team in response to the economic emergency is in the national security interest of the United States.

(e) SUNSET.—The authorities provided under this section shall expire on December 31, 2026.

SA 4434. Mr. CORNYN (for himself, Mr. COONS, Mr. YOUNG, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. NATIONAL SECURITY EXCLUSION FOR ARTICLES OR COMPONENTS OF ARTICLES THAT CONTAIN, WERE PRODUCED USING, BENEFIT FROM, OR USE TRADE SECRETS MISAPPROPRIATED OR ACQUIRED THROUGH IMPROPER MEANS BY A FOREIGN AGENT OR FOREIGN INSTRUMENTALITY.

(a) SHORT TITLE.—This section may be cited as the ''Stopping and Excluding Commercial Ripoffs and Espionage with U.S. Trade Secrets'' or the ''Secrets Act of 2021''.

(b) NATIONAL SECURITY EXCLUSION.—Title III of the Tariff Act of 1930 is amended by inserting after section 341 (19 U.S.C. 1341) the following:

"SEC. 342. NATIONAL SECURITY EXCLUSION FOR ARTICLES OR COMPONENTS OF ARTICLES THAT CONTAIN, WERE PRODUCED USING, BENEFIT FROM, OR USE TRADE SECRETS MISAPPROPRIATED OR ACQUIRED THROUGH IMPROPER MEANS BY A FOREIGN AGENT OR FOREIGN INSTRUMENTALITY.

''(a) IN GENERAL.—Upon a determination under subsection (c)(1), and subject to the procedures required under subsection (d), the Commission shall direct the exclusion from the United States of, on the basis of national security, imports of articles that contain, were produced using, benefit from, or use any trade secret acquired through improper means or misappropriation by a foreign agent or foreign instrumentality (in this section referred to as a 'covered article').

''(b) INTERAGENCY COMMITTEE ON TRADE SECRETS.—

''(1) IN GENERAL.—There is established an Interagency Committee on Trade Secrets (in this section referred to as the 'Committee') to carry out the review and submission of allegations under paragraph (5) and such other duties as the President may designate as necessary to carry out this section.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall be comprised of the following voting members (or the designee of any such member):

''(i) The Secretary of the Treasury.

''(ii) The Secretary of Homeland Security.

''(iii) The Secretary of Commerce.

''(iv) The Attorney General.

''(v) The Intellectual Property Enforcement Coordinator.

''(vi) The United States Trade Representative.

''(vii) The head of such other Federal agency or other executive office as the President determines appropriate, generally or on a case-by-case basis.

''(B) DIRECTOR OF NATIONAL INTELLIGENCE.—

''(i) IN GENERAL.—The Director of National Intelligence shall serve as an ex officio, nonvoting member of the Committee.

''(ii) NOTICE.—The Director of National Intelligence shall be provided with all notices received by the Committee regarding allegations under paragraph (5) but shall serve no policy role on the Committee other than to provide analysis unless serving on the Committee under subparagraph (A)(vii).

''(3) CHAIRPERSON.—The Attorney General shall serve as the chairperson of the Committee.

''(4) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the chairperson, without regard to section 552b of title 5, United States Code (if otherwise applicable).

''(5) UNFAIR TRADE PRACTICE REVIEW.—The Committee—

''(A) shall review upon complaint under oath by the owner of a trade secret or on its own initiative any allegations that an article imported or to be imported into the United States is a covered article; and

''(B) shall, if the Committee decides to proceed with those allegations, submit to the Commission a report including those allegations.

''(c) EX PARTE PRELIMINARY REVIEW, INVESTIGATION, AND DETERMINATION.—

''(1) EX PARTE PRELIMINARY REVIEW.—Not later than 30 days after receipt of an allegation contained in a report under subsection (b)(5)(B) with respect to an article imported or to be imported into the United States, the Commission shall conduct a confidential, ex parte, preliminary review to determine whether the article is more likely than not a covered article.

''(2) INVESTIGATION.—

''(A) IN GENERAL.—Not later than 150 days after an affirmative determination under paragraph (1), the Commission shall conduct an ex parte investigation, which may include a hearing at the discretion of the Commission, to consider if that determination should be extended under paragraph (3).

''(B) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(i) IN GENERAL.—As part of an investigation conducted under subparagraph (A) with respect to an allegation contained in a report under subsection (b)(5)(B), the Director of National Intelligence, at the request of the Commission, shall expeditiously carry out a thorough analysis of the allegation and shall incorporate the views of appropriate intelligence agencies with respect to the allegation.

''(ii) TIMING.—Not later than 20 days after the date on which the Commission begins an investigation under subparagraph (A), the Director of National Intelligence shall submit to the Commission the analysis requested under clause (i).

''(iii) SUPPLEMENTATION OR AMENDMENT.—Any analysis submitted under clause (i) may be supplemented or amended as the Director of National Intelligence considers necessary or appropriate or upon request by the Commission for additional information.

''(iv) BEGINNING OF ANALYSIS BEFORE INVESTIGATION.—The Director of National Intelligence may begin an analysis under clause (i) of an allegation contained in a report under subsection (b)(5)(B) before investigation by the Commission of the allegation under subparagraph (A), in accordance with applicable law.

''(3) EXTENSION, MODIFICATION, OR TERMINATION.—

''(A) IN GENERAL.—The Commission, at its sole discretion, may extend, modify, or terminate a determination under paragraph (1) for good cause and as necessary and appropriate, as determined by the Commission and based on the findings of the investigation conducted under paragraph (2).

''(B) RECONSIDERATION.—The Commission shall reconsider any extension, modification, or termination under subparagraph (A) of a determination under paragraph (1) upon request in writing from the Committee.

''(4) CONSIDERATION.—In conducting a preliminary review under paragraph (1) or an investigation under paragraph (2) with respect to an article, the Commission may consider the following:

''(A) If the article contains, was produced using, benefits from, or uses any trade secret acquired through improper means or misappropriation by a foreign agent or foreign instrumentality.

''(B) The national security and policy interests of the United States, as established by the Committee for purposes of this section.

''(5) DISCLOSURE OF CONFIDENTIAL INFORMATION.—

''(A) IN GENERAL.—Information submitted to the Commission or exchanged among the interested persons in connection with a preliminary review under paragraph (1) or an investigation under paragraph (2), including by the owner of the trade secret with respect to which the review or investigation is connected, may not be disclosed (except under a protective order issued under regulations of the Commission that authorizes limited disclosure of such information) to any person other than a person described in subparagraph (B).

''(B) EXCEPTION.—Notwithstanding the prohibition under subparagraph (A), information described in that subparagraph may be disclosed to—

''(i) an officer or employee of the Commission who is directly concerned with—

''(I) carrying out the preliminary review, investigation, or related proceeding in connection with which the information is submitted;

''(II) the administration or enforcement of a national security exclusion order issued under subsection (d);

''(III) a proceeding for the modification or rescission of a national security exclusion order issued under subsection (d); or

''(IV) maintaining the administrative record of the preliminary review, investigation, or related proceeding;

''(ii) an officer or employee of the United States Government who is directly involved in the review under subsection (d)(2); or

''(iii) an officer or employee of U.S. Customs and Border Protection who is directly involved in administering an exclusion from entry under subsection (d) resulting from the preliminary review, investigation, or related proceeding in connection with which the information is submitted.

''(6) PUBLICATION OF RESULTS.—Not later than 30 days after a determination under paragraph (1) or an extension under paragraph (3), the Commission shall publish notice of the determination or extension, as the case may be, in the Federal Register.

''(7) DESIGNATION OF LEAD AGENCY FROM COMMITTEE.—

''(A) IN GENERAL.—The Attorney General shall designate, as appropriate, a Federal agency or agencies represented on the Committee to be the lead agency or agencies on behalf of the Committee for each action under paragraphs (1) through (3).

''(B) DUTIES.—The duties of the lead agency or agencies designated under subparagraph (A), with respect to an action under paragraphs (1) through (3), shall include assisting in the action and coordinating activity between the Committee and the Commission.

''(8) CONSULTATION.—

''(A) IN GENERAL.—In conducting an action under paragraphs (1) through (3), the Commission shall consult with the heads of such other Federal agencies (or their designees) as the Commission determines appropriate on the basis of the facts and circumstances of the action.

''(B) COOPERATION.—The heads of Federal agencies consulted under subparagraph (A) for an action, and the agency or agencies designated under paragraph (7)(A), shall cooperate with the Commission in conducting the action, including by—

''(i) producing documents and witnesses for testimony; and

''(ii) assisting with any complaint or report or any analysis by the Committee.

''(9) INTERACTION WITH INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall ensure that the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) remains engaged in the collection, analysis, and dissemination to the Commission of any additional relevant information that may become available during the course of any action conducted under paragraphs (1) through (3).

''(10) RULE OF CONSTRUCTION REGARDING SUBMISSION OF ADDITIONAL INFORMATION.—Nothing in this subsection shall be construed as prohibiting any interested person to an allegation described in subsection (b)(5) from submitting additional information concerning the allegation while an action under paragraphs (1) through (3) with respect to the allegation is ongoing.

''(d) PROCEDURES FOR NATIONAL SECURITY EXCLUSION.—

''(1) IN GENERAL.—If the Commission determines under subsection (c)(1) that it is more

likely than not that an article to be imported into the United States is a covered article, not later than 30 days after receipt of the allegation described in that subsection with respect to that determination, the Commission shall—

''(A) issue an order directing that the article concerned be excluded from entry into the United States under subsection (a); and

''(B) notify the President of that determination.

''(2) PRESIDENTIAL REVIEW.—If, before the end of the 30-day period beginning on the day after the date on which the President is notified under paragraph (1)(B) of the determination of the Commission under subsection (c)(1), the President disapproves of that determination and notifies the Commission of that disapproval, effective on the date of that notice, that determination shall have no force or effect.

''(3) EXCLUSION OF COVERED ARTICLES.—

''(A) NOTIFICATION.—Upon expiration of the 30-day period described in paragraph (2), or notification from the President of approval of the determination of the Commission under subsection (c)(1) before the expiration of that period, the Commission shall notify the Secretary of the Treasury and the Secretary of Homeland Security of its action under subsection (a) to direct the exclusion of covered articles from entry.

''(B) REFUSAL OF ENTRY.—Upon receipt of notice under subparagraph (A) regarding the exclusion of covered articles from entry, the Secretary of the Treasury and the Secretary of Homeland Security shall refuse the entry of those articles.

''(4) CONTINUATION IN EFFECT.—Any exclusion from entry of covered articles under subsection (a) shall continue in effect until the Commission—

''(A) determines that the conditions that led to such exclusion from entry do not exist; and

''(B) notifies the Secretary of the Treasury and the Secretary of Homeland Security of that determination.

''(5) MODIFICATION OR RESCISSION.—

''(A) IN GENERAL.—An interested person may petition the Commission for a modification or rescission of an exclusion order issued under subsection (a) with respect to covered articles only after an affirmative extension of the order is issued under subsection (c)(3) in accordance with the procedures under subsection (c)(2).

''(B) REVISITATION OF EXCLUSION.—The Commission may modify or rescind an exclusion order issued under subsection (a) at any time at the discretion of the Commission.

''(C) BURDEN OF PROOF.—The burden of proof in any proceeding before the Commission regarding a petition made by an interested person under subparagraph (A) shall be on the interested person.

''(D) RELIEF.—A modification or rescission for which a petition is made under subparagraph (A) may be granted by the Commission—

''(i) on the basis of new evidence or evidence that could not have been presented at the prior proceeding; or

''(ii) on grounds that would permit relief from a judgment or order under the Federal Rules of Civil Procedure.

''(E) EVIDENTIARY STANDARD.—A modification or rescission may be made under subparagraph (A) if the Commission determines that there has been a clear and convincing showing to the Commission from an interested person that such a modification or rescission should be made.

''(e) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Any person adversely affected by a final modification or rescission determination by the Commission under subsection (d)(5) may appeal such determination only—

''(A) in the United States Court of Appeals for the Federal Circuit; and

''(B) not later than 60 days after that determination has become final.

''(2) NO OTHER JUDICIAL REVIEW.—Except as authorized under paragraph (1), the determinations of the Commission under this section and any exclusion from entry or delivery or demand for redelivery in connection with the enforcement of an order by the Commission under this section may not be reviewed by any court, including for constitutional claims, whether by action in the nature of mandamus or otherwise.

''(3) PROCEDURES FOR REVIEW OF PRIVILEGED INFORMATION.—If an appeal is brought under paragraph (1) and the administrative record contains classified or other information subject to privilege or protections under law, that information shall be submitted confidentially to the court and the court shall maintain that information under seal.

''(4) APPLICABILITY OF USE OF INFORMATION PROVISIONS.—The use of information provisions of sections 106, 305, 405, and 706 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806, 1825, 1845, and 1881e) shall not apply to an appeal under paragraph (1).

''(f) INAPPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT.—

''(1) IN GENERAL.—The requirements of subchapter II of chapter 5 of title 5, United States Code, shall not apply to—

''(A) an action conducted by the Commission under paragraphs (1) through (3) of subsection (c); or

''(B) the procedures for exclusion under paragraphs (4) and (5) of subsection (d).

''(2) ADJUDICATION.—Any adjudication under this section shall not be subject to the requirements of sections 554, 556, and 557 of title 5, United States Code.

''(g) FREEDOM OF INFORMATION ACT EXCEPTION.—Section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), shall not apply to the activities conducted under this section.

''(h) REGULATIONS.—The Commission may prescribe such regulations as the Commission considers necessary and appropriate to carry out this section.

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

''(j) DEFINITIONS.—In this section:

''(1) ARTICLE.—The term 'article' includes any article or component of an article.

''(2) FOREIGN AGENT; FOREIGN INSTRUMENTALITY; IMPROPER MEANS; MISAPPROPRIATION; OWNER; TRADE SECRET.—The terms 'foreign agent', 'foreign instrumentality', 'improper means', 'misappropriation', 'owner', and 'trade secret' have the meanings given those terms in section 1839 of title 18, United States Code.

''(3) INTERESTED PERSON.—The term 'interested person', with respect to an allegation under subsection (b)(5), means a person named in the allegation or otherwise identified by the Commission as having a material interest with respect to the allegation.''.

(c) CLERICAL AMENDMENT.—The table of contents for the Tariff Act of 1930 is amended by inserting after the item relating to section 341 the following:

''Sec. 342. National security exclusion for articles or components of articles that contain, were produced using, benefit from, or use trade secrets misappropriated or acquired through improper means by a foreign agent or foreign instrumentality.''.

(d) CONFORMING AMENDMENT.—Section 514(a)(4) of the Tariff Act of 1930 (19 U.S.C. 1514(a)(4)) is amended by striking ''a determination appealable under section 337 of this Act'' and inserting ''in connection with the enforcement of an order of the United States International Trade Commission issued under section 342''.

SA 4435. Mr. GRASSLEY (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. EVALUATION OF AND REPORT ON WITHDRAWAL FROM AFGHANISTAN.

(a) EVALUATION.—

(1) IN GENERAL.—The Special Inspector General for Afghanistan Reconstruction (in this section referred to as the Inspector General) shall conduct an evaluation of the performance of the Afghanistan National Defense and Security Forces (in this section referred to as the ''ANDSF'') during the period beginning on February 1, 2020, and ending on August 31, 2021.

(2) ELEMENTS.—The evaluation required by paragraph (1) shall include the following:

(A) A determination as to the reason the ANDSF proved unable to defend Afghanistan from the Taliban following the withdrawal of the United States Armed Forces.

(B) An assessment of the impact such withdrawal had on the performance of the ANDSF.

(C) With respect to efforts made by the United States Armed Forces since 2001 to provide training, assistance, and advice to the ANDSF, an analysis of any such effort that impacted the performance of the ANDSF following such withdrawal.

(D) An assessment of the current status of—

(i) equipment provided to the ANDSF by the United States; and

(ii) ANDSF personnel who were trained by the United States.

(E) An identification of the types of military equipment provided by the United States to the military or security forces of Afghanistan that was left in Afghanistan after the withdrawal of the United States Armed Forces, including equipment provided to the air force of Afghanistan.

(F) An assessment whether—

(i) the Taliban has control over the equipment described in subparagraph (B); and

(ii) such equipment is being moved or sold to any third parties.

(G) An assessment whether government officials of Afghanistan fled Afghanistan with United States taxpayer dollars.

(H) An assessment whether funds made available from the Afghan Security Forces Fund—

(i) were stolen by government officials of Afghanistan; or

(ii) diverted from the originally intended purposes of such funds.

(I) An assessment whether equipment provided to the military or security forces of Afghanistan was used to assist government officials of Afghanistan in fleeing Afghanistan.

(J) Any other matter the Inspector General considers appropriate.

(3) COOPERATION OF SECRETARY OF DEFENSE.—To the extent practicable and consistent with law, the Secretary of Defense shall provide to the Inspector General any such information or assistance as the Inspector General may request for the purpose of conducting the evaluation required by this subsection.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the congressional defense committees one or more reports the results of the evaluation conducted under subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

SA 4436. Mr. GRASSLEY (for himself, Mr. SANDERS, and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1004. DEFENSE FINANCIAL SYSTEMS COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch the Defense Financial Systems Commission (in this section referred to as the ''Commission'').

(b) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) review the financial management systems of the Department of Defense, including policies, procedures, and past and planned investments;

(B) review the spending of the Department on financial management systems, including new investments, operations and maintenance, and legacy systems;

(C) determine which financial management systems of the Department meet the standards described in paragraph (2);

(D) make recommendations to the Secretary of Defense and the secretaries of the military departments with respect to—

(i) which financial management systems need to be replaced or modified, and what new systems are needed, to ensure that the financial management systems of the Department meet the standards described in paragraph (2); and

(ii) improving such systems and related processes to ensure effective internal control and ability to achieve auditable financial statements and meet other financial management and operational needs, including, as appropriate, recommendations for both short-term and long-term actions; and

(E) assess the progress of the Department of Defense in implementing any previous recommendations of the Commission.

(2) STANDARDS DESCRIBED.—A financial management system meets the standards described in this paragraph if the system—

(A) complies with—

(i) the accounting principles, standards, and requirements prescribed under section 3511 of title 31, United States Code;

(ii) the most recent governmentwide financial management plan prepared under section 3512 of that title; and

(iii) guidance and recommendations made by the Comptroller General of the United States, the Inspector General of the Department of Defense, and other auditors;

(B) addresses the findings of financial statement audits; and

(C) provides reliable, useful, and timely information to support the preparation of auditable financial statements and meet other financial management and operational needs, including, as appropriate, with respect to both short-term and long-term actions.

(3) REPORT REQUIRED.—Not later than March 31 and September 30 of fiscal year 2022 and each fiscal year thereafter, the Commission shall submit to the Secretary of Defense, the secretaries of the military departments, Congress, and the Comptroller General of the United States a report that includes—

(A) the findings of the reviews conducted under subparagraphs (A) and (B) of paragraph (1);

(B) the determinations required by subparagraph (C) of that paragraph;

(C) the recommendations required by subparagraph (D) of paragraph (1);

(D) the results of the assessment required by subparagraph (E) of that paragraph; and

(E) a description of the work the Commission plans to conduct during the six-month period following submission of the report.

(c) COMMISSION MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of three members appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS; REPRESENTATION.—In appointing members of the Commission, the Comptroller General shall include individuals—

(A) knowledgeable of accounting, auditing, financial management, information technology, data science, change management, and the operating environment of the Department of Defense; and

(B) to the extent feasible, who have relevant experience based in—

(i) the Department;

(ii) the Federal Government (other than the Department); and

(iii) the private sector.

(3) TERMS.—

(A) IN GENERAL.—A member of the Commission shall be appointed for a term of 3 years, except that the Comptroller General shall designate staggered terms for the members first appointed.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(ii) MEMBERS APPOINTED TO FILL VACANCIES.—Any member of the Commission 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.

(iii) CONTINUATION OF SERVICE TILL SUCCESSOR TAKES OFFICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(4) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—The Comptroller General shall designate a member of the Commission as the Chairperson and a member of the Commission as the Vice Chairperson at the time of their appointment and for that term of appointment.

(B) VACANCIES.—If the member of the Commission designated under subparagraph (A) as the Chairperson or the Vice Chairperson leaves the Commission before the end of the member's term, the Comptroller General may designate another member of the Commission as the Chairperson or the Vice Chairperson for the remainder of the term of that member's term.

(d) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(e) COMPENSATION AND EMPLOYMENT STATUS OF MEMBERS AND STAFF.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(2) TRAVEL EXPENSES.—A member of the Commission may be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Commission, as authorized by the chairperson of the Commission.

(3) FINANCIAL DISCLOSURE REQUIREMENTS.—A member of the Commission shall be considered an employee of Congress whose compensation is disbursed by the Secretary of the Senate for purposes of applying title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), except that a member of the Commission is required to file public financial disclosure reports without regard to their number of days of service or rate of pay.

(4) MEMBERS EMPLOYED BY OTHER AGENCIES.—The employment status and pay of a member of the Commission who is employed by another Federal agency shall not be affected by the service of the member on the Commission.

(5) PAY AND BENEFITS OF STAFF OF COMMISSION.—

(A) IN GENERAL.—Subject to subparagraph (B), an employee of the Commission (other than a member of the Commission) shall, for purposes of pay and employment benefits, rights, and privileges, be treated as an employee of the Senate.

(B) CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—For purposes of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.), with respect to provisions of law covered by part A of title II of that Act (2 U.S.C. 1311 et seq.)—

(i) an employee of the Commission shall be considered to be an employee of the Senate, as defined in section 3 of that Act (2 U.S.C. 1301); and

(ii) the Commission shall be considered to be the employing office, as defined in that section, for that employee.

(6) NOT TREATED AS EMPLOYEES OF GOVERNMENT ACCOUNTABILITY OFFICE.—Members and employees of the Commission may not be treated as employees of the Government Accountability Office for any purpose.

(f) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—The Commission shall hire such staff and engage such experts and consultants knowledgeable of accounting, internal controls, auditing, financial management, information technology, data science, change management, and the operating environment of the Department of Defense, as may be necessary to carry out the duties of the Commission.

(g) POWERS AND AUTHORITIES.—Subject to such review as the Comptroller General deems necessary to assure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out the duties of the Commission without regard to the provisions of subchapter I of chapter

33 of title 5, United States Code, governing appointments in the competitive service;

(2) seek such assistance and support as may be required in the performance of the duties of the Commission from appropriate Federal and State agencies;

(3) enter into such contracts or make such other arrangements as may be necessary for the conduct of the work of the Commission without regard to the requirements of section 6101 of title 41, United States Code;

(4) make advance, progress, and other payments that relate to the work of the Commission;

(5) provide transportation and subsistence for members, staff, and persons serving without compensation; and

(6) prescribe such rules and regulations as the Commission deems necessary with respect to the internal organization and operation of the Commission.

(h) OBTAINING INFORMATION FROM OTHER FEDERAL AGENCIES.—

(1) REQUESTS FROM COMMISSION.—The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out this section.

(2) DEADLINE FOR RESPONSES.—The head of a Federal agency shall, not later than 30 days after receiving a request for information from the Commission under paragraph (1) (unless the Chairperson of the Commission agrees to a different schedule), provide that information to the Commission.

(i) OVERSIGHT BY GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) CONSULTATION WITH GOVERNMENT ACCOUNTABILITY OFFICE.—The Commission shall, not less frequently than once each month, consult with the Comptroller General on the status of its reviews, analysis, findings and recommendations, and related subjects.

(2) ACCESS OF GOVERNMENT ACCOUNTABILITY OFFICE TO INFORMATION.—The Comptroller General shall have access to all deliberations, records, data, and personnel of the Commission, immediately upon request.

(3) PERIODIC AUDITS.—The Commission shall be subject to periodic audit by the Comptroller General.

(4) REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE TO CONGRESS.—Not later than 90 days after the Commission submits each report required by subsection (b)(3), the Comptroller General shall submit to Congress a report on the work of the Commission and the implementation by the Department of Defense of the recommendations of the Commission.

(j) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to the Commission.

(k) FUNDING.—

(1) IN GENERAL.—Of amounts appropriated to any entity within the Department of Defense for operation and maintenance for fiscal year 2022 and each fiscal year thereafter until the fiscal year in which the Commission terminates under subsection (l), the Secretary of Defense shall transfer to the Commission an amount determined with the concurrence of the Comptroller General, which may not exceed $10,000,000, for expenses the Commission determines are necessary to carry out this section.

(2) LACK OF CONCURRENCE.—If the Comptroller General does not concur with the Secretary with respect to the amount to be transferred to the Commission under paragraph (1), the Secretary shall, not later than 5 calendar days after receiving notice that the Comptroller General does not concur, submit to the Commission, the Comptroller General, and Congress a report explaining the reasons for the amount transferred by the Secretary to the Commission. The Commission shall post the report on a publicly available internet website of the Commission.

(3) AVAILABILITY.—Amounts transferred to the Commission under paragraph (1) shall remain available until expended.

(l) SUNSET.—The Commission shall terminate on the earlier of—

(1) the date that is 90 days after the Commission determines and report to Congress that the financial management systems of the Department of Defense are in compliance with the standards described in subsection (b)(2); and

(2) the date that is five years after the date of the enactment of this Act.

SA 4437. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WHISTLEBLOWER INCENTIVES AND PROTECTIONS.

Section 5323 of title 31, United States Code, as amended by section 6314 of the Anti-Money Laundering Act of 2020 (division F of Public Law 116–283) is amended by striking subsection (b) and inserting the following:

''(b) AWARDS.—

''(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Secretary, under regulations prescribed by the Secretary, in consultation with the Attorney General and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the employer of the individual, the Secretary, or the Attorney General, as applicable, that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

''(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

''(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

''(2) PAYMENT OF AWARDS.—Any amount paid under paragraph (1) shall be paid from the Fund established under paragraph (3).

''(3) SOURCE OF AWARDS.—

''(A) IN GENERAL.—There shall be established in the Treasury of the United States a revolving fund to be known as the Financial Integrity Fund (referred to in this subsection as the 'Fund').

''(B) USE OF FUND.—The Fund shall be available to the Secretary, without further appropriation or fiscal year limitations, for—

''(i) the payment of awards to whistleblowers as provided in subsection (b);

''(ii) the funding of education initiatives and administrative expenses; and

''(iii) carrying out the provisions of this subsection.

''(4) DEPOSITS AND CREDITS.—

''(A) IN GENERAL.—There shall be deposited into or credited to the Fund an amount equal to—

''(i) any monetary sanction collected by the Secretary or Attorney General in any judicial or administrative action under this title unless the balance of the Fund at the time the monetary judgement is collected exceeds $300,000,000; and

''(ii) all income from investments made under paragraph (5).

''(B) ADDITIONAL AMOUNTS.—If the amounts deposited into or credited to the Fund under subparagraph (A) are not sufficient to satisfy an award made under this subsection, there shall be deposited into or credited to the Fund an amount equal to the unsatisfied portion of the award from any monetary sanction collected by the Secretary of the Treasury or Attorney General in the covered judicial or administrative action on which the award is based.

''(5) INVESTMENTS.—

''(A) AMOUNTS IN FUND MAY BE INVESTED.—The Secretary of the Treasury may invest the portion of the Fund that is not required to meet the current needs of the Fund.

''(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Secretary.

''(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.''.

SA 4438. Mr. KENNEDY 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:

SEC. _____. RESTRICTIONS ON CONFUCIUS INSTITUTES.

(a) DEFINITION.—In this section, the term ''Confucius Institute'' means a cultural institute directly or indirectly funded by the Government of the People's Republic of China.

(b) RESTRICTIONS ON CONFUCIUS INSTITUTES.—An institution of higher education or other postsecondary educational institution (referred to in this section as an ''institution'') shall not be eligible to receive Federal funds from the Department of Education (except funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or other Department of Education funds that are provided directly to students) unless the institution ensures that any contract or agreement between the institution and a Confucius Institute includes clear provisions that—

(1) protect academic freedom at the institution;

(2) prohibit the application of any foreign law on any campus of the institution; and

(3) grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made, and who is employed at the Confucius Institute.

SA 4439. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to

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

At the appropriate place, insert the following:

SEC. _____. TRADING PROHIBITION FOR 2 CONSECUTIVE NON-INSPECTION YEARS.

Section 104(i) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)) is amended—

(1) in paragraph (2)(A)(ii), by striking ''the foreign jurisdiction described in clause (i)'' and inserting ''a foreign jurisdiction''; and

(2) in paragraph (3)—

(A) in the paragraph heading, by striking ''3'' and inserting ''2''; and

(B) in subparagraph (A), in the matter preceding clause (i), by striking ''3'' and inserting ''2''.

SA 4440. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TRANSFER AND REDEMPTION OF ABANDONED SAVINGS BONDS.

Section 3105 of title 31, United States Code, is amended by adding at the end the following:

''(f)(1) Notwithstanding any other Federal law, the ownership of an applicable savings bond may be transferred pursuant to a valid judgment of escheatment vesting a State with title to the bond. Nothing in this section, or in any regulation promulgated by the Secretary to implement this section, may be construed to preempt State law providing for, or governing the escheatment of, applicable savings bonds.

''(2) The Secretary shall recognize an order of a court of competent jurisdiction that vests title to an applicable savings bond with a State, regardless of whether the State has possession of such bond if the State provides the Secretary with a certified copy of such order.

''(3)(A) If a State has title or is seeking to obtain title through a judicial proceeding to an applicable savings bond, the Secretary shall provide to the State, upon request, the serial number of such bond, and any reasonably available records or information—

''(i) relating to the purchase or ownership of such bond, including any transactions involving such bond; or

''(ii) which may provide other identifying information relating to such bond.

''(B) Any records or information provided to a State pursuant to subparagraph (A) shall be considered sufficient to enable the State to redeem the applicable savings bond for full value, regardless whether the bond is lost, stolen, destroyed, mutilated, defaced, or otherwise not in the State's possession.

''(4)(A) Subject to subparagraph (C), a State may redeem and receive payment for an applicable savings bond for which the State has title pursuant to the same procedures established pursuant to regulations which are available for payment or redemption of a savings bond by any owner of such bond.

''(B) The Secretary may not prescribe any regulation which prevents or prohibits a State from obtaining title to an applicable savings bond or redeeming such bond pursuant to the procedures described in subparagraph (A).

''(C) In the case of an applicable savings bond which is lost, stolen, destroyed, mutilated, defaced, or otherwise not in the possession of the State, if the State has requested records and information under paragraph (3)(A), any applicable period of limitation for payment or redemption of such bond shall not begin to run against the State until the date on which the Secretary has provided the State with the records and information described in such paragraph.

''(5) If the United States Government makes payment to a State for an applicable savings bond pursuant to paragraph (4)—

''(A) that State shall attempt to locate the original owner of each such bond registered with an address in that State pursuant to the same standards and requirements as exist under that State's abandoned property rules and regulations;

''(B) except as provided in subparagraph (C), the United States Government shall not retain any further obligation or liability relating to such bond, including any obligation or liability with respect to the registered owner of such bond (as described in paragraph (6));

''(C) should a State that receives payment for an applicable savings bond pursuant to paragraph (4) fail to make payment to a registered owner of such bond (as described in paragraph (6)(B)) after presentment of a valid claim of ownership pursuant to that State's abandoned property rules and regulations, such owner may then seek redemption of their bond through the Secretary or any paying agent authorized by the United States Government to make payments to redeem such bonds, and it shall be paid; and

''(D) where the United States Government has made payment of an applicable savings bond under subparagraph (C), the respective State shall indemnify the United States for payments made on such bond.

''(6) For purposes of this subsection, the term 'applicable savings bond' means any United States savings bond that—

''(A) matured on or before December 31, 2017;

''(B) is registered to an owner with a last known address within a State claiming title under a valid escheatment order entered after December 31, 2012, and before January 2026; and

''(C) has not been redeemed by such owner.''.

SA 4441. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. PRELIMINARY COST ESTIMATE FOR ACTIVITIES OF COMMISSION ON NAMING OF ITEMS OF DEPARTMENT OF DEFENSE THAT COMMEMORATE THE CONFEDERATE STATES OF AMERICA OR ANY PERSON WHO SERVED VOLUNTARILY WITH THE CONFEDERATE STATES OF AMERICA.

Section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by redesignating subsections (h), (i), and (j), as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) PRELIMINARY COST ESTIMATE.—Not later than September 30, 2022, the Commission shall submit to the Committees on Armed Services of the Senate and House of Representatives a preliminary cost estimate for the activities of the Commission.''.

SA 4442. Mr. KENNEDY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ADDITIONAL AMOUNT FOR EXECUTION OF CLIN 0101.

(a) ADDITIONAL AMOUNT.—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by $41,700,000, with the amount of the increase to be available for Medium Unmanned Surface Vehicle, line 095 of the table in section 4201, to carry out execution of CLIN 0101.

(b) OFFSETS.—

(1) REDUCTION.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby decreased by $41,700,000.

(2) AVAILABILITY.—Amounts available for operation and maintenance pursuant to section 301 are hereby reduced as follows:

(A) The amount for Operation and Maintenance, Air Force, Base Support, as specified on line 90 of the table in section 4301, by $15,000,000.

(B) The amount for Operation and Maintenance, Army, Base Operations Support, as specified on line 110 of the table in section 4301, by $14,000,000.

(C) The amount for Operation and Maintenance, Navy, Base Operating Support, as specified on line 280 of the table in section 4301, by $10,000,000.

(D) The amount for Operation and Maintenance, Defense-wide, Office of the Secretary of Defense, as specified on line 540 of the table in section 4301, by $2,700,000.

SA 4443. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. REPORT ON VETTING NATIONALS FROM AFGHANISTAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on the process used to vet nationals of Afghanistan who arrived in the United States during the period beginning on July 15, 2021 and ending on August 31, 2021.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of such process.

(2) The number of such nationals of Afghanistan present in the United States who, upon entry to the United States—

(A) did not present the identification documents required for admission into the United States; and

(B) were allowed to provide only a name and date of birth to vetting officials to input into tracking systems of the Government.

(3) A description of the training that vetting officials receive regarding the detection of fraudulent identification documents.

(4) In the case of any such national of Afghanistan who has been detained following entry to the United States for reasons related to national security, a specific justification for such detention.

(5) A plan for relocating nationals of Afghanistan held in the Republic of Kosovo due to the potential risks they pose to the national security of the United States.

SA 4444. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1216. REPORT ON THE NUMBER OF UNITED STATES CITIZENS AND INTERPRETERS AND ALLIES OF THE UNITED STATES REMAINING IN AFGHANISTAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on the number of United States citizens and interpreters and allies of the United States who remain in Afghanistan following the evacuation of Afghanistan beginning in July 2021.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The number of United States citizens and lawful permanent residents in Afghanistan.

(2) The number of nationals of Afghanistan who—

(A) sought assistance from the Government of the United States to evacuate Afghanistan during the period beginning on July 15, 2021 and ending on August 31, 2021; and

(B) remain in Afghanistan.

(3) The number of nationals of Afghanistan who—

(A) served as interpreters for, or were allies of, the United States; and

(B) remain in Afghanistan.

SA 4445. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS INVOLVING AFGHANISTAN'S RARE EARTH MINERALS.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to each foreign person the President determines engages, on or after the date of the enactment of this Act, in any transaction involving rare earth minerals mined or otherwise extracted in Afghanistan.

(b) SANCTIONS DESCRIBED.—The sanctions to be imposed under subsection (a) with respect to a foreign person are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an alien described in subsection (a) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

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

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) NATIONAL SECURITY WAIVER.—The President may waive the imposition of sanctions under subsection (a) with respect to a foreign person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

(e) EXCEPTIONS.—

(1) INTELLIGENCE ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) LAW ENFORCEMENT ACTIVITIES.—Sanctions under this section shall not apply with respect to any authorized law enforcement activities of the United States.

(3) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Subsection (b)(2) shall not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority or a requirement to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(f) REPORT REQUIRED.—The Secretary of State shall submit to the appropriate congressional committees a report on the supply of rare earth minerals in Afghanistan during the period after the Taliban gained control of Afghanistan.

(g) DEFINITIONS.—In this section:

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

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

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(3) FOREIGN PERSON.—The term ''foreign person'' means any individual or entity that is not a United States person.

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

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

(B) an entity organized under the laws of the United States or any jurisdiction within the United States.

SA 4446. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. REPORTS ON CURRICULUM USED IN SCHOOLS IN AREAS CONTROLLED BY THE PALESTINIAN AUTHORITY AND IN GAZA.

(a) FINDINGS.—Congress finds the following:

(1) In 2016 and 2017, the Palestinian Authority published modified curricula for school-aged children in grades 1 through 11.

(2) Textbooks used by the Palestinian Authority in the West Bank and Gaza include graphics portraying violence against Israeli soldiers, positive portrayals of individuals who have committed attacks against citizens of Israel, and references to Palestinian efforts to target the ''Zionists''.

(3) Palestinian Authority textbooks are used at schools sponsored by the United Nations Relief and Works Agency for Palestine Refugees in the Near East because the schools use the textbooks of the host government.

(4) On April 26, 2018, the Government Accountability Office published a report that found the following:

(A) Textbooks in schools in areas controlled by the Palestinian Authority feature inaccurate and misleading maps of the region and include militaristic, adversarial imagery and content that incite hatred.

(B) The Department of State raised with Palestinian officials the objectionable content in the textbooks, including a specific math problem using the number of Palestinian casualties in the First and Second Intifadas.

(C) The United Nations Relief and Works Agency for Palestine Refugees in the Near East, in its review of the textbooks, identified content not aligned with United Nations values, the majority of which content related to neutrality or bias issues, including issues related to maps and references to Jerusalem as the capital of Palestine.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Palestinian Authority has not sufficiently eliminated content encouraging violence or intolerance toward other countries or ethnic groups from the curriculum used in schools in areas controlled by the Palestinian Authority.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 2 years in accordance with paragraph (4), the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report reviewing curriculum used in schools in areas controlled by the Palestinian Authority or located in Gaza and controlled by any other entity.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A determination of whether the curriculum reviewed contains content encouraging violence or intolerance toward other countries or ethnic groups, and a detailed explanation of the reasons for reaching such determination.

(B) An assessment of the steps the Palestinian Authority is taking to reform curriculum containing such content at schools to conform with standards of peace and tolerance in the Declaration of Principles on Tolerance adopted by Member States of the United Nations Educational, Scientific and Cultural Organization on November 16, 1995.

(C) A determination of whether United States foreign assistance is used, directly or indirectly, to fund the dissemination of such curriculum by the Palestinian Authority.

(D) A detailed report on how United States assistance is being used to address curriculum that encourages violence or intolerance toward other nations or ethnic groups.

(E) A detailed report on United States diplomatic efforts, during the 5-year period preceding the date on which the report is submitted, to encourage peace and tolerance in Palestinian education.

(F) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

(3) PUBLIC AVAILABILITY.—The Secretary of State shall post on a publicly available website of the Department of State each report required by paragraph (1).

(4) SUBSEQUENT DEADLINES.—Each report required by paragraph (1), other than the first such report, shall be submitted not later than 90 days after the date on which a new school year begins for schools in areas controlled by the Palestinian Authority.

SA 4447. Mr. GRAHAM (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CATAWBA INDIAN NATION LANDS.

(a) APPLICATION OF CURRENT LAW.—

(1) LANDS IN SOUTH CAROLINA.—Section 14 of the Catawba Indian Tribe of South Carolina Claims Settlement Act of 1993 (Public Law 103–116) shall only apply to gaming conducted by the Catawba Indian Nation on lands located in South Carolina.

(2) LANDS IN STATES OTHER THAN SOUTH CAROLINA.—Gaming conducted by the Catawba Indian Nation on lands located in States other than South Carolina shall be subject to the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and sections 1166 through 1168 of title 18, United States Code.

(b) REAFFIRMATION OF STATUS AND ACTIONS.—

(1) RATIFICATION OF TRUST STATUS.—The action taken by the Secretary on July 10, 2020, to place approximately 17 acres of land located in Cleveland County, North Carolina, into trust for the benefit of the Catawba Indian Nation is hereby ratified and confirmed as if that action had been taken under a Federal law specifically authorizing or directing that action.

(2) ADMINISTRATION.—The land placed into trust for the benefit of the Catawba Indian Nation by the Secretary on July 10, 2020, shall—

(A) be a part of the Catawba Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for an Indian Tribe; and

(B) be deemed to have been acquired and taken into trust as part of the restoration of lands for an Indian tribe that is restored to Federal recognition pursuant to section 20(b)(1)(B)(iii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(iii)).

(3) RULES OF CONSTRUCTION.—Nothing in this section shall—

(A) enlarge, impair, or otherwise affect any right or claim of the Catawba Indian Nation to any land or interest in land in existence before the date of the enactment of this Act;

(B) affect any water right of the Catawba Indian Nation in existence before the date of the enactment of this Act;

(C) terminate or limit any access in any way to any right-of-way or right-of-use issued, granted, or permitted before the date of the enactment of this Act; or

(D) alter or diminish the right of the Catawba Indian Nation to seek to have additional land taken into trust by the United States for the benefit of the Catawba Indian Nation.

SA 4448. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. SENSE OF CONGRESS ON ROLE OF QATAR IN SUPPORT OF OPERATION ALLIES REFUGE.

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

(1) Thousands of United States citizens, lawful permanent residents, vulnerable Afghans, and their families sought refuge following the Afghan Taliban's takeover of the Islamic Republic of Afghanistan.

(2) The State of Qatar played a critical role in assisting the United States in evacuating thousands of people from the rule of the Afghan Taliban regime.

(3) Al Udeid Air Base in Qatar served as a central transportation hub for many evacuees desperately seeking to exit Afghanistan.

(4) Secretary of Defense Lloyd J. Austin stated, ''Qatar's support for Operation Allies Refuge was indispensable to the safe transit of Americans and U.S. personnel, allies, partners and Afghans at special risk.''

(b) SENSE OF CONGRESS.—Congress—

(1) thanks the State of Qatar for their pivotal role and support of Operation Allies Refuge; and

(2) appreciates the State of Qatar's support to temporarily house thousands of evacuees until they are cleared for follow-on movement.

SA 4449. Mr. TILLIS 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 XVI, insert the following:

SEC. ____. BRIEFING ON DEPARTMENT OF DEFENSE INTEROPERABILITY FOR DATA ANALYTICS.

(a) BRIEFING REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Chief Data Officer of the Department of Defense shall brief the congressional

defense committees on the activities the Department is undertaking to ensure that authoritative enterprise data is available to and interoperable among multiple data management and analytics platforms for the Secretary of Defense, Deputy Secretary of Defense, Principal Staff Assistants, and components of the Department in adherence with an open data standard architecture.

(b) ELEMENTS.—The briefing provided under subsection (a) shall include the following:

(1) An assessment of how data analytics platforms currently in use adhere to an open data standard architecture in accordance with the Deputy Secretary of Defense's memorandum on Creating Data Advantage.

(2) A description of the process and metrics used by the Chief Data Officer to approve additional platforms for use.

(3) A plan to federate data that can be accessed across the enterprise, wherever it exists, by multiple data analytics platforms.

(4) An assessment of the cybersecurity benefits derived through implementing a diversity of data platforms.

(5) An assessment of the ability to better meet unique mission requirements at the edge via operator access to competitive, multi-tool analytics platforms.

SA 4450. Ms. KLOBUCHAR (for herself, Mr. CORNYN, Mr. COONS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her 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. STUDY ON FACTORS AFFECTING EMPLOYMENT OPPORTUNITIES FOR IMMIGRANTS AND REFUGEES WITH PROFESSIONAL CREDENTIALS OBTAINED IN FOREIGN COUNTRIES.

(a) DEFINITIONS.—

(1) APPLICABLE IMMIGRANTS AND REFUGEES.—In this section, the term ''applicable immigrants and refugees''—

(A) means individuals who—

(i)(I) are not citizens or nationals of the United States; and

(II) are lawfully present in the United States and authorized to be employed in the United States; or

(ii) are naturalized citizens of the United States who were born outside of the United States and its outlying possessions; and

(B) includes individuals described in section 602(b)(2) of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 8 U.S.C. 1101 note).

(2) OTHER TERMS.—Except as otherwise defined in this subsection, terms used in this section have the definitions given such terms under section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(b) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Labor, in coordination with the Secretary of State, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, the Administrator of the Internal Revenue Service, and the Commissioner of the Social Security Administration, shall conduct a study of the factors affecting employment opportunities in the United States for applicable immigrants and refugees who have professional credentials that were obtained in a country other than the United States.

(2) WORK WITH OTHER ENTITIES.—The Secretary of Labor shall seek to work with relevant nonprofit organizations and State agencies to use the existing data and resources of such entities to conduct the study required under paragraph (1).

(3) LIMITATIONS ON DISCLOSURE.—Any information provided to the Secretary of Labor in connection with the study required under paragraph (1)—

(A) may only be used for the purposes of, and to the extent necessary to ensure the efficient operation of, such study; and

(B) may not be disclosed to any other person or entity except as provided under this subsection.

(c) INCLUSIONS.—The study required under subsection (b)(1) shall include—

(1) an analysis of the employment history of applicable immigrants and refugees admitted to the United States during the 5-year period immediately preceding the date of the enactment of this Act, which shall include, to the extent practicable—

(A) a comparison of the employment applicable immigrants and refugees held before immigrating to the United States with the employment they obtained in the United States, if any, since their arrival; and

(B) the occupational and professional credentials and academic degrees held by applicable immigrants and refugees before immigrating to the United States;

(2) an assessment of any barriers that prevent applicable immigrants and refugees from using occupational experience obtained outside the United States to obtain employment in the United States;

(3) an analysis of available public and private resources assisting applicable immigrants and refugees who have professional experience and qualifications obtained outside of the United States to obtain skill-appropriate employment in the United States; and

(4) policy recommendations for better enabling applicable immigrants and refugees who have professional experience and qualifications obtained outside of the United States to obtain skill-appropriate employment in the United States.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall—

(1) submit a report to Congress that describes the results of the study conducted pursuant to subsection (b); and

(2) make such report publically available on the website of the Department of Labor.

SA 4451. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. ADDRESSING THREATS TO NATIONAL SECURITY WITH RESPECT TO WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Expansion Act of 1962 (19 U.S.C. 1862 et seq.) is amended by adding at the end the following:

"SEC. 234. STATEMENT OF POLICY.

''It is the policy of the United States—

''(1) to ensure the continued strength and leadership of the United States with respect to the research and development of key technologies for future wireless telecommunications standards and infrastructure;

''(2) that the national security of the United States requires the United States to maintain its leadership in the research and development of key technologies for future wireless telecommunications standards and infrastructure; and

''(3) that the national security and foreign policy of the United States requires that the importation of items that use, without a license, a claimed invention protected by a patent that is essential for the implementation of a wireless communications standard and is held by a United States person, be controlled to ensure the achievement of the policies described in paragraphs (1) and (2).

"SEC. 235. LIST OF FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY WITH RESPECT TO WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary of Commerce (in this section referred to as the 'Secretary') shall establish and maintain a list of each foreign entity that the Secretary determines—

''(1)(A) uses, without a license, a claimed invention protected by a patent that is essential for the implementation of a wireless communications standard and is held by a covered person; and

''(B) is a person of concern or has as its ultimate parent a person of concern; or

''(2) is a successor to an entity described in paragraph (1).

''(b) WATCH LIST.—

''(1) IN GENERAL.—The Secretary shall establish and maintain a watch list of each foreign entity—

''(A)(i) that is a person of concern or has as its ultimate parent a person of concern; and

''(ii) with respect to which a covered person has made the demonstration described in paragraph (2) in a petition submitted to the Secretary for the inclusion of the entity on the list; or

''(B) that is a successor to an entity described in subparagraph (A).

''(2) DEMONSTRATION DESCRIBED.—

''(A) IN GENERAL.—A covered person has made a demonstration described in this paragraph if the person has reasonably demonstrated to the Secretary that—

''(i) the person owns at least one unexpired patent that is essential for the implementation of a wireless communications standard;

''(ii) a foreign entity that is a person of concern, or has as its ultimate parent a person of concern, has been, for a period of more than 180 days, selling wireless communications devices in or into the United States, directly or indirectly, that are claimed, labeled, marketed, or advertised as complying with that standard;

''(iii) the covered person has offered to the foreign entity or any of its affiliates—

''(I) a license to the person's portfolio of patents that are essential to that standard; or

''(II) to enter into binding arbitration to resolve the terms of such a license; and

''(iv) the foreign entity has not executed a license agreement or an agreement to enter into such arbitration, as the case may be, by the date that is 180 days after the covered person made such an offer.

''(B) DEMONSTRATION OF ESSENTIALITY.—A covered person may demonstrate under subparagraph (A)(i) that the person owns at least one unexpired patent that is essential for the implementation of a wireless communications standard by providing to the Secretary any of the following:

''(i) A decision by a court or arbitral tribunal that a patent owned by the person is essential for the implementation of that standard.

''(ii) A determination by an independent patent evaluator not hired by the person that a patent owned by the person is essential for the implementation of that standard.

''(iii) A showing that wireless communications device manufacturers together accounting for a significant portion of the United States or world market for such devices have entered into agreements for licenses to the person's portfolio of patents that are essential for the implementation of that standard.

''(iv) A showing that the person has previously granted licenses to the foreign entity described in subparagraph (A)(ii) or any of its affiliates with respect to a reasonably similar portfolio of the person's patents that are essential for the implementation of that standard.

''(C) ACCOUNTING OF WIRELESS COMMUNICATIONS DEVICE MARKET.—A showing described in subparagraph (B)(iii) may be made either by including or excluding wireless communications device manufacturers that are persons of concern.

''(3) PROCEDURES.—

''(A) ADDING A FOREIGN ENTITY TO THE WATCH LIST.—

''(i) IN GENERAL.—The Secretary may add a foreign entity to the watch list under paragraph (1) only after notice and opportunity for an agency hearing on the record in accordance with (except as provided in clause (ii)) sections 554 through 557 of title 5, United States Code.

''(ii) MATTERS CONSIDERED AT HEARING.—An agency hearing conducted under clause (i)—

''(I) shall be limited to consideration of—

''(aa) whether the demonstration described in paragraph (2) has been reasonably made; and

''(bb) the amount of bond to be required in accordance with section 236; and

''(II) may not include the presentation or consideration of legal or equitable defenses or counterclaims.

''(B) ADMINISTRATIVE PROCEDURE.—Except as provided in subparagraph (A), the functions exercised under this section and section 236 shall not be subject to sections 551, 553 through 559, or 701 through 706 of title 5, United States Code.

''(c) MOVEMENT BETWEEN LISTS.—A foreign entity on the watch list required by subsection (b)(1) may be moved to the list required by subsection (a), pursuant to procedures established by the Secretary, on or after the date that is one year after being included on the watch list if the foreign entity is not able to reasonably demonstrate that it has entered into a patent license agreement or a binding arbitration agreement with each covered person that has made the demonstration described in subsection (b)(2) with respect to the entity.

''(d) REMOVAL FROM LISTS.—A foreign entity on the list required by subsection (a) or on the watch list required by subsection (b)(1) may petition the Secretary to be removed from that list on the basis that the conditions that led to the inclusion of the foreign entity on the list no longer exist. The burden of proof shall be on the foreign entity.

''(e) DEFINITIONS.—In this section:

''(1) AFFILIATE.—The term 'affiliate', with respect to an entity, means any entity that owns or controls, is owned or controlled by, or is under common ownership or control with, the entity.

''(2) COUNTRY OF CONCERN.—The term 'country of concern' means a country with respect to which the Secretary determines that—

''(A) persons in the country persistently use, without obtaining a license, patents—

''(i) essential to the implementation of wireless communications standards; and

''(ii) held by a covered person; and

''(B) that use of patents poses a threat to—

''(i) the ability of the United States to maintain a wireless communications research and development infrastructure; and

''(ii) the national security of the United States, pursuant to the policy set forth in section 234.

''(3) COVERED PERSON.—The term 'covered person' means—

''(A) a covered United States person; or

''(B) an affiliate of a covered United States person—

''(i) headquartered in, or organized under the laws of, a country that is a member of the European Union or the North Atlantic Treaty Organization; and

''(ii) engaged in wireless communications research and development.

''(4) COVERED UNITED STATES PERSON.—The term 'covered United States person' means a United States person engaged in wireless communications research and development in the United States.

''(5) PERSON OF CONCERN.—The term 'person of concern' means a person that is—

''(A) an individual who is a citizen or national (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))) of a country of concern; or

''(B) an entity that is headquartered in, or organized under the laws of, a country of concern.

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

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

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

''(C) any person in the United States.

''(7) WIRELESS COMMUNICATIONS STANDARD.—The term 'wireless communications standard' means—

''(A) a cellular wireless telecommunications standard, including such a standard promulgated by the 3rd Generation Partnership Project (commonly known as '3GPP') or the 3rd Generation Partnership Project 2 (commonly known as '3GPP2'); or

''(B) a wireless local area network standard, including such a standard designated as IEEE 802.11 as developed by the Institute of Electrical and Electronics Engineers (commonly known as the 'IEEE').

''SEC. 236. IMPORT SANCTIONS WITH RESPECT TO CERTAIN FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY.

''(a) IN GENERAL.—Any foreign entity on the list required by section 235(a) may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

''(b) ENTRY UNDER BOND.—

''(1) IN GENERAL.—Unless otherwise prescribed by the President, a product described in paragraph (2) may not enter the United States except under bond prescribed by the Secretary of Commerce in an amount determined by the Secretary to be sufficient to protect from injury a covered United States person that made the demonstration described in section 235(b)(2) with respect to the entity that has been selling the product directly or indirectly in or into the United States.

''(2) PRODUCTS DESCRIBED.—A product described in this paragraph is a wireless communications device—

''(A) produced or sold by—

''(i) a foreign entity on the watch list required by section 235(b);

''(ii) a successor of such an entity; or

''(iii) an affiliate of an entity described in clause (i) or (ii); and

''(B) that is claimed, labeled, marketed, or advertised as complying with a wireless communications standard that was the basis for the inclusion of the foreign entity on the watch list.

''(c) FORFEITURE OF BOND.—

''(1) IN GENERAL.—If a foreign entity on the watch list required by section 235(b) is moved to the list required by section 235(a) and becomes subject to controls under subsection (a), a bond paid under subsection (b) shall be forfeited to a covered United States person that made the demonstration described in section 235(b)(2) with respect to the entity.

''(2) TERMS AND CONDITIONS.—The Secretary of Commerce shall prescribe the procedures and any terms or conditions under which bonds will be forfeited under paragraph (1).

''(d) NON-INTEREST-BEARING BONDS.—A bond under this section shall be non-interest-bearing.

''(e) DEFINITIONS.—In this section, the terms 'affiliate' and 'covered United States person' have the meanings given those terms in section 235(d).''.

(b) CONTROLS ON IMPORTS OF GOODS OR TECHNOLOGY AGAINST PERSONS THAT RAISE NATIONAL SECURITY CONCERNS.—Section 233 of the Trade Expansion Act of 1962 (19 U.S.C. 1864) is amended to read as follows:

''SEC. 233. IMPORT SANCTIONS FOR EXPORT VIOLATIONS.

''(a) IN GENERAL.—A person described in subsection (b) may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

''(b) PERSONS DESCRIBED.—A person described in this subsection is a person that—

''(1) violates any national security export control imposed under section 1755 of the Export Control Reform Act of 2018 (50 U.S.C. 4814) or any regulation, order, or license issued under that section; or

''(2) raises a national security concern under—

''(A) section 235 or any regulation, order, or license issued under that section; or

''(B) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.) or any regulation, order, or license issued under that Act.''.

SA 4452. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, insert the following:

SEC. 1264. REPORTS ON ADOPTION OF CRYPTOCURRENCY AS LEGAL TENDER IN EL SALVADOR.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other relevant Federal departments and agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the adoption by the Government of El Salvador of a cryptocurrency as legal tender.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the process followed by the Government of El Salvador to develop

and enact the Bitcoin Law (Legislative Decree No. 57, Official Record No. 110, Volume 431, enacted June 9, 2021), which provides the cryptocurrency, Bitcoin, with legal tender status in El Salvador.

(2) An assessment of—

(A) the regulatory framework in El Salvador with respect to the adoption of a cryptocurrency as legal tender and the technical capacity of El Salvador to effectively mitigate the financial integrity and cyber security risks associated with virtual-asset transactions;

(B) whether the regulatory framework in El Salvador meets the requirements of the Financial Action Task Force with respect to virtual-asset transactions;

(C) whether the regulatory framework for the adoption of a cryptocurrency as legal tender in El Salvador meets the guidelines set forth by the Group of Seven in the document entitled ''Public Policy Principles for Retail Central Bank Digital Currencies'' issued on October 14, 2021;

(D) the impact of such adoption of a cryptocurrency on—

(i) the macroeconomic stability and public finances of El Salvador;

(ii) the rule of law, democratic governance, and respect for inalienable rights in El Salvador;

(iii) bilateral and international efforts to combat transnational illicit activities; and

(iv) El Salvador's bilateral economic relationship with the United States;

(3) a description of internet infrastructure of El Salvador and an assessment of—

(A) the degree to which cryptocurrency is used in El Salvador; and

(B) access to transparent and affordable internet and digital infrastructure among the unbanked population of El Salvador.

(c) PLAN TO MITIGATE RISKS TO UNITED STATES FINANCIAL SYSTEM.—Not later than 90 days after the submittal of the report required by subsection (a), the Secretary, in coordination with the heads of the relevant Federal departments and agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan to mitigate any potential risk to the United States financial system posed by the adoption of a cryptocurrency as legal tender in El Salvador.

(d) SUBSEQUENT REPORT.—Not later than 270 days after the submittal of the report required by subsection (a), the Secretary, in coordination with the heads of other relevant Federal departments and agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an updated version of such report, including a description of any significant development related to the risks to the United States financial system posed by the use of a cryptocurrency as legal tender in El Salvador.

SA 4453. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1054. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON OVERSIGHT OF INTERNATIONAL LIFE SCIENCES RESEARCH COLLABORATION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the following matters:

(1) An audit of United States Government authorities, policies, and processes governing cooperation with other nations as it relates to life sciences research that could be weaponized or pose dual-use concerns, such as pathogens or toxins, synthetic biology, and related emerging technologies, and the degree to which these authorities, policies, and processes account for national security, proliferation, and country-specific considerations in decisions on whether to pursue such collaboration.

(2) An assessment of the degree of coordination between Federal departments and agencies responsible for public health preparedness and the governance of biomedical research and Federal departments and agencies responsible for national security, especially the United States Department of State, to assess and account for security implications of cooperation with other nations on life sciences research.

(b) ELEMENTS.—The review required under subsection (a) shall address the following elements:

(1) The Federal department or agencies or other governmental entities that provide funding or other material support for life sciences research, especially biological research, with other nations.

(2) The authorities, policies, and processes that currently exist for reviewing, approving, and monitoring grant funding or other material support for biological research with other nations, including a description of all the steps involved reviewing, approving, and monitoring such funding or other support.

(3) Which Federal departments and agencies, including specific bureaus and offices, are involved in the authorities, policies, and processes described in paragraph (2).

(4) The circumstances under which Federal departments and agencies apply enhanced review, monitoring, and coordination to proposed collaboration, as well as an analysis of the extent to which and how national security, proliferation, or country-specific considerations, such as a nation's adherence to the Biological Weapons Convention, are among the circumstances that trigger enhanced scrutiny of whether the United States Government should fund a particular research program.

(5) The information required to be included in an application for United States Government funding of life sciences research to address potential national security, proliferation, or country-specific concerns, and whether the information required varies across departments and agencies.

(6) The extent to which Federal departments and agencies with national security responsibilities have visibility into the information described in paragraph (5) prior to an award being made, even if grantees are applying to funding from another Federal department or agency.

(7) The processes and timeline by which funds are issued to the awardee or awardees after a grant or other funding award is made, and to what extent these funds are monitored for national security implications thereafter, including how Federal departments and agencies with national security responsibilities are involved in monitoring such research after funds are awarded.

(c) REPORT SUBMISSION.—Within 15 days of the completion of the report required under subsection (a), the Comptroller General shall submit the report to—

(1) the Committee on Foreign Relations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Armed Services of the House of Representatives.

(d) FORM OF REPORT.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 4454. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. LIMITATION ON REMOVING GOVERNMENT OF CUBA FROM STATE SPONSORS OF TERRORISM LIST UNTIL PRESIDENT CERTIFIES CUBA NO LONGER PROVIDES SANCTUARY TO TERRORISTS AND UNITED STATES FUGITIVES.

The President may not remove Cuba from the list of state sponsors of terrorism until the President, without delegation, certifies and reports to Congress that the Government of Cuba has ceased to provide sanctuary to terrorists and United States fugitives.

SA 4455. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1537, insert the following:

SEC. 1538. BRIEFING ON CONSULTATIONS WITH UNITED STATES ALLIES REGARDING NUCLEAR POSTURE REVIEW.

(a) IN GENERAL.—Not later than January 31, 2022, the Secretary of Defense, in coordination with the Secretary of State, shall brief the appropriate congressional committees on all consultations with United States allies regarding the 2021 Nuclear Posture Review.

(b) ELEMENTS.—The briefing required by subsection (a) shall include the following:

(1) A listing of all countries consulted with respect to the 2021 Nuclear Posture Review, including the dates and circumstances of each such consultation and the countries present.

(2) An overview of the topics and concepts discussed with each such country during such consultations, including any discussion of potential changes to the nuclear declaratory policy of the United States.

(3) A summary of any feedback provided during such consultations.

(c) FORM.—The briefing required by subsection (a) shall be conducted in both in an unclassified and classified format.

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

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

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 4456. Mr. RISCH (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Diplomatic Support and Security

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Diplomatic Support and Security Act of 2021''.

SEC. 1292. FINDINGS.

Congress makes the following findings:

(1) A robust overseas diplomatic presence is an effective foreign policy, particularly in unstable environments where a flexible and timely diplomatic response can be decisive in preventing and addressing violent conflict.

(2) Diplomats routinely put themselves and their families at great personal risk to serve their country overseas where they increasingly face threats related to international terrorism, violent conflict, and public health, among others.

(3) The Department of State has a remarkable record of protecting personnel while enabling an enormous amount of global diplomatic activity, often in unsecure and remote places and facing a variety of evolving risks and threats. With support from Congress, the Department of State has revised policy, improved physical security through retrofitting and replacing old facilities, deployed additional security personnel and armored vehicles, and greatly enhanced training requirements and facilities, including the new Foreign Affairs Security Training Center in Blackstone, Virginia.

(4) However, there is broad consensus that the pendulum has swung too far toward eliminating risk, excessively inhibiting diplomatic activity, too often resulting in embassy closures, reducing footprints, and postponing or denying travel requests.

(5) Diplomatic missions rely on robust staffing and ambitious external engagement to advance United States interests as diverse as competing with China's malign influence around the world, fighting terrorism and transnational organized crime, preventing and addressing violent conflict and humanitarian disasters, promoting United States businesses and trade, protecting the rights of marginalized groups, addressing climate change, and preventing pandemic disease.

(6) Despite the fact that Congress currently provides annual appropriations in excess of $1,900,000,000 for embassy security, construction, and maintenance, the Department of State is unable to fully transform this considerable investment into true overseas presence given excessive movement and safety restrictions that inhibit the ability of diplomats to—

(A) meet outside United States secured facilities with foreign leaders to explain, defend, and advance United States priorities;

(B) understand and report on foreign political, social, and economic conditions through meeting and interacting with community officials outside of United States facilities;

(C) provide United States citizen services that can be are often a matter of life and death in unsecure places; and

(D) collaborate and, at times, compete with other diplomatic missions, such as the People's Republic of China, that do not have the same restrictions on meeting locations.

(7) Given these stakes, Congress has a responsibility to empower, support, and hold the Department of State accountable for implementing an aggressive presence strategy that mitigates potential risks and adequately considers the myriad direct and indirect consequences of a lack of presence.

SEC. 1293. ENCOURAGING EXPEDITIONARY DIPLOMACY.

(a) PURPOSE.—Subsection (b) of section 102 of the Diplomatic Security Act (22 U.S.C. 4801(b)) is amended—

(1) by amending paragraph (3) to read as follows:

''(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend the Director General of the Foreign Service investigate accountability for United States Government personnel with security-related responsibilities;'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) to support a culture of risk management, instead of risk avoidance, that enables the Department of State to pursue its vital goals with full knowledge that it is not desirable nor possible for the Department to avoid all risks;''.

(b) BRIEFINGS ON EMBASSY SECURITY.—Section 105(a)(1) of the Diplomatic Security Act (22 U.S.C. 4804(a)) is amended—

(1) by striking ''any plans to open or reopen a high risk, high threat post'' and inserting ''progress towards opening or reopening high risk, high threat posts, and the risk to national security of the continued closure and remaining barriers to doing so'';

(2) in subparagraph (A), by striking ''the type and level of security threats such post could encounter'' and inserting ''the risk to national security of the post's continued closure''; and

(3) in subparagraph (C), by inserting ''the type and level of security threats such post could encounter, and'' before ''security 'tripwires' ''.

SEC. 1294. INVESTIGATION OF SERIOUS SECURITY INCIDENTS.

(a) Section 301 of the Diplomatic Security Act of 1986 (22 U.S.C. 4831) is amended—

(1) in the section heading, by striking ''**ACCOUNTABILITY REVIEW BOARDS**'' and inserting ''**SECURITY REVIEW COMMITTEES**'';

(2) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) CONVENING THE SECURITY REVIEW COMMITTEE.—

''(A) IN GENERAL.—In any case of a serious security incident involving loss of life, serious injury, or significant destruction of property at, or related to, a United States Government (USG) diplomatic mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a USG mission abroad, a Security Review Committee (SRC) into the event shall be convened by the Department of State and a report produced for the Secretary providing a full account of what occurred.

''(B) EXCEPTION.—A Serious Security Incident Investigation need not be convened where the Secretary determines that a case clearly involves only causes unrelated to security.'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following new paragraph:

''(2) COMMITTEE COMPOSITION.—The Secretary shall determine the composition of the SRC and designate a Chairperson. Members of the SRC shall, at a minimum, include the following personnel:

''(A) A representative of the Under Secretary of State for Management, who shall serve as chair of the SRC.

''(B) The Assistant Secretary responsible for the region where the incident occurred.

''(C) The Assistant Secretary for Diplomatic Security.

''(D) The Assistant Secretary for the Bureau of Intelligence and Research.

''(E) An Assistant Secretary-level representative from any involved United States Government department or agency.

''(F) Other personnel as determined necessary or appropriate.''; and

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

''(5) REGULATIONS.—The Secretary of State shall promulgate regulations defining the membership and operating procedures for the SRC and provide to the Chairmen and ranking members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, in writing, a description of how the SRC will be structured with respect to any other standing committees.'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Except as'' and all that follows through ''a Board'' and inserting ''The Secretary of State shall convene a SRC''; and

(ii) by striking ''for the convening of the Board''; and

(B) in paragraph (2), by striking ''Board'' each place it appears and inserting ''SRC''; and

(4) in subsection (c)—

(A) by striking ''convenes a Board'' and inserting ''convenes a SRC'';

(B) by adding ''and ranking member'' after ''chairman''; and

(C) by striking ''Speaker'' and all that follows through the period at the end of paragraph (3) and inserting ''chairman and ranking member of the Committee of Foreign Affairs of the House of Representatives.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 302 of the Diplomatic Security Act (22 U.S.C. 4832) is amended—

(1) in the section heading, by striking ''**ACCOUNTABILITY REVIEW BOARD**'' and inserting ''**SECURITY REVIEW COMMITTEE**''; and

(2) by striking ''Board'' each place it appears and inserting ''SRC''.

SEC. 1295. SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.

Section 303 of the Diplomatic Security Act of 1986 (22 U.S.C. 4833) is amended to read as follows:

''SEC. 303. SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.

''(a) INVESTIGATION PROCESS.—

''(1) INITIATION.—The Serious Security Incident review process begins when a United States mission reports a serious security incident at the mission, including an initial report within three days of the event.

''(2) INVESTIGATION.—The Diplomatic Security Service shall assemble an investigative

team to carry out the investigation of an incident reported under paragraph (1). The investigation shall cover the following matters:

''(A) An assessment of what occurred, who perpetrated or is suspected of having perpetrated the attack, and whether applicable security procedures were followed.

''(B) In the event the security incident was an attack on a United States diplomatic compound, motorcade, residence, or other facility, a determination whether adequate security countermeasures were in effect based on known threat at the time of the incident.

''(C) If the incident was an attack on an individual or group of officers, employees, or family members under chief of mission authority conducting approved operations or movements outside the United States mission, a determination whether proper security briefings and procedures were in place and whether adequate consideration of threat and weighing of risk of the operation or movement took place.

''(D) An assessment of whether the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident.

''(b) REPORT OF INVESTIGATION.—The investigative team shall prepare a Report of Investigation at the conclusion of the Serious Security Incident Investigation and submit the report to the SRC. The report shall include the following elements:

''(1) A detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related findings.

''(2) An accurate account of the casualties, injured, and damage resulting from the incident.

''(3) A review of security procedures and directives in place at the time of the incident.

''(c) CONFIDENTIALITY.—The investigative team shall adopt such procedures with respect to confidentiality as determined necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of National Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel included in the report under subsection (b). The SRC shall determine the level of classification of the final report prepared under section 304(b), but shall incorporate the same confidentiality measures in such report to the maximum extent practicable.''.

SEC. 1296. FINDINGS AND RECOMMENDATIONS BY THE [SECURITY REVIEW COMMITTEE].

Section 304 of the Diplomatic Security Act of 1986 (22 U.S.C. 4834) is amended to read as follows:

''SEC. 304. [SECURITY REVIEW COMMITTEE] FINDINGS AND REPORT.

''(a) FINDINGS.—The Security Review Committee shall review the Report of Investigation prepared under section 303(b), all other evidence, reporting, and relevant information relating to a serious security incident at a United States mission abroad, including an examination of the facts and circumstances surrounding any serious injuries, loss of life, or significant destruction of property resulting from the incident and shall make the following written findings:

''(1) Whether the incident abroad was security related and constituted a serious security incident.

''(2) If the incident involved a diplomatic compound, motorcade, residence, or other mission facility, whether the security systems, security countermeasures, and security procedures operated as intended, and whether such systems worked to materially mitigate the attack or were found to be inadequate to mitigate the threat and attack.

''(3) If the incident involved an individual or group of officers conducting an approved operation outside the mission, a determination whether a valid process was followed in evaluating the requested operation and weighing the risk of the operation. Such determination shall not seek to assign accountability for the incident unless the SRC determines that an official breached their duty.

''(4) An assessment of the impact of intelligence and information availability, and whether the mission was aware of the general operating threat environment or any more specific threat intelligence or information and took that into account in ongoing and specific operations.

''(5) Such other facts and circumstances that may be relevant to the appropriate security management of United States missions abroad.

''(b) SRC REPORT.—Not later than 30 days after receiving the Report of Investigation prepared under section 303(b), the SRC shall submit a report to the Secretary of State including the findings under subsection (a) and any related recommendations. Not later than 90 days after receiving the report, the Secretary of State shall submit the report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

''(c) PERSONNEL RECOMMENDATIONS.—If in the course of conducting an investigation under section 303, the investigative team finds reasonable cause to believe any individual described in section 303(a)(2)(D) has breached the duty of that individual or finds lesser failures on the part of an individual in the performance of his or her duties related to the incident, it shall be reported to the SRC. If the SRC find reasonable cause to support the determination, it shall be reported to the Director General of the Foreign Service for appropriate action.''.

SEC. 1297. RELATION TO OTHER PROCEEDINGS.

Section 305 of the Diplomatic Security Act of 1986 (22 U.S.C. 4835) is amended—

(1) by inserting ''(a) NO EFFECT ON EXISTING REMEDIES OR DEFENSES.—'' before ''Nothing in this title''; and

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

''(b) FUTURE INQUIRIES.—Nothing in this title shall be construed to preclude the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident if the incident was of such magnitude or significance that an internal process is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under this title shall be provided to any related board of inquiry convened by the Secretary.''.

SA 4457. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 638, strike lines 18 and 19 and insert the following:

mit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the obstructions

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SA 4458. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON ADJUSTMENT OF PATENT TERMS.

(a) AMENDMENT.—Section 154(b)(2) of title 35, United States Code, is amended—

(1) in subparagraph (B), by striking ''No patent'' and inserting ''Except as provided in subparagraph (D), no patent''; and

(2) by adding at the end the following:

''(D) EXCEPTION.—Subparagraph (B) shall not apply to a patent for which is a terminal disclaimer has been filed over a later-issued patent if—

''(i)(I) the earliest-filed application to which there is a specific reference under section 120, 121, 365(c), or 386(c) in the terminally disclaimed patent and the later-issued patent is the same; or

''(II) the earliest-filed application to which there is a specific reference under section 120, 121, 365(c), or 386(c) in the later-issued patent is the application that was issued as the terminally disclaimed patent;

''(ii) the patents are commonly owned; and

''(iii) the later-issued patent is in force on the date of enactment of this subparagraph.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only to a patent for which a terminal disclaimer is filed after the date of enactment of this Act.

SA 4459. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF EXEMPTIONS AND RECORDKEEPING UNDER FARA.

(a) LIMITATION ON EXEMPTIONS.—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting '', except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is included on the list maintained by the Assistant Secretary of Commerce for Communications and Information under section 5(b)'' before the colon.

(b) BOOKS AND RECORDS.—

(1) LIST OF AGENTS OF FOREIGN ADVERSARIES.—Section 5 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 615), is amended—

(A) by striking the section designation and heading and all that follows through the end of the first sentence and inserting the following:

"SEC. 5. BOOKS OF ACCOUNT AND RECORDS; LIST OF AGENTS OF FOREIGN ADVERSARIES.

''(a) BOOKS OF ACCOUNT AND RECORDS.—Except as otherwise provided in this subsection, each agent of a foreign principal that is registered under this Act shall maintain, during the period of service as an agent of a foreign principal, all books of account and other records with respect to the activities of the agent of a foreign principal the disclosure of which is required under this Act, in accordance with such business and accounting practices as the Attorney General, having due regard for the national security and the public interest, determines, by regulation, to be necessary or appropriate for the enforcement of this Act, and preserve those books and records for a period of not less than 3 years after the date of termination of the status of the agent as an agent of a foreign principal.''; and

(B) by adding at the end the following:

''(b) LIST OF AGENTS OF FOREIGN ADVERSARIES.—The Assistant Secretary of Commerce for Communications and Information shall establish a list of, and any relevant information relating to, each agent of a foreign principal that is a foreign adversary (as defined in section 8(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c))). The Assistant Secretary of Commerce for Communications and Information shall update and maintain the list and any related information under this subsection as the Assistant Secretary determines to be necessary and appropriate.''.

(2) CONFORMING AMENDMENT.—Section 7 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 617), is amended, in the first sentence, by striking ''and 5'' and inserting ''and 5(a)''.

(c) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION PROGRAM MODIFICATION.—Section 8(a)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(a)(2)) is amended—

(1) in subparagraph (C)(ii), 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) notwithstanding paragraph (3), periodically submit to the Attorney General a list of, and any relevant information relating to, each foreign adversary identified for purposes of the program.''.

SA 4460. Mr. CORNYN (for himself and Mr. LEAHY) 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 ____—National Cybersecurity Preparedness Consortium Act

SEC. ____01. SHORT TITLE.

This subtitle may be cited as the ''National Cybersecurity Preparedness Consortium Act of 2021''.

SEC. ____02. DEFINITIONS.

In this subtitle—

(1) the term ''community college'' has the meaning given the term ''junior or community college'' in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058);

(2) the term ''consortium'' means a group primarily composed of nonprofit entities, including academic institutions, that develop, update, and deliver cybersecurity training in support of homeland security;

(3) the terms ''cybersecurity risk'' and ''incident'' have the meanings given those terms in section 2209(a) of the Homeland Security Act of 2002 (6 U.S.C. 659(a));

(4) the term ''Department'' means the Department of Homeland Security;

(5) the term ''Hispanic-serving institution'' has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a);

(6) the term ''historically Black college and university'' has the meaning given the term ''part B institution'' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

(7) the term ''minority-serving institution'' means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a));

(8) the term ''Secretary'' means the Secretary of Homeland Security;

(9) The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States;

(10) the term ''Tribal Colleges and Universities'' has the meaning given the term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c); and

(11) the term ''Tribal organization'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

SEC. ____03. NATIONAL CYBERSECURITY PREPAREDNESS CONSORTIUM.

(a) IN GENERAL.—The Secretary may work with 1 or more consortia to support efforts to address cybersecurity risks and incidents.

(b) ASSISTANCE TO DHS.—The Secretary may work with 1 or more consortia to carry out the responsibility of the Secretary under section 2209(e)(1)(P) of the Homeland Security Act of 2002 (6 U.S.C. 659(e)(1)(P)) to—

(1) provide training and education to State, Tribal, and local first responders and officials specifically for preparing for and responding to cybersecurity risks and incidents, in accordance with applicable law;

(2) develop and update a curriculum utilizing existing training and educational programs and models in accordance with section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), for State, Tribal, and local first responders and officials, related to cybersecurity risks and incidents;

(3) provide technical assistance services, training, and educational programs to build and sustain capabilities in support of preparedness for and response to cybersecurity risks and incidents, including threats and acts of terrorism, in accordance with such section 2209;

(4) conduct cross-sector cybersecurity training, education, and simulation exercises for entities, including State and local governments and Tribal organizations, critical infrastructure owners and operators, and private industry, to encourage community-wide coordination in defending against and responding to cybersecurity risks and incidents, in accordance with section 2210(c) of the Homeland Security Act of 2002 (6 U.S.C. 660(c));

(5) help States, Tribal organizations, and communities develop cybersecurity information sharing programs, in accordance with section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), for the dissemination of homeland security information related to cybersecurity risks and incidents;

(6) help incorporate cybersecurity risk and incident prevention and response into existing State, Tribal, and local emergency plans, including continuity of operations plans; and

(7) assist States and Tribal organizations in developing cybersecurity plans.

(c) CONSIDERATIONS REGARDING SELECTION OF A CONSORTIUM.—In selecting a consortium with which to work under this subtitle, the Secretary shall take into consideration the following:

(1) Prior experience conducting cybersecurity training, education, and exercises for State and local entities.

(2) Geographic diversity of the members of any such consortium so as to maximize coverage of the different regions of the United States.

(3) The participation in such consortium of 1 or more historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, other minority-serving institutions, and community colleges that participate in the National Centers of Excellence in Cybersecurity program, as carried out by the Department.

(d) METRICS.—If the Secretary works with a consortium under subsection (a), the Secretary shall measure the effectiveness of the activities undertaken by the consortium under this subtitle.

(e) OUTREACH.—The Secretary shall conduct outreach to universities and colleges, including, in particular, outreach to historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, other minority-serving institutions, and community colleges, regarding opportunities to support efforts to address cybersecurity risks and incidents, by working with the Secretary under subsection (a).

SEC. ____04. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed to authorize a consortium to control or direct any law enforcement agency in the exercise of the duties of the law enforcement agency.

SA 4461. Mr. WARNER (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ____—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2022

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2022''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION ____—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2022

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES
Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Intelligence Community Management Account.
TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM
Sec. 201. Authorization of appropriations.
TITLE III—GENERAL INTELLIGENCE MATTERS
Subtitle A—Intelligence Community Matters
Sec. 301. Increasing agricultural and commercial intelligence measures.
Sec. 302. Plan for allowing contracts with providers of services relating to sensitive compartmented information facilities.
Sec. 303. Plan to establish commercial geospatial intelligence data and services program office.
Sec. 304. Investment strategy for commercial geospatial intelligence services acquisition.
Sec. 305. Central Intelligence Agency Acquisition Innovation Center report, strategy, and plan.
Sec. 306. Improving authorities relating to national counterintelligence and security.
Sec. 307. Removal of Chief Information Officer of the Intelligence Community from level IV of the Executive Schedule.
Sec. 308. Requirements relating to construction of facilities to be used primarily by intelligence community.
Sec. 309. Director of National Intelligence support for intelligence community diversity, equity, inclusion, and accessibility activities.
Sec. 310. Establishment of Diversity, Equity, and Inclusion Officer of the Intelligence Community.
Sec. 311. Annual report evaluating collaboration between the National Reconnaissance Office and the Space Force.
Sec. 312. Director of National Intelligence declassification review of information relating to terrorist attacks of September 11, 2001.
Sec. 313. Establishment of Chaplain Corps of the Central Intelligence Agency.
Sec. 314. Pilot program on recruitment and retention in Office of Intelligence and Analysis of the Department of the Treasury.
Sec. 315. Pilot program on student loan repayment at Office of Intelligence and Analysis of Department of the Treasury.
Sec. 316. Prohibition on collection and analysis of United States persons' information by intelligence community based on First Amendment-protected activities.
Sec. 317. Sense of the Senate on the use of intelligence community resources for collection, assessment, and analysis of information pertaining exclusively to United States persons absent a foreign nexus.
Subtitle B—Inspector General of the Intelligence Community
Sec. 321. Submittal of complaints and information by whistleblowers in the intelligence community to Congress.
Sec. 322. Definitions and authorities regarding whistleblower complaints and information of urgent concern received by Inspectors General of the intelligence community.
Sec. 323. Harmonization of whistleblower protections.
Sec. 324. Prohibition against disclosure of whistleblower identity as reprisal against whistleblower disclosure by employees and contractors in intelligence community.
Sec. 325. Congressional oversight of controlled access programs.
Subtitle C—Reports and Assessments Pertaining to the Intelligence Community
Sec. 331. Report on efforts to build an integrated hybrid space architecture.
Sec. 332. Report on Project Maven transition.
Sec. 333. Assessment of intelligence community counternarcotics capabilities.
Sec. 334. Assessment of intelligence community's intelligence-sharing relationships with Latin American partners in counternarcotics.
Sec. 335. Report on United States Southern Command intelligence capabilities.
Sec. 336. Director of National Intelligence report on trends in technologies of strategic importance to United States.
Sec. 337. Report on Nord Stream II companies and intelligence ties.
Sec. 338. Assessment of Organization of Defensive Innovation and Research activities.
Sec. 339. Report on intelligence community support to Visas Mantis program.
Sec. 340. Plan for artificial intelligence digital ecosystem.
Sec. 341. Study on utility of expanded personnel management authority.
Sec. 342. Assessment of role of foreign groups in domestic violent extremism.
Sec. 343. Report on the assessment of all-source cyber intelligence information, with an emphasis on supply chain risks.
Sec. 344. Review of National Security Agency and United States Cyber Command.
Sec. 345. Support for and oversight of Unidentified Aerial Phenomena Task Force.
Sec. 346. Publication of unclassified appendices from reports on intelligence community participation in Vulnerabilities Equities Process.
Sec. 347. Report on future structure and responsibilities of Foreign Malign Influence Center.
Subtitle D—People's Republic of China
Sec. 351. Assessment of posture and capabilities of intelligence community with respect to actions of the People's Republic of China targeting Taiwan.
Sec. 352. Plan to cooperate with intelligence agencies of key democratic countries regarding technological competition with People's Republic of China.
Sec. 353. Assessment of People's Republic of China genomic collection.
Sec. 354. Updates to annual reports on influence operations and campaigns in the United States by the Chinese Communist Party.
Sec. 355. Report on influence of People's Republic of China through Belt and Road Initiative projects with other countries.
Sec. 356. Study on the creation of an official digital currency by the People's Republic of China.
Sec. 357. Report on efforts of Chinese Communist Party to erode freedom and autonomy in Hong Kong.
Sec. 358. Report on targeting of renewable sectors by China.
TITLE IV—ANOMALOUS HEALTH INCIDENTS
Sec. 401. Definition of anomalous health incident.
Sec. 402. Assessment and report on interagency communication relating to efforts to address anomalous health incidents.
Sec. 403. Advisory panel on the Office of Medical Services of the Central Intelligence Agency.
Sec. 404. Joint task force to investigate anomalous health incidents.
Sec. 405. Reporting on occurrence of anomalous health incidents.
Sec. 406. Access to certain facilities of United States Government for assessment of anomalous health conditions.
TITLE V—SECURITY CLEARANCES AND TRUSTED WORKFORCE
Sec. 501. Exclusivity, consistency, and transparency in security clearance procedures, and right to appeal.
Sec. 502. Federal policy on sharing of derogatory information pertaining to contractor employees in the trusted workforce.
Sec. 503. Performance measures regarding timeliness for personnel mobility.
Sec. 504. Governance of Trusted Workforce 2.0 initiative.
TITLE VI—OTHER INTELLIGENCE MATTERS
Sec. 601. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.
Sec. 602. Reports on intelligence support for and capacity of the Sergeants at Arms of the Senate and the House of Representatives and the United States Capitol Police.
Sec. 603. Study on vulnerability of Global Positioning System to hostile actions.
Sec. 604. Authority for transportation of federally owned canines associated with force protection duties of intelligence community.

SEC. 2. DEFINITIONS.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given such term in such section.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2022 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.
(4) The Defense Intelligence Agency.
(5) The National Security Agency.
(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(7) The Coast Guard.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Energy.
(11) The Department of Justice.
(12) The Federal Bureau of Investigation.
(13) The Drug Enforcement Administration.
(14) The National Reconnaissance Office.
(15) The National Geospatial-Intelligence Agency.
(16) The Department of Homeland Security.
(17) The Space Force.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (17) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2022 the sum of $615,600,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2022 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2022.

TITLE III—GENERAL INTELLIGENCE MATTERS

Subtitle A—Intelligence Community Matters

SEC. 301. INCREASING AGRICULTURAL AND COMMERCIAL INTELLIGENCE MEASURES.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Agriculture, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with other appropriate Federal Government entities, shall submit to the appropriate committees of Congress a report detailing the options for the intelligence community to improve intelligence support to the Department of Agriculture and the Department of Commerce.

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

SEC. 302. PLAN FOR ALLOWING CONTRACTS WITH PROVIDERS OF SERVICES RELATING TO SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services of the Senate; and

(3) the Committee on Armed Services of the House of Representatives.

(b) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a plan for allowing elements of the intelligence community to contract with providers of services relating to sensitive compartmented information facilities for use of those facilities by businesses and organizations on contracts at multiple security levels.

(c) ELEMENTS.—The plan required by subsection (b) shall include the following:

(1) An explanation of how the Director of National Intelligence will leverage the contracting methodology the National Reconnaissance Office has used to provide leased sensitive compartmented information facility space to businesses and organizations.

(2) Policy and budget guidance to incentivize Federal agencies to implement the plan required by subsection (b).

SEC. 303. PLAN TO ESTABLISH COMMERCIAL GEOSPATIAL INTELLIGENCE DATA AND SERVICES PROGRAM OFFICE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services of the Senate; and

(3) the Committee on Armed Services of the House of Representatives.

(b) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Reconnaissance Office and the Director of the National Geospatial-Intelligence Agency, in consultation with the Director of National Intelligence, shall jointly develop and submit to the appropriate committees of Congress a plan to establish a colocated joint commercial geospatial intelligence data and services program office.

(c) CONTENTS.—The plan required by subsection (b) shall include the following:

(1) Milestones for implementation of the plan.

(2) An updated acquisition strategy that—

(A) provides for an annual evaluation of new commercially available capabilities with opportunities for new entrants;

(B) provides for a flexible contract approach that will rapidly leverage innovative commercial geospatial intelligence data capabilities to meet new intelligence challenges informed by operational requirements; and

(C) considers efficiencies to be gained from closely coordinated acquisitions of geospatial intelligence data and services.

(3) An organizational structure of the joint office that—

(A) shares responsibilities and equities between the National Reconnaissance Office and the National Geospatial-Intelligence Agency;

(B) specifies as the head of the office a representative from the National Geospatial-Intelligence Agency; and

(C) specifies as the deputy head of the office a representative from the National Reconnaissance Office.

SEC. 304. INVESTMENT STRATEGY FOR COMMERCIAL GEOSPATIAL INTELLIGENCE SERVICES ACQUISITION.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(b) STRATEGY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency, in consultation with the Director of National Intelligence and the Secretary of Defense, shall submit to the appropriate committees of Congress an investment strategy for the acquisition of commercial geospatial intelligence data services and analytics by the National Geospatial-Intelligence Agency.

(c) CONTENTS.—The strategy required by subsection (b) shall include the following:

(1) A plan to increase purchases of unclassified geospatial intelligence data services and analytics to meet global mission requirements of the National Geospatial-Intelligence Agency while maximizing enterprise access agreements for procured data and services.

(2) An articulation of the relationship between geospatial intelligence data and services and how such data and services are purchased, identifying in particular any challenges to procuring such services independent of the underlying data.

SEC. 305. CENTRAL INTELLIGENCE AGENCY ACQUISITION INNOVATION CENTER REPORT, STRATEGY, AND PLAN.

(a) REQUIREMENT FOR REPORT AND STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees—

(1) a report stating the mission and purpose of the Acquisition Innovation Center of the Agency; and

(2) a strategy for incorporating the Acquisition Innovation Center into the standard operating procedures and procurement and acquisition practices of the Agency.

(b) REQUIREMENT FOR IMPLEMENTATION PLAN.—Not later than 120 days after the date of the enactment of this Act, the Director shall, using the findings of the Director with respect to the report submitted under subsection (a)(1), submit to the congressional intelligence committees an implementation plan that addresses—

(1) how the Director will ensure the contracting officers of the Agency and the technical representatives of the Acquisition Innovation Center for the contracting officers have access to the technical expertise required to inform requirements development, technology maturity assessments, and monitoring of acquisitions;

(2) how the plan specifically applies to technical industries, including telecommunications, software, aerospace, and large-scale construction; and

(3) projections for resources necessary to support the Acquisition Innovation Center, including staff, training, and contracting support tools.

SEC. 306. IMPROVING AUTHORITIES RELATING TO NATIONAL COUNTERINTELLIGENCE AND SECURITY.

(a) DUTIES OF THE DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—Section 902(c) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382(c)) is amended by adding at the end the following:

''(5) To organize and lead strategic planning for counterintelligence activities in support of National Counterintelligence Strategy objectives and other national counterintelligence priorities by integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, and coordination with law enforcement activities, within and among Federal agencies.''.

(b) CHANGES TO THE FUNCTIONS OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—

(1) EVALUATION OF IMPLEMENTATION OF NATIONAL COUNTERINTELLIGENCE STRATEGY.—Paragraph (3) of section 904(d) of such Act (50 U.S.C. 3383(d)) is amended to read as follows:

''(3) IMPLEMENTATION OF NATIONAL COUNTERINTELLIGENCE STRATEGY.—To evaluate on an ongoing basis the implementation of the National Counterintelligence Strategy by the intelligence community and other appropriate elements of the United States Government and to submit to the President, the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), the National Security Council, the Director of the Office of Management and Budget, and the National Counterintelligence Policy Board periodic reports on such evaluation, including a discussion of any shortfalls in the implementation of the Strategy and recommendations for remedies for such shortfalls.''.

(2) NATIONAL COUNTERINTELLIGENCE PROGRAM BUDGET.—Paragraph (5) of such section is amended—

(A) in subparagraph (A)—

(i) by inserting ''oversee and'' before ''coordinate''; and

(ii) by inserting ''in furtherance of the National Counterintelligence Strategy and other strategic counterintelligence priorities'' before ''of the Department of Defense''; and

(B) in subparagraph (C), by striking ''the National Security Council'' and inserting ''the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), the National Security Council, the Director of the Office of Management and Budget, and the National Counterintelligence Policy Board''.

(3) NATIONAL COUNTERINTELLIGENCE OUTREACH, WATCH, AND WARNING.—

(A) COUNTERINTELLIGENCE VULNERABILITY RISK ASSESSMENTS.—Subparagraph (A) of paragraph (7) of such section is amended by striking ''surveys of the vulnerability of the United States Government, and the private sector,'' and inserting ''counterintelligence risk assessments and surveys of the vulnerability of the United States''.

(B) OUTREACH.—Subparagraph (B) of such paragraph is amended to read as follows:

''(B) OUTREACH.—

''(i) OUTREACH PROGRAMS AND ACTIVITIES.—To carry out and coordinate, consistent with other applicable provisions of law and in consultation with appropriate Federal departments and agencies, outreach programs and outreach activities on counterintelligence to other elements of the United States Government, State, local, and Tribal governments, foreign governments and allies of the United States, the private sector, and United States academic institutions.

''(ii) PUBLIC WARNINGS.—To coordinate the dissemination to the public of warnings on intelligence threats to the United States.''.

SEC. 307. REMOVAL OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY FROM LEVEL IV OF THE EXECUTIVE SCHEDULE.

Section 5315 of title 5, United States Code, is amended by striking ''Chief Information Officer of the Intelligence Community''.

SEC. 308. REQUIREMENTS RELATING TO CONSTRUCTION OF FACILITIES TO BE USED PRIMARILY BY INTELLIGENCE COMMUNITY.

Section 602(a) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 3304(a)) is amended—

(1) in paragraph (1), by striking ''$5,000,000'' and inserting ''$6,000,000''; and

(2) in paragraph (2), by striking ''$5,000,000'' and inserting ''$6,000,000''.

SEC. 309. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR INTELLIGENCE COMMUNITY DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY ACTIVITIES.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et. seq.) is amended by adding at the end the following:

''SEC. 1111. SUPPORT FOR INTELLIGENCE COMMUNITY DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY ACTIVITIES.

''(a) DEFINITION OF COVERED WORKFORCE ACTIVITIES.—In this section, the term 'covered workforce activities' includes—

''(1) activities relating to the recruitment or retention of personnel in the workforce of the intelligence community; and

''(2) activities relating to the workforce of the intelligence community and diversity, equity, inclusion, or accessibility.

''(b) AUTHORITY TO SUPPORT COVERED WORKFORCE ACTIVITIES.—Notwithstanding any other provision of law and subject to the availability of appropriations made available to the Director of National Intelligence for covered workforce activities, the Director may, with or without reimbursement, support such covered workforce activities of the various elements of the intelligence community as the Director determines will benefit the intelligence community as a whole.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 1110 the following:

''Sec. 1111. Support for intelligence community diversity, equity, inclusion, and accessibility activities.''.

SEC. 310. ESTABLISHMENT OF DIVERSITY, EQUITY, AND INCLUSION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting after section 103J (50 U.S.C. 3034a) the following:

''SEC. 103K. DIVERSITY, EQUITY, AND INCLUSION OFFICER OF THE INTELLIGENCE COMMUNITY.

''(a) DIVERSITY, EQUITY, AND INCLUSION OFFICER OF THE INTELLIGENCE COMMUNITY.—Within the Office of the Director of National Intelligence, there is a Diversity, Equity, and Inclusion Officer of the Intelligence Community who shall be appointed by the Director of National Intelligence.

''(b) DUTIES.—The Diversity, Equity, and Inclusion Officer of the Intelligence Community shall—

''(1) serve as the principal advisor to the Director of National Intelligence and the Principal Deputy Director of National Intelligence on diversity, equity, and inclusion in the intelligence community;

''(2) lead the development and implementation of strategies and initiatives to advance diversity, equity, and inclusion in the intelligence community; and

''(3) perform such other duties, consistent with paragraphs (1) and (2), as may be prescribed by the Director.

''(c) ANNUAL REPORTS TO CONGRESS.—Not less frequently than once each year, the Diversity, Equity, and Inclusion Officer of the Intelligence Community shall submit to the congressional intelligence communities a report on the implementation of the strategies and initiatives developed pursuant to subsection (b)(2) and the execution of related expenditures.

''(d) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER DIVERSITY, EQUITY, AND INCLUSION OR EQUAL EMPLOYMENT OPPORTUNITY OFFICER.—An individual serving in the position of Diversity, Equity, and Inclusion Officer of the Intelligence Community may not, while so serving, serve as either the Diversity, Equity, and Inclusion Officer or the Equal Employment Opportunity Officer of any other department or agency, or component thereof, of the United States Government.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 103J the following:

''Sec. 103K. Diversity, Equity, and Inclusion Officer of the Intelligence Community.''.

(c) LIMITATION.—None of the funds authorized to be appropriated by this Act may be used to increase the number of full-time equivalent employees of the Office of the Director of National Intelligence in order to carry out section 103K of such Act, as added by subsection (a).

SEC. 311. ANNUAL REPORT EVALUATING COLLABORATION BETWEEN THE NATIONAL RECONNAISSANCE OFFICE AND THE SPACE FORCE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees; and

(2) the congressional defense committees (as defined in section 101(a) of title 10, United States Code).

(b) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter for 5 years, the Secretary of the Air Force and the Director of National

Intelligence shall jointly, in consultation with the Under Secretary of Defense for Intelligence and Security, submit to the appropriate committees of Congress a report evaluating the partnership between the National Reconnaissance Office and the Space Force.

(c) CONTENTS.—Each report submitted under subsection (b) shall include the following:

(1) A description of the division of labor between the National Reconnaissance Office and the Space Force, including—

(A) shared missions and programs; and

(B) methods of collaboration.

(2) An evaluation of the ways in which the National Reconnaissance Office and the Space Force are partnering on missions and programs, including identification of lessons learned for improving collaboration and deconflicting activities in the future.

(3) An examination of how resources provided from the National Intelligence Program and the Military Intelligence Program are allocated to or transferred between the National Reconnaissance Office and the Space Force.

SEC. 312. DIRECTOR OF NATIONAL INTELLIGENCE DECLASSIFICATION REVIEW OF INFORMATION RELATING TO TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) DECLASSIFICATION REVIEW REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and the heads of such other elements of the intelligence community as the Director of National Intelligence considers appropriate, commence a declassification review, which the Director of National Intelligence shall complete not later than 120 days after the date of the enactment of this Act, to determine what additional information relating to the terrorist attacks of September 11, 2001, can be appropriately declassified and shared with the public.

(b) INFORMATION COVERED.—The information reviewed under subsection (a) shall include the following:

(1) Information relating to the direction, facilitation, and other support provided to the individuals who carried out the terrorist attacks of September 11, 2001.

(2) Information from Operation Encore and the PENTTBOM investigation of the Federal Bureau of Investigation.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the findings of the Director with respect to the declassification review conducted under subsection (a).

SEC. 313. ESTABLISHMENT OF CHAPLAIN CORPS OF THE CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding at the end the following:

"SEC. 26. CHAPLAIN CORPS AND CHIEF OF CHAPLAINS.

''(a) ESTABLISHMENT OF CHAPLAIN CORPS.—There is in the Agency a Chaplain Corps for the provision of spiritual or religious pastoral services.

''(b) CHIEF OF CHAPLAINS.—The head of the Chaplain Corps shall be the Chief of Chaplains, who shall be appointed by the Director.

''(c) STAFF AND ADMINISTRATION.—

''(1) STAFF.—The Director may appoint and fix the compensation of such staff of the Chaplain Corps as the Director considers appropriate, except that the Director may not—

''(A) appoint more than 10 full-time equivalent positions; or

''(B) provide basic pay to any member of the staff of the Chaplain Corps at an annual rate of basic pay in excess of the maximum rate of basic pay for grade GS–15 as provided in section 5332 of title 5, United States Code.

''(2) ADMINISTRATION.—The Director may—

''(A) reimburse members of the staff of the Chaplain Corps for work-related travel expenses;

''(B) provide security clearances to such members; and

''(C) furnish such physical workspace at the headquarters building of the Agency as the Director considers appropriate.''.

SEC. 314. PILOT PROGRAM ON RECRUITMENT AND RETENTION IN OFFICE OF INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF THE TREASURY.

(a) PILOT PROGRAM REQUIRED.—The Assistant Secretary for Intelligence and Analysis in the Department of the Treasury shall carry out a pilot program to assess the feasibility and advisability of using adjustments of rates of pay to recruit and retain staff for high-demand positions in the Office of Intelligence and Analysis of the Department of the Treasury.

(b) DURATION.—The Assistant Secretary shall carry out the pilot program required by subsection (a) during the 4-year period beginning on the date of the enactment of this Act.

(c) ADDITIONAL PAY.—Under the pilot program required by subsection (a), the Assistant Secretary shall, notwithstanding any provision of title 5, United States Code, governing the rates of pay or classification of employees in the executive branch, prescribe the rate of basic pay for financial and cyber intelligence analyst positions designated under subsection (d) at rates—

(1) not greater than 130 percent of the maximum basic rate of pay and locality pay that such positions would otherwise be eligible for; and

(2) not greater than the rate of basic pay payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(d) DESIGNATED POSITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), under the pilot program required by subsection (a), the Assistant Secretary shall designate not fewer than 5 percent and not more than 25 percent of the total number of positions in the Office, including positions to be filled by new hires, as financial or cyber intelligence analyst positions eligible for the additional pay under subsection (c).

(2) CURRENT EMPLOYEES.—The Assistant Secretary may designate under paragraph (1) a position filled by an employee who was employed in that position on the day before the date of the enactment of this Act only if the employee was in the top one-third of performance rankings for the position within the Office for the duration of the 2-year period ending on the date of the enactment of this Act.

(e) BRIEFING ON THE PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter for the duration of the period set forth in subsection (b), the Assistant Secretary shall provide the congressional intelligence committees and the Director of National Intelligence with a briefing on the pilot program required by subsection (a).

(f) REPORT ON THE PILOT PROGRAM.—Not later than 180 days before the last day of the period set forth in subsection (b), the Assistant Secretary shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Director of National Intelligence a report on the effectiveness of the pilot program and recommendations on whether the pilot program should be extended, modified, or ended.

(g) RECOMMENDATIONS OF DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 3 years after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees recommendations as to—

(1) which, if any, other elements of the intelligence community would benefit from a program similar to the pilot program required by subsection (a); and

(2) what, if any, modifications the Director would recommend for such elements.

(h) RETENTION OF PRESCRIBED RATES OF PAY AFTER TERMINATION OF PILOT PROGRAM.—After the period set forth in subsection (b), the Assistant Secretary may continue to pay a person, who received pay during such period pursuant to a rate of basic pay prescribed under subsection (c), at a rate of basic pay not to exceed the rate of basic pay that was in effect for the person on the day before the last day of such period, until such time as the applicable rate of basic pay for the person under the General Schedule exceeds the rate of basic pay that was so in effect under subsection (c).

SEC. 315. PILOT PROGRAM ON STUDENT LOAN REPAYMENT AT OFFICE OF INTELLIGENCE AND ANALYSIS OF DEPARTMENT OF THE TREASURY.

(a) PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Assistant Secretary for Intelligence and Analysis in the Department of the Treasury shall carry out a pilot program to assess the feasibility and advisability of using repayment of loans on behalf of persons that were used by the persons to finance education as a recruitment incentive for employment at the Office of Intelligence and Analysis of China specialists, data scientists, cyber specialists, and others with any other analytic or technical capabilities that are in high demand by the Office.

(b) LOAN REPAYMENTS.—

(1) IN GENERAL.—Under the pilot program, the Assistant Secretary may repay the principal, interest, and related expenses of a loan obtained by a covered person to finance education.

(2) COVERED PERSONS.—For purposes of paragraph (1), a covered person is a person who agrees to an offer from the Assistant Secretary to participate in the pilot program before beginning employment in the Office.

(3) LIMITATION ON TOTAL AMOUNT.—Under the pilot program, the Assistant Secretary may repay not more than $100,000 on behalf of any one person.

(4) LIMITATION ON ANNUAL AMOUNT OF PAYMENTS.—Under the pilot program, the Assistant Secretary may repay not more than $15,000 on behalf of any one person in any one fiscal year.

(5) TIMING AND PERIOD OF PAYMENTS.—In repaying a loan of a person under the pilot program, the Assistant Secretary shall make payments—

(A) on a monthly basis; and

(B) only during the period beginning on the date on which the person begins employment with the Office and ending on the date on which the person leaves employment with the Office.

(c) DURATION.—The Assistant Secretary shall carry out the pilot program during the period of fiscal years 2022 through 2024.

(d) LIMITATION ON NUMBER OF PARTICIPANTS.—The total number of individuals receiving a loan repayment under the pilot program during any fiscal year may not exceed 10.

(e) ADMINISTRATION.—

(1) IN GENERAL.—In carrying out the pilot program, the Assistant Secretary shall—

(A) establish such requirements relating to the academic or specialized training of participants as the Assistant Secretary considers appropriate to ensure that participants are prepared for employment as intelligence analysts; and

(B) periodically review the areas of high demand for particular analytic or technical capabilities and determine which academic areas of specialization may be most useful in addressing that demand.

(2) USE OF EXISTING PROGRAMS.—The Assistant Secretary shall assess the feasibility and advisability of administering the pilot program by leveraging student loan programs of the Department of the Treasury that were in effect on the day before the date of the enactment of this Act.

(f) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 120 days after the date of the enactment of this Act, the Assistant Secretary shall submit to Congress a preliminary report on the pilot program, including a description of the pilot program and the authorities to be utilized in carrying out the pilot program.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than one year after the commencement of the pilot program and annually thereafter until the program ends, the Assistant Secretary shall submit to the congressional intelligence committees and the Director of National Intelligence a report on the pilot program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) a description of the activities under the pilot program, including the number of individuals who participated in the pilot program;

(ii) an assessment of the effectiveness of the pilot program as a recruitment tool; and

(iii) such recommendations for legislative or administrative action as the Assistant Secretary considers appropriate in light of the pilot program.

(3) RECOMMENDATIONS.—Not later than 2 years after the commencement of the pilot program, the Director of National Intelligence shall submit to the congressional intelligence committees the recommendations of the Director as to which, if any, other elements of the intelligence community would benefit from establishing a loan repayment program similar to the pilot program required by subsection (a), and what, if any, modifications the Director would recommend to the program if it were established.

(g) FUNDING.—Of the amounts authorized to be appropriated by this Act, $1,300,000 shall be available until expended to carry out this section. Of such amounts—

(1) $1,000,000 shall be available for repayment of loans; and

(2) $300,000 shall be available for a period of 2 years during the pilot program to hire personnel to administer the pilot program.

SEC. 316. PROHIBITION ON COLLECTION AND ANALYSIS OF UNITED STATES PERSONS' INFORMATION BY INTELLIGENCE COMMUNITY BASED ON FIRST AMENDMENT-PROTECTED ACTIVITIES.

No element of the intelligence community may collect or analyze a United States person's information solely upon the basis of an activity protected by the First Amendment to the Constitution of the United States.

SEC. 317. SENSE OF THE SENATE ON THE USE OF INTELLIGENCE COMMUNITY RESOURCES FOR COLLECTION, ASSESSMENT, AND ANALYSIS OF INFORMATION PERTAINING EXCLUSIVELY TO UNITED STATES PERSONS ABSENT A FOREIGN NEXUS.

It is the sense of the Senate that—

(1) the Federal Bureau of Investigation and the Department of Homeland Security do vital work in enforcing the rule of law and safeguarding the people of the United States from harm;

(2) the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) sought to facilitate greater information sharing between law enforcement and intelligence communities for the purpose of thwarting attacks on the homeland from international terrorist organizations;

(3) National Intelligence Program funds should be expended only in support of intelligence activities with a foreign nexus consistent with the definition of intelligence provided by Congress in section 3 of the National Security Act of 1947 (50 U.S.C. 3003); and

(4) the intelligence community should not engage in the collection, assessment, or analysis of information that pertains exclusively to United States persons absent a foreign nexus.

Subtitle B—Inspector General of the Intelligence Community

SEC. 321. SUBMITTAL OF COMPLAINTS AND INFORMATION BY WHISTLEBLOWERS IN THE INTELLIGENCE COMMUNITY TO CONGRESS.

(a) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following:

''(h) APPOINTMENT OF SECURITY OFFICERS.—Each Inspector General under this section, including the designees of the Inspector General of the Department of Defense pursuant to subsection (a)(3), shall appoint within their offices security officers to provide, on a permanent basis, confidential, security-related guidance and direction to an employee of their respective establishment, an employee assigned or detailed to such establishment, or an employee of a contractor of such establishment who intends to report to Congress a complaint or information, so that such employee can obtain direction on how to report to Congress in accordance with appropriate security practices.''.

(2) PROCEDURES.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the intelligence committees'';

(B) by amending paragraph (2) to read as follows:

''(2)(A) Except as provided in subparagraph (B), the employee may contact an intelligence committee or another committee of jurisdiction directly as described in paragraph (1) of this subsection or in subsection (a)(4) only if the employee—

''(i) before making such a contact, furnishes to the head of the establishment, through the Inspector General (or designee), a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(ii)(I) obtains and follows from the head of the establishment, through the Inspector General (or designee), procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(II) obtains and follows such procedural direction from the applicable security officer appointed under subsection (h).

''(B) If an employee seeks procedural direction under subparagraph (A)(ii) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subparagraph.''; and

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

''(3) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Chairman and Ranking Member of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subsection (a) of such section is amended by adding at the end the following:

''(4) Subject to paragraphs (2) and (3) of subsection (d), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(A) in lieu of reporting such complaint or information under paragraph (1); or

''(B) in addition to reporting such complaint or information under paragraph (1).''.

(b) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 103H(j) of the National Security Act of 1947 (50 U.S.C. 3033(j)) is amended by adding at the end the following:

''(5) The Inspector General shall appoint within the Office of the Inspector General security officers as required by subsection (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(2) PROCEDURES.—Subparagraph (D) of section 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5)) is amended—

(A) in clause (i), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the congressional intelligence committees'';

(B) by amending clause (ii) to read as follows:

''(ii)(I) Except as provided in subclause (II), an employee may contact a congressional intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

''(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(bb)(AA) obtains and follows from the Director, through the Inspector General, procedural direction on how to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

''(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact a congressional intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.'';

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

''(iii) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Chairman and Ranking Member of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting ''(i)'' before ''An employee of''; and

(B) by adding at the end the following:

''(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(A) in lieu of reporting such complaint or information under clause (i); or

''(B) in addition to reporting such complaint or information under clause (i).''.

(c) AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) is amended by adding at the end the following:

''(I) The Inspector General shall appoint within the Office of the Inspector General security officers as required by subsection (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(2) PROCEDURES.—Subparagraph (D) of such section is amended—

(A) in clause (i), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the intelligence committees'';

(B) by amending clause (ii) to read as follows:

''(ii)(I) Except as provided in subclause (II), an employee may contact an intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

''(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(bb)(AA) obtains and follows from the Director, through the Inspector General, procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

''(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.'';

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

''(iii) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Chairman and Ranking Member of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting ''(i)'' before ''An employee of''; and

(B) by adding at the end the following:

''(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(A) in lieu of reporting such complaint or information under clause (i); or

''(B) in addition to reporting such complaint or information under clause (i).''.

(d) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section shall be construed to revoke or diminish any right of an individual provided by section 2303 of title 5, United States Code.

SEC. 322. DEFINITIONS AND AUTHORITIES REGARDING WHISTLEBLOWER COMPLAINTS AND INFORMATION OF URGENT CONCERN RECEIVED BY INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) DEFINITION OF URGENT CONCERN.—

(1) NATIONAL SECURITY ACT OF 1947.—Section 103H(k)(5)(G)(i) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)(G)(i)) is amended by striking ''within the'' and all that follows through ''policy matters.'' and inserting the following: ''of the Federal Government that is—

''(I) a matter of national security; and

''(II) not a difference of opinion concerning public policy matters.''.

(2) INSPECTOR GENERAL ACT OF 1978.—Paragraph (1)(A) of subsection (i) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.), as redesignated by section 321(a)(1)(A), is amended by striking ''involving'' and all that follows through ''policy matters.'' and inserting the following: ''of the Federal Government that is—

''(i) a matter of national security; and

''(ii) not a difference of opinion concerning public policy matters.''.

(3) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 17(d)(5)(G)(i)(I) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)(G)(i)(I)) is amended by striking ''involving'' and all that follows through ''policy matters.'' and inserting the following: ''of the Federal Government that is—

''(aa) a matter of national security; and

''(bb) not a difference of opinion concerning public policy matters.''.

(b) AUTHORITY OF INSPECTORS GENERAL.—

(1) SCOPE OF AUTHORITY OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)) is amended by adding at the end the following:

''(J) The Inspector General shall have authority over any complaint or information submitted to the Inspector General from an employee, detailee, or contractor, or former employee, detailee, or contractor, of the intelligence community.''.

(2) AUTHORITY OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY TO DETERMINE MATTERS OF URGENT CONCERN.—Section 103H(k)(5)(G) of such Act (50 U.S.C. 3033(k)(5)(G)) is amended—

(A) in clause (i), as amended by subsection (a)(1), by resdesignating subclauses (I) and (II) as items (aa) and (bb), respectively;

(B) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(C) in the matter before subclause (I), as redesignated by subparagraph (B), by inserting ''(i)'' before ''In this''; and

(D) by adding at the end the following:

''(ii) The Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this paragraph.''.

(3) AUTHORITY OF INSPECTORS GENERAL TO DETERMINE MATTERS OF URGENT CONCERN.—Subsection (i) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.), as redesignated by section 321(a)(1)(A), is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), as amended by subsection (a)(2), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(ii) by redesignating paragraphs (A), (B), and (C) and clauses (i), (ii), and (iii), respectively;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(C) in the matter before subparagraph (A), as redesignated by subparagraph (B), by inserting ''(1)'' before ''In this''; and

(D) by adding at the end the following:

''(2) The Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this section.''.

(4) AUTHORITY OF INSPECTOR GENERAL OF CENTRAL INTELLIGENCE AGENCY TO DETERMINE MATTERS OF URGENT CONCERN.—Section 17(d)(5)(G) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)(G)) is amended—

(A) in clause (i)—

(i) in subclause (I), as amended by subsection (a)(3), by redesignating items (aa) and (bb) as subitems (AA) and (BB), respectively; and

(ii) by redesignating subclauses (I), (II), and (III) as items (aa), (bb), and (cc), respectively;

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(C) in the matter before clause (I), as redesignated by subparagraph (B), by inserting ''(i)'' before ''In this''; and

(D) by adding at the end the following:

''(ii) The Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this paragraph.''.

SEC. 323. HARMONIZATION OF WHISTLEBLOWER PROTECTIONS.

(a) PROHIBITED PERSONNEL PRACTICES IN THE INTELLIGENCE COMMUNITY.—

(1) THREATS RELATING TO PERSONNEL ACTIONS.—

(A) AGENCY EMPLOYEES.—Section 1104(b) of the National Security Act of 1947 (50 U.S.C. 3234(b)) is amended, in the matter preceding paragraph (1), by inserting '', or threaten to take or fail to take,'' after ''take or fail to take''.

(B) CONTRACTOR EMPLOYEES.—Section 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)) is amended, in the matter preceding subparagraph (A), by inserting '', or threaten to take or fail to take,'' after ''take or fail to take''.

(2) PROTECTION FOR CONTRACTOR EMPLOYEES AGAINST REPRISAL FROM AGENCY EMPLOYEES.—Section 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)), as amended by paragraph (1)(B) of this subsection, is further amended, in the matter preceding subparagraph (A), by inserting ''of an agency or'' after ''Any employee''.

(3) ENFORCEMENT.—Subsection (d) of section 1104 of such Act (50 U.S.C. 3234) is amended to read as follows:

''(d) ENFORCEMENT.—The President shall provide for the enforcement of this section consistent, to the fullest extent possible, with the policies and procedures used to adjudicate alleged violations of section 2302(b)(8) of title 5, United States Code.''.

(b) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

(1) ENFORCEMENT.—Section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)) is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following:

''(8) ENFORCEMENT.—Except as otherwise provided in this subsection, the President shall provide for the enforcement of this section consistent, to the fullest extent possible, with the policies and procedures used to adjudicate alleged violations of section 2302(b)(8) of title 5, United States Code.''.

(2) ELIMINATION OF DEADLINE FOR APPEAL OF PROHIBITED REPRISAL.—Section 3001(j)(4)(A) of such Act (50 U.S.C. 3341(j)(4)(A)) is amended by striking ''within 90 days''.

(3) ELIMINATION OF CAP ON COMPENSATORY DAMAGES.—Section 3001(j)(4)(B) of such Act (50 U.S.C. 3341(j)(4)(B)) is amended, in the second sentence, by striking ''not to exceed $300,000''.

(4) ESTABLISHING PROCESS PARITY FOR ADVERSE SECURITY CLEARANCE AND ACCESS DETERMINATIONS.—Subparagraph (C) of section 3001(j)(4) of such Act (50 U.S.C. 3341(j)(4)) is amended to read as follows:

''(C) BURDENS OF PROOF.—

''(i) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated that a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

''(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that—

''(I) the official making the determination knew of the disclosure; and

''(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.

''(iii) DEFENSE.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall not find that paragraph (1) was violated if, after a finding that a disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have made the same security clearance or access determination in the absence of such disclosure.''.

(c) CORRECTION OF DEFINITION OF AGENCY.—Section 3001(a)(1)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)(1)(B)) is amended by striking ''and'' and inserting ''or''.

(d) ESTABLISHING CONSISTENCY WITH RESPECT TO PROTECTIONS FOR DISCLOSURES OF MISMANAGEMENT.—

(1) SECURITY CLEARANCE AND ACCESS DETERMINATIONS.—Section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)) is amended—

(A) in subparagraph (A)(ii), by striking ''gross mismanagement'' and inserting ''mismanagement''; and

(B) in subparagraph (B)(ii), by striking ''gross mismanagement'' and inserting ''mismanagement''.

(2) PERSONNEL ACTIONS AGAINST CONTRACTOR EMPLOYEES.—Section 1104(c)(1)(B) of the National Security Act of 1947 (50 U.S.C. 3234(c)(1)(B)) is amended by striking ''gross mismanagement'' and inserting ''mismanagement''.

(e) PROTECTED DISCLOSURES TO SUPERVISORS.—

(1) PERSONNEL ACTIONS.—

(A) DISCLOSURES BY AGENCY EMPLOYEES TO SUPERVISORS.—Section 1104(b) of the National Security Act of 1947 (50 U.S.C. 3234(b)), as amended by subsection (a)(1)(A), is further amended, in the matter preceding paragraph (1), by inserting ''a supervisor in the employee's direct chain of command, or a supervisor of the employing agency with responsibility for the subject matter of the disclosure, up to and including'' before ''the head of the employing agency''.

(B) DISCLOSURES BY CONTRACTOR EMPLOYEES TO SUPERVISORS.—Section 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)), as amended by subsection (a), is further amended, in the matter preceding subparagraph (A), by inserting ''a supervisor in the contractor employee's direct chain of command up to and including'' before ''the head of the contracting agency''.

(2) SECURITY CLEARANCE AND ACCESS DETERMINATIONS.—Section 3001(j)(1)(A) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)(A)) is amended, in the matter preceding clause (i), by inserting ''a supervisor in the employee's direct chain of command, or a supervisor of the employing agency with responsibility for the subject matter of the disclosure, up to and including'' before ''the head of the employing agency''.

(f) ESTABLISHING PARITY FOR PROTECTED DISCLOSURES.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (b), as amended by subsections (a)(1)(A) and (e)(1)(A)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) in the matter preceding subparagraph (A), as redesignated and moved by subparagraph (B) of this paragraph, by striking ''for a lawful disclosure'' and inserting the following: ''for—

''(1) any lawful disclosure''; and

(C) by adding at the end the following:

''(2) any lawful disclosure that complies with—

''(A) subsections (a)(1), (d), and (g) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

''(B) subparagraphs (A), (D), and (H) of section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

''(C) subparagraphs (A), (D), and (I) of section 103H(k)(5); or

''(3) if the actions do not result in the employee unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any lawful disclosure in conjunction with—

''(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

''(B) testimony for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A); or

''(C) cooperation with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General.''; and

(2) in subsection (c)(1), as amended by subsections (a) and (e)(1)(B)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(B) in the matter preceding clause (i), as redesignated and moved by subparagraph (B) of this paragraph, by striking ''for a lawful disclosure'' and inserting the following: ''for—

''(A) any lawful disclosure''; and

(C) by adding at the end the following:

''(B) any lawful disclosure that complies with—

''(i) subsections (a)(1), (d), and (g) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

''(ii) subparagraphs (A), (D), and (H) of section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

''(iii) subparagraphs (A), (D), and (I) of section 103H(k)(5); or

''(C) if the actions do not result in the contractor employee unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any lawful disclosure in conjunction with—

''(i) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

''(ii) testimony for or otherwise lawfully assisting any individual in the exercise of any right referred to in clause (i); or

''(iii) cooperation with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General.''.

(g) CLARIFICATION RELATING TO PROTECTED DISCLOSURES.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following:

''(d) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods,

nothing in subsection (b) or (c) shall be construed to authorize—

''(1) the withholding of information from Congress; or

''(2) the taking of any personnel action against an employee who lawfully discloses information to Congress.

''(e) DISCLOSURES.—A disclosure shall not be excluded from this section because—

''(1) the disclosure was made to an individual, including a supervisor, who participated in an activity that the employee reasonably believed to be covered under subsection (b)(1)(B) or the contractor employee reasonably believed to be covered under subsection (c)(1)(A)(ii);

''(2) the disclosure revealed information that had been previously disclosed;

''(3) the disclosure was not made in writing;

''(4) the disclosure was made while the employee was off duty;

''(5) of the amount of time which has passed since the occurrence of the events described in the disclosure; or

''(6) the disclosure was made during the normal course of duties of an employee or contractor employee.''.

(h) CORRECTION RELATING TO NORMAL COURSE DISCLOSURES.—Section 3001(j)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(3)) is amended—

(1) by striking ''DISCLOSURES.—'' and all that follows through ''because—'' and inserting ''DISCLOSURES.—A disclosure shall not be excluded from paragraph (1) because—'';

(2) by striking subparagraph (B);

(3) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left;

(4) in subparagraph (D), as so redesignated, by striking ''or'' at the end;

(5) in subparagraph (E), as redesignated by paragraph (3), by striking the period at the end and inserting ''; or''; and

(6) by adding at the end the following:

''(F) the disclosure was made during the normal course of duties of an employee.''.

(i) CLARIFICATION RELATING TO RULE OF CONSTRUCTION.—Section 3001(j)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(2)) is amended by inserting ''or clearance action'' after ''personnel action''.

(j) CLARIFICATION RELATING TO PROHIBITED PRACTICES.—

(1) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)), as amended by this section, is further amended by striking ''over'' and inserting ''to take, materially impact, direct others to take, recommend, or approve''.

(2) NATIONAL SECURITY ACT OF 1947.—

(A) AGENCY EMPLOYEES.—Section 1104(b) of the National Security Act of 1947 (50 U.S.C. 3234(b)), as amended by this section, is further amended by inserting ''materially impact,'' after ''authority to take,''

(B) CONTRACTOR EMPLOYEES.—Section 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)), as amended by this section, is further amended by inserting ''materially impact,'' after ''authority to take,''.

(k) TECHNICAL CORRECTION.—Section 3001(j)(1)(C)(i) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)(C)(i)) is amended by striking ''(h)'' and inserting ''(g)''.

(l) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report assessing the extent to which protections provided under Presidential Policy Directive 19 (relating to protecting whistleblowers with access to classified information) have been codified in statutes.

SEC. 324. PROHIBITION AGAINST DISCLOSURE OF WHISTLEBLOWER IDENTITY AS REPRISAL AGAINST WHISTLEBLOWER DISCLOSURE BY EMPLOYEES AND CONTRACTORS IN INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (a)(3) of such section—

(A) in subparagraph (I), by striking ''; or'' and inserting a semicolon;

(B) by redesignating subparagraph (J) as subparagraph (K); and

(C) by inserting after subparagraph (I) the following:

''(J) a knowing and willful disclosure revealing the identity or other personally identifiable information of an employee or contractor employee; or'';

(2) by redesignating subsections (f) and (g), as redesignated by section 323(g)(1), as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e), as added by section 323(g)(2), the following:

''(f) PERSONNEL ACTIONS INVOLVING DISCLOSURES OF WHISTLEBLOWER IDENTITY.—A personnel action described in subsection (a)(3)(J) shall not be considered in violation of subsection (b) or (c) under the following circumstances:

''(1) The personnel action was taken with the express consent of the employee or contractor employee.

''(2) An Inspector General with oversight responsibility for a covered intelligence community element determines that—

''(A) the personnel action was unavoidable under section 103H(g)(3)(A) of this Act (50 U.S.C. 3033(g)(3)(A)), section 17(e)(3)(A) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(3)(A)), or section 8M(b)(2)(B) of the Inspector General Act of 1978 (5 U.S.C. App.);

''(B) the personnel action was made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; or

''(C) the personnel action was required by statute or an order from a court of competent jurisdiction.''.

(b) APPLICABILITY TO DETAILEES.—Subsection (a) of section 1104 of such Act (50 U.S.C. 3234) is amended by adding at the end the following:

''(5) EMPLOYEE.—The term 'employee', with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element.''.

(c) PRIVATE RIGHT OF ACTION FOR UNLAWFUL DISCLOSURE OF WHISTLEBLOWER IDENTITY.—Subsection (g) of such section, as amended by subsection (a)(3) of section 323(a)(3), redesignated by subsection (g)(1) of such section, and further redesignated by subsection (a)(2) of this section, is amended to read as follows:

''(g) ENFORCEMENT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the President shall provide for the enforcement of this section.

''(2) HARMONIZATION WITH OTHER ENFORCEMENT.—To the fullest extent possible, the President shall provide for enforcement of this section in a manner that is consistent with the enforcement of section 2302(b)(8) of title 5, United States Code, especially with respect to policies and procedures used to adjudicate alleged violations of such section.

''(3) PRIVATE RIGHT OF ACTION FOR DISCLOSURES OF WHISTLEBLOWER IDENTITY IN VIOLATION OF PROHIBITION AGAINST REPRISALS.—Subject to paragraph (4), in a case in which an employee of an agency takes a personnel action described in subsection (a)(3)(J) against an employee of a covered intelligence community element as a reprisal in violation of subsection (b) or in a case in which an employee or contractor employee takes a personnel action described in subsection (a)(3)(J) against another contractor employee as a reprisal in violation of subsection (c), the employee or contractor employee against whom the personnel action was taken may, consistent with section 1221 of title 5, United States Code, bring a private action for all appropriate remedies, including injunctive relief and compensatory and punitive damages, in an amount not to exceed $250,000, against the agency of the employee or contracting agency of the contractor employee who took the personnel action, in a Federal district court of competent jurisdiction.

''(4) REQUIREMENTS.—

''(A) REVIEW BY INSPECTOR GENERAL AND BY EXTERNAL REVIEW PANEL.—Before the employee or contractor employee may bring a private action under paragraph (3), the employee or contractor employee shall exhaust administrative remedies by—

''(i) first, obtaining a disposition of their claim by requesting review of the appropriate inspector general; and

''(ii) second, submitting to the Inspector General of the Intelligence Community a request for a review of the claim by an external review panel under section 1106.

''(B) PERIOD TO BRING ACTION.—The employee or contractor employee may bring a private right of action under paragraph (3) during the 180-day period beginning on the date on which the employee or contractor employee is notified of the final disposition of their claim under section 1106.''.

SEC. 325. CONGRESSIONAL OVERSIGHT OF CONTROLLED ACCESS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the congressional intelligence committees;

(B) the Committee on Appropriations of the Senate; and

(C) the Committee on Appropriations of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term ''congressional leadership'' means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(3) CONTROLLED ACCESS PROGRAM.—The term ''controlled access program'' means a program created or managed pursuant to Intelligence Community Directive 906, or successor directive.

(b) PERIODIC BRIEFINGS REQUIRED.—

(1) IN GENERAL.—Not less frequently than semiannually or upon request by one of the appropriate committees of Congress or a member of congressional leadership, the Director of National Intelligence shall provide the appropriate committees of Congress and congressional leadership a briefing on each controlled access program in effect.

(2) CONTENTS.—Each briefing provided under paragraph (1) shall include, at a minimum, the following:

(A) A description of the activity of the controlled access programs during the period covered by the briefing.

(B) Documentation with respect to how the controlled access programs have achieved outcomes consistent with requirements documented by the Director and, as applicable, the Secretary of Defense.

(c) LIMITATIONS.—

(1) LIMITATION ON ESTABLISHMENT.—A head of an element of the intelligence community may not establish a controlled access program, or a compartment or subpcompartment therein, until the head notifies the appropriate committees of Congress and congressional leadership of such controlled access program, compartment, or subcompartment, as the case may be.

(2) LIMITATION ON USE OF FUNDS.—No funds may be obligated or expended by an element of the intelligence community to carry out a controlled access program, or a compartment or subcompartment therein, until the head of that element has briefed the appropriate committees of Congress and congressional leadership on the controlled access program.

(d) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, each head of an element of the intelligence community shall provide to the appropriate committees of Congress and congressional leadership a report on all controlled access programs of the element in effect.

(B) MATTERS ADDRESSED.—Each report under subparagraph (A) shall address, for each controlled access program covered by the report, the following:

(i) Date of initial operational capability.

(ii) Rationale.

(iii) Annual level of funding.

(iv) Current operational use.

(2) ANNUAL REPORTS.—

(A) REQUIREMENT.—On an annual basis, the head of each element of the intelligence community shall submit to the appropriate committees of Congress and congressional leadership a report on controlled access programs administered by the head.

(B) MATTERS INCLUDED.—Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

(i) A list of all compartments and subcompartments of controlled access programs active as of the date of the report.

(ii) A list of all compartments and subcompartments of controlled access programs terminated during the period covered by the report.

(iii) With respect to the report submitted by the Director of National Intelligence, in addition to the matters specified in subparagraphs (A) and (B)—

(I) a certification regarding whether the creation, validation, or substantial modification, including termination, for all existing and proposed controlled access programs, and the compartments and subcompartments within each, are substantiated and justified based on the information required by clause (ii); and

(II) for each certification—

(aa) the rationale for the revalidation, validation, or substantial modification, including termination, of each controlled access program, compartment, and subcompartment;

(bb) the identification of a control officer for each controlled access program; and

(cc) a statement of protection requirements for each controlled access program.

(e) CONFORMING REPEAL.—Section 608 of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115–31; 131 Stat. 833; 50 U.S.C. 3315) is amended by striking subsection (b).

Subtitle C—Reports and Assessments Pertaining to the Intelligence Community

SEC. 331. REPORT ON EFFORTS TO BUILD AN INTEGRATED HYBRID SPACE ARCHITECTURE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually for 2 years thereafter, the Director of National Intelligence, in coordination with the Under Secretary of Defense for Intelligence and Security and the Director of the National Reconnaissance Office, shall submit to the appropriate committees of Congress a report on the efforts of the intelligence community to build an integrated hybrid space architecture that combines national and commercial capabilities and large and small satellites.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) An assessment of how the integrated hybrid space architecture approach is being realized in the overhead architecture of the National Reconnaissance Office.

(2) An assessment of the benefits to the mission of the National Reconnaissance Office and the cost of integrating capabilities from smaller, proliferated satellites and data from commercial satellites with the national technical means architecture.

SEC. 332. REPORT ON PROJECT MAVEN TRANSITION.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency, in consultation with such other Federal Government entities as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on the transition of Project Maven to operational mission support.

(c) PLAN OF ACTION AND MILESTONES.—The report required by subsection (b) shall include a detailed plan of action and milestones that identifies—

(1) the milestones and decision points leading up to the transition of successful geospatial intelligence capabilities developed under Project Maven to the National Geospatial-Intelligence Agency; and

(2) the metrics of success regarding the transition described in paragraph (1) and mission support provided to the National Geospatial-Intelligence Agency for each of fiscal years 2022 and 2023.

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

SEC. 333. ASSESSMENT OF INTELLIGENCE COMMUNITY COUNTERNARCOTICS CAPABILITIES.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives.

(b) ASSESSMENT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall, in consultation with such other Federal Government entities as the Director considers appropriate, submit to the appropriate committees of Congress an assessment 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 counternarcotics mission of the Federal Government.

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

SEC. 334. ASSESSMENT OF INTELLIGENCE COMMUNITY'S INTELLIGENCE-SHARING RELATIONSHIPS WITH LATIN AMERICAN PARTNERS IN COUNTERNARCOTICS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on the Judiciary of the Senate; and

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

(b) ASSESSMENT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall, in consultation with such other Federal Government entities as the Director considers appropriate, submit to the appropriate committees of Congress an assessment on the intelligence-sharing relationships of the intelligence community with foreign partners in Latin America on counternarcotics matters.

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

SEC. 335. REPORT ON UNITED STATES SOUTHERN COMMAND INTELLIGENCE CAPABILITIES.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency, in consultation with such other Federal Government entities as the Director considers relevant, shall submit to the appropriate committees of Congress a report detailing the status of United States Southern Command's intelligence collection, analysis, and operational capabilities to support Latin America-based missions.

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

SEC. 336. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON TRENDS IN TECHNOLOGIES OF STRATEGIC IMPORTANCE TO UNITED STATES.

(a) IN GENERAL.—Not less frequently than once every 2 years until the date that is 4 years after the date of the enactment of this Act, the Director of National Intelligence

shall, in consultation with the Secretary of Commerce and the Director of the Office of Science and Technology Policy, submit to Congress a report assessing commercial and foreign trends in technologies the Director considers of strategic importance to the national and economic security of the United States.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) A list of the top technology focus areas that the Director considers to be of the most strategic importance to the United States.

(2) A list of the top technology focus areas in which countries that are adversarial to the United States are poised to match or surpass the technological leadership of the United States.

(c) FORM.—Each report submitted under subsection (a) may take the form of a National Intelligence Estimate and shall be submitted in classified form, but may include an unclassified summary.

SEC. 337. REPORT ON NORD STREAM II COMPANIES AND INTELLIGENCE TIES.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with other appropriate Federal Government entities, shall submit to the appropriate committees of Congress a report on Nord Stream II efforts, including:

(1) an unclassified list of all companies supporting the Nord Stream II project; and

(2) an updated assessment of current or former ties between Nord Stream's Chief Executive Officer and Russian, East German, or other hostile intelligence agencies.

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

SEC. 338. ASSESSMENT OF ORGANIZATION OF DEFENSIVE INNOVATION AND RESEARCH ACTIVITIES.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with other appropriate Federal Government entities, shall submit to the appropriate committees of Congress an assessment of the activities and objectives of the Organization of Defensive Innovation and Research (SPND). This assessment shall include information about the composition of the organization, the relationship of its personnel to any research on weapons of mass destruction, and any sources of financial and material support that such organization receives, including from the Government of Iran.

(c) FORM.—The assessment required under subsection (b) shall be submitted in unclassified form, but may include a classified annex, if necessary.

SEC. 339. REPORT ON INTELLIGENCE COMMUNITY SUPPORT TO VISAS MANTIS PROGRAM.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the head of any other appropriate Government entity, shall submit to the appropriate committees of Congress a report on intelligence matters relating to the Visas Mantis program, including efforts by—

(A) the intelligence community to provide and plan for effective intelligence support to such program; and

(B) hostile intelligence services to exploit such program or any other program by which visas for admission to the United States are issued.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex, as necessary.

SEC. 340. PLAN FOR ARTIFICIAL INTELLIGENCE DIGITAL ECOSYSTEM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) develop a plan for the development and resourcing of a modern digital ecosystem that embraces state-of-the-art tools and modern processes to enable development, testing, fielding, and continuous updating of artificial intelligence-powered applications at speed and scale from headquarters to the tactical edge; and

(2) submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives the plan developed under paragraph (1).

(b) CONTENTS OF PLAN.—At a minimum, the plan required by subsection (a) shall include the following:

(1) A roadmap for adopting a hoteling model to allow trusted small- and medium-sized artificial intelligence companies access to classified facilities on a flexible basis.

(2) An open architecture and an evolving reference design and guidance for needed technical investments in the proposed ecosystem that address issues, including common interfaces, authentication, applications, platforms, software, hardware, and data infrastructure.

(3) A governance structure, together with associated policies and guidance, to drive the implementation of the reference throughout the intelligence community on a federated basis.

(4) Recommendations to ensure that use of artificial intelligence and associated data in Federal Government operations comport with rights relating to freedom of expression, equal protection, privacy, and due process.

(c) FORM.—The plan submitted under subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 341. STUDY ON UTILITY OF EXPANDED PERSONNEL MANAGEMENT AUTHORITY.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services of the Senate; and

(3) the Committee on Armed Services of the House of Representatives.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a study on the utility of providing elements of the intelligence community of the Department of Defense, other than the National Geospatial-Intelligence Agency, personnel management authority to attract experts in science and engineering under section 1599h of title 10, United States Code.

SEC. 342. ASSESSMENT OF ROLE OF FOREIGN GROUPS IN DOMESTIC VIOLENT EXTREMISM.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

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

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

(b) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) complete an assessment to identify the role of foreign groups, including entities, adversaries, governments, or other groups, in domestic violent extremist activities in the United States; and

(2) submit to the appropriate committees of Congress the findings of the Director with respect to the assessment completed under paragraph (1).

(c) FORM.—The findings submitted under subsection (b)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 343. REPORT ON THE ASSESSMENT OF ALL-SOURCE CYBER INTELLIGENCE INFORMATION, WITH AN EMPHASIS ON SUPPLY CHAIN RISKS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the potential to strengthen all-source intelligence integration relating to foreign cyber threats, with an emphasis on cyber supply chain risks.

(b) CONTENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the effectiveness of the all-source cyber intelligence integration capabilities of the Office of the Director of National Intelligence and recommendations for such changes as the Director considers necessary to strengthen those capabilities.

(2) An assessment of the effectiveness of the Office of the Director of National Intelligence in analyzing and reporting on cyber

supply chain risks, including efforts undertaken by the National Counterintelligence and Security Center.

(3) Mitigation plans for any gaps or deficiencies identified in the assessments included under paragraphs (1) and (2).

SEC. 344. REVIEW OF NATIONAL SECURITY AGENCY AND UNITED STATES CYBER COMMAND.

(a) REVIEW REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community, the Inspector General of the National Security Agency, and the Inspector General of the Department of Defense shall jointly complete a review of the National Security Agency and the United States Cyber Command.

(b) ELEMENTS.—The review required by subsection (a) shall include assessment of the following:

(1) Whether resources, authorities, activities, missions, facilities, and personnel are appropriately being delineated and used to conduct the intelligence and cybersecurity missions at the National Security Agency as well as the cyber offense and defense missions of United States Cyber Command.

(2) The extent to which current resource-sharing arrangements between the National Security Agency and United States Cyber Command lead to conflicts of interest in directing intelligence collection in support of United States Cyber Command missions rather than foreign intelligence collection.

(3) The intelligence analysis and production conducted by United States Cyber Command using National Security Agency authorities, with a focus on analytic integrity and intelligence oversight to ensure proper analysis is informing mission operations.

(c) REPORT AND BRIEF.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community and the Inspector General of the Department of Defense shall jointly submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) a report and provide such committees a briefing on the findings of the inspectors general with respect to the review completed under subsection (a).

SEC. 345. SUPPORT FOR AND OVERSIGHT OF UNIDENTIFIED AERIAL PHENOMENA TASK FORCE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' includes:

(A) The congressional intelligence committees.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Commerce, Science, and Transportation of the Senate.

(D) The Committee on Armed Services of the House of Representatives.

(E) The Committee on Transportation and Infrastructure of the House of Representatives.

(F) The Committee on Science, Space, and Technology of the House of Representatives.

(2) UNIDENTIFIED AERIAL PHENOMENA TASK FORCE.—The term ''Unidentified Aerial Phenomena Task Force'' means the task force established by the Department of Defense on August 4, 2020, to be led by the Department of the Navy, under the Office of the Under Secretary of Defense for Intelligence and Security.

(b) AVAILABILITY OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—The Director of National Intelligence and the Secretary of Defense shall each, in coordination with each other, require each element of the intelligence community and the Department of Defense with data relating to unidentified aerial phenomena to make such data available immediately to the Unidentified Aerial Phenomena Task Force and to the National Air and Space Intelligence Center.

(c) QUARTERLY REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and not less frequently than quarterly thereafter, the Unidentified Aerial Phenomena Task Force, or such other entity as the Deputy Secretary of Defense may designate to be responsible for matters relating to unidentified aerial phenomena, shall submit to the appropriate committees of Congress quarterly reports on the findings of the Unidentified Aerial Phenomena Task Force, or such other designated entity as the case may be.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, at a minimum, the following:

(A) All reported unidentified aerial phenomena-related events that occurred during the previous 90 days.

(B) All reported unidentified aerial phenomena-related events that occurred during a time period other than the previous 90 days but were not included in an earlier report.

(3) FORM.—Each report submitted under paragraph (1) shall be submitted in classified form.

SEC. 346. PUBLICATION OF UNCLASSIFIED APPENDICES FROM REPORTS ON INTELLIGENCE COMMUNITY PARTICIPATION IN VULNERABILITIES EQUITIES PROCESS.

Section 6720(c) of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3316a(c)) is amended by adding at the end the following:

''(4) PUBLICATION.—The Director of National Intelligence shall make available to the public each unclassified appendix submitted with a report under paragraph (1) pursuant to paragraph (2).''.

SEC. 347. REPORT ON FUTURE STRUCTURE AND RESPONSIBILITIES OF FOREIGN MALIGN INFLUENCE CENTER.

(a) ASSESSMENT AND REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct an assessment as to the future structure and responsibilities of the Foreign Malign Influence Center; and

(2) submit to the congressional intelligence committees a report on the findings of the Director with respect to the assessment conducted under paragraph (1).

(b) ELEMENTS.—The assessment conducted under subsection (a)(1) shall include an assessment of whether—

(1) the Director of the Foreign Malign Influence Center should continue to report directly to the Director of National Intelligence; or

(2) the Foreign Malign Influence Center should become an element of the National Counterintelligence and Security Center and the Director of the Foreign Malign Influence Center should report to the Director of the National Counterintelligence and Security Center.

Subtitle D—People's Republic of China

SEC. 351. ASSESSMENT OF POSTURE AND CAPABILITIES OF INTELLIGENCE COMMUNITY WITH RESPECT TO ACTIONS OF THE PEOPLE'S REPUBLIC OF CHINA TARGETING TAIWAN.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Director of the Central Intelligence Agency shall jointly—

(1) complete an assessment to identify whether the posture and capabilities of the intelligence community are adequate to provide—

(A) sufficient indications and warnings regarding actions of the People's Republic of China targeting Taiwan; and

(B) policymakers with sufficient lead time to respond to actions described in subparagraph (A); and

(2) submit to the appropriate committees of Congress the findings of the assessment completed under paragraph (1).

(c) FORM.—The findings submitted under subsection (b)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 352. PLAN TO COOPERATE WITH INTELLIGENCE AGENCIES OF KEY DEMOCRATIC COUNTRIES REGARDING TECHNOLOGICAL COMPETITION WITH PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(b) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a plan to increase cooperation with 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 the People's Republic of China in critical technologies and components.

(3) The efforts of the People's Republic of China to buy startups, conduct joint ventures, and invest in specific technologies globally.

(4) The technology development of the People's Republic of China in key technology sectors.

(5) The efforts of the People's Republic of China relating to standard-setting forums.

(6) Supply chain vulnerabilities for key technology sectors.

SEC. 353. ASSESSMENT OF PEOPLE'S REPUBLIC OF CHINA GENOMIC COLLECTION.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(3) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Labor and Education, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives.

(b) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with other appropriate Federal Government entities, shall submit to the appropriate committees of Congress an assessment of the People's Republic of China's plans, intentions, capabilities, and resources devoted to biotechnology, and the objectives underlying those activities. The assessment shall include—

(1) a detailed analysis of efforts undertaken by the People's Republic of China (PRC) to acquire foreign-origin biotechnology, research and development, and genetic information, including technology owned by United States companies, research by United States institutions, and the genetic information of United States citizens;

(2) identification of PRC-based organizations conducting or directing these efforts, including information about the ties between those organizations and the PRC government, the Chinese Communist Party, or the People's Liberation Army; and

(3) a detailed analysis of the intelligence community resources devoted to biotechnology, including synthetic biology and genomic-related issues, and a plan to improve understanding of these issues and ensure the intelligence community has the requisite expertise.

(c) FORM.—The assessment required under subsection (b) shall be submitted in unclassified form, but may include a classified annex, if necessary.

SEC. 354. UPDATES TO ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE CHINESE COMMUNIST PARTY.

Section 1107(b) of the National Security Act of 1947 (50 U.S.C. 3237(b)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

''(9) A listing of all known Chinese talent recruitment programs operating in the United States as of the date of the report.''.

SEC. 355. REPORT ON INFLUENCE OF PEOPLE'S REPUBLIC OF CHINA THROUGH BELT AND ROAD INITIATIVE PROJECTS WITH OTHER COUNTRIES.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on recent projects negotiated by the People's Republic of China with other countries as part of the Belt and Road Initiative of the People's Republic of China. Such report shall include information about the types of such projects, costs of such projects, and the potential national security implications of such projects.

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

SEC. 356. STUDY ON THE CREATION OF AN OFFICIAL DIGITAL CURRENCY BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the short-, medium-, and long-term national security risks associated with the creation and use of the official digital renminbi of the People's Republic of China, including—

(1) risks arising from potential surveillance of transactions;

(2) risks related to security and illicit finance; and

(3) risks related to economic coercion and social control by the People's Republic of China.

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

SEC. 357. REPORT ON EFFORTS OF CHINESE COMMUNIST PARTY TO ERODE FREEDOM AND AUTONOMY IN HONG KONG.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on efforts of the Chinese Communist Party to stifle political freedoms in Hong Kong, influence or manipulate the judiciary of Hong Kong, destroy freedom of the press and speech in Hong Kong, and take actions to otherwise undermine the democratic processes of Hong Kong.

(c) CONTENTS.—The report submitted under subsection (b) shall include an assessment of the implications of the efforts of the Chinese Communist Party described in such subsection for international business, investors, academic institutions, and other individuals operating in Hong Kong.

(d) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 358. REPORT ON TARGETING OF RENEWABLE SECTORS BY CHINA.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report assessing the efforts and advancements of China in the wind power, solar power, and electric vehicle battery production sectors (or key components of such sectors).

(c) CONTENTS.—The report submitted under subsection (b) shall include the following:

(1) An assessment of how China is targeting rare earth minerals and the effect of such targeting on the sectors described in subsection (b).

(2) Details of the use by the Chinese Communist Party of state-sanctioned forced labor schemes, including forced labor and the transfer of Uyghurs and other ethnic groups, and other human rights abuses in such sectors.

(d) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

TITLE IV—ANOMALOUS HEALTH INCIDENTS

SEC. 401. DEFINITION OF ANOMALOUS HEALTH INCIDENT.

In this title, the term ''anomalous health incident'' means an unexplained health event characterized by any of a collection of symptoms and clinical signs that includes the sudden onset of perceived loud sound, a sensation of intense pressure or vibration in the head, possibly with a directional character, followed by the onset of tinnitus, hearing loss, acute disequilibrium, unsteady gait, visual disturbances, and ensuing cognitive dysfunction.

SEC. 402. ASSESSMENT AND REPORT ON INTER-AGENCY COMMUNICATION RELATING TO EFFORTS TO ADDRESS ANOMALOUS HEALTH INCIDENTS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives.

(b) ASSESSMENT AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(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 to the appropriate committees of Congress a report on the findings of the Director with respect to the assessment conducted under paragraph (1).

(c) FORM.—The report submitted pursuant to subsection (b)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 403. ADVISORY PANEL ON THE OFFICE OF MEDICAL SERVICES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall establish, under the sponsorship of such entities as the Director considers appropriate, an advisory panel to assess the capabilities, expertise, and qualifications of the Office of Medical Services of the Central Intelligence Agency in relation to the care and health management of personnel of the intelligence community who are reporting symptoms consistent with anomalous health incidents.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory panel shall be composed of at least 9 individuals selected by the Director of National Intelligence from among individuals who are recognized experts in the medical profession and intelligence community.

(2) DIVERSITY.—In making appointments to the advisory panel, the Director shall ensure that the members of the panel reflect diverse experiences in the public and private sectors.

(c) DUTIES.—The duties of the advisory panel established under subsection (a) are as follows:

(1) To review the performance of the Office of Medical Services of the Central Intelligence Agency, specifically as it relates to the medical care of personnel of the intelligence community who are reporting symptoms consistent with anomalous health incidents during the period beginning on January 1, 2016, and ending on December 31, 2021.

(2) To assess the policies and procedures that guided external treatment referral practices for Office of Medical Services patients who reported symptoms consistent with anomalous health incidents during the period described in paragraph (1).

(3) To develop recommendations regarding capabilities, processes, and policies to improve patient treatment by the Office of Medical Services with regard to anomalous health incidents, including with respect to access to external treatment facilities and specialized medical care.

(4) To prepare and submit a report as required by subsection (e)(1).

(d) ADMINISTRATIVE MATTERS.—

(1) IN GENERAL.—The Director of the Central Intelligence Agency shall provide the advisory panel established pursuant to subsection (a) with timely access to appropriate information, data, resources, and analysis so that the advisory panel may carry out the duties of the advisory panel under subsection (c).

(2) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panel established pursuant to subsection (a).

(e) REPORTS.—

(1) FINAL REPORT.—Not later than 1 year after the date on which the Director of National Intelligence establishes the advisory panel pursuant to subsection (a), the advisory panel shall submit to the Director of National Intelligence, the Director of the Central Intelligence Agency, and the congressional intelligence committees a final report on the activities of the advisory panel under this section.

(2) ELEMENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the findings and conclusions of the panel, including—

(A) a history of anomalous health incidents; and

(B) such additional recommendations for legislation or administrative action as the advisory panel considers appropriate.

(3) INTERIM REPORT OR BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report or provide such committees a briefing on the interim findings of the advisory panel with respect to the elements set forth in paragraph (2).

(4) COMMENTS OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 30 days after receiving the final report of the advisory panel under paragraph (1), the Director of National Intelligence shall submit to the congressional intelligence committees such comments as the Director may have with respect to such report.

SEC. 404. JOINT TASK FORCE TO INVESTIGATE ANOMALOUS HEALTH INCIDENTS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(b) JOINT TASK FORCE REQUIRED.—The Director of National Intelligence and the Director of the Federal Bureau of Investigation shall jointly establish a task force to investigate anomalous health incidents.

(c) CONSULTATION.—In carrying out an investigation under subsection (b), the task force established under such subsection shall consult with the Secretary of Defense.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the task force established under subsection (b) shall complete the investigation required by such subsection and submit to the appropriate committees of Congress a written report on the findings of the task force with respect to such investigation.

(2) FORM.—The report submitted pursuant to paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 405. REPORTING ON OCCURRENCE OF ANOMALOUS HEALTH INCIDENTS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Appropriations of the Senate; and

(3) the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—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, the head of the element shall submit to the appropriate committees of Congress a brief report on the reported incident.

SEC. 406. ACCESS TO CERTAIN FACILITIES OF UNITED STATES GOVERNMENT FOR ASSESSMENT OF ANOMALOUS HEALTH CONDITIONS.

(a) ASSESSMENT.—The Director of National Intelligence shall ensure that elements of the intelligence community provide to employees of elements of the intelligence community and their family members who are experiencing symptoms of anomalous health conditions timely access for medical assessment to facilities of the United States Government with expertise in traumatic brain injury.

(b) PROCESS FOR ASSESSMENT AND TREATMENT.—The Director of National Intelligence shall coordinate with the Secretary of Defense and the heads of such Federal agencies as the Director considers appropriate to ensure there is a process to provide employees and their family members described in subsection (a) with timely access to the National Intrepid Center of Excellence, an Intrepid Spirit Center, or an appropriate military medical treatment facility for assessment and, if necessary, treatment, by not later than 60 days after the date of the enactment of this Act.

TITLE V—SECURITY CLEARANCES AND TRUSTED WORKFORCE

SEC. 501. EXCLUSIVITY, CONSISTENCY, AND TRANSPARENCY IN SECURITY CLEARANCE PROCEDURES, AND RIGHT TO APPEAL.

(a) EXCLUSIVITY OF PROCEDURES.—Section 801 of the National Security Act of 1947 (50 U.S.C. 3161) is amended by adding at the end the following:

''(c) EXCLUSIVITY.—Except as provided in subsection (b) and subject to sections 801A and 801B, the procedures established pursuant to subsection (a) and promulgated and set forth under part 2001 of title 32, Code of Federal Regulations, or successor regulations, shall be the exclusive procedures by which decisions about eligibility for access to classified information are governed.''.

(b) TRANSPARENCY.—Such section is further amended by adding at the end the following:

''(d) PUBLICATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the President shall—

''(A) publish in the Federal Register the procedures established pursuant to subsection (a); or

''(B) submit to Congress a certification that the procedures currently in effect that govern access to classified information as described in subsection (a)—

''(i) are published in the Federal Register; and

''(ii) comply with the requirements of subsection (a).

''(2) UPDATES.—Whenever the President makes a revision to a procedure established pursuant to subsection (a), the President shall publish such revision in the Federal Register not later than 30 days before the date on which the revision becomes effective.''.

(c) CONSISTENCY.—

(1) IN GENERAL.—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended by inserting after section 801 the following:

''SEC. 801A. DECISIONS RELATING TO ACCESS TO CLASSIFIED INFORMATION.

''(a) DEFINITIONS.—In this section:

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

''(2) CLASSIFIED INFORMATION.—The term 'classified information' includes sensitive compartmented information, restricted data, restricted handling information, and other compartmented information.

''(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term 'eligibility for access to classified information' has the meaning given such term in the procedures established pursuant to section 801(a).

''(b) IN GENERAL.—Each head of an agency that makes a determination regarding eligibility for access to classified information shall ensure that in making the determination, the head of the agency or any person acting on behalf of the head of the agency—

''(1) does not violate any right or protection enshrined in the Constitution of the United States, including rights articulated in the First, Fifth, and Fourteenth Amendments;

''(2) does not discriminate for or against an individual on the basis of race, ethnicity, color, religion, sex, national origin, age, or handicap;

''(3) is not carrying out—

''(A) retaliation for political activities or beliefs; or

''(B) a coercion or reprisal described in section 2302(b)(3) of title 5, United States Code; and

''(4) does not violate section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)).''.

(2) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 801 the following:

''Sec. 801A. Decisions relating to access to classified information.''.

(d) RIGHT TO APPEAL.—

(1) IN GENERAL.—Such title, as amended by subsection (c), is further amended by inserting after section 801A the following:

''SEC. 801B. RIGHT TO APPEAL.

''(a) DEFINITIONS.—In this section:

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

''(2) COVERED PERSON.—The term 'covered person' means a person, other than the President and Vice President, currently or formerly employed in, detailed to, assigned to, or issued an authorized conditional offer of employment for a position that requires access to classified information by an agency, including the following:

''(A) A member of the Armed Forces.

''(B) A civilian.

''(C) An expert or consultant with a contractual or personnel obligation to an agency.

''(D) Any other category of person who acts for or on behalf of an agency as determined by the head of the agency.

''(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term 'eligibility for access to classified information' has the meaning given such term in the procedures established pursuant to section 801(a).

''(4) NEED FOR ACCESS.—The term 'need for access' has such meaning as the President may define in the procedures established pursuant to section 801(a).

''(5) RECIPROCITY OF CLEARANCE.—The term 'reciprocity of clearance', with respect to a denial by an agency, means that the agency, with respect to a covered person—

''(A) failed to accept a security clearance background investigation as required by paragraph (1) of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(d));

''(B) failed to accept a transferred security clearance background investigation required by paragraph (2) of such section;

''(C) subjected the covered person to an additional investigative or adjudicative requirement in violation of paragraph (3) of such section; or

''(D) conducted an investigation in violation of paragraph (4) of such section.

''(6) SECURITY EXECUTIVE AGENT.—The term 'Security Executive Agent' means the officer serving as the Security Executive Agent pursuant to section 803.

''(b) AGENCY REVIEW.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2022, each head of an agency shall, consistent with the interests of national security, establish and publish in the Federal Register a process by which a covered person to whom eligibility for access to classified information was denied or revoked by the agency or for whom reciprocity of clearance was denied by the agency can appeal that denial or revocation within the agency.

''(2) ELEMENTS.—The process required by paragraph (1) shall include the following:

''(A) In the case of a covered person to whom eligibility for access to classified information or reciprocity of clearance is denied or revoked by an agency, the following:

''(i) The head of the agency shall provide the covered person with a written—

''(I) detailed explanation of the basis for the denial or revocation as the head of the agency determines is consistent with the interests of national security and as permitted by other applicable provisions of law; and

''(II) notice of the right of the covered person to a hearing and appeal under this subsection.

''(ii) Not later than 30 days after receiving a request from the covered person for copies of the documents that formed the basis of the agency's decision to revoke or deny, including the investigative file, the head of the agency shall provide to the covered person copies of such documents as—

''(I) the head of the agency determines is consistent with the interests of national security; and

''(II) permitted by other applicable provisions of law, including—

''(aa) section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act');

''(bb) section 552a of such title (commonly known as the 'Privacy Act of 1974'); and

''(cc) such other provisions of law relating to the protection of confidential sources and privacy of individuals.

''(iii)(I) The covered person shall have the opportunity to retain counsel or other representation at the covered person's expense.

''(II) Upon the request of the covered person, and a showing that the ability to review classified information is essential to the resolution of an appeal under this subsection, counsel or other representation retained under this clause shall be considered for access to classified information for the limited purposes of such appeal.

''(iv)(I) The head of the agency shall provide the covered person an opportunity, at a point in the process determined by the agency head—

''(aa) to appear personally before an adjudicative or other authority, other than the investigating entity, and to present to such authority relevant documents, materials, and information, including evidence that past problems relating to the denial or revocation have been overcome or sufficiently mitigated; and

''(bb) to call and cross-examine witnesses before such authority, unless the head of the agency determines that calling and cross-examining witnesses is not consistent with the interests of national security.

''(II) The head of the agency shall make, as part of the security record of the covered person, a written summary, transcript, or recording of any appearance under item (aa) of subclause (I) or of any calling or cross-examining of witnesses under item (bb) of such subclause.

''(v) On or before the date that is 30 days after the date on which the covered person receives copies of documents under clause (ii), the covered person may request a hearing of the decision to deny or revoke by filing a written appeal with the head of the agency.

''(B) A requirement that each review of a decision under this subsection is completed on average not later than 180 days after the date on which a hearing is requested under subparagraph (A)(v).

''(3) AGENCY REVIEW PANELS.—

''(A) IN GENERAL.—Each head of an agency shall establish a panel to hear and review appeals under this subsection.

''(B) MEMBERSHIP.—

''(i) COMPOSITION.—Each panel established by the head of an agency under subparagraph (A) shall be composed of at least 3 employees of the agency selected by the agency head, two of whom shall not be members of the security field.

''(ii) TERMS.—A term of service on a panel established by the head of an agency under subparagraph (A) shall not exceed 2 years.

''(C) DECISIONS.—

''(i) WRITTEN.—Each decision of a panel established under subparagraph (A) shall be in writing and contain a justification of the decision.

''(ii) CONSISTENCY.—Each head of an agency that establishes a panel under subparagraph (A) shall ensure that each decision of the panel is consistent with the interests of national security and applicable provisions of law.

''(iii) OVERTURN.—The head of an agency may overturn a decision of the panel if, not later than 30 days after the date on which the panel issues the decision, the agency head personally exercises the authority granted by this clause to overturn such decision.

''(iv) FINALITY.—Each decision of a panel established under subparagraph (A) or overturned pursuant to clause (iii) of this subparagraph shall be final but subject to appeal and review under subsection (c).

''(D) ACCESS TO CLASSIFIED INFORMATION.—The head of an agency that establishes a panel under subparagraph (A) shall afford access to classified information to the members of the panel as the agency head determines—

''(i) necessary for the panel to hear and review an appeal under this subsection; and

''(ii) consistent with the interests of national security.

''(4) REPRESENTATION BY COUNSEL.—

''(A) IN GENERAL.—Each head of an agency shall ensure that, under this subsection, a covered person appealing a decision of the head's agency under this subsection has an opportunity to retain counsel or other representation at the covered person's expense.

''(B) ACCESS TO CLASSIFIED INFORMATION.—

''(i) IN GENERAL.—Upon the request of a covered person appealing a decision of an agency under this subsection and a showing that the ability to review classified information is essential to the resolution of the appeal under this subsection, the head of the agency shall sponsor an application by the counsel or other representation retained under this paragraph for access to classified information for the limited purposes of such appeal.

''(ii) EXTENT OF ACCESS.—Counsel or another representative who is cleared for access under this subparagraph may be afforded access to relevant classified materials to the extent consistent with the interests of national security.

''(5) CORRECTIVE ACTION.—If, in the course of proceedings under this subsection, the head of an agency or a panel established by the agency head under paragraph (3) decides that a covered person's eligibility for access to classified information was improperly denied or revoked by the agency, the agency shall take corrective action to return the covered person, as nearly as practicable and reasonable, to the position such covered person would have held had the improper denial or revocation not occurred.

''(6) PUBLICATION OF DECISIONS.—

''(A) IN GENERAL.—Each head of an agency shall publish each final decision on an appeal under this subsection.

''(B) REQUIREMENTS.—In order to ensure transparency, oversight by Congress, and meaningful information for those who need to understand how the clearance process works, each publication under subparagraph (A) shall be—

''(i) made in a manner that is consistent with section 552 of title 5, United States Code, as amended by the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104–231);

''(ii) published to explain the facts of the case, redacting personally identifiable information and sensitive program information; and

''(iii) made available on a website that is searchable by members of the public.

''(c) HIGHER LEVEL REVIEW.—

''(1) PANEL.—

''(A) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2022, the Security Executive Agent shall establish a panel to review decisions made on appeals pursuant to the processes established under subsection (b).

''(B) SCOPE OF REVIEW AND JURISDICTION.—After the initial review to verify grounds for appeal, the panel established under subparagraph (A) shall review such decisions only—

''(i) as they relate to violations of section 801A(b); or

''(ii) to the extent to which an agency properly conducted a review of an appeal under subsection (b).

''(C) COMPOSITION.—The panel established pursuant to subparagraph (A) shall be composed of three individuals selected by the Security Executive Agent for purposes of the panel, of whom at least one shall be an attorney.

''(2) APPEALS AND TIMELINESS.—

''(A) APPEALS.—

''(i) INITIATION.—On or before the date that is 30 days after the date on which a covered person receives a written decision on an appeal under subsection (b), the covered person may initiate oversight of that decision by filing a written appeal with the Security Executive Agent.

''(ii) FILING.—A written appeal filed under clause (i) relating to a decision of an agency shall be filed in such form, in such manner, and containing such information as the Security Executive Agent may require, including—

''(I) a description of—

''(aa) any alleged violations of section 801A(b) relating to the denial or revocation of the covered person's eligibility for access to classified information; and

''(bb) any allegations of how the decision may have been the result of the agency failing to properly conduct a review under subsection (b); and

''(II) supporting materials and information for the allegations described under subclause (I).

''(B) TIMELINESS.—The Security Executive Agent shall ensure that, on average, review of each appeal filed under this subsection is completed not later than 180 days after the date on which the appeal is filed.

''(3) DECISIONS AND REMANDS.—

''(A) IN GENERAL.—If, in the course of reviewing under this subsection a decision of an agency under subsection (b), the panel established under paragraph (1) decides that there is sufficient evidence of a violation of section 801A(b) to merit a new hearing or decides that the decision of the agency was the result of an improperly conducted review under subsection (b), the panel shall vacate the decision made under subsection (b) and remand to the agency by which the covered person shall be eligible for a new appeal under subsection (b).

''(B) WRITTEN DECISIONS.—Each decision of the panel established under paragraph (1) shall be in writing and contain a justification of the decision.

''(C) CONSISTENCY.—The panel under paragraph (1) shall ensure that each decision of the panel is consistent with the interests of national security and applicable provisions of law.

''(D) FINALITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), each decision of the panel established under paragraph (1) shall be final.

''(ii) OVERTURN.—The Security Executive Agent may overturn a decision of the panel if, not later than 30 days after the date on which the panel issues the decision, the Security Executive Agent personally exercises the authority granted by this clause to overturn such decision.

''(E) NATURE OF REMANDS.—In remanding a decision under subparagraph (A), the panel established under paragraph (1) may not direct the outcome of any further appeal under subsection (b).

''(F) NOTICE OF DECISIONS.—For each decision of the panel established under paragraph (1) regarding a covered person, the Security Executive Agent shall provide the covered person with a written notice of the decision that includes a detailed description of the reasons for the decision, consistent with the interests of national security and applicable provisions of law.

''(4) REPRESENTATION BY COUNSEL.—

''(A) IN GENERAL.—The Security Executive Agent shall ensure that, under this subsection, a covered person appealing a decision under subsection (b) has an opportunity to retain counsel or other representation at the covered person's expense.

''(B) ACCESS TO CLASSIFIED INFORMATION.—

''(i) IN GENERAL.—Upon the request of the covered person and a showing that the ability to review classified information is essential to the resolution of an appeal under this subsection, the Security Executive Agent shall sponsor an application by the counsel or other representation retained under this paragraph for access to classified information for the limited purposes of such appeal.

''(ii) EXTENT OF ACCESS.—Counsel or another representative who is cleared for access under this subparagraph may be afforded access to relevant classified materials to the extent consistent with the interests of national security.

''(5) ACCESS TO DOCUMENTS AND EMPLOYEES.—

''(A) AFFORDING ACCESS TO MEMBERS OF PANEL.—The Security Executive Agent shall afford access to classified information to the members of the panel established under paragraph (1)(A) as the Security Executive Agent determines—

''(i) necessary for the panel to review a decision described in such paragraph; and

''(ii) consistent with the interests of national security.

''(B) AGENCY COMPLIANCE WITH REQUESTS OF PANEL.—Each head of an agency shall comply with each request by the panel for a document and each request by the panel for access to employees of the agency necessary for the review of an appeal under this subsection, to the degree that doing so is, as determined by the head of the agency and permitted by applicable provisions of law, consistent with the interests of national security.

''(6) PUBLICATION OF DECISIONS.—

''(A) IN GENERAL.—For each final decision on an appeal under this subsection, the head of the agency with respect to which the appeal pertains and the Security Executive Agent shall each publish the decision, consistent with the interests of national security.

''(B) REQUIREMENTS.—In order to ensure transparency, oversight by Congress, and meaningful information for those who need to understand how the clearance process works, each publication under subparagraph (A) shall be—

''(i) made in a manner that is consistent with section 552 of title 5, United States Code, as amended by the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104–231);

''(ii) published to explain the facts of the case, redacting personally identifiable information and sensitive program information; and

''(iii) made available on a website that is searchable by members of the public.

''(d) PERIOD OF TIME FOR THE RIGHT TO APPEAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any covered person who has been the subject of a decision made by the head of an agency to deny or revoke eligibility for access to classified information shall retain all rights to appeal under this section until the conclusion of the appeals process under this section.

''(2) WAIVER OF RIGHTS.—

''(A) PERSONS.—Any covered person may voluntarily waive the covered person's right to appeal under this section and such waiver shall be conclusive.

''(B) AGENCIES.—The head of an agency may not require a covered person to waive the covered person's right to appeal under this section for any reason.

''(e) WAIVER OF AVAILABILITY OF PROCEDURES FOR NATIONAL SECURITY INTEREST.—

''(1) IN GENERAL.—If the head of an agency determines that a procedure established under subsection (b) cannot be made available to a covered person in an exceptional case without damaging a national security interest of the United States by revealing classified information, such procedure shall not be made available to such covered person.

''(2) FINALITY.—A determination under paragraph (1) shall be final and conclusive and may not be reviewed by any other official or by any court.

''(3) REPORTING.—

''(A) CASE-BY-CASE.—

''(i) IN GENERAL.—In each case in which the head of an agency determines under paragraph (1) that a procedure established under subsection (b) cannot be made available to a covered person, the agency head shall, not later than 30 days after the date on which the agency head makes such determination, submit to the Security Executive Agent and to the congressional intelligence committees a report stating the reasons for the determination.

''(ii) FORM.—A report submitted under clause (i) may be submitted in classified form as necessary.

''(B) ANNUAL REPORTS.—

''(i) IN GENERAL.—Not less frequently than once each fiscal year, the Security Executive Agent shall submit to the congressional intelligence committees a report on the determinations made under paragraph (1) during the previous fiscal year.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the period covered by the report, the following:

''(I) The number of cases and reasons for determinations made under paragraph (1), disaggregated by agency.

''(II) Such other matters as the Security Executive Agent considers appropriate.

''(f) DENIALS AND REVOCATIONS UNDER OTHER PROVISIONS OF LAW.—

''(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or affect the responsibility and power of the head of an agency to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance in the interest of national security.

''(2) DENIALS AND REVOCATION.—The power and responsibility to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance pursuant to any other provision of law or Executive order may be exercised only when the head of an agency determines that an applicable process established under this section cannot be invoked in a manner that is consistent with national security.

''(3) FINALITY.—A determination under paragraph (2) shall be final and conclusive

and may not be reviewed by any other official or by any court.

''(4) REPORTING.—

''(A) CASE-BY-CASE.—

''(i) IN GENERAL.—In each case in which the head of an agency determines under paragraph (2) that a determination relating to a denial or revocation of eligibility for access to classified information or denial of reciprocity of clearance could not be made pursuant to a process established under this section, the agency head shall, not later than 30 days after the date on which the agency head makes such a determination under paragraph (2), submit to the Security Executive Agent and to the congressional intelligence committees a report stating the reasons for the determination.

''(ii) FORM.—A report submitted under clause (i) may be submitted in classified form as necessary.

''(B) ANNUAL REPORTS.—

''(i) IN GENERAL.—Not less frequently than once each fiscal year, the Security Executive Agent shall submit to the congressional intelligence committees a report on the determinations made under paragraph (2) during the previous fiscal year.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the period covered by the report, the following:

''(I) The number of cases and reasons for determinations made under paragraph (2), disaggregated by agency.

''(II) Such other matters as the Security Executive Agent considers appropriate.

''(g) RELATIONSHIP TO SUITABILITY.—No person may use a determination of suitability under part 731 of title 5, Code of Federal Regulations, or successor regulation, for the purpose of denying a covered person the review proceedings of this section where there has been a denial or revocation of eligibility for access to classified information or a denial of reciprocity of clearance.

''(h) PRESERVATION OF ROLES AND RESPONSIBILITIES UNDER EXECUTIVE ORDER 10865 AND OF THE DEFENSE OFFICE OF HEARINGS AND APPEALS.—Nothing in this section shall be construed to diminish or otherwise affect the procedures in effect on the day before the date of the enactment of this Act for denial and revocation procedures provided to individuals by Executive Order 10865 (50 U.S.C. 3161 note; relating to safeguarding classified information within industry), or successor order, including those administered through the Defense Office of Hearings and Appeals of the Department of Defense under Department of Defense Directive 5220.6, or successor directive.

''(i) RULE OF CONSTRUCTION RELATING TO CERTAIN OTHER PROVISIONS OF LAW.—This section and the processes and procedures established under this section shall not be construed to apply to paragraphs (6) and (7) of section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).''.

(2) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002), as amended by subsection (c), is further amended by inserting after the item relating to section 801A the following:

''Sec. 801B. Right to appeal.''.

SEC. 502. FEDERAL POLICY ON SHARING OF DEROGATORY INFORMATION PERTAINING TO CONTRACTOR EMPLOYEES IN THE TRUSTED WORKFORCE.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the principal members of the Performance Accountability Council and the Attorney General, shall issue a policy for the Federal Government on sharing of derogatory information pertaining to contractor employees engaged by the Federal Government.

(b) CONSENT REQUIREMENT.—

(1) IN GENERAL.—The policy issued under subsection (a) shall require, as a condition of accepting a security clearance with the Federal Government, that a contractor employee provide prior written consent for the Federal Government to share covered derogatory information with the chief security officer of the contractor employer that employs the contractor employee.

(2) COVERED DEROGATORY INFORMATION.—For purposes of this section, covered derogatory information—

(A) is information that—

(i) contravenes National Security Adjudicative Guidelines as specified in Security Executive Agent Directive 4 (appendix A to part 710 of title 10, Code of Federal Regulations), or any successor Federal policy;

(ii) a Federal Government agency certifies is accurate and reliable;

(iii) is relevant to a contractor's ability to protect against insider threats as required by section 1–202 of the National Industrial Security Program Operating Manual (NISPOM), or successor manual; and

(iv) may have a bearing on the contractor employee's suitability for a position of public trust or to receive credentials to access certain facilities of the Federal Government; and

(B) shall include any negative information considered in the adjudicative process, including information provided by the contractor employee on forms submitted for the processing of the contractor employee's security clearance.

(c) ELEMENTS.—The policy issued under subsection (a) shall—

(1) require Federal agencies, except under exceptional circumstances specified by the Security Executive Agent, to share with the contractor employer of a contractor employee engaged with the Federal Government the existence of potentially derogatory information and which National Security Adjudicative Guideline it falls under, with the exception that the Security Executive Agent may waive such requirement in circumstances the Security Executive Agent considers extraordinary;

(2) require that covered derogatory information shared with a contractor employer as described in subsection (b)(1) be used by the contractor employer exclusively for risk mitigation purposes under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual;

(3) require Federal agencies to share any mitigation measures in place to address the derogatory information;

(4) establish standards for timeliness for sharing the derogatory information;

(5) specify the methods by which covered derogatory information will be shared with the contractor employer of the contractor employee;

(6) allow the contractor employee, within a specified timeframe, the right—

(A) to contest the accuracy and reliability of covered derogatory information;

(B) to address or remedy any concerns raised by the covered derogatory information; and

(C) to provide documentation pertinent to subparagraph (A) or (B) for an agency to place in relevant security clearance databases;

(7) establish a procedure by which the contractor employer of the contractor employee may consult with the Federal Government prior to taking any remedial action under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual, to address the derogatory information the Federal agency has provided;

(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including nonsecurity professionals at the contractor employer; and

(9) require companies in the National Industrial Security Program to comply with the policy.

(d) CONSIDERATION OF LESSONS LEARNED FROM INFORMATION-SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.—In developing the policy issued under subsection (a), the Director shall consider, to the extent available, lessons learned from actions taken to carry out section 6611(f) of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3352f(f)).

SEC. 503. PERFORMANCE MEASURES REGARDING TIMELINESS FOR PERSONNEL MOBILITY.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall issue a policy for measuring the total time it takes to transfer personnel with security clearances and eligibility for access to information commonly referred to as ''sensitive compartmented information'' (SCI) from one Federal agency to another, or from one contract to another in the case of a contractor.

(b) REQUIREMENTS.—The policy issued under subsection (a) shall—

(1) to the degree practicable, cover all personnel who are moving to positions that require a security clearance and access to sensitive compartmented information;

(2) cover the period from the first time a Federal agency or company submits a request to a Federal agency for the transfer of the employment of an individual with a clearance access or eligibility determination to another Federal agency, to the time the individual is authorized by that receiving agency to start to work in the new position; and

(3) include analysis of all appropriate phases of the process, including polygraph, suitability determination, fitness determination, human resources review, transfer of the sensitive compartmented information access, and contract actions.

(c) UPDATED POLICIES.—

(1) MODIFICATIONS.—Not later than 1 year after the date on which the Director issues the policy under subsection (a), the Director shall issue modifications to such policies as the Director determines were issued before the issuance of the policy under such subsection and are relevant to such updated policy, as the Director considers appropriate.

(2) RECOMMENDATIONS.—Not later than 1 year after the date on which the Director issues the policy under subsection (a), the Director shall submit to Congress recommendations for legislative action to update metrics specified elsewhere in statute to measure parts of the process that support transfers described in subsection (a).

(d) ANNUAL REPORTS.—Not later than 180 days after issuing the policy required by subsection (a) and not less frequently than once each year thereafter until the date that is 3 years after the date of such issuance, the Director shall submit to Congress a report on the implementation of such policy. Such report shall address performance by agency and by clearance type in meeting such policy.

SEC. 504. GOVERNANCE OF TRUSTED WORKFORCE 2.0 INITIATIVE.

(a) GOVERNANCE.—The Director of National Intelligence, acting as the Security Executive Agent, and the Director of the Office of Personnel Management, acting as the Suitability and Credentialing Executive Agent, in coordination with the Deputy Director for

Management in the Office of Management and Budget, acting as the director of the Performance Accountability Council, and the Under Secretary of Defense for Intelligence and Security shall jointly—

(1) not later than 180 days after the date of the enactment of this Act, publish in the Federal Register a policy with guidelines and standards for Federal Government agencies and industry partners to implement the Trusted Workforce 2.0 initiative;

(2) not later than 2 years after the date of the enactment of this Act and not less frequently than once every 6 months thereafter, submit to Congress a report on the timing, delivery, and adoption of Federal Government agencies' policies, products, and services to implement the Trusted Workforce 2.0 initiative, including those associated with the National Background Investigation Service; and

(3) not later than 90 days after the date of the enactment of this Act, submit to Congress performance management metrics for the implementation of the Trusted Workforce 2.0 initiative, including performance metrics regarding timeliness, cost, and measures of effectiveness.

(b) INDEPENDENT STUDY ON TRUSTED WORKFORCE 2.0.—

(1) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall enter into an agreement with an entity that is not part of the Federal Government to conduct a study on the effectiveness of the initiatives of the Federal Government known as Trusted Workforce 1.25, 1.5, and 2.0.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) An assessment of how effective such initiatives are or will be in determining who should or should not have access to classified information.

(B) A comparison of the effectiveness of such initiatives with the system of periodic reinvestigations that was in effect on the day before the date of the enactment of this Act.

(C) Identification of what is lost from the suspension of universal periodic reinvestigations in favor of a system of continuous vetting.

(D) An assessment of the relative effectiveness of Trusted Workforce 1.25, Trusted Workforce 1.5, and Trusted Workforce 2.0.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit a report on the findings from the study conducted under paragraph (1) to the following:

(A) The congressional intelligence committees.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Committee on Armed Services of the House of Representatives.

(E) The Committee on Oversight and Reform of the House of Representatives.

TITLE VI—OTHER INTELLIGENCE MATTERS

SEC. 601. IMPROVEMENTS RELATING TO CONTINUITY OF PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD MEMBERSHIP.

Paragraph (4) of section 1061(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(h)) is amended to read as follows:

''(4) TERM.—

''(A) COMMENCEMENT.—Each member of the Board shall serve a term of 6 years, commencing on the date of the appointment of the member to the Board.

''(B) REAPPOINTMENT.—A member may be reappointed to one or more additional terms.

''(C) VACANCY.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

''(D) EXTENSION.—Upon the expiration of the term of office of a member, the member may continue to serve, at the election of the member—

''(i) during the period preceding the reappointment of the member pursuant to subparagraph (B); or

''(ii) until the member's successor has been appointed and qualified.''.

SEC. 602. REPORTS ON INTELLIGENCE SUPPORT FOR AND CAPACITY OF THE SERGEANTS AT ARMS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND THE UNITED STATES CAPITOL POLICE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Rules and Administration, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

(C) the Committee on Homeland Security, the Committee on House Administration, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(2) SERGEANTS AT ARMS.—The term ''Sergeants at Arms'' means the Sergeant at Arms and Doorkeeper of the Senate and the Chief Administrative Officer of the House of Representatives.

(b) REPORT ON INTELLIGENCE SUPPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the Federal Bureau of Investigation and the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on intelligence support provided to the Sergeants at Arms and the United States Capitol Police.

(2) ELEMENTS.—The report required by paragraph (1) shall include a description of the following:

(A) Policies related to the Sergeants at Arms and the United States Capitol Police as customers of intelligence.

(B) How the intelligence community, the Federal Bureau of Investigation, and the Department of Homeland Security, including the Cybersecurity and Infrastructure Security Agency, are structured, staffed, and resourced to provide intelligence support to the Sergeants at Arms and the United States Capitol Police.

(C) The classified electronic and telephony interoperability of the intelligence community, the Federal Bureau of Investigation, and the Department of Homeland Security with the Sergeants at Arms and the United States Capitol Police.

(D) Any expedited security clearances provided for the Sergeants at Arms and the United States Capitol Police.

(E) Counterterrorism intelligence and other intelligence relevant to the physical security of Congress that are provided to the Sergeants at Arms and the United States Capitol Police, including—

(i) strategic analysis and real-time warning; and

(ii) access to classified systems for transmitting and posting intelligence.

(F) Cyber intelligence relevant to the protection of cyber networks of Congress and the personal devices and accounts of Members and employees of Congress, including—

(i) strategic and real-time warnings, such as malware signatures and other indications of attack; and

(ii) access to classified systems for transmitting and posting intelligence.

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

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the capacity of the Sergeants at Arms and the United States Capitol Police to access and use intelligence and threat information relevant to the physical and cyber security of Congress.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the extent to which the Sergeants at Arms and the United States Capitol Police have the resources, including facilities, cleared personnel, and necessary training, and authorities to adequately access, analyze, manage, and use intelligence and threat information necessary to defend the physical and cyber security of Congress.

(B) The extent to which the Sergeants at Arms and the United States Capitol Police communicate and coordinate threat data with each other and with other local law enforcement entities.

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

SEC. 603. STUDY ON VULNERABILITY OF GLOBAL POSITIONING SYSTEM TO HOSTILE ACTIONS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) STUDY REQUIRED.—The Director of National Intelligence shall, in consultation with the Secretary of Defense, the Secretary of Commerce, and the Secretary of Transportation, conduct a study on the vulnerability of the Global Positioning System (GPS) to hostile actions, as well as any actions being undertaken by the intelligence community, the Department of Defense, the Department of Commerce, the Department of Transportation, and any other elements of the Federal Government to mitigate any risks stemming from the potential unavailability of the Global Positioning System.

(c) ELEMENTS.—The study conducted under subsection (b) shall include net assessments and baseline studies of the following:

(1) The vulnerability of the Global Positioning System to hostile actions.

(2) The potential negative effects of a prolonged Global Positioning System outage, including with respect to the entire society, to the economy of the United States, and to the capabilities of the Armed Forces.

(3) Alternative systems that could back up or replace the Global Positioning System, especially for the purpose of providing positioning, navigation, and timing, to United States civil, commercial, and government users.

(4) Any actions being planned or undertaken by the intelligence community, the

Department of Defense, the Department of Commerce, the Department of Transportation, and other elements of the Federal Government to mitigate any risks to the entire society, to the economy of the United States, and to the capabilities of the Armed Forces, stemming from a potential unavailability of the Global Positioning System.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report in writing and provide such committees a briefing on the findings of the Director with respect to the study conducted under subsection (b).

SEC. 604. AUTHORITY FOR TRANSPORTATION OF FEDERALLY OWNED CANINES ASSOCIATED WITH FORCE PROTECTION DUTIES OF INTELLIGENCE COMMUNITY.

Section 1344(a)(2)(B) of title 31, United States Code, is amended by inserting '', or transportation of federally owned canines associated with force protection duties of any part of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003))'' after ''duties''.

SA 4462. Mr. PETERS (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 end, add the following:

DIVISION E—INSPECTOR GENERAL INDEPENDENCE AND EMPOWERMENT ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Inspector General Independence and Empowerment Act of 2021''.

TITLE LI—INSPECTOR GENERAL INDEPENDENCE

SEC. 5111. SHORT TITLE.

This title may be cited as the ''Securing Inspector General Independence Act of 2021''.

SEC. 5112. REMOVAL OR TRANSFER OF INSPECTORS GENERAL; PLACEMENT ON NON-DUTY STATUS.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3(b)—

(A) by inserting ''(1)(A)'' after ''(b)'';

(B) in paragraph (1), as so designated—

(i) in subparagraph (A), as so designated, in the second sentence—

(I) by striking ''reasons'' and inserting the following: ''substantive rationale, including detailed and case-specific reasons,''; and

(II) by inserting ''(including to the appropriate congressional committees)'' after ''Houses of Congress''; and

(ii) by adding at the end the following:

''(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

''(i) identify each entity that is conducting, or that conducted, the inquiry; and

''(ii) in the case of a completed inquiry, contain the findings made during the inquiry.''; and

(C) by adding at the end the following:

''(2)(A) Subject to the other provisions of this paragraph, only the President may place an Inspector General on non-duty status.

''(B) If the President places an Inspector General on non-duty status, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

''(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

''(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President has determined applies under clause (i) of this subparagraph;

''(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

''(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

''(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

''(C) The President may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1)(A) unless the President—

''(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

''(D) For the purposes of this paragraph—

''(i) the term 'Inspector General'—

''(I) means an Inspector General who was appointed by the President, without regard to whether the Senate provided advice and consent with respect to that appointment; and

''(II) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery; and

''(ii) a reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in that paragraph, shall be considered to be—

''(I) in the case of the Inspector General of the Intelligence Community, a reference to section 103H(c)(4) of the National Security Act of 1947 (50 U.S.C. 3033(c)(4));

''(II) in the case of the Inspector General of the Central Intelligence Agency, a reference to section 17(b)(6) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(b)(6));

''(III) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378);

''(IV) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and

''(V) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act (15 U.S.C. 9053(b)(3)).''; and

(2) in section 8G(e)—

(A) in paragraph (1), by inserting ''or placement on non-duty status'' after ''a removal'';

(B) in paragraph (2)—

(i) by inserting ''(A)'' after ''(2)'';

(ii) in subparagraph (A), as so designated, in the first sentence—

(I) by striking ''reasons'' and inserting the following: ''substantive rationale, including detailed and case-specific reasons,''; and

(II) by inserting ''(including to the appropriate congressional committees)'' after ''Houses of Congress''; and

(iii) by adding at the end the following:

''(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

''(i) identify each entity that is conducting, or that conducted, the inquiry; and

''(ii) in the case of a completed inquiry, contain the findings made during the inquiry.''; and

(C) by adding at the end the following:

''(3)(A) Subject to the other provisions of this paragraph, only the head of the applicable designated Federal entity (referred to in this paragraph as the 'covered official') may place an Inspector General on non-duty status.

''(B) If a covered official places an Inspector General on non-duty status, the covered official shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the covered official may submit that communication not later than the date on which the change in status takes effect if—

''(i) the covered official has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) in the communication, the covered official includes a report on the determination described in clause (i), which shall include—

''(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the covered official has determined applies under clause (i) of this subparagraph;

''(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

''(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

''(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

''(C) A covered official may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (2)(A) unless the covered official—

''(i) has made a determination that the continued presence of the Inspector General

in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

''(D) Nothing in this paragraph may be construed to limit or otherwise modify—

''(i) any statutory protection that is afforded to an Inspector General; or

''(ii) any other action that a covered official may take under law with respect to an Inspector General.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 12(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''except as otherwise expressly provided,'' before ''the term''.

SEC. 5113. VACANCY IN POSITION OF INSPECTOR GENERAL.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(h)(1) In this subsection—

''(A) the term 'first assistant to the position of Inspector General' means, with respect to an Office of Inspector General—

''(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position—

''(I) is serving in a position in that Office; and

''(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

''(ii) if the Inspector General has not made a designation described in clause (i)(II)—

''(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; or

''(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; and

''(B) the term 'Inspector General'—

''(i) means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate; and

''(ii) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

''(2) If an Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

''(A) section 3345(a) of title 5, United States Code, and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

''(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

''(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

''(i) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

''(I) the requirement under this clause shall not apply if the officer is an Inspector General; and

''(II) for the purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

''(ii) the rate of pay for the position of the officer or employee described in clause (i) is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule;

''(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

''(iv) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to both Houses of Congress (including to the appropriate congressional committees) the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

''(3) Notwithstanding section 3345(a) of title 5, United States Code, section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)), and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on non-duty status—

''(A) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

''(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

''(i) that direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and

''(ii) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

''(4) An individual may perform the functions and duties of an Inspector General temporarily and in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

''(5) If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

''(A) the first assistant to the position of Inspector General; or

''(B) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to limit the applicability of sections 3345 through 3349d of title 5, United States Code (commonly known as the ''Federal Vacancies Reform Act of 1998''), other than with respect to section 3345(a) of that title.

(c) EFFECTIVE DATE.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' has the meaning given the term in subsection (h)(1)(B) of section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this section, and the amendments made by this section, shall take effect on the date of enactment of this Act.

(B) EXISTING VACANCIES.—If, as of the date of enactment of this Act, an individual is performing the functions and duties of an Inspector General temporarily in an acting capacity, this section, and the amendments made by this section, shall take effect with respect to that Inspector General position on the date that is 30 days after the date of enactment of this Act.

SEC. 5114. OFFICE OF INSPECTOR GENERAL WHISTLEBLOWER COMPLAINTS.

(a) WHISTLEBLOWER PROTECTION COORDINATOR.—Section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), in the matter preceding subclause (I), by inserting '', including employees of that Office of Inspector General'' after ''employees''; and

(2) in clause (iii), by inserting ''(including the Integrity Committee of that Council)'' after ''and Efficiency''.

(b) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking '', allegations of reprisal,'' and inserting the following: ''and allegations of reprisal (including the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal that are internal to an Office of Inspector General)''.

TITLE LII—PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL

SEC. 5121. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after section 3349d the following:

''§ 3349e. Presidential explanation of failure to nominate an inspector general

''If the President fails to make a formal nomination for a vacant inspector general position that requires a formal nomination by the President to be filled within the period beginning on the later of the date on which the vacancy occurred or on which a nomination is rejected, withdrawn, or returned, and ending on the day that is 210 days after that date, the President shall communicate, within 30 days after the end of such period and not later than June 1 of each year thereafter, to the appropriate congressional committees, as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)—

''(1) the reasons why the President has not yet made a formal nomination; and

''(2) a target date for making a formal nomination.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3349d the following:

''3349e. Presidential explanation of failure to nominate an Inspector General.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect—

(1) on the date of enactment of this Act with respect to any vacancy first occurring on or after that date; and

(2) on the day that is 210 days after the date of enactment of this Act with respect to any vacancy that occurred before the date of enactment of this Act.

TITLE LIII—INTEGRITY COMMITTEE OF THE COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY TRANSPARENCY

SEC. 5131. SHORT TITLE.

This title may be cited as the ''Integrity Committee Transparency Act of 2021''.

SEC. 5132. ADDITIONAL INFORMATION TO BE INCLUDED IN REQUESTS AND REPORTS TO CONGRESS.

Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (5)(B)(ii), by striking the period at the end and inserting '', the length of time the Integrity Committee has been evaluating the allegation of wrongdoing, and a description of any previous written notice provided under this clause with respect to the allegation of wrongdoing, including the description provided for why additional time was needed.''; and

(2) in paragraph (8)(A)(ii), by inserting ''or corrective action'' after ''disciplinary action''.

SEC. 5133. AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.

Section 11(d)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(iii) AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.—

''(I) IN GENERAL.—With respect to an allegation of wrongdoing made by a member of Congress that is closed by the Integrity Committee without referral to the Chairperson of the Integrity Committee to initiate an investigation, the Chairperson of the Integrity Committee shall, not later than 60 days after closing the allegation of wrongdoing, provide a written description of the nature of the allegation of wrongdoing and how the Integrity Committee evaluated the allegation of wrongdoing to—

''(aa) the Chair and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(bb) the Chair and Ranking Minority Member of the Committee on Oversight and Reform of the House of Representatives.

''(II) REQUIREMENT TO FORWARD.—The Chairperson of the Integrity Committee shall forward any written description or update provided under this clause to the members of the Integrity Committee and to the Chairperson of the Council.''.

SEC. 5134. SEMIANNUAL REPORT.

Section 11(d)(9) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''(9) SEMIANNUAL REPORT.—On or before May 31, 2022, and every 6 months thereafter, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding 6-month periods ending March 31 and September 30, which shall include the following with respect to allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described in paragraph (4)(C):

''(A) An overview and analysis of the allegations of wrongdoing disposed of by the Integrity Committee, including—

''(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

''(ii) analysis of the categories or types of the allegations of wrongdoing; and

''(iii) a summary of disposition of all the allegations.

''(B) The number of allegations received by the Integrity Committee.

''(C) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

''(D) The number of allegations referred to the Chairperson of the Integrity Committee for investigation, a general description of the status of such investigations, and a summary of the findings of investigations completed.

''(E) An overview and analysis of allegations of wrongdoing received by the Integrity Committee during any previous reporting period, but remained pending during some part of the six months covered by the report, including—

''(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

''(ii) analysis of the categories or types of the allegations of wrongdoing; and

''(iii) a summary of disposition of all the allegations.

''(F) The number and category or type of pending investigations.

''(G) For each allegation received—

''(i) the date on which the investigation was opened;

''(ii) the date on which the allegation was disposed of, as applicable; and

''(iii) the case number associated with the allegation.

''(H) The nature and number of allegations to the Integrity Committee closed without referral, including the justification for why each allegation was closed without referral.

''(I) A brief description of any difficulty encountered by the Integrity Committee when receiving, evaluating, investigating, or referring for investigation an allegation received by the Integrity Committee, including a brief description of—

''(i) any attempt to prevent or hinder an investigation; or

''(ii) concerns about the integrity or operations at an Office of Inspector General.

''(J) Other matters that the Council considers appropriate.''.

SEC. 5135. ADDITIONAL REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) ADDITIONAL REPORTS.—

''(1) REPORT TO INSPECTOR GENERAL.—The Chairperson of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency shall, immediately whenever the Chairperson of the Integrity Committee becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of an Office of Inspector General for which the Integrity Committee may receive, review, and refer for investigation allegations of wrongdoing under section 11(d), submit a report to the Inspector General who leads the Office at which the serious or flagrant problems, abuses, or deficiencies were alleged.

''(2) REPORT TO PRESIDENT, CONGRESS, AND THE ESTABLISHMENT.—Not later than 7 days after the date on which an Inspector General receives a report submitted under paragraph (1), the Inspector General shall submit to the President, the appropriate congressional committees, and the head of the establishment—

''(A) the report received under paragraph (1); and

''(B) a report by the Inspector General containing any comments the Inspector General determines appropriate.''.

SEC. 5136. REQUIREMENT TO REPORT FINAL DISPOSITION TO CONGRESS.

Section 11(d)(8)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''and the appropriate congressional committees'' after ''Integrity Committee''.

SEC. 5137. INVESTIGATIONS OF OFFICES OF INSPECTORS GENERAL OF ESTABLISHMENTS BY THE INTEGRITY COMMITTEE.

Section 11(d)(7)(B)(i)(V) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting '', and that an investigation of an Office of Inspector General of an establishment is conducted by another Office of Inspector General of an establishment'' after ''size''.

TITLE LIV—TESTIMONIAL SUBPOENA AUTHORITY FOR INSPECTORS GENERAL

SEC. 5141. SHORT TITLE.

This title may be cited as the ''IG Testimonial Subpoena Authority Act''.

SEC. 5142. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting after section 6 the following:

''SEC. 6A. ADDITIONAL AUTHORITY.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chairperson' means the Chairperson of the Council of the Inspectors General on Integrity and Efficiency;

''(2) the term 'Inspector General'—

''(A) means an Inspector General of an establishment or a designated Federal entity (as defined in section 8G(a)); and

''(B) includes—

''(i) the Inspector General of the Central Intelligence Agency established under section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517);

''(ii) the Inspector General of the Intelligence Community established under section 103H of the National Security Act of 1947 (50 U.S.C. 3033);

''(iii) the Special Inspector General for Afghanistan Reconstruction established under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379);

''(iv) the Special Inspector General for the Troubled Asset Relief Plan established under section 121 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231); and

''(v) the Special Inspector General for Pandemic Recovery established under section 4018 of the CARES Act (15 U.S.C. 9053); and

''(3) the term 'Subpoena Panel' means the panel to which requests for approval to issue a subpoena are submitted under subsection (e).

''(b) TESTIMONIAL SUBPOENA AUTHORITY.—

''(1) IN GENERAL.—In addition to the authority otherwise provided by this Act and in accordance with the requirements of this

section, each Inspector General, in carrying out the provisions of this Act or the provisions of the authorizing statute of the Inspector General, as applicable, is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of an audit, inspection, evaluation, or investigation, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

''(2) PROHIBITION.—An Inspector General may not require by subpoena the attendance and testimony of a Federal employee or employee of a designated Federal entity, but may use other authorized procedures.

''(3) DETERMINATION BY INSPECTOR GENERAL.—The determination of whether a matter constitutes an audit, inspection, evaluation, or investigation shall be at the discretion of the applicable Inspector General.

''(c) LIMITATION ON DELEGATION.—The authority to issue a subpoena under subsection (b) may only be delegated to an official performing the functions and duties of an Inspector General when the Inspector General position is vacant or when the Inspector General is unable to perform the functions and duties of the Office of the Inspector General.

''(d) NOTICE TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—Not less than 10 days before submitting a request for approval to issue a subpoena to the Subpoena Panel under subsection (e), an Inspector General shall—

''(A) notify the Attorney General of the plan of the Inspector General to issue the subpoena; and

''(B) take into consideration any information provided by the Attorney General relating to the subpoena.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent an Inspector General from submitting to the Subpoena Panel under subsection (e) a request for approval to issue a subpoena if 10 or more days have elapsed since the date on which the Inspector General submits to the Attorney General the notification required under paragraph (1)(A) with respect to that subpoena.

''(e) PANEL REVIEW BEFORE ISSUANCE.—

''(1) APPROVAL REQUIRED.—

''(A) REQUEST FOR APPROVAL BY SUBPOENA PANEL.—Before the issuance of a subpoena described in subsection (b), an Inspector General shall submit to a panel a request for approval to issue the subpoena, which shall include a determination by the Inspector General that—

''(i) the testimony is likely to be reasonably relevant to the audit, inspection, evaluation, or investigation for which the subpoena is sought; and

''(ii) the information to be sought cannot be reasonably obtained through other means.

''(B) COMPOSITION OF SUBPOENA PANEL.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a Subpoena Panel shall be comprised of 3 inspectors general appointed by the President and confirmed by the Senate, who shall be randomly drawn by the Chairperson or a designee of the Chairperson from a pool of all such inspectors general.

''(ii) CLASSIFIED INFORMATION.—If consideration of a request for a subpoena submitted under subparagraph (A) would require access to classified information, the Chairperson or a designee of the Chairperson may limit the pool of inspectors general described in clause (i) to appropriately cleared inspectors general.

''(iii) CONFIRMATION OF AVAILABILITY.—If an inspector general drawn from the pool described in clause (i) does not confirm their availability to serve on the Subpoena Panel within 24 hours of receiving a notification from the Chairperson or a designee of the Chairperson regarding selection for the Subpoena Panel, the Chairperson or a designee of the Chairperson may randomly draw a new inspector general from the pool to serve on the Subpoena Panel.

''(C) CONTENTS OF REQUEST.—The request described in subparagraph (A) shall include any information provided by the Attorney General related to the subpoena, which the Attorney General requests that the Subpoena Panel consider.

''(D) PROTECTION FROM DISCLOSURE.—

''(i) IN GENERAL.—The information contained in a request submitted by an Inspector General under subparagraph (A) and the identification of a witness shall be protected from disclosure to the extent permitted by law.

''(ii) REQUEST FOR DISCLOSURE.—Any request for disclosure of the information described in clause (i) shall be submitted to the Inspector General requesting the subpoena.

''(2) TIME TO RESPOND.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Subpoena Panel shall approve or deny a request for approval to issue a subpoena submitted under paragraph (1) not later than 10 days after the submission of the request.

''(B) ADDITIONAL INFORMATION FOR PANEL.—If the Subpoena Panel determines that additional information is necessary to approve or deny a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Subpoena Panel shall—

''(i) request that information; and

''(ii) approve or deny the request for approval submitted by the Inspector General not later than 20 days after the Subpoena Panel submits the request for information under clause (i).

''(3) APPROVAL BY PANEL.—If all members of the Subpoena Panel unanimously approve a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Inspector General may issue the subpoena.

''(4) NOTICE TO COUNCIL AND ATTORNEY GENERAL.—Upon issuance of a subpoena by an Inspector General under subsection (b), the Inspector General shall provide contemporaneous notice of such issuance to the Chairperson or a designee of the Chairperson and to the Attorney General.

''(f) SEMIANNUAL REPORTING.—On or before May 31, 2022, and every 6 months thereafter, the Council of the Inspectors General on Integrity and Efficiency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Comptroller General of the United States a report on the use of subpoenas described in subsection (b) in any audit, inspection, evaluation, or investigation that concluded during the immediately preceding 6-month periods ending March 31 and September 30, which shall include—

''(1) a list of each Inspector General that has submitted a request for approval of a subpoena to the Subpoena Panel;

''(2) for each applicable Inspector General, the number of subpoenas submitted to the Subpoena Panel, approved by the Subpoena Panel, and disapproved by the Subpoena Panel;

''(3) for each subpoena submitted to the Subpoena Panel for approval—

''(A) an anonymized description of the individual or organization to whom the subpoena was directed;

''(B) the date on which the subpoena request was sent to the Attorney General, the date on which the Attorney General responded, and whether the Attorney General provided information regarding the subpoena request, including whether the Attorney General opposed issuance of the proposed subpoena;

''(C) the members of the Subpoena Panel considering the subpoena;

''(D) the date on which the subpoena request was sent to the Subpoena Panel, the date on which the Subpoena Panel approved or disapproved the subpoena request, and the decision of the Subpoena Panel; and

''(E) the date on which the subpoena was issued, if approved; and

''(4) any other information the Council of the Inspectors General on Integrity and Efficiency considers appropriate to include.

''(g) TRAINING AND STANDARDS.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General, shall promulgate standards and provide training relating to the issuance of subpoenas, conflicts of interest, and any other matter the Council determines necessary to carry out this section.

''(h) APPLICABILITY.—The provisions of this section shall not affect the exercise of authority by an Inspector General of testimonial subpoena authority established under another provision of law.

''(i) TERMINATION.—The authorities provided under subsection (b) shall terminate on January 1, 2027, provided that this subsection shall not affect the enforceability of a subpoena issued on or before December 31, 2026.'';

(2) in section 5(a), as amended by section 903 of this Act—

(A) in paragraph (16)(B), as so redesignated, by striking the period at the end and inserting ''; and''; and

(B) by adding at the end the following:

''(17) a description of the use of subpoenas for the attendance and testimony of certain witnesses authorized under section 6A.''; and

(3) in section 8G(g)(1), by inserting ''6A,'' before ''and 7''.

SEC. 5143. REVIEW BY THE COMPTROLLER GENERAL.

Not later than January 1, 2026, the Comptroller General of the United States shall submit to the appropriate congressional committees a report reviewing the use of testimonial subpoena authority, which shall include—

(1) a summary of the information included in the semiannual reports to Congress under section 6A(f) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by this title, including an analysis of any patterns and trends identified in the use of the authority during the reporting period;

(2) a review of subpoenas issued by inspectors general on and after the date of enactment of this Act to evaluate compliance with this Act by the respective inspector general, the Subpoena Panel, and the Council of the Inspectors General on Integrity and Efficiency; and

(3) any additional analysis, evaluation, or recommendation based on observations or information gathered by the Comptroller General of the United States during the course of the review.

TITLE LV—INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL

SEC. 5151. SHORT TITLE.

This title may be cited as the ''Inspector General Access Act of 2021''.

SEC. 5152. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''and paragraph (3)'';

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(D) in paragraph (4), as redesignated, by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(2) in subsection (d), by striking '', except with respect to allegations described in subsection (b)(3),''.

TITLE LVI—NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL

SEC. 5161. NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after subsection (e), as added by section 5135 of this division, the following:

''(f) Not later than 15 days after an Inspector General is removed, placed on paid or unpaid non-duty status, or transferred to another position or location within an establishment, the officer or employee performing the functions and duties of the Inspector General temporarily in an acting capacity 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 information regarding work being conducted by the Office as of the date on which the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred, which shall include—

''(1) for each investigation—

''(A) the type of alleged offense;

''(B) the fiscal quarter in which the Office initiated the investigation;

''(C) the relevant Federal agency, including the relevant component of that Federal agency for any Federal agency listed in section 901(b) of title 31, United States Code, under investigation or affiliated with the individual or entity under investigation; and

''(D) whether the investigation is administrative, civil, criminal, or a combination thereof, if known; and

''(2) for any work not described in paragraph (1)—

''(A) a description of the subject matter and scope;

''(B) the relevant agency, including the relevant component of that Federal agency, under review;

''(C) the date on which the Office initiated the work; and

''(D) the expected time frame for completion.''.

TITLE LVII—COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY REPORT ON EXPENDITURES

SEC. 5171. CIGIE REPORT ON EXPENDITURES.

Section 11(c)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(D) REPORT ON EXPENDITURES.—Not later than November 30 of each year, the Chairperson shall submit to the appropriate committees or subcommittees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report on the expenditures of the Council for the preceding fiscal year, including from direct appropriations to the Council, interagency funding pursuant to subparagraph (A), a revolving fund pursuant to subparagraph (B), or any other source.''.

TITLE LVIII—NOTICE OF REFUSAL TO PROVIDE INSPECTORS GENERAL ACCESS

SEC. 5181. NOTICE OF REFUSAL TO PROVIDE INFORMATION OR ASSISTANCE TO INSPECTORS GENERAL.

Section 6(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(3) If the information or assistance that is the subject of a report under paragraph (2) is not provided to the Inspector General by the date that is 30 days after the report is made, the Inspector General shall submit a notice that the information or assistance requested has not been provided by the head of the establishment involved or the head of the Federal agency involved, as applicable, to the appropriate congressional committees.''.

TITLE LIX—TRAINING RESOURCES FOR INSPECTORS GENERAL AND OTHER MATTERS

SEC. 5191. TRAINING RESOURCES FOR INSPECTORS GENERAL.

Section 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) support the professional development of Inspectors General, including by providing training opportunities on the duties, responsibilities, and authorities under this Act and on topics relevant to Inspectors General and the work of Inspectors General, as identified by Inspectors General and the Council.''.

SEC. 5192. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 5—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(B) in subsection (d), by striking ''committees or subcommittees of Congress'' and inserting ''congressional committees'';

(2) in section 6(h)(4)—

(A) in subparagraph (B), by striking ''Government''; and

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

''(C) Any other relevant congressional committee or subcommittee of jurisdiction.'';

(3) in section 8—

(A) in subsection (b)—

(i) in paragraph (3), by striking ''the Committees on Armed Services and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Government Reform and Oversight of the House of Representatives and to other appropriate committees or subcommittees of the Congress'' and inserting ''the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives''; and

(ii) in paragraph (4), by striking ''and to other appropriate committees or subcommittees''; and

(B) in subsection (f)—

(i) in paragraph (1), by striking ''the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress'' and inserting ''the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives''; and

(ii) in paragraph (2), by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees'';

(4) in section 8D—

(A) in subsection (a)(3), by striking ''Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''appropriate congressional committees, including the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives''; and

(B) in subsection (g)—

(i) in paragraph (1)—

(I) by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(II) by striking ''Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Reform and Oversight and Ways and Means of the House of Representatives'' and inserting ''Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives''; and

(ii) in paragraph (2), by striking ''committees or subcommittees of Congress'' and inserting ''congressional committees'';

(5) in section 8E—

(A) in subsection (a)(3), by striking ''Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''appropriate congressional committees, including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives''; and

(B) in subsection (c)—

(i) by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(ii) by striking ''Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives'' and inserting ''Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives'';

(6) in section 8G—

(A) in subsection (d)(2)(E), in the matter preceding clause (i), by inserting ''the appropriate congressional committees, including'' after ''are''; and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(iii), by striking ''Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''the appropriate congressional committees''; and

(ii) by striking subparagraph (C);

(7) in section 8I—

(A) in subsection (a)(3), in the matter preceding subparagraph (A), by striking ''committees and subcommittees of Congress'' and inserting ''congressional committees''; and

(B) in subsection (d), by striking ''committees and subcommittees of Congress'' each place it appears and inserting ''congressional committees'';

(8) in section 8N(b), by striking ''committees of Congress'' and inserting ''congressional committees'';

(9) in section 11—

(A) in subsection (b)(3)(B)(viii)—

(i) by striking subclauses (III) and (IV);

(ii) in subclause (I), by adding ''and'' at the end; and

(iii) by amending subclause (II) to read as follows:

''(II) the appropriate congressional committees.''; and

(B) in subsection (d)(8)(A)(iii), by striking ''to the'' and all that follows through ''jurisdiction'' and inserting ''to the appropriate congressional committees''; and

(10) in section 12—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) 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) any other relevant congressional committee or subcommittee of jurisdiction.''.

SEC. 5193. SEMIANNUAL REPORTS.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 4(a)(2)—

(A) by inserting '', including'' after ''to make recommendations''; and

(B) by inserting a comma after ''section 5(a)'';

(2) in section 5—

(A) in subsection (a)—

(i) by striking paragraphs (1) through (12) and inserting the following:

''(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the establishment and associated reports and recommendations for corrective action made by the Office;

''(2) an identification of each recommendation made before the reporting period, for which corrective action has not been completed, including the potential costs savings associated with the recommendation;

''(3) a summary of significant investigations closed during the reporting period;

''(4) an identification of the total number of convictions during the reporting period resulting from investigations;

''(5) information regarding each audit, inspection, or evaluation report issued during the reporting period, including—

''(A) a listing of each audit, inspection, or evaluation;

''(B) if applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use, including whether a management decision had been made by the end of the reporting period;

''(6) information regarding any management decision made during the reporting period with respect to any audit, inspection, or evaluation issued during a previous reporting period;'';

(ii) by redesignating paragraphs (13) through (22) as paragraphs (7) through (16), respectively;

(iii) by amending paragraph (13), as so redesignated, to read as follows:

''(13) a report on each investigation conducted by the Office where allegations of misconduct were substantiated, including the name of the senior Government employee, if already made public by the Office, and a detailed description of—

''(A) the facts and circumstances of the investigation; and

''(B) the status and disposition of the matter, including—

''(i) if the matter was referred to the Department of Justice, the date of the referral; and

''(ii) if the Department of Justice declined the referral, the date of the declination;''; and

(iv) in paragraph (15), as so redesignated, by striking subparagraphs (A) and (B) and inserting the following:

''(A) any attempt by the establishment to interfere with the independence of the Office, including—

''(i) with budget constraints designed to limit the capabilities of the Office; and

''(ii) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

''(B) a summary of each report made to the head of the establishment under section 6(c)(2) during the reporting period;''; and

(B) in subsection (b)—

(i) by striking paragraphs (2) and (3) and inserting the following:

''(2) where final action on audit, inspection, and evaluation reports had not been taken before the commencement of the reporting period, statistical tables showing—

''(A) with respect to management decisions—

''(i) for each report, whether a management decision was made during the reporting period;

''(ii) if a management decision was made during the reporting period, the dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

''(iii) total number of reports where a management decision was made during the reporting period and the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

''(B) with respect to final actions—

''(i) whether, if a management decision was made before the end of the reporting period, final action was taken during the reporting period;

''(ii) if final action was taken, the dollar value of—

''(I) disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise;

''(II) disallowed costs that were written off by management;

''(III) disallowed costs and funds to be put to better use not yet recovered or written off by management;

''(IV) recommendations that were completed; and

''(V) recommendations that management has subsequently concluded should not or could not be implemented or completed; and

''(iii) total number of reports where final action was not taken and total number of reports where final action was taken, including the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decisions;'';

(ii) by redesignating paragraph (4) as paragraph (3);

(iii) in paragraph (3), as so redesignated, by striking ''subsection (a)(20)(A)'' and inserting ''subsection (a)(14)(A)''; and

(iv) by striking paragraph (5) and inserting the following:

''(4) a statement explaining why final action has not been taken with respect to each audit, inspection, and evaluation report in which a management decision has been made but final action has not yet been taken, except that such statement—

''(A) may exclude reports if—

''(i) a management decision was made within the preceding year; or

''(ii) the report is under formal administrative or judicial appeal or management of the establishment has agreed to pursue a legislative solution; and

''(B) shall identify the number of reports in each category so excluded.'';

(C) by redesignating subsection (h), as so redesignated by section 305, as subsection (i); and

(D) by inserting after subsection (g), as so redesignated by section 305, the following:

''(h) If an Office has published any portion of the report or information required under subsection (a) to the website of the Office or on oversight.gov, the Office may elect to provide links to the relevant webpage or website in the report of the Office under subsection (a) in lieu of including the information in that report.''.

SEC. 5194. SUBMISSION OF REPORTS THAT SPECIFICALLY IDENTIFY NON-GOVERNMENTAL ORGANIZATIONS OR BUSINESS ENTITIES.

(a) IN GENERAL.—Section 5(g) of the Inspector General Act of 1978 (5 U.S.C. App.), as so redesignated by section 5135 of this division, is amended by adding at the end the following:

''(6)(A) Except as provided in subparagraph (B), if an audit, evaluation, inspection, or other non-investigative report prepared by an Inspector General specifically identifies a specific non-governmental organization or business entity, whether or not the non-governmental organization or business entity is the subject of that audit, evaluation, inspection, or non-investigative report—

''(i) the Inspector General shall notify the non-governmental organization or business entity;

''(ii) the non-governmental organization or business entity shall have—

''(I) 30 days to review the audit, evaluation, inspection, or non-investigative report beginning on the date of publication of the audit, evaluation, inspection, or non-investigative report; and

''(II) the opportunity to submit a written response for the purpose of clarifying or providing additional context as it directly relates to each instance wherein an audit, evaluation, inspection, or non-investigative report specifically identifies that non-governmental organization or business entity; and

''(iii) if a written response is submitted under clause (ii)(II) within the 30-day period described in clause (ii)(I)—

''(I) the written response shall be attached to the audit, evaluation, inspection, or non-investigative report; and

''(II) in every instance where the report may appear on the public-facing website of the Inspector General, the website shall be updated in order to access a version of the audit, evaluation, inspection, or non-investigative report that includes the written response.

''(B) Subparagraph (A) shall not apply with respect to a non-governmental organization or business entity that refused to provide information or assistance sought by an Inspector General during the creation of the audit, evaluation, inspection, or non-investigative report.

''(C) An Inspector General shall review any written response received under subparagraph (A) for the purpose of preventing the improper disclosure of classified information or other non-public information, consistent with applicable laws, rules, and regulations, and, if necessary, redact such information.''.

(b) RETROACTIVE APPLICABILITY.—During the 30-day period beginning on the date of enactment of this Act—

(1) the amendment made by subsection (a) shall apply upon the request of a non-governmental organization or business entity named in an audit, evaluation, inspection, or other non-investigative report prepared on or after January 1, 2019; and

(2) any written response submitted under clause (iii) of section 5(g)(6)(A)of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a), with respect to such an audit, evaluation, inspection, or other non-investigative report shall attach to the original report in the manner described in that clause.

SEC. 5195. REVIEW RELATING TO VETTING, PROCESSING, AND RESETTLEMENT OF EVACUEES FROM AFGHANISTAN AND THE AFGHANISTAN SPECIAL IMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—In accordance with the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Department of Homeland Security, jointly with the Inspector General of the Department of State, and in coordination with any appropriate inspector general, shall conduct a thorough review of efforts to support and process evacuees from Afghanistan and the Afghanistan special immigrant visa program.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the systems, staffing, policies, and programs used—

(1) to the screen and vet such evacuees, including—

(A) an assessment of whether personnel conducting such screening and vetting were appropriately authorized and provided with training, including training in the detection of fraudulent personal identification documents;

(B) an analysis of the degree to which such screening and vetting deviated from United States law, regulations, policy, and best practices relating to the screening and vetting of refugees and applicants for United States visas that have been in use at any time since January 1, 2016;

(C) an identification of any risk to the national security of the United States posed by any such deviations;

(D) an analysis of the processes used for evacuees traveling without personal identification records, including the creation or provision of any new identification records to such evacuees; and

(E) an analysis of the degree to which such screening and vetting process was capable of detecting—

(i) instances of human trafficking and domestic abuse;

(ii) evacuees who are unaccompanied minors; and

(iii) evacuees with a spouse that is a minor;

(2) to admit and process such evacuees at United States ports of entry;

(3) to temporarily house such evacuees prior to resettlement;

(4) to account for the total number of individual evacuated from Afghanistan in 2021 with support of the United States Government, disaggregated by—

(A) country of origin;

(B) age;

(C) gender;

(D) eligibility for special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163) at the time of evacuation;

(E) eligibility for employment-based nonimmigrant visas at the time of evacuation; and

(F) familial relationship to evacuees who are eligible for visas described in subparagraphs (D) and (E); and

(5) to provide eligible individuals with special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) and section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163) since the date of the enactment of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8), including—

(A) a detailed step-by-step description of the application process for such special immigrant visas, including the number of days allotted by the United States Government for the completion of each step;

(B) the number of such special immigrant visa applications received, approved, and denied, disaggregated by fiscal year;

(C) the number of such special immigrant visas issued, as compared to the number available under law, disaggregated by fiscal year;

(D) an assessment of the average length of time taken to process an application for such a special immigrant visa, beginning on the date of submission of the application and ending on the date of final disposition, disaggregated by fiscal year;

(E) an accounting of the number of applications for such special immigrant visas that remained pending at the end of each fiscal year;

(F) an accounting of the number of interviews of applicants for such special immigrant visas conducted during each fiscal year;

(G) the number of noncitizens who were admitted to the United States pursuant to such a special immigrant visa during each fiscal year;

(H) an assessment of the extent to which each participating department or agency of the United States Government, including the Department of State and the Department of Homeland Security, adjusted processing practices and procedures for such special immigrant visas so as to vet applicants and expand processing capacity since the February 29, 2020, Doha Agreement between the United States and the Taliban;

(I) a list of specific steps, if any, taken between February 29, 2020, and August 31, 2021—

(i) to streamline the processing of applications for such special immigrant visas; and

(ii) to address longstanding bureaucratic hurdles while improving security protocols;

(J) a description of the degree to which the Secretary of State implemented recommendations made by the Department of State Office of Inspector General in its June 2020 reports on Review of the Afghan Special Immigrant Visa Program (AUD-MERO-20-35) and Management Assistance Report: Quarterly Reporting on Afghan Special Immigrant Visa Program Needs Improvement (AUD-MERO-20-34);

(K) an assessment of the extent to which challenges in verifying applicants' employment with the Department of Defense contributed to delays in the processing of such special immigrant visas, and an accounting of the specific steps taken since February 29, 2020, to address issues surrounding employment verification; and

(L) recommendations to strengthen and streamline such special immigrant visa process going forward.

(c) INTERIM REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall submit to the appropriate congressional committees not fewer than one interim report on the review conducted under this section.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given the term in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act.

(B) SCREEN; SCREENING.—The terms ''screen'' and ''screening'', with respect to an evacuee, mean the process by which a Federal official determines—

(i) the identity of the evacuee;

(ii) whether the evacuee has a valid identification documentation; and

(iii) whether any database of the United States Government contains derogatory information about the evacuee.

(C) VET; VETTING.—The term ''vet'' and ''vetting'', with respect to an evacuee, means the process by which a Federal official interviews the evacuee to determine whether the evacuee is who they purport to be, including whether the evacuee poses a national security risk.

(d) DISCHARGE OF RESPONSIBILITIES.—The Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall discharge the responsibilities under this section in a manner consistent with the authorities and requirements of the Inspector General Act of 1978 (5 U.S.C. App.) and the authorities and requirements applicable to the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State under that Act.

(e) COORDINATION.—Upon request of an Inspector General for information or assistance under subsection (a), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Inspector General of the Department of Homeland Security or the Inspector General of the Department of State to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of the oversight responsibilities of the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State, in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), with respect to oversight of the evacuation from Afghanistan, the selection, vetting, and processing of applicants for special immigrant visas and asylum, and any resettlement in the United States of such evacuees.

SA 4463. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. OVERSIGHT OF THE PROCUREMENT OF EQUIPMENT BY STATE AND LOCAL GOVERNMENTS THROUGH THE DEPARTMENT OF DEFENSE.

Section 281 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d) LIMITATIONS ON PURCHASES.—(1) The Secretary shall require, as a condition of any purchase of equipment under this section, that if the Department of Justice opens an investigation into a State or unit of local government under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601), the Secretary shall pause all pending or future purchases by that State or unit of local government.

''(2) The Secretary shall prohibit the purchase of equipment by a State or unit of local government for a period of 5 years upon a finding that equipment purchased under

this section by the State or unit of local government was used as part of a violation under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601).

''(e) PUBLICLY ACCESSIBLE WEBSITE ON PURCHASED EQUIPMENT.—(1) The Secretary, in coordination with the Administrator of General Services, shall create and maintain a publicly available internet website that provides in searchable format information on the purchase of equipment under this section and the recipients of such equipment.

''(2) The internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the purchase of equipment under this section, including—

''(A) the catalog of equipment available for purchase under subsection (c);

''(B) the recipient state or unit of local government;

''(C) the purpose of the purchase under subsection (a)(1);

''(D) the type of equipment;

''(E) the cost of the equipment;

''(F) the administrative costs under subsection (b); and

''(G) other information the Secretary determines is necessary.

''(3) The Secretary shall update on a quarterly basis information included on the internet website required under paragraph (1).''.

SA 4464. Mr. SCHATZ (for himself, Mr. KAINE, Mr. SANDERS, Mr. MERKLEY, Mr. WYDEN, Ms. ROSEN, Mr. PETERS, and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Use of Medical Marijuana by Veterans

SEC. 1071. SAFE HARBOR FOR USE BY VETERANS OF MEDICAL MARIJUANA.

(a) SAFE HARBOR.—Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or any other Federal law, it shall not be unlawful for—

(1) a veteran to use, possess, or transport medical marijuana in a State or on Indian land if the use, possession, or transport is authorized and in accordance with the law of the applicable State or Indian Tribe;

(2) a physician to discuss with a veteran the use of medical marijuana as a treatment if the physician is in a State or on Indian land where the law of the applicable State or Indian Tribe authorizes the use, possession, distribution, dispensation, administration, delivery, and transport of medical marijuana; or

(3) a physician to recommend, complete forms for, or register veterans for participation in a treatment program involving medical marijuana that is approved by the law of the applicable State or Indian Tribe.

(b) DEFINITIONS.—In this section:

(1) INDIAN LAND.—The term ''Indian land'' means any of the Indian lands, as that term is defined in section 824(b) of the Indian Health Care Improvement Act (25 U.S.C. 1680n).

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) PHYSICIAN.—The term ''physician'' means a physician appointed by the Secretary of Veterans Affairs under section 7401(1) of title 38, United States Code.

(4) STATE.—The term ''State'' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(5) VETERAN.—The term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(c) SUNSET.—This section shall cease to have force or effect on the date that is five years after the date of the enactment of this Act.

SEC. 1072. STUDIES ON USE OF MEDICAL MARIJUANA BY VETERANS.

(a) STUDY ON EFFECTS OF MEDICAL MARIJUANA ON VETERANS IN PAIN.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a study on the effects of medical marijuana on veterans in pain.

(2) REPORT.—Not later than 180 days after the date on which the study required under paragraph (1) is completed, the Secretary shall submit to Congress a report on the study, which shall include such recommendations for legislative or administrative action as the Secretary considers appropriate.

(b) STUDY ON USE BY VETERANS OF STATE MEDICAL MARIJUANA PROGRAMS.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary shall conduct a study on the relationship between treatment programs involving medical marijuana that are approved by States, the access of veterans to such programs, and a reduction in opioid use and abuse among veterans.

(2) REPORT.—Not later than 180 days after the date on which the study required under paragraph (1) is completed, the Secretary shall submit to Congress a report on the study, which shall include such recommendations for legislative or administrative action as the Secretary considers appropriate.

(c) VETERAN DEFINED.—In this section, the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(d) USE OF AMOUNTS.—For fiscal years 2022 and 2023, of the amounts appropriated to the Department of Veterans Affairs—

(1) $10,000,000 shall be used to carry out subsection (a); and

(2) $5,000,000 shall be used to carry out subsection (b).

SA 4465. Mr. SCHATZ (for himself, Ms. DUCKWORTH, Mr. HICKENLOOPER, Ms. HIRONO, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. JAPANESE AMERICAN CONFINEMENT EDUCATION.

(a) DEFINITIONS.—In this section:

(1) JAPANESE AMERICAN MUSEUM.—The term ''Japanese American museum'' means a museum located in the United States established to promote the understanding and appreciation of the ethnic and cultural diversity of the United States by illustrating the Japanese American experience throughout the history of the United States.

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

(b) COMPETITIVE GRANTS FOR JAPANESE AMERICAN CONFINEMENT EDUCATION.—

(1) IN GENERAL.—The Secretary shall establish a program to award competitive grants to a Japanese American museum to educate individuals in the United States on the historical importance of Japanese American confinement during World War II so that present and future generations may learn from Japanese American confinement and the commitment of the United States to equal justice under the law.

(2) USE OF FUNDS.—A grant awarded under paragraph (1)—

(A) shall be used—

(i) for the research and education relating to the Japanese American confinement in World War II; and

(ii) for the disbursement of accurate, relevant, and accessible resources to promote understanding about how and why the Japanese American confinement in World War II happened, which—

(I) shall include digital resources; and

(II) may include other types of resources, including print resources and exhibitions; and

(B) shall not be used at a Japanese American museum that does not provide—

(i) free admission to individuals who were placed within a Japanese American confinement camp; and

(ii) dedicated free admission hours for the general public not less than once per month.

(3) APPLICATION.—To be eligible to receive a grant under this subsection, a Japanese American museum shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(4) DEADLINE FOR AWARD.—Not later than 120 days after the date on which the Secretary receives an application from a Japanese American museum for a grant that is approved by the Secretary under this subsection, the Secretary shall award a grant to the Japanese American museum.

(5) PRIORITY CONSIDERATIONS.—In awarding a grant under this subsection, the Secretary shall give priority using the following considerations:

(A) The needs of the Japanese American museum.

(B) The proximity of the project for which the grant funds will be used to cities with populations that include not less than 100,000 Japanese Americans, as certified by the most recent census.

(C) The ability and commitment of the Japanese American museum to use grant funds—

(i) to educate future generations of individuals in the United States; and

(ii) to locate Japanese American confinement survivors.

(D) The existing relationship the Japanese American museum has with Japanese American cultural and advocacy organizations.

(6) REPORT.—Not later than 90 days after the end of each fiscal year for which a Japanese American museum obligates or expends amounts made available under a grant under this subsection, the Japanese American museum shall submit to the Secretary and the appropriate committees of Congress a report that—

(A) specifies the amount of grant funds obligated or expended for the preceding fiscal year;

(B) specifies any purposes for which the funds were obligated or expended; and

(C) includes any other information that the Secretary may require to more effectively administer the grant program.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $2,000,000 for each of fiscal years 2022 through 2026.

(c) PRESERVATION OF HISTORIC CONFINEMENT SITES.—

(1) SUNSET.—Section 1 of Public Law 109–441 (120 Stat. 3288) is amended by striking subsection (e).

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 4 of Public Law 109–441 (120 Stat. 3290) is amended, in the first sentence—

(A) by striking ''are authorized'' and inserting ''is authorized''; and

(B) by inserting ''for fiscal year 2022 and each fiscal year thereafter'' after ''this Act''.

SA 4466. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REFORM AND OVERSIGHT OF DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES.

(a) IN GENERAL.—Section 2576a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''subsection (b)'' and inserting ''the provisions of this section''; and

(B) by adding at the end the following:

''(3) The Secretary may transfer non-controlled property to nonprofit organizations involved in humanitarian response or first responder activities.'';

(2) in subsection (b)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(7) the recipient, on an annual basis, certifies that if the recipient determines that the property is surplus to the needs of the recipient, the recipient will return the property to the Department of Defense;

''(8) the recipient submits to the Department of Defense a description of how the recipient expects to use the property;

''(9) with respect to a recipient that is not a Federal agency, the recipient certifies to the Department of Defense that the recipient notified the local community of the request for property under this section by—

''(A) publishing a notice of such request on a publicly accessible internet website;

''(B) posting such notice at several prominent locations in the jurisdiction of the recipient; and

''(C) ensuring that such notices were available to the local community for a period of not less than 30 days;

''(10) with respect to a recipient that is not a Federal agency, the recipient submits to the Department of Defense a description of the training courses or certifications required for use of transferred property;

''(11) with respect to a recipient that is a local law enforcement agency, the recipient has received the approval of the city council or other local governing body to acquire the property sought under this section; and

''(12) with respect to a recipient that is a State law enforcement agency, the recipient has received the approval of the appropriate state governing body to acquire the property sought under this section.'';

(3) in subsection (e), by adding at the end the following:

''(5) Grenades launchers.

''(6) Explosives.

''(7) Firearms of .50 caliber or higher and ammunition of 0.5 caliber or higher.

''(8) Asphyxiating gases, including those comprised of lachrymatory agents, and analogous liquids, materials or devices.

''(9) Items in the Federal Supply Class of banned items.'';

(4) by striking subsections (f) and (g) and inserting the following:

''(f) LIMITATIONS ON TRANSFERS.—(1) The transfers prohibited under subsection (e) shall also apply with respect to the transfer of previously transferred property of the Department of Defense from a Federal or State agency to another such agency.

''(2) The Secretary shall require that equipment transferred under this section shall be returned upon a finding that the equipment has been used to conduct actions against residents of the United States that infringe upon the rights of the residents under the First Amendment to the Constitution of the United States to assemble peaceably or to petition the Government for redress of grievances.

''(3) The Secretary shall prohibit the transfer of equipment to a Federal or State agency for a period of 5 years upon a finding that equipment transferred under this section to the Federal or State agency has been used to conduct actions against United States residents that infringe upon the rights of the residents under the First Amendment to the Constitution of the United States to assemble peaceably or to petition the Government for redress of grievances.

''(g) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) For each fiscal year, the Secretary shall submit to Congress certification in writing that each Federal or State agency to which the Secretary has transferred personal property under this section—

''(A) has provided to the Secretary documentation accounting for all controlled property, including arms and ammunition, that the Secretary has transferred to the agency, including any item described in subsection (e) so transferred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022; and

''(B) with respect to a non-Federal agency, carried out each of paragraphs (5) through (9) of subsection (b).

''(2) If the Secretary cannot provide a certification under paragraph (1) for a Federal or State agency, the Secretary may not transfer additional property to that agency under this section.

''(h) ANNUAL REPORT ON EXCESS PROPERTY.—The Secretary shall submit to Congress each year, before making any personal property available for transfer under this section in that year, report setting forth a description of the property to be transferred, together with a certification that the transfer of the property would not violate this section or any other provision of law.

''(i) CONDITIONS FOR EXTENSION OF PROGRAM.—Notwithstanding any other provision of law, amounts authorized to be appropriated or otherwise made available for any fiscal year may not be obligated or expended to carry out this section unless the Secretary submits to the appropriate committees of Congress a certification, for the preceding fiscal year, that—

''(1) each recipient agency that has received personal property under this section has—

''(A) demonstrated full and complete accountability for all such property, in accordance with paragraph (2) or (3), as applicable; or

''(B) been suspended or terminated from the program pursuant to paragraph (4);

''(2) with respect to each non-Federal agency that has received property under this section, the State Coordinator responsible for each such agency has verified that the State Coordinator or an agent of the State Coordinator has conducted an in-person inventory of the property transferred to the agency and that all such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4);

''(3) with respect to each Federal agency that has received property under this section, the Secretary or an agent of the Secretary has conducted an in-person inventory of the property transferred to the agency and that all such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4);

''(4) the eligibility of any agency that has received property under this section for which all of such property was not accounted for during an inventory described in paragraph (2) or (3), as applicable, to receive property transferred under this section has been suspended or terminated;

''(5) each State Coordinator has certified, for each non-Federal agency located in the State for which the State Coordinator is responsible that—

''(A) the agency has complied with all requirements under this section; or

''(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated; and

''(6) the Secretary has certified, for each Federal agency that has received property under this section that—

''(A) the agency has complied with all requirements under this section; or

''(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated.

''(j) APPROVAL BY LAW REQUIRED FOR TRANSFER OF PROPERTY NOT PREVIOUSLY TRANSFERRABLE.—(1) In the event the Secretary proposes to make available for transfer under this section any personal property of the Department of Defense not previously made available for transfer under this section, the Secretary shall submit to the appropriate committees of Congress a report setting forth the following:

''(A) A description of the property proposed to be made available for transfer.

''(B) A description of the conditions, if any, to be imposed on use of the property after transfer.

''(C) A certification that transfer of the property would not violate a provision of this section or any other provision of law.

''(2) The Secretary may not transfer any property covered by a report under this subsection unless authorized by a law enacted by Congress after the date of the receipt of the report by Congress.

''(k) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) The Secretary shall submit to the appropriate committees of Congress each year a certification in writing that each recipient to which the Secretary has transferred personal property

under this section during the preceding fiscal year—

''(A) has provided to the Secretary documentation accounting for all property the Secretary has previously transferred to such recipient under this section; and

''(B) has complied with paragraphs (5) and (6) of subsection (b) with respect to the property so transferred during such fiscal year.

''(2) If the Secretary cannot provide a certification under paragraph (1) for a recipient, the Secretary may not transfer additional property to such recipient under this section, effective as of the date on which the Secretary would otherwise make the certification under this subsection, and such recipient shall be suspended or terminated from further receipt of property under this section.

''(l) QUARTERLY REPORTS ON USE OF CONTROLLED EQUIPMENT.—Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to Congress a report on any uses of controlled property transferred under this section during that fiscal quarter.

''(m) REPORTS TO CONGRESS.—Not later than 30 days after the last day of a fiscal year, the Secretary shall submit to Congress a report on the following for the preceding fiscal year:

''(1) The percentage of equipment lost by recipients of property transferred under this section, including specific information about the type of property lost, the monetary value of such property, and the recipient that lost the property.

''(2) The transfer of any new (condition code A) property transferred under this section, including specific information about the type of property, the recipient of the property, the monetary value of each item of the property, and the total monetary value of all such property transferred during the fiscal year.

''(n) PUBLICLY ACCESSIBLE WEBSITE ON TRANSFERRED CONTROLLED PROPERTY.—(1) The Secretary shall create and maintain a publicly available internet website that provides information on the controlled property transferred under this section and the recipients of such property.

''(2) The contents of the internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the request, transfer, denial, and repossession of controlled property under this section, including—

''(A) a current inventory of all controlled property transferred to Federal and State agencies under this section, listed by—

''(i) the name of the Federal agency, or the State, county, and recipient agency;

''(ii) the item name, item type, and item model;

''(iii) the date on which such property was transferred; and

''(iv) the current status of such item;

''(B) all pending requests for transfers of controlled property under this section, including the information submitted by the Federal and State agencies requesting such transfers;

''(C) a list of each agency suspended or terminated from further receipt of property under this section, including any State, county, or local agency, and the reason for and duration of such suspension or termination; and

''(D) all reports required to be submitted to the Secretary under this section by Federal and State agencies that receive controlled property under this section.

''(3) The Secretary shall update on a quarterly basis the contents of the internet website required under paragraph (1), on which the contents of the Internet website described in paragraph (2) shall be made publicly available in a searchable format.

''(o) DEFINITIONS.—In this section:

''(1) The term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

''(2) The term 'agent of a State Coordinator' means any individual to whom a State Coordinator formally delegates responsibilities for the duties of the State Coordinator to conduct inventories described in subsection (i)(2).

''(3) The term 'controlled property' means any item assigned a demilitarization code of B, C, D, E, G, or Q under Department of Defense Manual 4160.21–M, 'Defense Materiel Disposition Manual', or any successor document.

''(4) The term 'State Coordinator', with respect to a State, means the individual appointed by the governor of the State to maintain property accountability records and oversee property use by the State.''.

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) INTERAGENCY LAW ENFORCEMENT EQUIPMENT WORKING GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall establish an interagency Law Enforcement Equipment Working Group (referred to in this subsection as the ''Working Group'') to support oversight and policy development functions for controlled equipment programs.

(2) PURPOSE.—The Working Group shall—

(A) examine and evaluate the Controlled and Prohibited Equipment Lists for possible additions or deletions;

(B) track law enforcement agency controlled equipment inventory;

(C) ensure Government-wide criteria to evaluate requests for controlled equipment;

(D) ensure uniform standards for compliance reviews;

(E) harmonize Federal programs to ensure the programs have consistent and transparent policies with respect to the acquisition of controlled equipment by law enforcement agencies;

(F) require after-action analysis reports for significant incidents involving Federally provided or Federally funded controlled equipment;

(G) develop policies to ensure that law enforcement agencies abide by any limitations or affirmative obligations imposed on the acquisition of controlled equipment or receipt of funds to purchase controlled equipment from the Federal Government and the obligations resulting from receipt of Federal financial assistance;

(H) require State and local governing body to review and authorize a law enforcement agency's request for or acquisition of controlled equipment;

(I) require that law enforcement agencies participating in Federal controlled equipment programs receive necessary training regarding appropriate use of controlled equipment and the implementation of obligations resulting from receipt of Federal financial assistance, including training on the protection of civil rights and civil liberties;

(J) provide uniform standards for suspending law enforcement agencies from Federal controlled equipment programs for specified violations of law, including civil rights laws, and ensuring those standards are implemented consistently across agencies; and

(K) create a process to monitor the sale or transfer of controlled equipment from the Federal Government or controlled equipment purchased with funds from the Federal Government by law enforcement agencies to third parties.

(3) COMPOSITION.—

(A) IN GENERAL.—The Working Group shall be co-chaired by the Secretary of Defense, the Attorney General, and the Secretary of Homeland Security.

(B) MEMBERSHIP.—The Working Group shall be comprised of—

(i) representatives of interested parties, who are not Federal employees, including appropriate State, local, and Tribal officials, law enforcement organizations, civil rights and civil liberties organizations, and academics; and

(ii) the heads of such other agencies and offices as the Co-Chairs may, from time to time, designate.

(C) DESIGNATION.—A member of the Working Group described in subparagraph (A) or in subparagraph (B)(ii) may designate a senior-level official from the agency represented by the member to perform the day-to-day Working Group functions of the member, if the designated official is a full-time officer or employee of the Federal Government.

(D) SUBGROUPS.—At the direction of the Co-Chairs, the Working Group may establish subgroups consisting exclusively of Working Group members or their designees under this subsection, as appropriate.

(E) EXECUTIVE DIRECTOR.—

(i) IN GENERAL.—There shall be an Executive Director of the Working Group, to be appointed by the Attorney General.

(ii) RESPONSIBILITIES.—The Executive Director appointed under clause (i) shall determine the agenda of the Working Group, convene regular meetings, and supervise the work of the Working Group under the direction of the Co-Chairs.

(iii) FUNDING.—

(I) IN GENERAL.—To the extent permitted by law and using amounts already appropriated, the Secretary shall fund, and provide administrative support for, the Working Group

(II) REQUIREMENT.—Each agency shall bear its own expenses for participating in the Working Group.

(F) COORDINATION WITH THE DEPARTMENT OF HOMELAND SECURITY.—In general, the Working Group shall coordinate with the Homeland Security Advisory Council of the Department of Homeland Security to identify areas of overlap or potential national preparedness implications of further changes to Federal controlled equipment programs.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) REPORT ON DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES.—

(1) APPROPRIATE RECIPIENTS DEFINED.—In this subsection, the term ''appropriate recipients'' means—

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

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

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense, in consultation with the Attorney General and the Secretary of Homeland Security, shall submit a report to the appropriate recipients.

(3) CONTENTS.—The report required under paragraph (2) shall contain—

(A) a review of the efficacy of the surplus equipment transfer program; and

(B) a determination of whether to recommend continuing or ending the program in the future.

SA 4467. Mr. SCHATZ (for himself, Mr. PORTMAN, Mr. ROUNDS, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. IMPROVING TRANSPARENCY AND ACCOUNTABILITY OF EDUCATIONAL INSTITUTIONS FOR PURPOSES OF VETERANS EDUCATIONAL ASSISTANCE.

(a) REQUIREMENT RELATING TO G.I. BILL COMPARISON TOOL.—

(1) REQUIREMENT TO MAINTAIN TOOL.—The Secretary of Veterans Affairs shall maintain the G.I. Bill Comparison Tool that was established pursuant to Executive Order 13607 (77 Fed. Reg. 25861; relating to establishing principles of excellence for educational institutions serving service members, veterans, spouses, and other family members) and in effect on the day before the date of the enactment of this Act, or successor tool, to provide relevant and timely information about programs of education approved under chapter 36 of title 38, United States Code, and the educational institutions that offer such programs.

(2) DATA RETENTION.—The Secretary shall ensure that historical data that is reported via the tool maintained under paragraph (1) remains easily and prominently accessible on the benefits.va.gov website, or successor website, for a period of not less than seven years from the date of initial publication.

(b) PROVIDING TIMELY AND RELEVANT EDUCATION INFORMATION TO VETERANS, MEMBERS OF THE ARMED FORCES, AND OTHER INDIVIDUALS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in coordination with the Secretary of Education, shall make such changes to the tool maintained under subsection (a) as the Secretary determines appropriate to ensure that such tool is an effective and efficient method for providing information pursuant to section 3698(b)(5) of title 38, United States Code.

(2) MODIFICATION OF SCOPE OF COMPREHENSIVE POLICY ON PROVIDING EDUCATION INFORMATION.—Section 3698 of title 38, United States Code, is amended—

(A) in subsection (a), by striking ''veterans and members of the Armed Forces'' and inserting ''individuals entitled to educational assistance under laws administered by the Secretary of Veterans Affairs''; and

(B) in subsection (b)(5)—

(i) by striking ''veterans and members of the Armed Forces'' and inserting ''individuals described in subsection (a)''; and

(ii) by striking ''the veteran or member'' and inserting ''the individual''.

(3) G.I. BILL COMPARISON TOOL REQUIRED DISCLOSURES.—Paragraph (1) of subsection (c) of such section is amended—

(A) by striking subparagraph (B) and inserting the following:

''(B) for each individual described in subsection (a) seeking information provided under subsection (b)(5)—

''(i) the name of each Federal student aid program, and a description of each such program, from which the individual may receive educational assistance; and

''(ii) for each program named and described pursuant to clause (i), the amount of educational assistance that the individual may be eligible to receive under the program; and''; and

(B) in subparagraph (C)—

(i) in clause (i), by inserting ''and a definition of each type of institution'' before the semicolon;

(ii) by striking clause (v) and inserting the following:

''(v) the average total cost, the average tuition, the average cost of room and board, the average cost and the average fees to earn a certificate, and associate's degree, a bachelor's degree, a postdoctoral degree, and any other degree or credential the institution awards;'';

(iii) in clause (xii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following new clauses:

''(xiii) program, degree, and certificate completion rates, disaggregated by individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;

''(xiv) transfer-out rates, disaggregated by individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;

''(xv) credentials available and the average time for completion of each credential;

''(xvi) employment rate and median income of graduates of the institution in general, disaggregated by—

''(I) specific credential;

''(II) individuals who are veterans;

''(III) individuals who are members of the Armed Forces; and

''(IV) individuals who are neither veterans nor members of the Armed Forces;

''(xvii) percentage of individuals who received educational assistance under this title to pursue a program of education at the institution who did not earn a credential within six years of commencing such program of education;

''(xviii) the median amount of debt incurred from a Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) by an individual who pursued a program of education at the institution with educational assistance under this title, disaggregated by—

''(I) individuals who received a credential and individuals who did not; and

''(II) individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;

''(xix) whether the institution participates in Federal student aid programs, and if so, which programs;

''(xx) the average number of individuals enrolled in the institution per year, disaggregated by—

''(I) individuals who are veterans;

''(II) individuals who are members of the Armed Forces; and

''(III) individuals who are neither veterans nor members of the Armed Forces; and

''(xxi) a list of each civil settlement or finding resulting from a Federal or State action in a court of competent jurisdiction against the institution for violation of a provision of Federal or State law that materially affects the education provided at the institution or is the result of illicit activity, including deceptive marketing or misinformation provided to prospective students or current enrollees.''.

(4) CLARITY OF INFORMATION PROVIDED.—Paragraph (2) of such subsection is amended—

(A) by inserting ''(A)'' before ''To the extent''; and

(B) by adding at the end the following new subparagraph:

''(B) The Secretary shall ensure that information provided under subsection (b)(5) is provided in a manner that is easy and accessible to individuals described in subsection (a), especially with respect to information described in paragraph (1)(C)(xxii).''.

(c) IMPROVEMENTS FOR STUDENT FEEDBACK.—

(1) IN GENERAL.—Subsection (b)(2) of such section is amended—

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

''(A) providing institutions of higher learning up to 30-days to review and respond to any feedback and address issues regarding the feedback before the feedback is published'';

(B) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

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

(D) by adding at the end the following new subparagraphs:

''(D) for each institution of higher learning that is approved under this chapter, retains, maintains, and publishes all of such feedback for the entire duration that the institution of higher is approved under this chapter; and

''(E) is easily accessible to individuals described in subsection (a) and to the general public..''.

(2) ACCESSIBILITY FROM G.I. BILL COMPARISON TOOL.—The Secretary shall ensure that—

(A) the feedback tracked and published under subsection (b)(2) of such section, as amended by paragraph (1), is prominently displayed in the tool maintained under subsection (a) of this section; and

(B) when such tool displays information for an institution of higher learning, the applicable feedback is also displayed for such institution of higher learning.

(d) TRAINING FOR PROVISION OF EDUCATION COUNSELING SERVICES.—

(1) IN GENERAL.—Not less than one year after the date of the enactment of this Act, the Secretary shall ensure that personnel employed or contracted by the Department of Veteran Affairs to provide education benefits counseling, vocational or transition assistance, or similar functions, including employees or contractors of the Department who provide such counseling or assistance as part of the Transition Assistance Program, are trained on how—

(A) to use properly the tool maintained under subsection (a); and

(B) to provide appropriate educational counseling services to veterans, members of the Armed Forces, and other individuals.

(2) TRANSITION ASSISTANCE PROGRAM DEFINED.—In this subsection, the term ''Transition Assistance Program'' means the program of counseling, information, and services under section 1142 of title 10, United States Code.

SEC. _____. RESTORATION OF ENTITLEMENT TO VETERANS EDUCATIONAL ASSISTANCE AND OTHER RELIEF FOR VETERANS AFFECTED BY CIVIL ENFORCEMENT ACTIONS AGAINST EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—Section 3699(b)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (B)(ii), by striking ''; and'' and inserting ''; or''; and

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

''(C) a Federal or State civil enforcement action against the education institution; or

''(D) an action taken by the Secretary; and''.

(b) MECHANISM.—The Secretary of Veterans Affairs shall establish a simple mechanism that can be used by an individual described in subsection (b)(1) of section 3699 of such title by reason of subparagraph (C) or (D) of such subsection, as added by subsection (a)(3) of this section, to obtain relief under section 3699(a) of such title.

(c) PARTIAL RESTORATION OF ENTITLEMENTS.—Subsection (a) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter before subparagraph (A), as redesignated by paragraph (1), by striking ''Any payment'' and inserting ''(1) Subject to paragraph (2), any payment''; and

(3) by adding at the end the following new paragraph (2):

''(2) A payment of educational assistance described in subsection (b) by reason of subparagraph (C) or (D) of paragraph (1) of such subsection may be charged against the entitlement to educational assistance of the individual concerned—

''(A) if the individual requests such charge; and

''(B) to such percentage of charge as the individual may specify, except that such percentage may not be less than zero or more than 100.''.

(d) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 3699 of such title is amended by striking ''**or disapproval of educational institution**'' and inserting ''**of, disapproval of, or civil enforcement actions against educational institutions**''.

(2) SUBSECTION HEADING.—The heading for subsection (a) of such section is amended by striking ''OR DISAPPROVAL'' and inserting '', DISAPPROVAL, CIVIL ENFORCEMENT ACTIONS, AND OTHER ACTIONS BY SECRETARY OF VETERANS AFFAIRS''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3699 and inserting the following new item:

''3699. Effects of closure of, disapproval of, or civil enforcement actions against educational institutions.''.

SA 4468. Mr. WHITEHOUSE (for himself and Mr. SULLIVAN) 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. REPORT ON SHARING OF ILLEGAL, UNREPORTED, AND UNREGULATED (IUU) FISHING-RELATED INFORMATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Defense shall submit to the congressional defense committees a report on the ability and effectiveness of, and barriers to, the Department of Defense related to the dissemination and generation of IUU fishing-related information, particularly related to the sharing of Department of Defense information with other countries, State and local governments, and private organizations.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) a description of the challenges resulting from, and ways to overcome, classification and dissemination issues related to the sharing of invaluable IUU fishing-related information; and

(2) a description of the current and future planned use by the Department of Defense of technology, including image recognition algorithms, to combat IUU.

SA 4469. Mr. WHITEHOUSE 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:

SEC. _____. GOLD ACT.

(a) SHORT TITLE.—This section may be cited as the ''Guarantee Oversight and Litigation on Doping Act'' or the ''GOLD Act''.

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

(1) the punishment of Russia for persistent decades-long state-run doping fraud by the international sport governance structure has been insufficient and Russia's competing status as ''ROC'' at Tokyo 2020 demonstrates to authoritarian states around the world that systematic doping will be tolerated; and

(2) aggressive enforcement of the Rodchenkov Anti-Doping Act of 2019 (21 U.S.C. 2401 et seq.) can create the deterrent required to curb doping fraud as the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–1 et seq.) curbed foreign bribery and the Department of Justice and the Federal Bureau of Investigation should prioritize enforcement of the Rodchenkov Anti-Doping Act of 2019 (21 U.S.C. 2401 et seq.).

(c) PREDICATE OFFENSES.—Part I of title 18, United States Code, is amended—

(1) in section 1956(c)(7)(D)—

(A) by striking ''or section 104(a)'' and inserting ''section 104(a)''; and

(B) by inserting after ''North Korea)'' the following: '', or section 3 of the Rodchenkov Anti-Doping Act of 2019 (21 U.S.C. 2402) (relating to prohibited activities with respect to major international doping fraud conspiracies)''; and

(2) in section 1961(1)—

(A) by striking ''or (G) any act'' and inserting ''(G) any act''; and

(B) by inserting after ''section 2332(b)(g)(5)(B)'' the following: '', or (H) any act that is indictable under section 3 of the Rodchenkov Anti-Doping Act of 2019 (21 U.S.C. 2402)''.

(d) LIMITATION.—An athlete (as defined in section 2 of the Rodchenkov Anti-Doping Act of 2019 (21 U.S.C. 2401)) may not be prosecuted under section 1956 or chapter 96 of title 18, United States Code, for any offense for which a violation of section 3 of the Rodchenkov Anti-Doping Act of 2019 was the predicate offense.

SA 4470. Mr. LANKFORD (for himself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 857. IMPLEMENTATION OF TRAFFICKING IN CONTRACTING PROVISIONS.

(a) REQUIREMENT TO REFER VIOLATIONS TO AGENCY SUSPENSION AND DEBARMENT OFFICIAL.—Section 1704(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104b(c)(1)) is amended—

(1) by inserting ''refer the matter to the agency suspension and debarment official and'' before ''consider taking one of the following actions''; and

(2) by striking subparagraph (G).

(b) REPORT ON IMPLEMENTATION OF TRAFFICKING IN CONTRACTING PROVISIONS.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report on implementation of title XVII of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2092).

SA 4471. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3157. TRANSFER OF BUILDING LOCATED AT 4170 ALLIUM COURT, SPRINGFIELD, OHIO.

(a) IN GENERAL.—The National Nuclear Security Administration shall release all of its reversionary rights without reimbursement to the building located at 4170 Allium Court, Springfield, Ohio, also known as the Advanced Technical Intelligence Center for Human Capital Development, to the Community Improvement Corporation of Clark County and the Chamber of Commerce.

(b) FEE SIMPLE INTEREST.—The fee simple interest in the property, on which the building described in subsection (a) is located, shall be transferred from the Advanced Technical Intelligence Center for Human Capital Development to the Community Improvement Corporation of Clark County prior to or concurrent with the release of the reversionary rights of the National Nuclear Security Administration under subsection (a).

SA 4472. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr.

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

At the end of subtitle E of title 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''; and

(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''; and

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

(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''; and

(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''; and

(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''; and

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

(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''; and

(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''; and

(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

prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis by determining that individuals who receive expanded access to investigational drugs through such a grant are not eligible for enrollment in—

(A) ongoing clinical trials that are registered on ClinicalTrials.gov (or successor website), with respect to a drug for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis; or

(B) clinical trials for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis for which an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) has been granted by the Food and Drug Administration and which are expected to begin enrollment within one year; and

(3) the resulting project funded by such grant will allow for equitable access to investigational drugs by minority and underserved populations.

(d) USE OF FUNDS.—A participating entity shall use funds received through the grant—

(1) to pay the manufacturer or sponsor for the direct costs of the investigational drug, as authorized under section 312.8(d) of title 21, Code of Federal Regulations (or successor regulations), to prevent, diagnose, mitigate, treat, or cure amyotrophic lateral sclerosis that is the subject of an expanded access request described in subsection (a), if such costs are justified as part of peer review of the grant;

(2) for the entity's direct costs incurred in providing such drug consistent with the research mission of the grant; or

(3) for the direct and indirect costs of the entity in conducting research with respect to such drug.

(e) DEFINITIONS.—In this section:

(1) The term ''participating entity'' means a participating clinical trial site or sites sponsored by a small business concern (as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)) that is the sponsor of a drug that is the subject of an investigational new drug application under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) to prevent, diagnose, mitigate, treat, or cure amyotrophic lateral sclerosis.

(2) The term ''participating clinical trial'' means a phase 3 clinical trial conducted pursuant to an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) to investigate a drug intended to prevent, diagnose, mitigate, treat, or cure amyotrophic lateral sclerosis.

(3) The term ''participating clinical trial site'' means a health care facility, or network of facilities, at which patients participating in a participating clinical trial receive an investigational drug through such trial.

(f) SUNSET.—The Secretary may not award grants under this section on or after September 30, 2026.

SEC. 1072. HHS PUBLIC-PRIVATE PARTNERSHIP FOR RARE NEURODEGENERATIVE DISEASES.

(a) ESTABLISHMENT.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish and implement a Public-Private Partnership for Neurodegenerative Diseases between the National Institutes of Health, the Food and Drug Administration, and one or more eligible entities (to be known and referred to in this section as the ''Partnership'') through cooperative agreements, contracts, or other appropriate mechanisms with such eligible entities, for the purpose of advancing the understanding of neurodegenerative diseases and fostering the development of treatments for amyotrophic lateral sclerosis and other rare neurodegenerative diseases. The Partnership shall—

(1) establish partnerships and consortia with other public and private entities and individuals with expertise in amyotrophic lateral sclerosis and other rare neurodegenerative diseases for the purposes described in this subsection;

(2) focus on advancing regulatory science and scientific research that will support and accelerate the development and review of drugs for patients with amyotrophic lateral sclerosis and other rare neurodegenerative diseases; and

(3) foster the development of effective drugs that improve the lives of people that suffer from amyotrophic lateral sclerosis and other rare neurodegenerative diseases.

(b) ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an entity that—

(1) is—

(A) an institution of higher education (as such term is defined in section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a consortium of such institutions; or

(B) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under subsection (a) of such section;

(2) has experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(3) demonstrates to the Secretary's satisfaction that the entity is capable of identifying and establishing collaborations between public and private entities and individuals with expertise in neurodegenerative diseases, including patients, in order to facilitate—

(A) development and critical evaluation of tools, methods, and processes—

(i) to characterize neurodegenerative diseases and their natural history;

(ii) to identify molecular targets for neurodegenerative diseases; and

(iii) to increase efficiency, predictability, and productivity of clinical development of therapies, including advancement of rational therapeutic development and establishment of clinical trial networks; and

(B) securing funding for the Partnership from Federal and non-Federal governmental sources, foundations, and private individuals; and

(4) provides an assurance that the entity will not accept funding for a Partnership project from any organization that manufactures or distributes products regulated by the Food and Drug Administration unless the entity provides assurances in its agreement with the Secretary that the results of the project will not be influenced by any source of funding.

(c) GIFTS.—

(1) IN GENERAL.—The Partnership may solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in support of basic research and research associated with phase 3 clinical trials conducted with respect to investigational drugs that are the subjects of expanded access requests under section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb).

(2) USE.—In addition to any amounts appropriated for purposes of carrying out this section, the Partnership may use, without further appropriation, any funds derived from a gift, grant, or other donation accepted pursuant to paragraph (1).

SEC. 1073. ALS AND OTHER RARE NEURODEGENERATIVE DISEASE ACTION PLAN.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commissioner of Food and Drugs shall publish on the website of the Food and Drug Administration an action plan describing actions the Food and Drug Administration intends to take during the 5-year period following publication of the plan with respect to program enhancements, policy development, regulatory science initiatives, and other appropriate initiatives to—

(1) foster the development of safe and effective drugs that improve or extend, or both, the lives of people living with amyotrophic lateral sclerosis and other rare neurodegenerative diseases; and

(2) facilitate access to investigational drugs for amyotrophic lateral sclerosis and other rare neurodegenerative diseases.

(b) CONTENTS.—The initial action plan published under subsection (a) shall—

(1) identify appropriate representation from within the Food and Drug Administration to be responsible for implementation of such action plan;

(2) include elements to facilitate—

(A) interactions and collaboration between the Food and Drug Administration, including the review centers thereof, and stakeholders including patients, sponsors, and the external biomedical research community;

(B) consideration of cross-cutting clinical and regulatory policy issues, including consistency of regulatory advice and decision making;

(C) identification of key regulatory science and policy issues critical to advancing development of safe and effective drugs; and

(D) enhancement of collaboration and engagement of the relevant centers and offices of the Food and Drug Administration with other operating divisions within the Department of Health and Human Services, the Partnership, and the broader neurodegenerative disease community; and

(3) be subject to revision, as determined appropriate by the Secretary of Health and Human Services.

SEC. 1074. FDA RARE NEURODEGENERATIVE DISEASE GRANT PROGRAM.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall award grants and contracts to public and private entities to cover the costs of research on, and development of interventions intended to prevent, diagnose, mitigate, treat, or cure, amyotrophic lateral sclerosis and other rare neurodegenerative diseases in adults and children, including costs incurred with respect to the development and critical evaluation of tools, methods, and processes—

(1) to characterize such neurodegenerative diseases and their natural history;

(2) to identify molecular targets for such neurodegenerative diseases; and

(3) to increase efficiency and productivity of clinical development of therapies, including through—

(A) the use of master protocols and adaptive and add-on clinical trial designs; and

(B) efforts to establish new or leverage existing clinical trial networks.

SEC. 1075. GAO REPORT.

Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing—

(1) with respect to grants awarded under the program established under section 1071—

(A) an analysis of what is known about the impact of such grants on research or development related to the prevention, diagnosis,

mitigation, treatment, or cure of amyotrophic lateral sclerosis; and

(B) data concerning such grants, including—

(i) the number of grants awarded;

(ii) the participating entities to whom grants were awarded;

(iii) the value of each such grant;

(iv) a description of the research each such grant was used to further;

(v) the number of patients who received expanded access to an investigational drug to prevent, diagnose, mitigate, treat, or cure amyotrophic lateral sclerosis under each grant;

(vi) whether the investigational drug that was the subject of such a grant was approved by the Food and Drug Administration; and

(vii) the average number of days between when a grant application is submitted and when a grant is awarded; and

(2) with respect to grants awarded under the program established under section 1074—

(A) an analysis of what is known about the impact of such grants on research or development related to the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis;

(B) an analysis of what is known about how such grants increased efficiency and productivity of the clinical development of therapies, including through the use of clinical trials that operated with common master protocols, or had adaptive or add-on clinical trial designs; and

(C) data concerning such grants, including—

(i) the number of grants awarded;

(ii) the participating entities to whom grants were awarded;

(iii) the value of each such grant;

(iv) a description of the research each such grant was used to further; and

(v) whether the investigational drug that was the subject of such a grant received approval by the Food and Drug Administration.

SEC. 1076. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out this subtitle, there are authorized to be appropriated $100,000,000 for each of fiscal years 2022 through 2026.

SA 4475. Mr. ROMNEY 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. ENSURING GEOGRAPHIC DIVERSITY AND ACCESSIBILITY OF PASSPORT AGENCIES.

(a) REVIEW.—The Secretary of State shall conduct a review of the geographic diversity of existing passport agencies to identify—

(1) the geographic areas in the United States that are farther than 6 hours driving distance from the nearest passport agency;

(2) the per capita demand for passport services in the areas described in paragraph (1); and

(3) a strategy to ensure that passport agencies are accessible to all eligible Americans, including Americans living outside of large population centers and in States with a high per capita demand for passport services.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives containing the findings of the review conducted pursuant to subsection (a).

SA 4476. Mr. ROMNEY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. UNITED STATES GRAND STRATEGY WITH RESPECT TO CHINA.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) The United States is in a new era of geostrategic and geoeconomic competition with the People's Republic of China, a great power that seeks to challenge international norms, laws and institutions, and confront the United States across diplomatic, economic, military, technological, and informational domains.

(B) As it has during previous periods of great power competition, the United States must articulate and refine its grand strategy, including through rigorous testing of assumptions and by drawing on expertise outside the United States Government, to ensure its ultimate success, as well as global peace, stability, and shared prosperity.

(C) Historically, presidents of the United States have used different models for grand strategy development, including the following efforts:

(i) In January 1950, President Truman requested an in-depth report on the state of the world, actions taken by adversaries of the United States, and the development of a comprehensive national strategy, resulting in a paper entitled ''United States Objectives and Programs for National Security'', also known as NSC-68.

(ii) President Eisenhower utilized experts from both within and outside the United States Government during Project Solarium to produce NSC 162/2, a ''Statement of Policy by the National Security Council on Basic National Security Policy'' in order to ''meet the Soviet Threat to U.S. security'' and guide United States national security policy.

(iii) President Ford authorized the Team B project to draw in experts from outside the United States Government to question and strengthen the analysis of the Central Intelligence Agency.

(iv) President Reagan approved the National Security Decision Directive Number 75 in January 1983 to organize United States strategy toward the Soviet Union in order to clarify and orient United States policies toward specific objectives vis a vis the Soviet Union.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the United States should draw upon previous successful models of grand strategy to articulate a strategy that appropriately addresses the evolving challenges and contours of the new era of geostrategic and geoeconomic competition with the People's Republic of China.

(b) UNITED STATES GRAND STRATEGY WITH RESPECT TO CHINA.—

(1) IN GENERAL.—Not later than 30 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall commence developing a comprehensive report that articulates the strategy of the United States with respect to the People's Republic of China (in this section referred to as the ''China Strategy'') that builds on the work of such national security strategy.

(2) SUBMITTAL.—Not later than 270 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall submit to Congress the China Strategy developed under paragraph (1).

(3) FORM.—The China Strategy shall be submitted in classified form and shall include an unclassified summary.

(c) CONTENTS.—The China Strategy developed under subsection (b) shall set forth the national security strategy of the United States with respect to the People's Republic of China and shall include a comprehensive description and discussion of the following:

(1) The strategy of the People's Republic of China regarding the military, economic, and political power of China in the Indo-Pacific region and worldwide, including why the People's Republic of China has decided on such strategy and what the strategy means for the long-term interests, values, goals, and objectives of the United States.

(2) The worldwide interests, values, goals, and objectives of the United States as they relate to geostrategic and geoeconomic competition with the People's Republic of China.

(3) The foreign and economic policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States as they relate to the new era of competition with the People's Republic of China.

(4) How the United States will exercise the political, economic, military, diplomatic, and other elements of its national power to protect or advance its interests and values and achieve the goals and objectives referred to in paragraph (1).

(5) The adequacy of the capabilities of the United States Government to carry out the national security strategy of the United States within the context of new and emergent challenges to the international order posed by the People's Republic of China, including an evaluation—

(A) of the balance among the capabilities of all elements of national power of the United States; and

(B) the balance of all United States elements of national power in comparison to equivalent elements of national power of the People's Republic of China.

(6) The assumptions and end-state or end-states of the strategy of the United States globally and in the Indo-Pacific region with respect to the People's Republic of China.

(7) Such other information as the President considers necessary to help inform Congress on matters relating to the national security strategy of the United States with respect to the People's Republic of China.

(d) ADVISORY BOARD ON UNITED STATES GRAND STRATEGY WITH RESPECT TO CHINA.—

(1) ESTABLISHMENT.—There is hereby established in the executive branch a commission to be known as the ''Advisory Board on United States Grand Strategy with respect to China'' (in this section referred to as the ''Board'').

(2) PURPOSE.—The purpose of the Board is to convene outside experts to advise the President on development of the China Strategy.

(3) DUTIES.—

(A) REVIEW.—The Board shall review the current national security strategy of the United States with respect to the People's Republic of China, including assumptions, capabilities, strategy, and end-state or end-states.

(B) ASSESSMENT AND RECOMMENDATIONS.—The Board shall analyze the United States national security strategy with respect to the People's Republic of China, including challenging its assumptions and approach, and make recommendations to the President for the China Strategy.

(C) CLASSIFIED BRIEFING.—Not later than 30 days after the date on which the President submits the China Strategy to Congress under subsection (b)(2), the Board shall provide to Congress a classified briefing on its review, assessment, and recommendations.

(4) COMPOSITION.—

(A) RECOMMENDATIONS.—Not later than 30 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President a list of at not fewer than 10 candidates for membership on the Board, at least 5 of whom shall be individuals in the private sector and 5 of whom shall be individuals in academia or employed by a nonprofit research institution.

(B) MEMBERSHIP.—The Board shall be composed of 9 members appointed by the President as follows:

(i) The National Security Advisor or such other designee as the President considers appropriate, such as the Asia Coordinator from the National Security Council.

(ii) Four shall be selected from among individuals in the private sector.

(iii) Four shall be selected from among individuals in academia or employed by a nonprofit research institution.

(iv) Two members should be selected from among individuals included in the list submitted by the majority leader of the Senate under subparagraph (A), of whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(v) Two members should be selected from among individuals included in the list submitted by the minority leader of the Senate under subparagraph (A), of whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(vi) Two members should be selected from among individuals included in the list submitted by the Speaker of the House of Representatives under subparagraph (A), or whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(vii) Two members should be selected from among individuals included in the list submitted by the minority leader of the House of Representatives under subparagraph (A), of whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(C) CHAIRPERSON.—The Chairperson of the Board shall be the member of the Board appointed under subparagraph (B)(i).

(D) NONGOVERNMENTAL MEMBERSHIP; PERIOD OF APPOINTMENT; VACANCIES.—

(i) NONGOVERNMENTAL MEMBERSHIP.—Except in the case of the Chairperson of the Board, an individual appointed to the Board may not be an officer or employee of an instrumentality of government.

(ii) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Board.

(iii) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENT.—Not later than 60 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall—

(A) appoint the members of the Board pursuant to paragraph (4); and

(B) submit to Congress a list of the members so appointed.

(6) EXPERTS AND CONSULTANTS.—The Board is authorized to procure temporary and intermittent services under section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay under level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(7) SECURITY CLEARANCES.—The appropriate Federal departments or agencies shall cooperate with the Board in expeditiously providing to the Board members and experts and consultants appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this Act without the appropriate security clearances.

(8) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Board and any experts and consultants consistent with all applicable statutes, regulations, and Executive orders.

(9) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) and section 552b of title 5, United States Code (commonly known as the ''Government in the Sunshine Act''), shall not apply to the Board.

(10) UNCOMPENSATED SERVICE.—A member of the Board who is not an officer or employee of the Federal Government shall serve without compensation.

(11) COOPERATION FROM GOVERNMENT.—In carrying out its duties, the Board shall receive the full and timely cooperation of the heads of relevant Federal departments and agencies in providing the Board with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(12) TERMINATION.—The Board shall terminate on the date that is 60 days after the date on which the President submits the China Strategy to Congress under subsection (b)(2).

SA 4477. Mr. ROMNEY (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. SENSE OF CONGRESS ON ALLIES AND PARTNERS ASSISTING EVACUATION FROM AFGHANISTAN.

It is the sense of Congress that—

(1) following the Afghan Taliban takeover of the Islamic Republic of Afghanistan, Albania, Bahrain, Georgia, Germany, Greece, Italy, Kosovo, Kuwait, North Macedonia, Norway, Mexico, Qatar, Rwanda, Saudi Arabia, Spain, Sudan, Uganda, Ukraine, the United Arab Emirates, the United Kingdom, and the Self-Declared Independent Republic of Somaliland responded to the United States' request for assistance in the effort to evacuate and support thousands of United States citizens, lawful permanent residents of the United States, vulnerable Afghans, and their families; and

(2) the United States values the vital contributions of these partners and allies to the evacuation effort and is grateful for their support of this critical humanitarian mission.

SA 4478. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1424. REPORT ON DOMESTIC PROCESSING OF RARE EARTHS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate committees of Congress a report on domestic processing of rare earths to achieve supply chain independence for the United States Armed Forces and key allies and partners of the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the annual demand for processed rare earths for the United States Armed Forces and key allies and partners of the United States.

(2) An outline of the necessary processed rare earths value chain required to support the needs of the Department of Defense.

(3) An assessment of gaps in the outline described in paragraph (2) indicating where sufficient domestic capacity already exists and where such capacity does not exist.

(4) An identification of any Federal funds, including any funds made available under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.), currently being deployed to support creation of domestic capacity to address those gaps.

(5) An estimate of the additional capital investment required to build and operate capacity to address those gaps.

(6) An estimate of the annual funding necessary for the Department of Defense to procure domestically processed rare earths sufficient to meet its annual needs, including consideration of increased investments from private sector capital.

(7) An estimate of the cost difference between the Department of Defense sourcing rare earths processed in the United States and sourcing rare earths on the open market.

(8) An identification of how the Department of Defense would direct its weapon suppliers to use the domestically processed rare earths.

(9) An assessment of what changes, if any, to authorities under title III of the Defense Production Act of 1950 are necessary to enter into a long-term offtake agreement to contract for domestically processed rare earths.

(10) An assessment of the length of potential contracts necessary for preventing the collapse of domestic processing of rare earths in the case of price fluctuations from increases in the People's Republic of China's export quota.

(11) Recommendations for international cooperation with allies and partners to jointly reduce dependence on rare earths processed in or by the People's Republic of China.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in classified form but shall include an unclassified summary.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Energy and Natural Resources, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Natural Resources, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

SA 4479. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. DEFENSE TRADE DIALOGUE TO PRIORITIZE AND EXPEDITE TRANSFER OF DEFENSIVE ASYMMETRIC CAPABILITIES TO TAIWAN.

The Secretary of State shall—

(1) not later than 60 days after the date on which the report required under section 1245(c) is submitted, initiate a defense trade dialogue with Taiwan with the goal of prioritizing and expediting the transfer of defensive asymmetric capabilities to Taiwan; and

(2) not later than 90 days after the date on which such dialogue is initiated, and every 90 days thereafter, provide the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives with a briefing on the status of such dialogue.

SA 4480. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1245 and insert the following:

SEC. 1245. ASSESSMENT OF AND PLAN FOR IMPROVING THE DEFENSIVE ASYMMETRIC CAPABILITIES OF TAIWAN.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall conduct an assessment of the defensive asymmetric capabilities of Taiwan.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include the following:

(A) An assessment of the current defensive asymmetric capabilities of Taiwan and the ability of Taiwan to defend itself from external conventional military threats, which shall include—

(i) a description and assessment of the current defensive asymmetric capabilities of Taiwan; and

(ii) a description of the defensive asymmetric capabilities necessary for Taiwan to successfully alter scenarios and likely outcomes with respect to a possible use of force by the People's Republic of China against Taiwan, including the estimated cost of such capabilities.

(B) An assessment of each of the following:

(i) The applicability of Department of Defense authorities for improving the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

(ii) The options available to the Department to support the defense budgeting and procurement process of Taiwan in a manner that facilitates sustained investment in capabilities aligned with the asymmetric defense strategy of Taiwan.

(iii) The feasibility and advisability, including the estimated costs, of additional policy options to support the enhancement of the defensive asymmetric capabilities of Taiwan, including—

(I) assisting Taiwan in the domestic production of defensive asymmetric capabilities, including through the transfer of intellectual property, co-development, or co-production arrangements; and

(II) establishing a permanent fund to support regular investment by Taiwan in defensive asymmetric capabilities.

(iv) The plans, tactics, techniques, and procedures underpinning the defensive asymmetric capabilities of Taiwan.

(v) The interoperability of current and future defensive asymmetric capabilities of Taiwan with the military capabilities of the United States and its allies and partners.

(vi) Any other matter the Secretary considers appropriate.

(b) PLAN.—The Secretary shall develop a plan for assisting Taiwan in improving its defensive asymmetric capabilities that includes—

(1) recommendations for new Department authorities, or modifications to existing Department authorities, necessary to improve the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.);

(2) an identification of opportunities—

(A) for key leader and subject matter expert engagement between Department personnel and military and civilian counterparts in Taiwan; and

(B) to provide necessary support for the successful deployment of defensive asymmetric capabilities by Taiwan, including through appropriate training; and

(3) an identification of challenges and opportunities for leveraging non-Department authorities, resources, and capabilities to improve the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress—

(1) a report on the results of the assessment required by subsection (a); and

(2) the plan required by subsection (b).

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

(2) DEFENSIVE ASYMMETRIC CAPABILITIES.—The term ''defensive asymmetric capabilities'' means the capabilities necessary to defend Taiwan against conventional external threats, including coastal defense missiles, naval mines, anti-aircraft capabilities, cyber defenses, and special operations forces.

SA 4481. Mr. ROMNEY (for himself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. ENHANCING DEFENSIVE ASYMMETRIC CAPABILITIES OF TAIWAN.

(a) FINDINGS.—Congress finds the following:

(1) President Xi of the People's Republic of China has—

(A) declared that reunification of the People's Republic of China and Taiwan must occur; and

(B) not excluded using force as a means to accomplish such reunification.

(2) The People's Republic of China is taking aggressive actions toward Taiwan through frequent air incursions, including by sending 149 airplanes from the People's Republic of China into the air defense zone of Taiwan from October 1 through October 4, 2021.

(3) The defense policy of the United States towards Taiwan continues to be governed by the Taiwan Relations Act of 1979 (Public Law 96–8; 22 U.S.C. 3301 et seq.).

(b) STATEMENT OF POLICY.—It is the policy of the United States to support efforts by Taiwan to defend itself from aggression and the potential use of force by the People's Republic of China by enhancing its defensive asymmetric capabilities.

(c) ASSESSMENT OF DEFENSIVE ASYMMETRIC CAPABILITIES OF TAIWAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, the Director of National Intelligence, and the head of any other Federal department or agency the Secretary of Defense considers appropriate, shall submit to the appropriate congressional committees a report on the defensive

asymmetric capabilities of Taiwan and options for the United States to enhance such capabilities.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A comprehensive description and assessment of scenarios and likely outcomes with respect to a possible use of force against Taiwan by the People's Republic of China, compiled from existing descriptions and assessments from Federal departments and agencies.

(B) An assessment of the defensive asymmetric capabilities of Taiwan, including—

(i) a description and assessment of the current defensive asymmetric capabilities of Taiwan; and

(ii) a description of the defensive asymmetric capabilities necessary for Taiwan to successfully alter scenarios and likely outcomes with respect to a possible use of force by the People's Republic of China against Taiwan, including the estimated cost of such capabilities.

(C) An assessment of options for the United States to support Taiwan's defense budgeting and procurement process in a manner that facilitates sustained investment in capabilities aligned with the asymmetric defense strategy of Taiwan, including—

(i) a review of technical advisory options for enhancing defense budgeting across military services in Taiwan;

(ii) an evaluation of any administrative, institutional, or personnel barrier, in the United States or Taiwan, to implementing the options described in clause (i);

(iii) an evaluation of the most appropriate entities within the Department of Defense to lead such options;

(iv) an evaluation of the appropriate entities within the Ministry of National Defense of Taiwan and the National Security Council of Taiwan to participate in such options; and

(v) a description of additional personnel, resources, and authorities in Taiwan or the United States that may be required to implement such options.

(D) An assessment of the merits, including any potential risks or costs, of other policy options to support the enhancement of the defensive asymmetric capabilities of Taiwan identified under subparagraph (B)(ii), including—

(i) assisting Taiwan in the domestic production of such capabilities, including through the transfer of intellectual property or co-development or co-production arrangements; and

(ii) establishing a permanent fund to support regular investment by Taiwan in such capabilities.

(E) With respect to each element required by subparagraphs (A) through (D), a description of any lack of consensus and alternative views and analyses.

(d) STRATEGY FOR ENGAGEMENT WITH TAIWAN TO ENHANCE DEFENSIVE ASYMMETRIC CAPABILITIES.—Not later than 60 days after the date on which the report required under subsection (c) is submitted, the Secretary of Defense, in coordination with the Secretary of State and the Director of National Intelligence, shall submit to the appropriate congressional committees a report detailing a strategy for engagement with Taiwan to enhance the defensive asymmetric capabilities of Taiwan, including—

(1) diplomatic and military engagement with Taiwan to support the enhancement of the defensive asymmetric capabilities identified under subsection (c)(2)(B)(ii); and

(2) support for the successful deployment of such capabilities by Taiwan, including through necessary training.

(e) INCREASED SALES OF DEFENSIVE ASYMMETRIC CAPABILITIES TO TAIWAN.—Not later than 60 days after the date on which the report required under subsection (d) is submitted, the Secretary of State shall—

(1) initiate negotiations with Taiwan with the goal of significantly increasing the sale to Taiwan of the defensive asymmetric capabilities identified under subsection (c)(2)(B)(ii); and

(2) every 180 days after the initiation of such negotiations, brief the appropriate congressional committees on the status of such negotiations.

(f) FORM OF REPORTS.—The reports required under this section shall be submitted in classified form but may include an unclassified annex.

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

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

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

SA 4482. Mr. HOEVEN (for himself, Mr. CORNYN, Mr. CRAMER, Mr. COTTON, Mr. MARSHALL, Mr. ROMNEY, Mr. TUBERVILLE, Mr. SCOTT of Florida, Mr. HAWLEY, Mr. INHOFE, Mr. GRAHAM, Mrs. BLACKBURN, Mr. KENNEDY, Mr. TILLIS, Ms. LUMMIS, Mr. DAINES, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1548. PROHIBITION ON THE USE OF FUNDS TO REDUCE UNITED STATES NUCLEAR FORCES.

(a) PROHIBITION.—None of the funds authorized to be appropriated to the Department of Defense or the National Nuclear Security Administration for any of fiscal years 2022 through 2027 may be obligated or expended to reduce—

(1) the total quantity of strategic delivery systems below the quantity of such systems as of January 1, 2021;

(2) the quantity of deployed or non-deployed strategic delivery systems below the quantities described as the ''Final New START Treaty Force Structure'' in the plan on the implementation of the New START Treaty required by section 1042 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1575); or

(3) the size of the nuclear weapons stockpile below the size of the stockpile as of January 1, 2021.

(b) EXCEPTIONS.—The prohibition under subsection (a) does not apply to—

(1) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear weapons and strategic delivery systems;

(2) temporary reductions in the quantity of nuclear weapons or deployed strategic delivery systems to facilitate the fielding of modernized replacements;

(3) nuclear weapons that are retired or awaiting dismantlement as of January 1, 2021; or

(4) reductions made pursuant to a treaty with respect to which the Senate has provided its advice and consent pursuant to article II, section 2, clause 2 of the Constitution of the United States.

(c) DEFINITIONS.—In this section:

(1) NEW START TREATY.—The term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

(2) STRATEGIC DELIVERY SYSTEM.—The term ''strategic delivery system'' means any of the following:

(A) LGM–30G Minuteman III intercontinental ballistic missiles and any associated reentry vehicles.

(B) Launch facilities for LGM–30G Minuteman III intercontinental ballistic missiles, whether deployed or non-deployed.

(C) Ohio-class fleet ballistic missile submarines.

(D) UGM–133 Trident II submarine-launched ballistic missiles and any associated reentry vehicles.

(E) B–52H Stratofortress long-range heavy bombers.

(F) B–2A Spirit stealth bombers.

(G) AGM–86B air-launched cruise missiles.

SA 4483. Mr. WARNER (for himself, Mr. RUBIO, Mrs. FEINSTEIN, Mr. BURR, Mr. WYDEN, Mr. RISCH, Mr. HEINRICH, Ms. COLLINS, Mr. KING, Mr. COTTON, Mr. BENNET, Mr. CORNYN, Mr. CASEY, Mrs. GILLIBRAND, and Mr. SASSE) 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:

SEC. _____. DESIGNATION OF SENATOR ROY BLUNT GEOSPATIAL LEARNING CENTER.

(a) DESIGNATION.—The Geospatial Learning Center in the Next NGA West facility in St. Louis, Missouri, shall after the date of the enactment of this Act be known and designated as the ''Senator Roy Blunt Geospatial Learning Center''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Geospatial Learning Center in the Next NGA West facility referred to in subsection (a) shall be deemed to be a reference to the ''Senator Roy Blunt Geospatial Learning Center''.

SA 4484. Mr. LUJÁN (for himself, Mr. CRUZ, Mr. HEINRICH, Mr. BOOKER, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 356. REPORT ON PROGRESS OF AIR FORCE REGARDING CONTAMINATED REAL PROPERTY.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) certain property on or near Air Force facilities located in the United States are contaminated with harmful perfluorooctanoic acid and perfluorooctane sulfonate chemicals;

(2) perfluorooctanoic acid and perfluorooctane sulfonate contamination threatens the jobs, lives, and livelihoods of citizens and livestock who live in contaminated areas;

(3) property owners, especially those facing severe financial hardship, cannot wait any longer for the Air Force to acquire contaminated property; and

(4) the Secretary of the Air Force should, in an expeditious manner, use the authority under section 344 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note) to acquire contaminated property, remediate or dispose of it pursuant to Federal and State environmental laws, and provide relocation assistance.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the Air Force in carrying out section 344 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note).

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed description of any real property contaminated by perfluorooctanoic acid and perfluorooctane sulfonate by activities of the Air Force;

(B) a description of any progress made by the Secretary of the Air Force to acquire and remediate or dispose of property pursuant to Federal and State environmental laws or provide relocation assistance pursuant to section 344 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note); and

(C) if the Secretary of the Air Force has not acquired and remediated or disposed of property pursuant to Federal and State environmental laws or provided relocation assistance pursuant to such section, an explanation of why not.

SA 4485. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. INFRASTRUCTURE TRANSACTION AND ASSISTANCE NETWORK.

(a) AUTHORITY.—The Secretary of State is authorized to establish an initiative, to be known as the ''Infrastructure Transaction and Assistance Network'', under which the Secretary of State, in consultation with other relevant Federal agencies, including those represented on the Global Infrastructure Coordinating Committee, may carry out various programs to advance the development of sustainable, transparent, and high-quality infrastructure in the Indo-Pacific region by—

(1) strengthening capacity-building programs to improve project evaluation processes, regulatory and procurement environments, and project preparation capacity of countries that are partners of the United States in such development;

(2) providing transaction advisory services and project preparation assistance to support sustainable infrastructure; and

(3) coordinating the provision of United States assistance for the development of infrastructure, including infrastructure that utilizes United States-manufactured goods and services, and catalyzing investment led by the private sector.

(b) TRANSACTION ADVISORY FUND.—As part of the ''Infrastructure Transaction and Assistance Network'' described under subsection (a), the Secretary of State is authorized to provide support, including through the Transaction Advisory Fund, for advisory services to help boost the capacity of partner countries to evaluate contracts and assess the financial and environmental impacts of potential infrastructure projects, including through providing services such as—

(1) legal services;

(2) project preparation and feasibility studies;

(3) debt sustainability analyses;

(4) bid or proposal evaluation; and

(5) other services relevant to advancing the development of sustainable, transparent, and high-quality infrastructure.

(c) STRATEGIC INFRASTRUCTURE FUND.—

(1) IN GENERAL.—As part of the ''Infrastructure Transaction and Assistance Network'' described under subsection (a), the Secretary of State is authorized to provide support, including through the Strategic Infrastructure Fund, for technical assistance, project preparation, pipeline development, and other infrastructure project support.

(2) JOINT INFRASTRUCTURE PROJECTS.—Funds authorized for the Strategic Infrastructure Fund should be used in coordination with the Department of Defense, the International Development Finance Corporation, like-minded donor partners, and multilateral banks, as appropriate, to support joint infrastructure projects in the Indo-Pacific region.

(3) STRATEGIC INFRASTRUCTURE PROJECTS.—Funds authorized for the Strategic Infrastructure Fund should be used to support strategic infrastructure projects that are in the national security interest of the United States and vulnerable to strategic competitors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of fiscal years 2022 to 2026, $75,000,000 to the Infrastructure Transaction and Assistance Network, of which $20,000,000 is to be provided for the Transaction Advisory Fund.

SA 4486. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, insert the following:

SEC. 1283. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

''SEC. 12. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

''None of the funds authorized to be appropriated or otherwise made available to pay assessed and other expenses of international peacekeeping activities under this Act may be made available for an international peacekeeping operation that has not been expressly authorized by the United Nations Security Council.''.

SA 4487. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. PROHIBITION ON USE OF FUNDS FOR THE ARAB GAS PIPELINE.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 may be obligated or expended to implement any activity relating to the construction, repair, restoration, or assessment of the Arab Gas Pipeline.

(b) CERTIFICATION.—The Secretary of State may waive the application of subsection (a) if, not less than 30 days before the date on which an activity described in that subsection is proposed to commence, the Secretary of State certifies to the appropriate committees of Congress in writing that the implementation of the activity does not—

(1) knowingly provide significant financial, material, or technological support to, or involve knowingly engaging in a significant transaction with—

(A) the Government of Syria (including any entity owned or controlled by the Government of Syria) or a senior political figure of the Government of Syria;

(B) a foreign person who is a military contractor mercenary, a paramilitary force knowingly operating in a military capacity inside Syria for, or on behalf of, the Government of Syria, the Government of the Russian Federation, or the Government of Iran; or

(C) a foreign person subject to sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to Syria or any other provision of law that imposes sanctions with respect to Syria;

(2) knowingly involve the sale or provision of significant goods, services, technology, information, or other forms of support that significantly facilitate the maintenance, repair, or expansion of the Government of Syria's domestic production of natural gas, petroleum, or petroleum products, including

pipelines that facilitate the transit of energy into neighboring countries; or

(3) require a waiver under the Caesar Syria Civilian Protection Act of 2019 (Public Law 116–92; 133 Stat. 2291; 22 U.S.C. 8791 note).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report that—

(1) details United States efforts to work with other governments in the region to develop a plan for the distribution of gas supplies to Lebanon in a manner that reduces Lebanon's dependence on Iran;

(2) assesses the extent to which alternatives to the Arab Gas Pipeline were pursued and considered feasible;

(3) includes a comprehensive overview of the key sources of Lebanon's gas supply before 2020;

(4) the response of the Administration to fuel from Iran entering Lebanon, particularly amid reports that additional vessels have departed Iran; and

(5) a list of entities involved in the production and transport of fuel from Syria to Lebanon in 2020 and 2021.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term ''appropriate committees of Congress'' means—

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

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SA 4488. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII of division A, add the following:

SECTION 1216. RESTRICTIONS RELATING TO INTERNATIONAL FINANCIAL INSTITUTION ASSISTANCE TO THE TALIBAN.

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

(1) In August 2021, in response to the Taliban's toppling of the internationally recognized Government of Afghanistan, and growing concerns over reported human rights abuses, donors suspended foreign aid to Afghanistan, which accounts for approximately 40 percent of Afghanistan's gross domestic product.

(2) Among the donors referred to in paragraph (1) are international financial institutions, such as the International Monetary Fund, which froze the disbursement of more than $400,000,000 in emergency currency reserves allocated to Afghanistan because of concerns related to the credibility and legitimacy of the Taliban rule.

(3) The World Bank, which has committed more than $5,300,000,000 in reconstruction and development funding for Afghanistan since 2002, similarly suspended funding for projects in Afghanistan, citing concerns over how Taliban rule would impact ''the county's development prospects, especially for women''.

(4) Since Taliban rule in Afghanistan threatens vital gains achieved in Afghanistan during the past 20 years, particularly gains regarding the rule of law, counterterrorism, and the rights of women and girls, it should be denied credibility and international legitimacy on the world stage.

(5) In April 2021, Secretary of State Antony Blinken stated, ''I can say very clearly and categorically that an Afghanistan that does not respect [the rights of women and girls], that does not sustain the gains we've made, will be a pariah.''.

(6) Despite the freeze in funding, the World Bank, along with the rest of the international community—

(A) remains firmly committed to assisting the Afghan people; and

(B) is ''exploring ways [through which the World Bank] can remain engaged to preserve hard-won development gains and continue to support the people of Afghanistan.''.

(b) STATEMENT OF POLICY.—It is the policy of the United States to oppose the extension of loans, guarantees, or other financial or technical assistance to the Taliban, any agency or instrumentality of the Government of Afghanistan that is under the direction or control of the Taliban, or any member of the Taliban until the Taliban has—

(1) publicly and privately broken all ties with other terrorist groups, including al Qaeda;

(2) verifiably prevented the use of Afghanistan as a platform for terrorist attacks against the United States or against partners or allies of the United States, including by denying terrorist groups—

(A) sanctuary space in Afghanistan;

(B) transit through Afghan territory; and

(C) the use of Afghanistan for terrorist training, planning, or equipping;

(3) provided humanitarian actors with full, unimpeded access to vulnerable populations throughout Afghanistan, without interference or diversion;

(4) respected freedom of movement, including by facilitating—

(A) the departure of foreign nationals, applicants for the special immigrant visa program, and other at-risk Afghans by air or land routes; and

(B) the safe, voluntary, and dignified return of displaced persons; and

(5) supported the establishment of an inclusive government of Afghanistan that respects the rule of law, press freedom, and human rights, including the rights of women and girls.

(c) DEFINITIONS.—In this section:

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

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

(B) the Committee on Appropriations of the Senate;

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

(D) the Committee on Appropriations of the House of Representatives.

(2) INTERNATIONAL FINANCIAL INSTITUTION.—The term ''international finance institution'' includes—

(A) the International Monetary Fund;

(B) the International Bank for Reconstruction and Development;

(C) the European Bank for Reconstruction and Development;

(D) the International Development Association;

(E) the International Finance Corporation;

(F) the Multilateral Investment Guarantee Agency;

(G) the African Development Bank;

(H) the African Development Fund;

(I) the Asian Development Bank;

(J) the Inter-American Development Bank;

(K) the Bank for Economic Cooperation and Development in the Middle East and North Africa; and

(L) the Inter-American Investment Corporation.

(d) RESTRICTING INTERNATIONAL FINANCIAL INSTITUTION ASSISTANCE TO THE TALIBAN.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of the Treasury should—

(A) instruct the United States Executive Director of the World Bank Group to use the voice, vote, and influence of the United States to oppose—

(i) the extension by the International Finance Corporation of any loan, guarantee, or other financial or technical assistance to—

(I) the Taliban;

(II) any agency or instrumentality of the Government of Afghanistan under the direction or control of the Taliban; or

(III) any member of the Taliban; and

(ii) support by the International Finance Corporation of a project that materially benefits the Taliban in Afghanistan;

(B) instruct the United States Executive Director of the European Bank for Reconstruction and Development to use the voice, vote, and influence of the United States to oppose—

(i) the extension by the Bank of any loan, guarantee, or other financial or technical assistance to—

(I) the Taliban;

(II) any agency or instrumentality of the Government of Afghanistan under the direction or control of the Taliban; or

(III) a member of the Taliban; or

(ii) support by the Bank of a project that materially benefits the Taliban in Afghanistan; and

(C) instruct the United States Executive Directors of all other international financial institutions, including the International Monetary Fund, to work with other key donor countries to develop a coherent policy approach that makes all future engagements with and lending to the Taliban contingent upon the Taliban—

(i) publicly and privately breaking all ties with other terrorist groups, including al Qaeda;

(ii) verifiably preventing the use of Afghanistan as a platform for terrorist attacks against the United States or partners or allies of the United States, including by denying terrorist groups—

(I) sanctuary space in Afghanistan;

(II) transit through Afghan territory; and

(III) the use of Afghanistan for terrorist training, planning, or equipping;

(iii) providing humanitarian actors with full, unimpeded access to vulnerable populations throughout Afghanistan, without interference or diversion;

(iv) respecting freedom of movement, including by facilitating—

(I) the departure of foreign nationals, applicants for the special immigrant visa program, and other at-risk Afghans by air or land routes; and

(II) the safe, voluntary, and dignified return of displaced persons; and

(v) supporting the establishment of an inclusive Government of Afghanistan that respects the rule of law, press freedom, and human rights, including the rights of women and girls.

(2) EXCEPTION FOR HUMANITARIAN PURPOSES.—The restrictions under subparagraphs (A) and (B) of paragraph (1) shall not apply with respect to transactions which are integral to the provision of humanitarian assistance in Afghanistan.

(3) TERMINATION.—Paragraph (1) shall not apply on or after the date that is 30 days after date on which the President determines and certifies to the appropriate congressional committees that the Taliban has complied with all of the conditions set forth in subsection (b).

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the restrictions under subsection (d)(1) are terminated pursuant to subsection (d)(3), the Secretary of the Treasury and the Secretary of State, after consultation with the Secretary of Defense, shall jointly submit a report to the appropriate congressional committees that describes—

(1) the efforts of the United States Executive Directors of international financial institutions to comply with their respective responsibilities under subsection (d)(1);

(2) the status of the Taliban's adherence to international human rights principles that are recognized by the United States; and

(3) the degree to which the Taliban has met its commitments under the peace agreement signed by the United States and the Taliban in Doha, Qatar on February 29, 2020.

SA 4489. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. AUTHORITY TO ENTER INTO A COOPERATIVE AGREEMENT TO PROTECT CIVILIANS IN SAUDI ARABIA AND THE UNITED ARAB EMIRATES FROM WEAPONIZED UNMANNED AERIAL SYSTEMS.

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

(1) The Houthis in Yemen have significantly intensified the number of cross-border strikes against the Kingdom of Saudi Arabia since January 2021, using a combination of increasingly sophisticated Unmanned Ariel Vehicles (UAVs) and cruise missiles to target civilian infrastructure, bases, commercial shipping, and major population centers across the Kingdom with unprecedented frequency.

(2) The United Nations has noted the Houthis have deployed extended long-range UAVs with the capacity to strike deep into Saudi Arabia and the United Arab Emirates since at least January 2018.

(3) Between January and April 2021, the Houthis launched upward of 150 UAVs into Saudi Arabia, threatening the Kingdom of Saudi Arabia's sovereignty and security, as well as the lives of more than 70,000 United States nationals living there.

(4) Houthi spokesperson Yahya Sarea responded to a realistic peace proposal presented by the Kingdom of Saudi Arabia, in March 2021, by threatening ''to carry out stronger and harsher military attacks in the coming period.''.

(5) United States Government officials, including Special Envoy Timothy Lenderking, have publically underscored the crucial role the Government of Iran plays in driving this growing and continuous threat that emanates from the Houthis in Yemen.

(6) According to United States officials and United Nations experts, the Government of Iran, alongside its Lebanese proxy, Hezbollah, are providing sophisticated weapons systems and military training to the Houthis, including technical assistance on the development and employment of UAVs and ballistic missiles.

(7) The Houthi rebels have also made significant advances in their domestic military industrial capacity in recent years, drawing on Iranian sourced components, including guidance systems to develop several new advanced platforms like the Burkan medium range ballistic missile and the Sammad drone series that have extend the Houthi's reach deep into Saudi Arabia.

(8) The Houthi's growing arsenal of increasingly sophisticated drones, and ballistic missiles, and cruise missiles pose a direct threat to United States interests, particularly as relates to regional security, the safety of United States nationals, and the trajectory of United Nations-led peace talks.

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

(1) the United States should improve cooperation with allies and likeminded partners to systematically map out, expose, and disrupt missile and drone procurement networks used by the Iran-backed Houthi rebels in Yemen;

(2) the partner countries of the United States in the Arabian Peninsula face urgent and emerging threats from unmanned aerial systems and other unmanned aerial vehicles;

(3) joint research and development to counter unmanned aerial systems will serve the national security interests of the United States and its partners in the Arabian Peninsula;

(4) development of counter Unmanned Aircraft Systems (UAS) technology will reduce the impacts of these attacks, build deterrence, and increase regional stability;

(5) the United States and partners in the Arabian Peninsula should continue to work together to protect United States citizens and personnel in the Middle East and civilians in the Arabian Peninsula in the face of the threat from unmanned aerial systems; and

(6) the United States Government should use all leverage at its disposal to pressure the Houthis to de-escalate cross border attacks, cease their offensive in Marib, and meaningfully engage in United Nations-led peace talks.

(c) AUTHORITY TO ENTER INTO AGREEMENT.—

(1) IN GENERAL.—The President is authorized to enter into a cooperative project agreement with countries in the Arabian Peninsula under the authority of section 27 of the Arms Export Control Act (22 U.S.C. 2767) to carry out research on and development, testing, evaluation, and joint production (including follow-on support) of defense articles and defense services to detect, track, and destroy armed unmanned aerial systems that threaten the United States and its partners in the Arabian Peninsula.

(2) APPLICABLE REQUIREMENTS.—The cooperative project agreement described in paragraph (1)—

(A) shall provide that any activities carried out pursuant to the agreement are subject to—

(i) the applicable requirements described in subparagraphs (A), (B), and (C) of section 27(b)(2) of the Arms Export Control Act; and

(ii) any other applicable requirements of the Arms Export Control Act with respect to the use, transfer, and security of such defense articles and defense services under that Act; and

(B) shall establish a framework to negotiate the rights to intellectual property developed under the agreement.

(d) RULE OF CONSTRUCTION WITH RESPECT TO USE OF MILITARY FORCE.—Nothing in this section may be construed as an authorization for the use of military force.

(e) ARABIAN PENINSULA DEFINED.—In this section, the term ''Arabian Peninsula'' means Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, and Yemen.

SA 4490. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. AUTHORIZATION OF APPROPRIATIONS FOR COUNTERING CHINESE INFLUENCE FUND.

(a) COUNTERING CHINESE INFLUENCE FUND.—There is authorized to be appropriated $300,000,000 for each of fiscal years 2022 through 2026 for the Countering Chinese Influence Fund to counter the malign influence of the Chinese Communist Party globally. Amounts appropriated pursuant to this authorization are authorized to remain available until expended and shall be in addition to amounts otherwise authorized to be appropriated to counter such influence.

(b) CONSULTATION REQUIRED.—The obligation of funds appropriated or otherwise made available to counter the malign influence of the Chinese Communist Party globally shall be subject to prior consultation with, and consistent with section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the regular notification procedures of—

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

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

(c) POLICY GUIDANCE, COORDINATION, AND APPROVAL.—

(1) COORDINATOR.—The Secretary of State shall designate an existing senior official of the Department at the rank of Assistant Secretary or above to provide policy guidance, coordination, and approval for the obligation of funds authorized pursuant to subsection (a).

(2) DUTIES.—The senior official designated pursuant to paragraph (1) shall be responsible for—

(A) on an annual basis, the identification of specific strategic priorities for using the funds authorized to be appropriated by subsection (a), such as geographic areas of focus or functional categories of programming that funds are to be concentrated within, consistent with the national interests of the United States and the purposes of this division;

(B) the coordination and approval of all programming conducted using the funds authorized to be appropriated by subsection (a), based on a determination that such programming directly counters the malign influence of the Chinese Communist Party, including specific activities or policies advanced by the Chinese Communist Party, pursuant to the strategic objectives of the United States, as established in the 2017 National Security Strategy, the 2018 National Defense Strategy, and other relevant national and regional strategies as appropriate;

(C) ensuring that all programming approved bears a sufficiently direct nexus to such acts by the Chinese Communist Party described in subsection (d) and adheres to the requirements outlined in subsection (e); and

(D) conducting oversight, monitoring, and evaluation of the effectiveness of all programming conducted using the funds authorized to be appropriated by subsection (a) to ensure that it advances United States interests and degrades the ability of the Chinese Communist Party, to advance activities that align with subsection (d) of this section.

(3) INTERAGENCY COORDINATION.—The senior official designated pursuant to paragraph (1) shall, in coordinating and approving programming pursuant to paragraph (2), seek to—

(A) conduct appropriate interagency consultation; and

(B) ensure, to the maximum extent practicable, that all approved programming functions in concert with other Federal activities to counter the malign influence and activities of the Chinese Communist Party.

(4) ASSISTANT COORDINATOR.—The Administrator of the United States Agency for International Development shall designate a senior official at the rank of Assistant Administrator or above to assist and consult with the senior official designated pursuant to paragraph (1).

(d) MALIGN INFLUENCE.—In this section, the term ''malign influence'' with respect to the Chinese Communist Party should be construed to include acts conducted by the Chinese Communist Party or entities acting on its behalf that—

(1) undermine a free and open international order;

(2) advance an alternative, repressive international order that bolsters the Chinese Communist Party's hegemonic ambitions and is characterized by coercion and dependency;

(3) undermine the national security or sovereignty of the United States or other countries; or

(4) undermine the economic security of the United States or other countries, including by promoting corruption.

(e) COUNTERING MALIGN INFLUENCE.—In this section, countering malign influence through the use of funds authorized to be appropriated by subsection (a) shall include efforts to—

(1) promote transparency and accountability, and reduce corruption, including in governance structures targeted by the malign influence of the Chinese Communist Party;

(2) support civil society and independent media to raise awareness of and increase transparency regarding the negative impact of activities related to the Belt and Road Initiative and associated initiatives;

(3) counter transnational criminal networks that benefit, or benefit from, the malign influence of the Chinese Communist Party;

(4) encourage economic development structures that help protect against predatory lending schemes, including support for market-based alternatives in key economic sectors, such as digital economy, energy, and infrastructure;

(5) counter activities that provide undue influence to the security forces of the People's Republic of China;

(6) expose misinformation and disinformation of the Chinese Communist Party's propaganda, including through programs carried out by the Global Engagement Center; and

(7) counter efforts by the Chinese Communist Party to legitimize or promote authoritarian ideology and governance models.

SA 4491. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. ANNUAL REVIEW ON THE PRESENCE OF CHINESE COMPANIES IN UNITED STATES CAPITAL MARKETS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

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

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

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

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

(2) PRC.—The term ''PRC'' means the People's Republic of China.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in consultation with the Director of National Intelligence and the Secretary of the Treasury, shall submit an unclassified report to the appropriate committees of Congress that describes the risks posed to the United States by the presence in United States capital markets of companies incorporated in the PRC.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall—

(A) identify companies incorporated in the PRC that—

(i) are listed or traded on at least 1 stock exchange within the United States, including over-the-counter market and ''A Shares'' added to indexes and exchange-traded funds out of mainland exchanges in the PRC; and

(ii) based on the factors for consideration described in paragraph (3), have knowingly and materially contributed to—

(I) activities that undermine United States national security;

(II) serious abuses of internationally recognized human rights; or

(III) a substantially increased financial risk exposure for United States-based investors;

(B) describe the activities of the companies identified pursuant to subparagraph (A), and the implications of such activities for the United States; and

(C) develop policy recommendations for the Federal Government, State governments, United States financial institutions, United States equity and debt exchanges, and other relevant stakeholders to address the risks posed by the presence in United States capital markets of the companies identified pursuant to subparagraph (A).

(3) FACTORS FOR CONSIDERATION.—In completing the report under paragraph (1), the Secretary of State shall consider whether a company identified pursuant to paragraph (2)(A)—

(A) has materially contributed to the development or manufacture, or sold or facilitated procurement by the People's Liberation Army of the PRC, of lethal military equipment or component parts of such equipment;

(B) has contributed to the construction and militarization of features in the South China Sea;

(C) has been sanctioned by the United States or has been determined to have conducted business with sanctioned entities;

(D) has engaged in an act or a series of acts of intellectual property theft;

(E) has engaged in corporate or economic espionage;

(F) has contributed to the proliferation of nuclear or missile technology in violation of United Nations Security Council resolutions or United States sanctions;

(G) has contributed to the repression of religious and ethnic minorities within the PRC, including in Xinjiang Uyghur Autonomous Region or Tibet Autonomous Region;

(H) has contributed to the development of technologies that enable censorship directed or directly supported by the PRC government;

(I) has failed to comply fully with Federal securities laws (including required audits by the Public Company Accounting Oversight Board) and ''material risk'' disclosure requirements of the Securities and Exchange Commission; or

(J) has contributed to other activities or behavior determined to be relevant by the Secretary of State.

(c) REPORT FORM.—The report required under subsection (b)(1) shall be submitted in unclassified form, but may include a classified annex.

(d) PUBLICATION.—The unclassified portion of the report required under subsection (b)(1) shall be made accessible to the public online through relevant United States Government websites.

SA 4492. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. STATEMENT OF POLICY ON INDO-PACIFIC REGION.

It shall be the policy of the United States to—

(1) prioritize the Indo-Pacific region in United States foreign policy, and prioritize resources for achieving United States political and military objectives in the region;

(2) exercise freedom of operations in the international waters and airspace in the Indo-Pacific maritime domains, which are critical to the prosperity, stability, and security of the Indo-Pacific region;

(3) maintain forward-deployed forces in the Indo-Pacific region, including a rotational bomber presence, integrated missile defense capabilities, long-range precision fires, undersea warfare capabilities, and diversified and resilient basing and rotational presence, including support for pre-positioning strategies;

(4) strengthen and deepen the alliances and partnerships of the United States to build capacity and capabilities, increase multilateral partnerships, modernize communications architecture, address anti-access and area denial challenges, and increase joint exercises and security cooperation efforts;

(5) reaffirm the commitment and support of the United States for allies and partners in the Indo-Pacific region, including longstanding United States policy regarding—

(A) Article V of the Treaty of Mutual Cooperation and Security between the United States and Japan, signed at Washington January 19, 1960;

(B) Article III of the Mutual Defense Treaty between the United States and the Republic of Korea, signed at Washington October 1, 1953;

(C) Article IV of the Mutual Defense Treaty between the United States and the Republic of the Philippines, signed at Washington August 30, 1951, including that, as the South China Sea is part of the Pacific, any armed attack on Philippine forces, aircraft or public vessels in the South China Sea will trigger mutual defense obligations under Article IV of our mutual defense treaty;

(D) Article IV of the Australia, New Zealand, United States Security Treaty, done at San Francisco September 1, 1951; and

(E) the Southeast Asia Collective Defense Treaty, done at Manila September 8, 1954, together with the Thanat-Rusk Communique of 1962;

(6) collaborate with United States treaty allies in the Indo-Pacific to foster greater multilateral security and defense cooperation with other regional partners;

(7) ensure the continuity of operations by the United States Armed Forces in the Indo-Pacific region, including, as appropriate, in cooperation with partners and allies, in order to reaffirm the principle of freedom of operations in international waters and airspace in accordance with established principles and practices of international law;

(8) sustain the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the ''Six Assurances'' provided by the United States to Taiwan in July 1982 as the foundations for United States-Taiwan relations, and to deepen, to the fullest extent possible, the extensive, close, and friendly relations of the United States and Taiwan, including cooperation to support the development of capable, ready, and modern forces necessary for the defense of Taiwan;

(9) enhance security partnerships with India, across Southeast Asia, and with other nations of the Indo-Pacific;

(10) deter acts of aggression or coercion by the People's Republic of China against United States and allies' interests, especially along the First Island Chain and in the Western Pacific, by showing People's Republic of China leaders that the United States can and is willing to deny them the ability to achieve their objectives, including by—

(A) consistently demonstrating the political will of the United States to deepening existing treaty alliances and growing new partnerships as a durable, asymmetric, and unmatched strategic advantage to the People's Republic of China's growing military capabilities and reach;

(B) maintaining a system of forward-deployed bases in the Indo-Pacific region as the most visible sign of United States resolve and commitment to the region, and as platforms to ensure United States operational readiness and advance interoperability with allies and partners;

(C) adopting a more dispersed force posture throughout the region, particularly the Western Pacific, and pursuing maximum access for United States mobile and relocatable launchers for long-range cruise, ballistic, and hypersonic weapons throughout the Indo-Pacific region;

(D) fielding long-range, precision-strike networks to United States and allied forces, including ground-launched cruise missiles, under sea and naval capabilities, and integrated air and missile defense in the First Island Chain and the Second Island Chain, in order to deter and prevent People's Republic of China coercion and aggression, and to maximize the United States ability to operate;

(E) strengthening extended deterrence to ensure that escalation against key United States interests would be costly, risky, and self defeating; and

(F) collaborating with allies and partners to accelerate their roles in more equitably sharing the burdens of mutual defense, including through the acquisition and fielding of advanced capabilities and training that will better enable them to repel People's Republic of China aggression or coercion; and

(11) maintain the capacity of the United States to impose prohibitive diplomatic, economic, financial, reputational, and military costs on the People's Republic of China for acts of coercion or aggression, including to defend itself and its allies regardless of the point of origin of attacks against them.

SA 4493. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. REPORT ON CAPABILITY DEVELOPMENT OF INDO-PACIFIC ALLIES AND PARTNERS.

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

(1) the Secretary of State should expand and strengthen existing measures under the United States Conventional Arms Transfer Policy to provide capabilities to allies and partners consistent with agreed-on division of responsibility for alliance roles, missions and capabilities, prioritizing allies and partners in the Indo-Pacific region in accordance with United States strategic imperatives;

(2) the United States should design for export to Indo-Pacific allies and partners capabilities critical to maintaining a favorable military balance in the region, including long-range precision fires, air and missile defense systems, anti-ship cruise missiles, land attack cruise missiles, conventional hypersonic systems, intelligence, surveillance, and reconnaissance capabilities, and command and control systems;

(3) the United States should pursue, to the maximum extent possible, anticipatory technology security and foreign disclosure policy on the systems described in paragraph (2); and

(4) the Secretary of State, in coordination with the Secretary of Defense, should—

(A) urge allies and partners to invest in sufficient quantities of munitions to meet contingency requirements and avoid the need for accessing United States stocks in wartime; and

(B) cooperate with allies to deliver such munitions, or when necessary, to increase allies' capacity to produce such munitions.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

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

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

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that describes United States priorities for building more capable security partners in the Indo-Pacific region.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall—

(A) provide a priority list of defense and military capabilities that Indo-Pacific allies and partners must possess for the United States to be able to achieve its military objectives in the Indo-Pacific region;

(B) identify, from the list referred to in subparagraph (A), the capabilities that are best provided, or can only be provided, by the United States;

(C) identify—

(i) actions required to prioritize United States Government resources and personnel to expedite fielding the capabilities identified in subparagraph (B); and

(ii) steps needed to fully account for and a plan to integrate all means of United States foreign military sales, direct commercial sales, security assistance, and all applicable authorities of the Department of State and the Department of Defense;

(D) assess the requirements for United States security assistance, including International Military Education and Training, in the Indo-Pacific region, as a part of the means to deliver critical partner capability requirements identified in subparagraph (B);

(E) assess the resources necessary to meet the requirements for United States security assistance, and identify resource gaps;

(F) assess the major obstacles to fulfilling requirements for United States security assistance in the Indo-Pacific region, including resources and personnel limits, foreign legislative and policy barriers, and factors related to specific partner countries;

(G) identify limitations on the ability of the United States to provide such capabilities, including those identified under subparagraph (B), because of existing United States treaty obligations, United States policies, or other regulations;

(H) recommend improvements to the process for developing requirements for United States partner capabilities; and

(I) identify required jointly agreed recommendations for infrastructure and posture, based on any ongoing mutual dialogues.

(3) FORM.—The report required under this subsection shall be unclassified, but may include a classified annex.

SA 4494. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. INCREASING DEPARTMENT OF STATE PERSONNEL AND RESOURCES DEVOTED TO THE INDO-PACIFIC REGION.

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

(1) In fiscal year 2020, the Department of State allocated $1,500,000,000 to the Indo-Pacific region in bilateral and regional foreign

assistance resources, including as authorized by section 201(b) of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409; 132 Stat. 5391), and $798,000,000 in the diplomatic engagement budget. These amounts represent only 5 percent of the diplomatic engagement budget and only 4 percent of the combined Department of State and United States Agency for International Development budget.

(2) Between fiscal years 2017 through 2021, the diplomatic engagement budget and personnel levels in the Indo-Pacific region averaged only 5 percent of the total Department of States budget, while foreign assistance resources averaged only 4 percent of the total resources committed worldwide.

(3) In 2020, the Department of State began a process to realign certain positions at posts to ensure that its personnel footprint matches the demands of great-power competition, including in the Indo-Pacific region.

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

(1) the size of the United States diplomatic corps must be sufficient to meet the current and emerging challenges of the 21st century, including those posed by the People's Republic of China in the Indo-Pacific region and elsewhere;

(2) increases in the diplomatic corps must be designed to meet the objectives of an Indo-Pacific strategy focused on strengthening the good governance and sovereignty of states that adhere to and uphold the rules-based international order; and

(3) increase in the diplomatic corps must be implemented with a focus on increased numbers of economic, political, and public diplomacy officers, representing a cumulative increase of at least 200 foreign service officer generalists—

(A) to advance free, fair, and reciprocal trade and open investment environments for United States companies, and engaged in increased commercial diplomacy in key markets;

(B) to better articulate and explain United States policies;

(C) to strengthen civil society and democratic principles;

(D) to enhance reporting on the People's Republic of China's global activities;

(E) to promote people-to-people exchanges;

(F) to advance United States' influence in the Indo-Pacific region; and

(G) to increase capacity at small- and medium-sized embassies and consulates in the Indo-Pacific region and in other regions around the world, as necessary.

(c) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to ensure that Department of State funding levels and its personnel footprint in the Indo-Pacific region reflect the region's high degree of importance and its significance to United States political, economic, and security interests;

(2) to increase diplomatic engagement and foreign assistance funding and the quantity of personnel dedicated to the Indo-Pacific region respective to the Department of State's total budget; and

(3) to increase the number of resident Defense attachés in the Indo-Pacific region, particularly in locations where the People's Republic of China has a resident military attaché and the United States does not have a resident military attaché, to ensure coverage at all appropriate posts.

(d) ACTION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit an action plan to the appropriate committees of Congress that—

(1) identifies requirements to advance United States strategic objectives in the Indo-Pacific region and the personnel and budgetary resources needed to meet such objectives, assuming an unconstrained resource environment;

(2) includes a plan for increasing the portion of the Department of State's budget that is dedicated to the Indo-Pacific region in terms of diplomatic engagement and foreign assistance focused on development, economic, and security assistance;

(3) includes a plan for increasing the number of positions at posts in the Indo-Pacific region and bureaus with responsibility for the Indo-Pacific region, including—

(A) a description of increases at each post or bureau;

(B) a breakdown of increases by cone; and

(C) a description of how such increases in personnel will advance United States strategic objectives in the Indo-Pacific region;

(4) defines concrete and annual benchmarks that the Department of State will meet in implementing the action plan; and

(5) describes any barriers to implementing the action plan.

(e) UPDATES TO REPORT AND BRIEFING.—Not later than 90 days after the submission of the action plan required under subsection (d), and quarterly thereafter until September 30, 2030, the Secretary of State shall submit an updated action plan and brief the appropriate committees of Congress on the implementation of such action plan, with supporting data, including a detailed assessment of benchmarks that have been reached.

(f) SECRETARY OF STATE CERTIFICATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary of State shall submit a certification to the appropriate committees of Congress that indicates whether or not the benchmarks described in the action plan required under subsection (d) have been met. This certification requirement may not be delegated to another Department of State official.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated, for fiscal year 2022—

(A) $2,000,000,000 for bilateral and regional foreign assistance resources to carry out the purposes of part 1 and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) in the Indo-Pacific region; and

(B) $1,250,000,000 for diplomatic engagement resources to the Indo-Pacific region.

(2) INCLUSION OF AMOUNTS APPROPRIATED PURSUANT TO ASIA REASSURANCE INITIATIVE ACT OF 2018.—Amounts authorized to be appropriated under paragraph (1) include the amounts that were authorized to be appropriated under section 201(b) of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409) for fiscal year 2022.

SA 4495. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION WITH RESPECT TO CERTAIN TYPES OF LIFE SCIENCES RESEARCH.

No Federal funds may be obligated or expended for the purpose of conducting research that increases the pathogenicity, contagiousness, or transmissibility of viruses or bacteria, including any research anticipated to involve enhanced potential pandemic pathogens, if such research involves a foreign entity that is subject to the jurisdiction of any of the following countries:

(1) The People's Republic of China.

(2) The Russian Federation.

(3) The Islamic Republic of Iran.

(4) The Democratic People's Republic of Korea.

(5) The Syrian Arab Republic.

(6) Any other country specified in the report assessing compliance with the Biological Weapons Convention, as required by section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2583a(a)) in the relevant calendar year.

SA 4496. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. REPORT ON DIPLOMATIC OUTREACH WITH RESPECT TO CHINESE MILITARY INSTALLATIONS OVERSEAS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the appropriate committees of Congress regarding United States diplomatic engagement with other nations that host or are considering hosting any military installation of the Government of the People's Republic of China.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) a list of countries that currently host or are considering hosting any military installation of the Government of the People's Republic of China;

(2) a detailed description of United States diplomatic and related efforts to engage countries that are considering hosting a military installation of the Government of the People's Republic of China, and the results of such efforts;

(3) an assessment of the adverse impact on United States interests of the Government of the People's Republic of China successfully establishing a military installation at any of the locations it is currently considering;

(4) a description and list of any commercial ports outside of the People's Republic of China that the United States Government assesses could be used by the Government of the People's Republic of China for military purposes, and any diplomatic efforts to engage the governments of the countries where such ports are located;

(5) the impact of the military installations of the Government of the People's Republic of China on United States interests; and

(6) lessons learned from the diplomatic experience of addressing the People's Republic of China's first overseas base in Djibouti.

(c) FORM OF REPORT.—The report required under subsection (a) shall be classified, but may include a unclassified summary.

SA 4497. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to

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

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

SEC. _____. REPORT ON NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

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

(1) a more streamlined, shared, and coordinated approach, which leverages economies of scale with major allies, is necessary for the United States to retain its lead in defense technology;

(2) allowing for the export, re-export, or transfer of defense-related technologies and services to members of the national technology and industrial base (as defined in section 2500 of title 10, United States Code) would advance United States security interests by helping to leverage the defense-related technologies and skilled workforces of trusted allies to reduce the dependence on other countries, including countries that pose challenges to United States interests around the world, for defense-related innovation and investment; and

(3) it is in the interest of the United States to continue to increase cooperation with Australia, Canada, and the United Kingdom of Great Britain and Northern Ireland to protect critical defense-related technology and services and leverage the investments of like-minded, major ally nations in order to maximize the strategic edge afforded by defense technology innovation.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that—

(A) describes the Department of State's efforts to facilitate access among the national technology and industrial base to defense articles and services subject to the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)); and

(B) identifies foreign legal and regulatory challenges, as well as foreign policy or other challenges or considerations that prevent or frustrate these efforts, to include any gaps in the respective export control regimes implemented by United Kingdom of Great Britain and Northern Ireland, Australia, or Canada.

(2) FORM.—This report required under paragraph (1) shall be unclassified, but may include a classified annex.

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

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

(2) the Committee on Foreign Affairs of the House of Representatives.

SA 4498. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. INFRASTRUCTURE TRANSACTION AND ASSISTANCE NETWORK.

(a) AUTHORITY.—The Secretary of State is authorized to establish an initiative, to be known as the ''Infrastructure Transaction and Assistance Network'', under which the Secretary of State, in consultation with other relevant Federal agencies, including those represented on the Global Infrastructure Coordinating Committee, may carry out various programs to advance the development of sustainable, transparent, and high-quality infrastructure in the Indo-Pacific region by—

(1) strengthening capacity-building programs to improve project evaluation processes, regulatory and procurement environments, and project preparation capacity of countries that are partners of the United States in such development;

(2) providing transaction advisory services and project preparation assistance to support sustainable infrastructure; and

(3) coordinating the provision of United States assistance for the development of infrastructure, including infrastructure that utilizes United States-manufactured goods and services, and catalyzing investment led by the private sector.

(b) TRANSACTION ADVISORY FUND.—As part of the ''Infrastructure Transaction and Assistance Network'' described under subsection (a), the Secretary of State is authorized to provide support, including through the Transaction Advisory Fund, for advisory services to help boost the capacity of partner countries to evaluate contracts and assess the financial and environmental impacts of potential infrastructure projects, including through providing services such as—

(1) legal services;

(2) project preparation and feasibility studies;

(3) debt sustainability analyses;

(4) bid or proposal evaluation; and

(5) other services relevant to advancing the development of sustainable, transparent, and high-quality infrastructure.

(c) STRATEGIC INFRASTRUCTURE FUND.—

(1) IN GENERAL.—As part of the ''Infrastructure Transaction and Assistance Network'' described under subsection (a), the Secretary of State is authorized to provide support, including through the Strategic Infrastructure Fund, for technical assistance, project preparation, pipeline development, and other infrastructure project support.

(2) JOINT INFRASTRUCTURE PROJECTS.—Funds authorized for the Strategic Infrastructure Fund should be used in coordination with the Department of Defense, the International Development Finance Corporation, like-minded donor partners, and multilateral banks, as appropriate, to support joint infrastructure projects in the Indo-Pacific region.

(3) STRATEGIC INFRASTRUCTURE PROJECTS.—Funds authorized for the Strategic Infrastructure Fund should be used to support strategic infrastructure projects that are in the national security interest of the United States and vulnerable to strategic competitors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of fiscal years 2022 to 2026, $75,000,000 to the Infrastructure Transaction and Assistance Network, of which $20,000,000 is to be provided for the Transaction Advisory Fund.

SA 4499. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1237. EXTENSION AND MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

(a) EXTENSION.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488) is amended by striking ''or 2021'' and inserting ''2021, or 2022''.

(b) WAIVER.—Subsection (c)(2) of such section is amended to read as follows:

''(2) not later than 15 days before the date on which the waiver takes effect, and every 90 days thereafter, submits to the appropriate congressional committees—

''(A) a notification that the waiver is in the national security interest of the United States and a description of the national security interest covered by the waiver during the applicable reporting period;

''(B) a description of any condition or prerequisite placed by the Russian Federation on military cooperation between the United States and the Russian Federation;

''(C) a description of the results achieved by United States-Russian Federation military cooperation during the applicable reporting period and an assessment of whether such results meet the national security objectives described under subparagraph (A);

''(D) a description of the measures in place to mitigate counterintelligence or operational security concerns and an assessment of whether such measures have succeeded, submitted in classified form as necessary; and

''(E) a report explaining why the Secretary of Defense cannot make the certification under subsection (a).''.

SA 4500. Mr. RISCH (for himself, Mr. PORTMAN, Mr. CRUZ, Mr. BARRASSO, Mr. JOHNSON, and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1237. IMPOSITION OF SANCTIONS WITH RESPECT TO NORD STREAM 2.

(a) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall—

(A) impose sanctions under paragraph (2) with respect to—

(i) any entity responsible for planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity; and

(ii) any other corporate officer of or principal shareholder with a controlling interest in an entity described in clause (i); and

(B) impose sanctions under paragraph (3) with respect to any entity responsible for planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—

(A) IN GENERAL.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (1)(A) is—

(I) inadmissible to the United States;

(II) ineligible to receive a visa or other documentation to enter the United States; and

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The visa or other entry documentation of an alien described in paragraph (1)(A) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(II) IMMEDIATE EFFECT.—A revocation under subclause (I) shall—

(aa) take effect immediately; and

(bb) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(3) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of an entity described in paragraph (1)(B) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(4) IMPLEMENTATION; PENALTIES.—

(A) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subsection.

(B) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subsection or any regulation, license, or order issued to carry out this subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(5) EXCEPTIONS.—

(A) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this subsection shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(B) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this subsection shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(C) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—Notwithstanding any other provision of this subsection, the authorities and requirements to impose sanctions under this subsection shall not include the authority or a requirement to impose sanctions on the importation of goods.

(ii) GOOD DEFINED.—In this subparagraph, the term ''good'' means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(6) SUNSET.—The authority to impose sanctions under this subsection shall terminate on the date that is 5 years after the date of the enactment of this Act.

(7) DEFINITIONS.—In this subsection:

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

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

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

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

(iii) any person within the United States.

(b) REPEAL OF NATIONAL INTEREST WAIVER UNDER PROTECTING EUROPE'S ENERGY SECURITY ACT OF 2019.—Section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note) is amended—

(1) in subsection (a)(1)(C), by striking ''subsection (i)'' and inserting ''subsection (h)'';

(2) by striking subsection (f);

(3) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively; and

(4) in subsection (i), as redesignated by paragraph (3), by striking ''subsection (h)'' and inserting ''subsection (g)''.

SA 4501. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950.—

(1) DEFINITION OF COVERED TRANSACTION.—Subsection (a)(4) of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''; and'' and inserting a semicolon;

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

(iii) by adding at the end the following:

''(iii) any transaction described in subparagraph (B)(vi) proposed or pending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022.'';

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

''(vi) Any gift to an institution of higher education from a foreign person, or the entry into a contract by such an institution with a foreign person, if—

''(I)(aa) the value of the gift or contract equals or exceeds $1,000,000; or

''(bb) the institution receives, directly or indirectly, more than one gift from or enters into more than one contract, directly or indirectly, with the same foreign person for the same purpose the aggregate value of which, during the period of 2 consecutive calendar years, equals or exceeds $1,000,000; and

''(II) the gift or contract—

''(aa) relates to research, development, or production of critical technologies and provides the foreign person potential access to any material nonpublic technical information (as defined in subparagraph (D)(ii)) in the possession of the institution; or

''(bb) is a restricted or conditional gift or contract (as defined in section 117(h) of the Higher Education Act of 1965 (20 U.S.C. 1011f(h))) that establishes control.''; and

(C) by adding at the end the following:

''(G) FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.—For purposes of subparagraph (B)(vi):

''(i) CONTRACT.—The term 'contract' means any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign person, for the direct benefit or use of either of the parties.

''(ii) GIFT.—The term 'gift' means any gift of money or property.

''(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means any institution, public or private, or, if a multicampus institution, any single campus of such institution, in any State—

''(I) that is legally authorized within such State to provide a program of education beyond secondary school;

''(II) that provides a program for which the institution awards a bachelor's degree (or provides not less than a 2-year program which is acceptable for full credit toward such a degree) or a more advanced degree;

''(III) that is accredited by a nationally recognized accrediting agency or association; and

''(IV) to which the Federal Government extends Federal financial assistance (directly or indirectly through another entity or person), or that receives support from the extension of Federal financial assistance to any of the institution's subunits.''.

(2) MANDATORY DECLARATIONS.—Subsection (b)(1)(C)(v)(IV)(aa) of such section is amended by adding at the end the following: ''Such regulations shall require a declaration under this subclause with respect to a covered transaction described in subsection (a)(4)(B)(vi)(II)(aa).''.

(3) FACTORS TO BE CONSIDERED.—Subsection (f) of such section is amended—

(A) in paragraph (10), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following:

''(11) as appropriate, and particularly with respect to covered transactions described in subsection (a)(4)(B)(vi), the importance of academic freedom at institutions of higher education in the United States; and''.

(4) MEMBERSHIP OF CFIUS.—Subsection (k) of such section is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(ii) by inserting after subparagraph (G) the following:

''(H) In the case of a covered transaction involving an institution of higher education (as defined in subsection (a)(4)(G)), the Secretary of Education.''; and

(B) by adding at the end the following:

''(8) INCLUSION OF OTHER AGENCIES ON COMMITTEE.—In considering including on the

Committee under paragraph (2)(K) the heads of other executive departments, agencies, or offices, the President shall give due consideration to the heads of relevant research and science agencies, departments, and offices, including the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Director of the National Science Foundation.''.

(5) CONTENTS OF ANNUAL REPORT RELATING TO CRITICAL TECHNOLOGIES.—Subsection (m)(3) of such section is amended—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

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

(C) by adding at the end the following:

''(D) an evaluation of whether there are foreign malign influence or espionage activities directed or directly assisted by foreign governments against institutions of higher education (as defined in subsection (a)(4)(G)) aimed at obtaining research and development methods or secrets related to critical technologies; and

''(E) an evaluation of, and recommendation for any changes to, reviews conducted under this section that relate to institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f(a)).''.

(b) INCLUSION OF CFIUS IN REPORTING ON FOREIGN GIFTS UNDER HIGHER EDUCATION ACT OF 1965.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by inserting after ''the Secretary'' the following: ''and the Secretary of the Treasury (in the capacity of the Secretary as the chairperson of the Committee on Foreign Investment in the United States under section 721(k)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3)))''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''with the Secretary'' and inserting ''with the Secretary and the Secretary of the Treasury''; and

(ii) by striking ''to the Secretary'' and inserting ''to each such Secretary''; and

(B) in paragraph (2), by striking ''with the Secretary'' and inserting ''with the Secretary and the Secretary of the Treasury''.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act, subject to the requirements of subsections (d) and (e); and

(2) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date that is 30 days after the publication in the Federal Register of the notice required under subsection (e)(2).

(d) REGULATIONS.—

(1) IN GENERAL.—The Committee on Foreign Investment in the United States (in this section referred to as the ''Committee''), which shall include the Secretary of Education for purposes of this subsection, shall prescribe regulations as necessary and appropriate to implement the amendments made by subsection (a).

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall include—

(A) regulations accounting for the burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a), including structuring penalties and filing fees to reduce such burdens, shortening timelines for reviews and investigations, allowing for simplified and streamlined declaration and notice requirements, and implementing any procedures necessary to protect academic freedom; and

(B) guidance with respect to—

(i) which gifts and contracts described in described in clause (vi)(II)(aa) of subsection (a)(4)(B) of section 721 of the Defense Production Act of 1950, as added by subsection (a)(1), would be subject to filing mandatory declarations under subsection (b)(1)(C)(v)(IV) of that section; and

(ii) the meaning of ''control'', as defined in subsection (a) of that section, as that term applies to covered transactions described in clause (vi) of paragraph (4)(B) of that section, as added by subsection (a)(1).

(3) ISSUANCE OF FINAL RULE.—The Committee shall issue a final rule to carry out the amendments made by subsection (a) after assessing the findings of the pilot program required by subsection (e).

(e) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning on the date that is 30 days after the publication in the Federal Register of the matter required by paragraph (2) and ending on the date that is 570 days thereafter, the Committee shall conduct a pilot program to assess methods for implementing the review of covered transactions described in clause (vi) of section 721(a)(4)(B) of the Defense Production Act of 1950, as added by subsection (a)(1).

(2) PROPOSED DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, the Committee shall, in consultation with the Secretary of Education, publish in the Federal Register—

(A) a proposed determination of the scope of and procedures for the pilot program required by paragraph (1);

(B) an assessment of the burden on institutions of higher education likely to result from compliance with the pilot program;

(C) recommendations for addressing any such burdens, including shortening timelines for reviews and investigations, structuring penalties and filing fees, and simplifying and streamlining declaration and notice requirements to reduce such burdens; and

(D) any procedures necessary to ensure that the pilot program does not infringe upon academic freedom.

(3) REPORT ON FINDINGS.—Upon conclusion of the pilot program required by paragraph (1), the Committee shall submit to Congress a report on the findings of that pilot program that includes—

(A) a summary of the reviews conducted by the Committee under the pilot program and the outcome of such reviews;

(B) an assessment of any additional resources required by the Committee to carry out this section or the amendments made by subsection (a);

(C) findings regarding the additional burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a) and any additional recommended steps to reduce those burdens; and

(D) any recommendations for Congress to consider regarding the scope or procedures described in this section or the amendments made by subsection (a).

SA 4502. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—AFGHANISTAN COUNTERTERRORISM, OVERSIGHT, AND ACCOUNTABILITY ACT OF 2021

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Afghanistan Counterterrorism, Oversight, and Accountability Act of 2021''.

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) On April 14, 2021, President Joseph R. Biden announced the unconditional withdrawal of United States Armed Forces from Afghanistan after 20 years of conflict.

(2) United States troop withdrawals led to the rapid collapse of the democratically elected Government of Afghanistan, effectively ended prospects for a negotiated settlement, threaten to reverse the hard-earned rights of Afghanistan's women and youth, and created dangerous sanctuary space for potential terrorist attacks against the United States and allies and partners of the United States.

(3) Under the terms of the peace agreement signed by the United States and the Taliban in Doha, Qatar, on February 29, 2020, the withdrawal of the United States Armed Forces was contingent upon the Taliban upholding its commitment to a reduction in the levels of violence, engaging in substantive talks with the Government of Afghanistan, and adhering to certain counterterrorism guarantees. The Taliban failed to meet its commitments.

(4) The Taliban's rise to power and inability to control its borders may result in a safe haven for violent jihadist groups, like al Qaeda and the Afghan affiliate of the Islamic State group, ISIS–Khorasan (commonly referred to as ''ISIS–K'').

(5) According to a May 2020 report of the United Nations, ''The senior leadership of Al-Qaida remains present in Afghanistan, as well as hundreds of armed operatives, Al-Qaida in the Indian Subcontinent, and groups of foreign terrorist fighters aligned with the Taliban.''.

(6) According to the same United Nations report, ''The Taliban regularly consulted with Al-Qaida during negotiations with the United States and offered guarantees that it would honor their historical ties.''.

(7) In November 2020, the Lead Inspector General for Operation Freedom's Sentinel of the Department of Defense (in this section referred to as the ''Lead Inspector General'') echoed similar concerns, noting that ''members of al-Qaeda were integrated into the Taliban's leadership and command structure''.

(8) In May 2021, the Lead Inspector General reaffirmed those concerns, noting that ''[a]ccording to the Defense Intelligence Agency, the Taliban maintained close ties with al-Qaeda and was very likely preparing for large-scale offensives''.

(9) On September 14, 2021, the Deputy Director of the Central Intelligence Agency stated, ''We are already beginning to see some of the indications of some potential movement of al Qaeda to Afghanistan.''.

(10) On August 14, 2021, the United States began an operation at Hamid Karzai International Airport to evacuate United States citizens and Afghans affiliated with the United States, an action which forced the North Atlantic Treaty Organization (commonly referred to as ''NATO'') and allied countries to undertake similar operations.

(11) During the evacuation operation conducted in August 2021, United States allies, all of which had contributed soldiers and resources to the fight against the Taliban and terrorism in Afghanistan since 2001, assisted in the exfiltration of thousands of United

States citizens, their own nationals, and Afghans affiliated with NATO.

(12) In August 2021, at the height of the United States evacuation operation, ISIS–K carried out a dual attack striking Hamid Karzai International Airport and the Baron Hotel, killing more than 170 civilians, including 13 members of the United States Armed Forces.

(13) According to the reports of the Department of State, as many as 10,000 to 15,000 United States citizens were in Afghanistan before the evacuation efforts.

(14) As of August 31, 2021, the Department of State evacuated just over 6,000 United States citizens, leaving untold numbers of United States citizens stranded in Afghanistan with little recourse for departure.

(15) As of August 31, 2021, the United States evacuated 705 out of 22,000 Afghans who applied for special immigrant visas, leaving the vast majority of Afghans behind and vulnerable to retribution by the Taliban.

(16) The Taliban continues to hamper the movement of United States citizens and at-risk Afghans out of Afghanistan.

(17) On September 10, 2021, the Taliban appointed Sirajjudin Haqqani, a wanted terrorist responsible for attacks against United States citizens, as the Taliban minister of interior, ostensibly responsible for the continued evacuations of United States citizens and at-risk Afghans out of Afghanistan.

(18) A Taliban-led government rooted in Sharia law would undermine the vital gains made since 2001, particularly with respect to the rule of law and the rights of women and girls, and would lack credibility and international legitimacy on the world stage.

(19) As noted by Human Rights Watch, ''Even before their takeover of Kabul on August 15, Taliban forces were already committing atrocities, including summary executions of government officials and security force members in their custody.''.

(20) Since the Taliban's takeover of Kabul, the Taliban has raided the homes of journalists and activists, as well as members of their families, and restricted girls' access to education and women's ability to work.

(21) The Lead Inspector General reported in May 2021 that the Taliban had carried out ''dozens of targeted killings of Afghan civilians, including government officials, teachers, journalists, medical workers, and religious scholars''.

(22) Despite reportedly providing written assurances to donors and the United Nations, the Taliban also continues to hinder humanitarian access to the most vulnerable areas and individuals in Afghanistan, with an estimated 18,400,000 people, or roughly half of the population in Afghanistan, currently in dire need of lifesaving assistance.

(23) Between 2001 and 2020, at least 569 humanitarian workers were targeted for attack in Afghanistan, and in August 2021 alone, at least 240 incidents affecting humanitarian access were reported by relief agencies.

(24) The United States has invested more than $56,000,000,000 since 2002 in efforts to address profound humanitarian needs and help the people of Afghanistan, including women, girls, and religious and ethnic minorities, realize their democratic and development aspirations.

(25) Despite consistent challenges, United States humanitarian and development assistance has helped expand access to education for more than 3,000,000 girls since 2008, reduce maternal and child deaths by more than half since 2000, provide first-time access to safe drinking water for 650,000 people and improved sanitation services for 1,200,000 people since 2016, and catalyze a 3,000 percent increase in per capita gross domestic product between 2002 and 2018.

(26) Following the Taliban takeover in Afghanistan, those notable achievements are at risk of reversal, the country stands on the verge of economic collapse, and according to the World Food Programme of the United Nations, an estimated 14,000,000 people are ''marching toward starvation''.

SEC. 1703. DEFINITIONS.

In this title:

(1) SPECIAL IMMIGRANT VISA PROGRAM.—The term ''special immigrant visa program'' means—

(A) the special immigrant visa program under section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note); and

(B) the special immigrant visa program under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note) with respect to nationals of Afghanistan.

(2) TALIBAN.—The term ''Taliban'' means the entity—

(A) known as the Taliban;

(B) operating in Afghanistan; and

(C) designated as a specially designated global terrorist under part 594 of title 31, Code of Federal Regulations.

(3) TERRORIST GROUP.—The term ''terrorist group'' means—

(A) any entity designated as a specially designated global terrorist under part 594 of title 31, Code of Federal Regulations (other than the Taliban); or

(B) any foreign terrorist organization (as defined in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)).

(4) UNITED STATES LAWFUL PERMANENT RESIDENT.—The term ''United States lawful permanent resident'' means an alien lawfully admitted for permanent residence to the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))).

Subtitle A—State Department Afghanistan Task Force and Diplomatic Engagement

SEC. 1711. TASK FORCE ON EVACUATIONS FROM AFGHANISTAN.

(a) IN GENERAL.—The Secretary of State shall establish and maintain a task force dedicated to—

(1) the implementation of a comprehensive strategy relating to the evacuation of United States citizens, United States lawful permanent residents, and applicants for the special immigrant visa program, from Afghanistan; and

(2) identifying individuals in Afghanistan who have—

(A) applied to the United States Refugee Admissions Program; or

(B) sought entry into the United States as humanitarian parolees under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)).

(b) FOCUS OF TASK FORCE.—The task force established under subsection (a) shall prioritize efforts of the Department of State—

(1) to account for all United States citizens still within Afghanistan and ensure all United States citizens have the opportunity to safely depart Afghanistan; and

(2) to account for United States lawful permanent residents and applicants for the special immigrant visa program still within Afghanistan and help ensure those individuals have an opportunity to safely depart Afghanistan.

(c) REPORTING REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing lessons learned from the task force established under subsection (a), including such lessons related to the evacuation of United States citizens, United States lawful permanent residents, and applicants for the special immigrant visa program, from Afghanistan.

(d) BRIEFING REQUIREMENT.—The task force established under subsection (a) shall provide quarterly briefings to the appropriate congressional committees on—

(1) the strategy described in subsection (a); and

(2) any additional authorities the Department of State requires to better advance the strategy.

(e) TERMINATION.—The task force established under subsection (a) shall terminate on the date that is one year after the date of the enactment of this Act.

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

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

(2) the Committee on Foreign Affairs of the House of Representatives.

SEC. 1712. REPORT ON DIPLOMATIC ENGAGEMENT AND ECONOMIC COOPERATION WITH THE TALIBAN.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report detailing the manner and extent to which foreign governments and international organizations have pursued diplomatic engagement or economic or security cooperation with the Taliban or members of the Taliban.

(b) ELEMENTS.—The report required by subsection (a) shall include a description of—

(1) steps taken by foreign governments and international organizations toward formal diplomatic recognition of the Taliban or a government of Afghanistan under the direction or control of the Taliban or members of the Taliban;

(2) efforts to maintain or re-establish a diplomatic presence in Kabul;

(3) the extent to which formal bilateral relationships serve to bolster the Taliban's credibility on the world stage;

(4) the scale and scope of economic cooperation with the Taliban, or any agency or instrumentality of the Government of Afghanistan under the direction or control of the Taliban or a member of the Taliban, by foreign governments and international organizations, particularly international financial institutions;

(5) the extent of any assistance provided by foreign governments and international organizations to or through the Taliban or any agency or instrumentality described in paragraph (4), including humanitarian, technical, and security assistance; and

(6) major security cooperation activities or initiatives undertaken by foreign governments with the Taliban or any agency or instrumentality described in paragraph (4), including the establishment by a foreign government of any military presence within Afghanistan.

(c) FORM OF REPORT; AVAILABILITY.—

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

(2) AVAILABILITY.—The unclassified portion of the report required by subsection (a) shall be made available on a publicly accessible internet website of the Department of State.

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

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

(2) the Committee on Foreign Affairs of the House of Representatives.

SEC. 1713. OPPOSITION TO RECOGNITION OF TALIBAN REPRESENTATIVE AS AMBASSADOR TO THE UNITED STATES.

The President should not recognize as the Ambassador of Afghanistan to the United States or accept diplomatic credentials from any individual who is a member of the Taliban.

SEC. 1714. OPPOSITION TO PARTICIPATION OF TALIBAN AT THE UNITED NATIONS AND OTHER MEASURES.

The United States Ambassador to the United Nations should use the voice, vote, and influence of the United States at the United Nations—

(1) to object to the issuance of credentials to any member of the delegation of Afghanistan to the United Nations General Assembly who is a member of the Taliban, consistent with Rules 27 and 28 of the Rules of Procedure of the General Assembly;

(2) to ensure that no member of the Taliban may serve in a leadership position in any United Nations body, fund, program, or specialized agency;

(3) to support a resolution on human rights abuses committed by the Taliban at the United Nations Human Rights Council and calling for the immediate deployment of human rights monitors to Afghanistan under the special procedures of the Council;

(4) to demand immediate, unfettered humanitarian access to the whole of Afghanistan, including to prevent famine and to expand access to lifesaving vaccines and immunizations; and

(5) to prevent diversions of humanitarian assistance delivered through United Nations bodies, funds, programs, and specialized agencies to individuals and entities subject to sanctions under United Nations Security Council Resolutions 1988 (2011) and 2255 (2015), including through the imposition of duties, fees, or taxes on such humanitarian assistance or the manipulation of beneficiary lists.

SEC. 1715. REVISED STRATEGY FOR SOUTH AND CENTRAL ASIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a strategy for a path forward for the relationship of the United States with South and Central Asian countries after the United States withdrawal from Afghanistan.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following elements:

(1) A detailed description of the security and economic challenges that the Russian Federation, the People's Republic of China, and the Taliban pose to the countries of South and Central Asia, including border disputes with South and Central Asian countries that border the People's Republic of China, investments by the Government of the People's Republic of China in land and sea ports, military activities and installations, transportation infrastructure, and energy projects across the region.

(2) A detailed description of United States efforts to provide alternatives to investment by the Government of the People's Republic of China in infrastructure and other sectors in South and Central Asia.

(3) An examination of the areas and sectors in which South and Central Asian countries are subject to political, military, information, and diplomatic pressure from the Russian Federation and the People's Republic of China.

(4) An examination of the extent to which the C5+1 format should or should not be changed to reflect the new conditions in Afghanistan.

(5) An analysis of the possibilities for access to and basing in Central Asian countries for the United States Armed Forces, and overflight of those countries by United States drones, and the diplomatic outreach needed to achieve those outcomes.

(6) A detailed description of bilateral and regional efforts to work with countries in South Asia on strategies to build resilience against efforts of the Government of the People's Republic of China and the Government of the Russian Federation to interfere in their political systems and economies.

(7) A detailed description of United States diplomatic efforts to address the challenges posed by investment by the Government of the People's Republic of China in the mining and mineral sectors in Afghanistan.

(8) Identification of areas where the United States Government can strengthen diplomatic, economic, and defense cooperation with the Government of India, as appropriate, to address economic and security challenges posed by the People's Republic of China, the Russian Federation, and the Taliban in the region, and an assessment of how the changes to India's security environment resulting from the Taliban's takeover of Afghanistan will affect United States engagement with India.

(9) A description of the coordination mechanisms among key regional and functional bureaus within the Department of State and the Department of Defense tasked with engaging with the countries of South and Central Asia on issues relating to the People's Republic of China, the Russian Federation, and the Taliban.

(10) A description of the efforts being made by Federal agencies, including the Department of State, the United States Agency for International Development, the Department of Commerce, the Department of Energy, and the Office of the United States Trade Representative, to help the countries of South and Central Asia develop trade and commerce links that will help those countries diversify their trade away from the People's Republic of China and the Russian Federation.

(11) A detailed description of United States diplomatic efforts with South and Central Asian countries, Turkey, and any other countries with significant populations of Uyghurs and other ethnic minorities fleeing persecution in the People's Republic of China, to press those countries to refrain from deporting ethnic minorities to the People's Republic of China, protect ethnic minorities from intimidation by authorities of the Government of the People's Republic of China, and protect the right to the freedoms of assembly and expression.

(12) An analysis of the effect ending the denial of nondiscriminatory treatment to the products of the Republic of Kazakhstan, the Republic of Tajikistan, and the Republic of Uzbekistan under chapter 1 of title IV of the Trade Act of 1974 (commonly known as the ''Jackson-Vanik amendment'') would have on improving trade and diplomatic relations with the United States.

(c) FORM OF REPORT; AVAILABILITY.—

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

(2) AVAILABILITY.—The unclassified portion of the strategy required by subsection (a) shall be made available on a publicly accessible internet website of the Department of State.

(d) CONSULTATION.—Not later than 120 days after the date of the enactment of this Act, and not less frequently than annually thereafter for 5 years, the Secretary of State shall consult with the appropriate congressional committees regarding the development and implementation of the strategy required by subsection (a).

(e) DEFINITIONS.—In this section:

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

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

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(2) C5+1 FORMAT.—The term ''C5+1 format'' means meetings of representatives of the governments of the United States, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan, and the Republic of Uzbekistan.

Subtitle B—Counterterrorism Strategies and Reports

SEC. 1721. COUNTERTERRORISM STRATEGY FOR AFGHANISTAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report setting forth the United States counterterrorism strategy for Afghanistan and addressing each of the elements described in subsection (b).

(b) ELEMENTS.—The elements described in this subsection are the following:

(1) An assessment of terrorist activity in Afghanistan and threats posed to the United States by that activity.

(2) An assessment of whether the Taliban is taking meaningful action to ensure that Afghanistan is not a safe haven for terrorist groups, such as al Qaeda or ISIS–K, pursuant to the peace agreement signed by the United States and the Taliban in Doha, Qatar, on February 29, 2020, or subsequent agreements or arrangements.

(3) A detailed description of all discussions, transactions, deconfliction arrangements, or other agreements or arrangements with the Taliban.

(4) An assessment of the status of access, basing, and overflight agreements with countries neighboring Afghanistan that facilitate ongoing United States counterterrorism missions.

(5) An assessment of the status of—

(A) human intelligence and multi-source intelligence assets dedicated to Afghanistan; and

(B) the ability of the United States to detect emerging threats against the United States and allies and partners of the United States.

(6) A description of the number and types of intelligence, surveillance, and reconnaissance assets and strike assets dedicated to Afghanistan counterterrorism missions and associated flight times and times on station for such assets.

(7) An assessment of local or indigenous counterterrorism partners.

(8) An assessment of risks to the mission and risks to United States personnel involved in over-the-horizon counterterrorism options.

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

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

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

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

SEC. 1722. REPORT ON ENTITIES PROVIDING SUPPORT FOR THE TALIBAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on entities providing support to the Taliban.

(b) ELEMENTS OF FIRST REPORT.—The first report required by subsection (a) shall include—

(1) an assessment of support by state and non-state actors, including the Government of Pakistan, for the Taliban between 2001 and 2020, including the provision of sanctuary space, financial support, intelligence support, logistics and medical support, training, equipping, and tactical, operational, or strategic direction;

(2) an assessment of support by state and non-state actors, including the Government of Pakistan, for the 2021 offensive of the Taliban that toppled the Government of the Islamic Republic of Afghanistan, including the provision of sanctuary space, financial support, intelligence support, logistics and medical support, training, equipping, and tactical, operational, or strategic direction;

(3) an assessment of support by state and non-state actors, including the Government of Pakistan, for the September 2021 offensive of the Taliban against the Panjshir Valley and the Afghan resistance; and

(4) a detailed description of United States diplomatic and military activities undertaken to curtail support for the 2021 offensive of the Taliban that toppled the Government of the Islamic Republic of Afghanistan.

(c) ELEMENTS OF SUBSEQUENT REPORTS.—Each report required by subsection (a) after the first such report shall include—

(1) an assessment of support by state and non-state actors for the Taliban, including the provision of sanctuary space, financial support, intelligence support, logistics and medical support, training, equipping, and tactical, operational, or strategic direction;

(2) an assessment of support by state and non-state actors for offensive actions of the Taliban against any elements of the Afghan resistance; and

(3) a detailed description of United States diplomatic and military activities undertaken to curtail support for the Taliban.

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

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

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

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

SEC. 1723. REPORT AND STRATEGY ON UNITED STATES-ORIGIN DEFENSE ARTICLES AND SERVICES PROVIDED TO AFGHANISTAN.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Secretary of Defense, and the Director of National Intelligence shall submit to the appropriate congressional committees a report on United States-origin defense articles and defense services provided to the Government of Afghanistan on or before August 14, 2021.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) an inventory of all United States-origin defense articles and defense services provided to the Government of Afghanistan;

(B) an assessment of the current location and disposition of all such articles;

(C) an assessment of the risks that such articles pose to United States citizens and interests, regional security, and the people of Afghanistan;

(D) an assessment of the most sensitive training provided by the United States to Afghan forces and the current location and status of Afghans who received such training; and

(E) an assessment of the counterintelligence risk if the Taliban provides access to United States-origin defense articles to the Russian Federation, Iran, or the People's Republic of China.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, the Secretary of Defense, and the Director of National Intelligence shall submit to the appropriate congressional committees a strategy on United States-origin defense articles and defense services provided to the Government of Afghanistan.

(2) ELEMENTS.—The strategy required under subsection (d) shall include—

(A) a plan to recover, destroy, or de-militarize United States-origin defense articles that pose a significant risk to United States citizens and interests, regional security, or the people of Afghanistan; and

(B) a plan—

(i) to identify Afghan personnel whose training could present a significant risk to regional security or to the people of Afghanistan; and

(ii) to ensure such personnel are not coerced to support the Taliban or other hostile forces.

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

(d) DEFINITIONS.—In this section:

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

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

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

(2) DEFENSE ARTICLE; DEFENSE SERVICE; TRAINING.—The terms ''defense article'', ''defense service'', and ''training'' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

Subtitle C—Matters Relating to Hostages, Special Immigrant Visa Applicants, And Refugees

SEC. 1731. REPORT ON HOSTAGES TAKEN BY THE TALIBAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the extent to which the Taliban has engaged in the politically motivated taking or release of hostages or otherwise is engaging in practices of unlawful or wrongful detention.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum—

(1) an assessment of whether there is credible information that detained United States citizens or United States lawful permanent residents are being held hostage or are being detained unlawfully or wrongfully by the Taliban; and

(2) an assessment of whether there is credible information that citizens of NATO allies are being held hostage or are being detained unlawfully or wrongfully by the Taliban.

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

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

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

(2) the Committee on Foreign Affairs of the House of Representatives.

SEC. 1732. BRIEFINGS ON STATUS OF SPECIAL IMMIGRANT VISA APPLICANTS, REFUGEES, AND PAROLEES.

(a) IN GENERAL.—Not later than 10 days after the date of the enactment of this Act, and every 15 days thereafter until September 30, 2022, the Secretary of State, in consultation with the Secretary of Homeland Security, shall provide a briefing to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the status of—

(1) the processing of applications for the special immigrant visa program; and

(2) refugee and parolee designations for nationals of Afghanistan.

(b) ELEMENTS.—

(1) INITIAL BRIEFING.—The initial briefing required by subsection (a) shall include, for the period beginning on August 1, 2021, and ending on the date of the briefing—

(A)(i) the number of nationals of Afghanistan who have—

(I) submitted applications for—

(aa) the special immigrant visa program; or

(bb) resettlement in the United States through the United States Refugee Admissions Program; or

(II) sought entry to the United States as humanitarian parolees under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(ii) the status of such nationals of Afghanistan;

(B) the number of Department of State and Department of Homeland Security employees assigned to processing applications described in subparagraph (A)(i)(I) and adjudicating the entry of nationals of Afghanistan as humanitarian parolees;

(C) the location of each national of Afghanistan who has submitted such an application or sought entry to the United States as a humanitarian parolee;

(D) the status of any agreement between the United States and any foreign government that is hosting such nationals of Afghanistan;

(E) an assessment of any required revision to the levels and forms of United States foreign assistance provided to entities supporting such nationals of Afghanistan; and

(F) the status of any national of Afghanistan who—

(i) after July 1, 2021, submitted an application described in subparagraph (A)(i)(I) or sought entry to the United States as a humanitarian parolee; and

(ii) failed to meet United States vetting requirements.

(2) SUBSEQUENT BRIEFINGS.—Each subsequent briefing required by subsection (a) shall include the information described in subparagraphs (A) through (F) of paragraph (1) for the preceding 15-day period.

(c) FORM.—A briefing required by subsection (a) may be provided in classified form, as necessary.

(d) WRITTEN MATERIALS.—The Secretary of State may submit written materials in conjunction with a briefing under this section.

Subtitle D—Restrictions on Foreign Assistance

SEC. 1741. STATEMENT OF POLICY ON UNITED STATES ASSISTANCE IN AFGHANISTAN.

(a) IN GENERAL.—It is the policy of the United States not to provide foreign assistance, including development assistance, economic support, or security assistance under parts I and II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9601 et seq.), the FREEDOM Support Act (22 U.S.C. 5801 et seq.), or section 23 of the Arms Export Control Act (22 U.S.C. 2763), to or through the Taliban, or in a manner that would directly benefit the Taliban in Afghanistan.

(b) HUMANITARIAN ASSISTANCE.—It is the policy of the United States to support the provision of humanitarian assistance for displaced and conflict-affected persons in Afghanistan consistent with chapter 9 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.), provided that such assistance is not provided to or through the Taliban or entities controlled by the Taliban or persons with respect to which sanctions have been imposed under section 1762 or 1763.

(c) STRATEGY.—Not later than 30 days after the date of the enactment of this Act, the President shall brief the appropriate congressional committees on the United States strategy to ensure the safe and timely delivery of targeted humanitarian assistance in Afghanistan, including by enabling humanitarian organizations to access related financial services, consistent with this section.

SEC. 1742. HUMANITARIAN ASSISTANCE TO COUNTRIES AND ORGANIZATIONS SUPPORTING AFGHAN REFUGEES AND AFGHAN ALLIES OF THE UNITED STATES.

Subject to section 1743, it is the policy of the United States to support the provision of humanitarian assistance for displaced and conflict-affected persons seeking refuge from Afghanistan in third countries, as well as for hosting communities with measurable need in such third countries.

SEC. 1743. REVIEW OF FOREIGN ASSISTANCE TO COUNTRIES AND ORGANIZATIONS SUPPORTING THE TALIBAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less than annually thereafter, the Secretary of State, in consultation with the appropriate congressional committees, shall conduct a comprehensive review of all forms of United States foreign assistance provided to or through the government of any country or any organization providing any form of material support to the Taliban, utilizing transparent metrics to measure the forms, amounts, goals, objectives, benchmarks, and outcomes of such assistance.

(b) AID SUSPENSION.—

(1) IN GENERAL.—The Secretary of State shall suspend all forms of United States foreign assistance not covered by an exception under section 1766(b)(3) provided to or through a government or organization described in subsection (a).

(2) TERMINATION.—The suspension of United States foreign assistance under paragraph (1) shall cease to be in effect on the date on which the Secretary—

(A) has certified to the appropriate congressional committees that the government or organization subject to such suspension has ceased to provide material support to the Taliban; or

(B) has submitted to the appropriate congressional committees a certification described in section 1766(c).

(3) WAIVER.—The Secretary may waive the suspension of United States foreign assistance required under paragraph (1) if, not later than 10 days before issuing such a waiver, the Secretary certifies to the appropriate congressional committees that—

(A) providing such assistance is in the national security interest of the United States; and

(B) sufficient safeguards are in place to ensure that no United States assistance is diverted to support the Taliban.

SEC. 1744. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''appropriate congressional committees'' means—

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

(2) the Committee on Foreign Affairs of the House of Representatives.

Subtitle E—Human Rights in Afghanistan

SEC. 1751. REPORT ON HUMAN RIGHTS ABUSES BY THE TALIBAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the extent to which the Taliban, or any agency or instrumentality of the Government of Afghanistan under the direction or control of the Taliban or a member of the Taliban, has carried out or facilitated serious human rights abuse.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an assessment of the Taliban's respect for the rule of law, press freedom, and human rights, including the rights of women, girls, and minorities, in Afghanistan;

(2) an assessment of the extent to which the Government of Afghanistan has adhered to the basic human rights standards set out in the United Nations International Covenant on Civil and Political Rights, which was ratified by Afghanistan in 1983, and the Universal Declaration of Human Rights;

(3) a description of the scale and scope of any incidents of arbitrary arrest or extrajudicial execution;

(4) an assessment of the degree to which Afghans who formerly served as part of the internationally recognized government of Afghanistan or who have ties to the United States have been the target of Taliban-supported revenge killings, enforced disappearances, or other forms of abuse, including torture;

(5) a detailed description of how the rights of women, girls, and minorities in Afghanistan have been impacted, specifically with respect to access to education, freedom of movement, and right to employment, since the Taliban's seizure of power in August 2021;

(6) an evaluation of the ability of human rights defenders, female activists, and journalists to freely operate in Afghanistan without fear of reprisal;

(7) an assessment of whether any of the abuses carried out by the Taliban, or any agency or instrumentality described in subsection (a), constitute war crimes or crimes against humanity; and

(8) a description of any steps taken to impede access by independent human rights monitors and United Nations investigators.

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

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

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

(2) the Committee on Foreign Affairs of the House of Representatives.

Subtitle F—Sanctions With Respect to the Taliban

SEC. 1761. DEFINITIONS.

In this subtitle:

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

(2) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

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

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(4) FOREIGN PERSON.—The term ''foreign person''—

(A) means a person that is not a United States person; and

(B) includes an agency or instrumentality of a foreign government.

(5) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

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

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

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

SEC. 1762. IMPOSITION OF SANCTIONS WITH RESPECT TO ACTIVITIES OF THE TALIBAN AND OTHERS IN AFGHANISTAN.

(a) SANCTIONS RELATING TO SUPPORT FOR TERRORISM.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (d) with respect to each foreign person, including any member of the Taliban, that the President determines provides financial, material, or technological support for, or financial or other services to or in support of, any terrorist group in Afghanistan.

(b) SANCTIONS RELATING TO HUMAN RIGHTS ABUSES.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (d) with respect to each foreign person, including any member of the Taliban, that the President determines is responsible for, complicit in, or has directly or indirectly engaged in, serious human rights abuses in Afghanistan.

(c) SANCTIONS RELATING TO DRUG TRAFFICKING.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (d) with respect to each foreign person, including any member of the Taliban, that the President determines—

(1) plays a significant role in international narcotics trafficking centered in Afghanistan; or

(2) provides significant financial, material, or technological support for, or financial or other services to or in support of, any person described in paragraph (1).

(d) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) PROPERTY BLOCKING.—The exercise of all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a), (b), or (c) if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a), (b), or (c) shall be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of any alien described in subsection (a), (b), or (c) is subject to revocation regardless of the issue date of the visa or other entry documentation.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the possession of the alien.

SEC. 1763. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORTERS OF THE TALIBAN.

(a) IN GENERAL.—On and after the date that is 180 days after the date of the enactment of this Act, the President may impose the sanctions described in subsection (c) with respect to any foreign person that the President determines provides support described in subsection (b) to or in support of—

(1) the Taliban or any member of the Taliban; or

(2) any agency or instrumentality of the Government of Afghanistan under the direction or control of—

(A) the Taliban or a member of the Taliban; or

(B) another terrorist group or a member of such a group.

(b) SUPPORT DESCRIBED.—Support described in this subsection is any of the following:

(1) Military or paramilitary training.

(2) Logistical or intelligence support.

(3) Safe haven.

(4) Financial, material, or technological support.

(5) Financial or other services.

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) PROPERTY BLOCKING.—The exercise of all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) may be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of any alien described in subsection (a) is subject to revocation regardless of the issue date of the visa or other entry documentation.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the possession of the alien.

SEC. 1764. SUPPORT FOR MULTILATERAL SANCTIONS WITH RESPECT TO THE TALIBAN.

(a) VOICE AND VOTE AT UNITED NATIONS.—The Secretary of State shall use the voice and vote of the United States at the United Nations to maintain the sanctions with respect to the Taliban described in and imposed pursuant to United Nations Security Council Resolution 1988 (2011) and United Nations Security Council Resolution 2255 (2015).

(b) ENGAGEMENT WITH ALLIES AND PARTNERS.—The Secretary of State shall, acting through the Office of Sanctions Coordination established under section 1(h) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(h)), engage with the governments of allies and partners of the United States to promote their use of sanctions against the Taliban, particularly for any support for terrorism, serious human rights abuses, or international narcotics trafficking.

SEC. 1765. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or any regulation, license, or order issued to carry out this subtitle shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(c) REPORT ON IMPLEMENTATION OF SANCTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of the Treasury shall jointly submit to the appropriate congressional committees a report on the implementation of sanctions under this subtitle.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of the number and identity of foreign persons with respect to which sanctions were imposed under sections 1762 and 1763 during the 90-day period preceding submission of the report.

(B) A description of the efforts of the United States Government to maintain sanctions on the Taliban at the United Nations pursuant to section 1764(a) during that period.

(C) A description of the impact of sanctions imposed under sections 1762 and 1763 on the behavior of the Taliban, other groups, and other foreign governments during that period.

SEC. 1766. WAIVERS; EXCEPTIONS; SUSPENSION.

(a) WAIVER.—The President may waive the application of sanctions under this subtitle with respect to a foreign person if the President, not later than 10 days before the waiver is to take effect, determines and certifies to the appropriate congressional committees that such a waiver is in the vital national security interest of the United States. The President shall submit with the certification a detailed justification explaining the reasons for the waiver.

(b) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this subtitle shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under section 1762(d)(2) or 1763(c)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(3) EXCEPTIONS FOR HUMANITARIAN PURPOSES.—

(A) IN GENERAL.—Sanctions under this subtitle shall not apply with respect to the following activities:

(i) Activities to support humanitarian projects to meet basic human needs in Afghanistan, including—

(I) disaster relief;

(II) assistance to refugees, internally displaced persons, and conflict victims;

(III) provision of health services; and

(IV) provision of agricultural commodities, food, medicine, medical devices, or other articles to provide humanitarian assistance to the people of Afghanistan.

(ii) Activities to support democracy building in Afghanistan, including projects relating to the rule of law, citizen participation, government accountability, and civil society development.

(iii) Activities determined by the Secretary of State to be appropriate for supporting education in Afghanistan and that do not directly benefit the Taliban, including combating illiteracy, increasing access to education, particularly for girls, and assisting education reform projects.

(iv) Activities that do not directly benefit the Taliban to prevent infectious disease and promote maternal and child health, food security, and clean water assistance.

(v) Transactions necessary and incident to activities described in clauses (i) through (v).

(vi) Transactions incident to travel into or out of Afghanistan on a commercial or charter flight or through a land border crossing.

(B) PERSONAL COMMUNICATION.—Sanctions under this subtitle shall not apply to any postal, telegraphic, telephonic, or other personal communication that does not involve a transfer of anything of value.

(C) INTERNET COMMUNICATIONS.—Sanctions under this subtitle shall not apply to the provision of—

(i) services incident to the exchange of personal communications over the internet or software necessary to enable such services;

(ii) hardware necessary to enable such services; or

(iii) hardware, software, or technology necessary for access to the internet.

(D) GOODS, SERVICES, OR TECHNOLOGIES NECESSARY TO ENSURE THE SAFE OPERATION OF COMMERCIAL AIRCRAFT.—Sanctions under this subtitle shall not apply to the provision of

goods, services, or technologies necessary to ensure the safe operation of commercial aircraft produced in the United States or commercial aircraft into which aircraft components produced in the United States are incorporated, if the provision of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations prescribed by the Secretary of the Treasury regarding the provision of such goods, services, or technologies, if appropriate.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(c) SUSPENSION OF SANCTIONS.—

(1) SUSPENSION.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and the Secretary of the Treasury, may suspend the imposition of sanctions under this subtitle if the Secretary of State certifies in writing to the appropriate congressional committees that the Taliban has—

(A) publicly and privately broken all ties with other terrorist groups, including al Qaeda;

(B) verifiably prevented the use of Afghanistan as a platform for terrorist attacks against the United States or partners or allies of the United States, including by denying sanctuary space, transit of Afghan territory, and use of Afghanistan for terrorist training, planning, or equipping;

(C) provided humanitarian actors with full, unimpeded access to vulnerable populations throughout Afghanistan without interference or diversion;

(D) respected freedom of movement, including by facilitating the departure of foreign nationals, applicants for the special immigrant visa program, and other at-risk Afghans by air or land routes, and the safe, voluntary, and dignified return of displaced persons; and

(E) supported the establishment of an inclusive government of Afghanistan that respects the rule of law, press freedom, and human rights, including the rights of women and girls.

(2) REPORT REQUIRED.—The Secretary of State shall submit to the appropriate congressional committees with any certification under paragraph (1) a report addressing in detail each of the criteria for the suspension of sanctions under paragraph (1). Such report shall be submitted in unclassified form.

Subtitle G—General Provisions

SEC. 1771. TERMINATION.

This title shall terminate on the date that is 10 years after the date of the enactment of this Act.

SA 4503. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. BRIEFING ON SYNCHRONIZATION OF IMPLEMENTATION OF PACIFIC DETERRENCE INITIATIVE AND EUROPEAN DETERRENCE INITIATIVE.

(a) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall provide to the congressional defense committees a briefing on the synchronization of the processes used to implement the Pacific Deterrence Initiative with the processes used to implement the European Deterrence Initiative, including—

(1) the allocation of fiscal toplines in the program objective memorandum process to support such initiatives at the outset of process;

(2) the role of the combatant commanders in setting requirements for such initiatives;

(3) the role of the [military departments and other components of the Armed Forces] in proposing programmatic options to meet such requirements; and

(4) the role of the combatant commanders, [the military departments and other components of the Armed Forces], the Cost Assessment and Program Evaluation Office, and the Deputy Secretary of Defense in adjudicating requirements and programmatic options—

(A) before the submission of the program objective memorandum [for each such initiative]; and

(B) during program review.

(b) GUIDANCE.—In establishing program objective memorandum guidance for fiscal year 2024, the Deputy Secretary of Defense shall ensure that the processes used to implement the Pacific Deterrence Initiative align with the processes used to implement the European Deterrence Initiative, including through the allocation of fiscal toplines for each such initiative in the fiscal year 2024 process.

SA 4504. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. INELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES OF COUNTRIES THAT HOST CHINESE MILITARY INSTALLATIONS.

Section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)) is amended by inserting after subparagraph (H) the following:

''(I) Such country has been determined by the President, based on the recommendation of the United States Trade Representative, in consultation with the Secretary of State and the Secretary of Defense, to be hosting on its territory a military installation of the Government of the People's Republic of China.''.

SA 4505. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII of division A, add the following:

SEC. 1264. FEASIBILITY STUDY ON SECURITY AND DEFENSE PARTNERSHIP WITH SOMALILAND.

(a) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

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

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

(3) the Committee on Armed Services of the House of Representatives; and

(4) the Committee on Foreign Affairs of the House of Representatives.

(b) FEASIBILITY STUDY.—The Secretary of State, in consultation with the Secretary of Defense, shall conduct a study regarding the feasibility of the establishment of a security and defense partnership between the United States and Somaliland (a semi-autonomous region of the Republic of Somalia) that—

(1) is separate and distinct from any security and defense partnership with the Federal Republic of Somalia;

(2) includes coordination with Somaliland government security organs, including Somaliland's Ministry of Defense and Armed Forces;

(3) determines opportunities for collaboration in the pursuit of United States national security interests in the Horn of Africa, the Gulf of Aden, and the broader Indo-Pacific region;

(4) identifies opportunities for United States training of Somaliland security sector actors to improve professionalization and capacity; and

(5) is separate and distinct from any security and defense partnership with the Federal Republic of Somalia.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and other relevant Federal departments and agencies, shall submit a classified report to the appropriate congressional committees that contains the results of the study required under subsection (b), including an assessment of the extent to which—

(1) opportunities exist for the United States to support the training of Somaliland's security sector actors with a specific focus on counter-terrorism and maritime security;

(2) Somaliland's security forces have been implicated in gross violations of human rights during the 3-year period immediately preceding the date of the enactment of this Act;

(3) the United States has provided, or discussed with Somaliland government and military officials the provision of, training to security forces, including—

(A) where such training has been provided;

(B) the extent to which Somaliland security forces have demonstrated the ability to absorb previous training; and

(C) the ability of Somaliland security forces to maintain and appropriately utilize such training, as applicable;

(4) a direct United States security and defense partnership with Somaliland would have a strategic impact, including by protecting United States and allied maritime interests in the Bab el-Mandeb Strait and at Somaliland's Berbera Port;

(5) Somaliland could—

(A) serve as a maritime gateway in East Africa for the United States and its allies; and

(B) counter Iran's presence in the Gulf of Aden and China's growing regional military presence; and

(6) a direct United States security and defense partnership would—

(A) bolster security and defense cooperation and capabilities between Somaliland and Taiwan;

(B) further stabilize this semi-autonomous region of Somalia as a democratic counterweight to destabilizing and anti-democratic forces in Somalia and the wider East Africa region; and

(C) impact United States capacity to achieve policy objectives, particularly to degrade and ultimately defeat the terrorist threat in Somalia posed by al-Shabaab and the Somalia-based Islamic State affiliate ISIS-Somalia.

(d) RULE OF CONSTRUCTION.—Nothing in this section, including the conduct of the feasibility study under subsection (b) and the submission of the classified report under subsection (c), may be construed to convey United States recognition of Somaliland as an independent state.

SA 4506. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. BRIEFINGS ON STATUS OF OPERATION WELCOME ALLIES AT INSTALLATIONS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 10 days after the date of the enactment of this Act, and every 15 days thereafter until September 30, 2022, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall provide to the appropriate committees of Congress a briefing on—

(1) the operational status of Operation Allies Welcome at installations of the Department of Defense within the continental United States and overseas;

(2) the processing of applications of nationals of Afghanistan for special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) and section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); and

(3) the processing of refugee and parolee designations for nationals of Afghanistan.

(b) ELEMENTS.—

(1) INITIAL BRIEFING.—The initial briefing required by subsection (a) shall include, for the period beginning on August 1, 2021, and ending on the date on which the briefing is provided, the following:

(A)(i) The number of nationals of Afghanistan who have—

(I) submitted applications for—

(aa) special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(bb) resettlement in the United States through the United States Refugee Admissions Program; or

(II) sought entry to the United States as humanitarian parolees under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(ii) the location of each such national of Afghanistan.

(B) With respect to any national of Afghanistan who has been issued such a visa or who has received Chief of Mission approval, including any such national of Afghanistan who remains in Afghanistan and is actively in processing, and any dependent of such a national of Afghanistan, their location and immigration status.

(C) With respect to the adjudication and processing of applications for such visas and the entry to the United States of nationals of Afghanistan as humanitarian parolees—

(i) the number of Department of State and Department of Homeland Security employees assigned to such adjudication and processing; and

(ii) the respective timelines for such adjudication and processing.

(D) A description of the status of any agreement between the United States and the government of any foreign country hosting nationals of Afghanistan described in subparagraph (A) or (B).

(E) An assessment of any required revision to the levels and forms of United States foreign assistance provided to entities supporting such nationals of Afghanistan.

(F) The status of any national of Afghanistan who, after July 1, 2021, submitted an application for such a visa or sought entry to the United States as a humanitarian parolee and failed to meet United States vetting requirements.

(G) As of the date of the briefing, the number of nationals of Afghanistan located at an installation of the Department of Defense within the continental United States and overseas, disaggregated by evacuee category and immigration status.

(H) A description of, and justification for, the specific vetting procedures and requirements applicable to individuals of each evacuee category and immigration status.

(2) SUBSEQUENT BRIEFINGS.—Each subsequent briefing required by subsection (a) shall include, for the preceding 15-day period, the information described in subparagraphs (A) through (F) of paragraph (1).

(c) FORM.—A briefing required by subsection (a) may be provided in classified form, as necessary.

(d) WRITTEN MATERIALS.—The Secretary of State, the Secretary of Defense, or the Secretary of Homeland Security may submit written materials in conjunction with a briefing under this section.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SA 4507. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3157. INCREASE IN AMOUNT AUTHORIZED FOR PLANT-DIRECTED RESEARCH AND DEVELOPMENT.

Section 308 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (50 U.S.C. 2791a) is amended by striking ''4 percent'' and inserting ''5 percent''.

SA 4508. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3114. REPORT ON PLANT-DIRECTED RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Not later than March 15, 2022, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on plant-directed research and development by nuclear weapons production facilities.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A master plan for plant-directed research and development that ensures utilization of all funds available for plant-directed research and development by the nuclear weapons production facilities.

(2) A list of research, development, and demonstration activities by each such facility in order to maintain and enhance the engineering and manufacturing capabilities at the facility and a brief scope of work for each such activity.

(3) Aa review of current and projected workload requirements for such activities and cost estimates necessary to complete each such activity.

(4) A review of the progress made in prioritizing and funding such activities.

(c) ANNUAL REPORT.—As part of the annual budget submission by the President under section 1105(a) of title 31, United States Code, for fiscal years 2023 through 2027, the Administrator shall submit to the congressional defense committees a report describing the progress made in establishing the master plan required by subsection (b)(1).

(d) NUCLEAR WEAPONS PRODUCTION FACILITY DEFINED.—In this section, the term ''nuclear weapons production facility'' has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SA 4509. Mr. SCHATZ (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. WITHHOLDING OF FUNDS.

The Secretary of Housing and Urban Development shall withhold all or partial funds to a tribe or tribal entity under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) if, after consultation with the Secretary of the Interior and the tribe, the Secretary determines prior to disbursement that the tribe is not in compliance with obligations under its 1866 treaty with the United States as it relates to the inclusion of persons who are lineal descendants of Freedmen as having the rights of the citizens of such tribes, unless a Federal court has issued a final order that determines the treaty obligations with respect to including Freedmen as citizens. For purposes of this section, a court order is not considered final if time remains for an appeal with respect to that order.

SA 4510. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3114. INDEPENDENT STUDY ON W80–4 NUCLEAR WARHEAD LIFE EXTENSION PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall seek to enter into an agreement with a federally funded research and development center to conduct a study on the W80–4 nuclear warhead life extension program.

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

(1) An explanation of the unexpected increase in cost of the W80–4 nuclear warhead life extension program.

(2) An analysis of—

(A) the future costs of the program; and

(B) schedule requirements.

(3) An analysis of the impacts on other programs as a result of the additional cost of the W80–4 nuclear warhead life extension program, including—

(A) other life extension programs;

(B) infrastructure programs; and

(C) research, development, test, and evaluation programs.

(4) An analysis of the impacts that a delay of the program will have on other programs as a result of—

(A) technical or management challenges; and

(B) changes in requirements for the W80–4 nuclear warhead life extension program.

(c) REPORT REQUIRED.—

(1) SUBMISSION TO NNSA.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center shall submit to the Administrator a report on the study required by subsection (a).

(2) SUBMISSION TO CONGRESS.—Not later than 210 days after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees the report required by paragraph (1), without change.

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

SA 4511. Mr. MENENDEZ (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—U.S.-Greece Defense and Interparliamentary Partnership Act of 2021

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''U.S.-Greece Defense and Interparliamentary Partnership Act of 2021''.

SEC. 1292. FINDINGS.

Congress makes the following findings:

(1) The United States and Greece are strong allies in the North Atlantic Treaty Organization (NATO) and have deepened their defense relationship in recent years in response to growing security challenges in the Eastern Mediterranean region.

(2) Greece participates in several NATO missions, including Operation Sea Guardian in the Mediterranean and NATO's mission in Kosovo.

(3) The Eastern Mediterranean Security and Energy Partnership Act (title II of division J of Public Law 116–94), authorized new security assistance for Greece and Cyprus, lifted the United States prohibition on arms transfers to Cyprus, and authorized the establishment of a United States-Eastern Mediterranean Energy Center to facilitate energy cooperation among the United States, Greece, Israel, and Cyprus.

(4) The United States has demonstrated its support for the trilateral partnership of Greece, Israel, and Cyprus through joint engagement with Cyprus, Greece, Israel, and the United States in the ''3+1'' format.

(5) The United States and Greece have held Strategic Dialogue meetings in Athens, Washington D.C., and virtually, and have committed to hold an upcoming Strategic Dialogue session in 2021 in Washington, D.C.

(6) In October 2019, the United States and Greece agreed to update the United States-Greece Mutual Defense Cooperation Agreement, and the amended agreement officially entered into force on February 13, 2020.

(7) The amended Mutual Defense Cooperation Agreement provides for increased joint United States-Greece and NATO activities at Greek military bases and facilities in Larissa, Stefanovikio, Alexandroupolis, and other parts of central and northern Greece, and allows for infrastructure improvements at the United States Naval Support Activity Souda Bay base on Crete.

(8) In October 2020, Greek Foreign Minister Nikos Dendias announced that Greece hopes to further expand the Mutual Defense Cooperation Agreement with the United States.

(9) The United States Naval Support Activity Souda Bay serves as a critical naval logistics hub for the United States Navy's 6th Fleet.

(10) In June 2020, United States Ambassador to Greece Geoffrey Pyatt characterized the importance of Naval Support Activity Souda Bay as ''our most important platform for the projection of American power into a strategically dynamic Eastern Mediterranean region. From Syria to Libya to the chokepoint of the Black Sea, this is a critically important asset for the United States, as our air force, naval, and other resources are applied to support our Alliance obligations and to help bring peace and stability.''.

(11) The USS Hershel ''Woody'' Williams, the second of a new class of United States sea-basing ships, is now based out of Souda Bay, the first permanent United States naval deployment at the base.

(12) The United States cooperates with the Hellenic Armed Forces at facilities in Larissa, Stefanovikio, and Alexandroupolis, where the United States Armed Forces conduct training, refueling, temporary maintenance, storage, and emergency response.

(13) The United States has conducted a longstanding International Military Education and Training (IMET) program with Greece, and the Government of Greece has committed to provide $3 for every dollar invested by the United States in the program.

(14) Greece's defense spending in 2020 amounted to an estimated 2.68 percent of its gross domestic product (GDP), exceeding NATO's 2 percent of GDP benchmark agreed to at the 2014 NATO Summit in Wales.

(15) Greece is eligible for the delivery of excess defense articles under section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

(16) In September 2020, Greek Prime Minister Kyriakos Mitsotakis announced plans to modernize all three branches of the Hellenic Armed Forces, which will strengthen Greece's military position in the Eastern Mediterranean.

(17) The modernization includes upgrades to the arms of all three branches, including new anti-tank weapons for the Hellenic Army, new heavy-duty torpedoes for the Hellenic Navy, and new guided missiles for the Hellenic Air Force.

(18) The Hellenic Navy also plans to upgrade its four MEKO 200HN frigates and purchase four new multirole frigates of an undisclosed type, to be accompanied by 4 MH-60R anti-submarine helicopters.

(19) The Hellenic Air Force plans to fully upgrade its fleet of F–16 jets to the F–16 Viper variant by 2027 and has expressed interest in participating in the F–35 Joint Strike Fighter program.

SEC. 1293. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Greece is a pillar of stability in the Eastern Mediterranean region and the United States should remain committed to supporting its security and prosperity;

(2) the 3+1 format of cooperation among Cyprus, Greece, Israel, and the United States has been a successful forum to cooperate on energy issues and should be expanded to include other areas of common concern to the members;

(3) the United States should increase and deepen efforts to partner with and support the modernization of the Greek military;

(4) it is in the interests of the United States that Greece continue to transition its military equipment away from Russian-produced platforms and weapons systems through the European Recapitalization Investment Program;

(5) the United States Government should continue to deepen strong partnerships with the Greek military, especially in co-development and co-production opportunities with the Greek Navy;

(6) the naval partnerships with Greece at Souda Bay and Alexandroupolis are mutually beneficial to the national security of the United States and Greece;

(7) the United States should, as appropriate, support the sale of F–35 Joint Strike Fighters to Greece;

(8) the United States Government should continue to invest in International Military Education and Training (IMET) programs in Greece;

(9) the United States Government should support joint maritime security cooperation exercises with Cyprus, Greece, and Israel;

(10) in accordance with its legal authorities and project selection criteria, the United States Development Finance Corporation should consider supporting private investment in strategic infrastructure projects in Greece, to include shipyards and ports that contribute to the security of the region and Greece's prosperity;

(11) the extension of the Mutual Defense Cooperation Agreement with Greece for a period of five years includes deepened partnerships at Greek military facilities throughout the country and is a welcome development; and

(12) the United States Government should establish the United States-Eastern Mediterranean Energy Center as authorized in the Eastern Mediterranean Energy and Security Partnership Act of 2019.

SEC. 1294. FUNDING FOR EUROPEAN RECAPITALIZATION INCENTIVE PROGRAM.

(a) IN GENERAL.—To the maximum extent feasible, of the funds appropriated for the European Recapitalization Incentive Program, $25,000,000 for each of fiscal years 2022 through 2026 should be considered for Greece as appropriate to assist the country in meeting its defense needs and transitioning away from Russian-produced military equipment.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that provides a full accounting of all funds distributed under the European Recapitalization Incentive Program, including—

(1) identification of each recipient country;

(2) a description of how the funds were used; and

(3) an accounting of remaining equipment in recipient countries that was provided by the then-Soviet Union or Russian Federation.

SEC. 1295. SENSE OF CONGRESS ON LOAN PROGRAM.

It is the sense of Congress that, as appropriate, the United States Government should provide direct loans to Greece for the procurement of defense articles, defense services, and design and construction services pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2763) to support the further development of Greece's military forces.

SEC. 1296. TRANSFER OF F–35 JOINT STRIKE FIGHTER AIRCRAFT TO GREECE.

The President is authorized to expedite delivery of any future F–35 aircraft to Greece once Greece is prepared to move forward with such a purchase on such terms and conditions as the President may require. Such transfer shall be submitted to Congress pursuant to the certification requirements under section 36 of the Arms Export Control Act (22 U.S.C. 2776).

SEC. 1297. IMET COOPERATION WITH GREECE.

Of the amounts authorized to be appropriated for each of fiscal years 2022 through 2026 for International Military Education and Training (IMET) assistance, $1,800,000 shall be made available for Greece, to the maximum extent practicable. The assistance shall be made available for the following purposes:

(1) Training of future leaders.

(2) Fostering a better understanding of the United States.

(3) Establishing a rapport between the United States Armed Forces and Greece's military to build partnerships for the future.

(4) Enhancement of interoperability and capabilities for joint operations.

(5) Focusing on professional military education, civilian control of the military, and protection of human rights.

SEC. 1298. CYPRUS, GREECE, ISRAEL, AND THE UNITED STATES 3+1 INTERPARLIAMENTARY GROUP.

(a) ESTABLISHMENT.—There is established a group, to be known as the ''Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group'', to serve as a legislative component to the 3+1 process launched in Jerusalem in March 2019.

(b) MEMBERSHIP.—The Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group shall include a group of not more than 6 United States Senators, to be known as the ''United States group'', who shall be appointed jointly by the majority leader and the minority leader of the Senate.

(c) MEETINGS.—Not less frequently than once each year, the United States group shall meet with members of the 3+1 group to discuss issues on the agenda of the 3+1 deliberations of the Governments of Greece, Israel, Cyprus, and the United States to include maritime security, defense cooperation, energy initiatives, and countering malign influence efforts by the People's Republic of China and the Russian Federation.

SEC. 1299. APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subtitle, the term ''appropriate congressional committees'' means—

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

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SA 4512. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1036. TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Trans-Sahara Counterterrorism Partnership Program Act of 2021''.

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

(1) terrorist and violent extremist organizations, such as Al Qaeda in the Islamic Maghreb, Boko Haram, the Islamic State of West Africa, and other affiliated groups, have killed tens of thousands of innocent civilians, displaced populations, destabilized local and national governments, and caused mass human suffering in the affected communities;

(2) poor governance, political and economic marginalization, and lack of accountability for human rights abuses by security forces are drivers of extremism;

(3) it is in the national security interest of the United States—

(A) to combat the spread of terrorism and violent extremism; and

(B) to build the capacity of partner countries to combat such threats in Africa;

(4) terrorist and violent extremist organizations exploit vulnerable and marginalized communities suffering from poverty, lack of economic opportunity (particularly among youth populations), corruption, and weak governance; and

(5) a comprehensive, coordinated interagency approach is needed to develop an effective strategy—

(A) to address the security challenges in the Sahel-Maghreb;

(B) to appropriately allocate resources and de-conflict programs; and

(C) to maximize the effectiveness of United States defense, diplomatic, and development capabilities.

(c) STATEMENT OF POLICY.—It is the policy of the United States to assist countries in North Africa and West Africa, and other allies and partners that are active in those regions, in combating terrorism and violent extremism through a coordinated interagency approach with a consistent strategy that appropriately balances security activities with diplomatic and development efforts to address the political, socioeconomic, governance, and development challenges in North Africa and West Africa that contribute to terrorism and violent extremism.

(d) TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP PROGRAM.—

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

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

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

(C) the Committee on Appropriations of the Senate;

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

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

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

(G) the Committee on Appropriations of the House of Representatives; and

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

(2) IN GENERAL.—

(A) ESTABLISHMENT.—The Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall establish a partnership program, which shall be known as the ''Trans-Sahara Counterterrorism Partnership Program'' (referred to in this subsection as the ''Program''), to coordinate all programs, projects, and activities of the United States Government in countries in North Africa and West Africa that are conducted—

(i) to improve governance and the capacities of countries in North Africa and West Africa to deliver basic services, particularly to at-risk communities, as a means of countering terrorism and violent extremism by enhancing state legitimacy and authority and countering corruption;

(ii) to address the factors that make people and communities vulnerable to recruitment by terrorist and violent extremist organizations, including economic vulnerability and mistrust of government and government security forces, through activities such as—

(I) supporting strategies that increase youth employment opportunities;

(II) promoting girls' education and women's political participation;

(III) strengthening local governance and civil society capacity;

(IV) improving government transparency and accountability;

(V) fighting corruption;

(VI) improving access to economic opportunities; and

(VII) other development activities necessary to support community resilience;

(iii) to strengthen the rule of law in such countries, including by enhancing the capability of the judicial institutions to independently, transparently, and credibly deter, investigate, and prosecute acts of terrorism and violent extremism;

(iv) to improve the ability of military and law enforcement entities in partner countries—

(I) to detect, disrupt, respond to, and prosecute violent extremist and terrorist activity, while respecting human rights; and

(II) to cooperate with the United States and other partner countries on counterterrorism and counter-extremism efforts;

(v) to enhance the border security capacity of partner countries, including the ability to monitor, detain, and interdict terrorists;

(vi) to identify, monitor, disrupt, and counter the human capital and financing pipelines of terrorism; or

(vii) to support the free expression and operations of independent, local-language media, particularly in rural areas, while countering the media operations and recruitment propaganda of terrorist and violent extremist organizations.

(B) ASSISTANCE FRAMEWORK.—Program activities shall—

(i) be carried out in countries in which the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development—

(I) determines that there is an adequate level of partner country commitment; and

(II) has considered partner country needs, absorptive capacity, sustainment capacity, and efforts of other donors in the sector;

(ii) have clearly defined outcomes;

(iii) be closely coordinated among United States diplomatic and development missions, United States Africa Command, and relevant participating departments and agencies;

(iv) have specific plans with robust indicators to regularly monitor and evaluate outcomes and impact;

(v) complement and enhance efforts to promote democratic governance, the rule of law, human rights, and economic growth;

(vi) in the case of train and equip programs, complement longer-term security sector institution-building; and

(vii) have mechanisms in place to track resources and routinely monitor and evaluate the efficacy of relevant programs.

(C) CONSULTATION.—In coordinating activities through the Program, the Secretary of State shall consult, as appropriate, with the heads of relevant Federal departments and agencies, as determined by the President.

(D) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before obligating amounts for an activity coordinated through the Program under subparagraph (A), the Secretary of State shall notify the appropriate congressional committees, in accordance with section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), of—

(i) the foreign country and entity, as applicable, whose capabilities are to be enhanced in accordance with the purposes described in subparagraph (A);

(ii) the amount, type, and purpose of support to be provided;

(iii) the absorptive capacity of the foreign country to effectively implement the assistance to be provided;

(iv) the extent to which state security forces of the foreign country have been implicated in gross violations of human rights and the risk that obligated funds may be used to perpetrate further abuses;

(v) the anticipated implementation timeline for the activity; and

(vi) the plans to sustain any military or security equipment provided beyond the completion date of such activity, if applicable, and the estimated cost and source of funds to support such sustainment.

(3) INTERNATIONAL COORDINATION.—Efforts carried out under this subsection—

(A) shall take into account partner country counterterrorism, counter-extremism, and development strategies;

(B) shall be aligned with such strategies, to the extent practicable; and

(C) shall be coordinated with counterterrorism and counter-extremism activities and programs in the areas of defense, diplomacy, and development carried out by other like-minded donors and international organizations in the relevant country.

(4) STRATEGIES.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development and other relevant Federal Government agencies, shall submit the strategies described in subparagraphs (B) and (C) to the appropriate congressional committees.

(B) COMPREHENSIVE, 5-YEAR STRATEGY FOR THE SAHEL-MAGHREB.—The Secretary of State shall develop a comprehensive, 5-year strategy for the Sahel-Maghreb, including details related to whole-of-government efforts in the areas of defense, diplomacy, and development to advance the national security, economic, and humanitarian interests of the United States, including—

(i) efforts to ensure coordination with multilateral and bilateral partners, such as the Joint Force of the Group of Five of the Sahel, and with other relevant assistance frameworks;

(ii) a public diplomacy strategy and actions to ensure that populations in the Sahel-Maghreb are aware of the development activities of the United States Government, especially in countries with a significant Department of Defense presence or engagement through train and equip programs;

(iii) activities aimed at supporting democratic institutions and countering violent extremism with measurable goals and transparent benchmarks;

(iv) plans to help each partner country address humanitarian and development needs and to help prevent, respond to, and mitigate intercommunal violence;

(v) a comprehensive plan to support security sector reform in each partner country that includes a detailed section on programs and activities being undertaken by relevant stakeholders and other international actors operating in the sector; and

(vi) a specific strategy for Mali that includes plans for sustained, high-level diplomatic engagement with stakeholders, including countries in Europe and the Middle East with interests in the Sahel-Maghreb, regional governments, relevant multilateral organizations, signatory groups of the Agreement for Peace and Reconciliation in Mali, done in Algiers July 24, 2014, and civil society actors.

(C) A COMPREHENSIVE 5-YEAR STRATEGY FOR PROGRAM COUNTERTERRORISM EFFORTS.—The Secretary of State shall develop a comprehensive 5-year strategy for the Program that includes—

(i) a clear statement of the objectives of United States counterterrorism efforts in North Africa and West Africa with respect to the use of all forms of United States assistance to combat terrorism and counter violent extremism, including efforts—

(I) to build military and civilian law enforcement capacity;

(II) to strengthen the rule of law;

(III) to promote responsive and accountable governance; and

(IV) to address the root causes of terrorism and violent extremism;

(ii) a plan for coordinating programs through the Program pursuant to paragraph (2)(A), including identifying the agency or bureau of the Department of State, as applicable, that will be responsible for leading and coordinating each such program;

(iii) a plan to monitor, evaluate, and share data and learning about the Program in accordance with monitoring and evaluation provisions under sections 3 and 4 of the Foreign Aid Transparency and Accountability Act of 2016 (22 U.S.C. 2394c note and 2394c); and

(iv) a plan for ensuring coordination and compliance with related requirements in United States law, including the Global Fragility Act of 2019 (22 U.S.C. 9801 et seq.).

(D) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall consult with the appropriate congressional committees regarding the progress made towards developing the strategies required under subparagraphs (B) and (C).

(5) SUPPORTING MATERIAL IN ANNUAL BUDGET REQUEST.—

(A) IN GENERAL.—The Secretary of State shall include a description of the requirements, activities, and planned allocation of amounts requested by the Program in the budget materials submitted to Congress in support of the President's annual budget request pursuant to section 1105 of title 31, United States Code, for each fiscal year beginning after the date of the enactment of this Act and annually thereafter for the following 5 years.

(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to activities of the Department of Defense conducted pursuant to authorities under title 10, United States Code.

(6) MONITORING AND EVALUATION OF PROGRAMS AND ACTIVITIES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall submit a report to the appropriate congressional committees that describes—

(A) the progress made in meeting the objectives of the strategies required under subparagraphs (B) and (C) of paragraph (4), including any lessons learned in carrying out Program activities and any recommendations for improving such programs and activities;

(B) the efforts taken to coordinate, de-conflict, and streamline Program activities to maximize resource effectiveness;

(C) the extent to which each partner country has demonstrated the ability to absorb the equipment or training provided in the previous year under the Program, and as applicable, the ability to maintain and appropriately utilize such equipment;

(D) the extent to which each partner country is investing its own resources to advance the goals described in paragraph (2)(A) or is demonstrating a commitment and willingness to cooperate with the United States to advance such goals;

(E) the actions taken by the government of each partner country receiving assistance under the Program to combat corruption, improve transparency and accountability, and promote other forms of democratic governance;

(F) the extent to which state security forces in each partner country have been implicated in gross violations of human rights during the reporting period, including how

such gross violations of human rights have been addressed and or will be addressed through Program activities;

(G) the assistance provided in each of the 3 preceding fiscal years under the Program, broken down by partner country, including the type, statutory authorization, and purpose of all United States security assistance provided to the country pursuant to authorities under title 10, United States Code, the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other ''train and equip'' authorities of the Department of Defense; and

(H) any changes or updates to the Comprehensive 5-Year Strategy for the Program required under paragraph (4)(C) necessitated by the findings in this annual report.

(7) REPORTING REQUIREMENT RELATED TO AUDIT OF BUREAU OF AFRICAN AFFAIRS MONITORING AND COORDINATION OF THE TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP PROGRAM.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until the earlier of the date on which all 13 recommendations in the September 2020 Department of State Office of Inspector General audit entitled ''Audit of the Department of State Bureau of African Affairs Monitoring and Coordination of the Trans-Sahara Counterterrorism Partnership Program'' (AUD–MERO–20–42) are closed or the date that is 3 years after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that identifies—

(A) which of the 13 recommendations in AUD–MERO–20–42 have not been closed;

(B) a description of progress made since the last report toward closing each recommendation identified under subparagraph (A);

(C) additional resources needed, including assessment of staffing capacity, if any, to complete action required to close each recommendation identified under subparagraph (A); and

(D) the anticipated timeline for completion of action required to close each recommendation identified under subparagraph (A), including application of all recommendations into all existing security assistance programs managed by the Department of State under the Program.

(8) PROGRAM ADMINISTRATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that describes plans for conducting a written review of a representative sample of each of the security assistance programs administered by the Bureau of African Affairs that—

(A) identifies potential waste, fraud, abuse, inefficiencies, or deficiencies; and

(B) includes an analysis of staff capacity, including human resource needs, available resources, procedural guidance, and monitoring and evaluation processes to ensure that the Bureau of African Affairs is managing programs efficiently and effectively.

(9) FORM.—The strategies required under subparagraphs (B) and (C) of paragraph (4) and the report required under paragraph (6) shall be submitted in unclassified form, but may include a classified annex.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed as authorizing the use of military force.

SA 4513. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

(a) SECTION 112B OF TITLE 1.—

(1) IN GENERAL.—Chapter 2 of title 1, United States Code, is amended by striking section 112b and inserting the following:

''§ 112b. United States international agreements; transparency provisions

''(a)(1) Not less frequently than once each month, the Secretary, through the Legal Adviser of the Department of State, shall provide in writing to the appropriate congressional committees the following:

''(A)(i) A list of all international agreements and qualifying non-binding instruments approved for negotiation by the Secretary or another Department of State officer at the Assistant Secretary level or higher during the prior month, or, in the event an international agreement or qualifying non-binding instrument is not included in the list required by this clause, a certification corresponding to the international agreement or qualifying non-binding instrument as authorized under paragraph (4)(A).

''(ii) A description of the intended subject matter and parties to or participants for each international agreement and qualifying non-binding instrument listed pursuant to clause (i).

''(B)(i) A list of all international agreements and qualifying non-binding instruments signed, concluded, or otherwise finalized during the prior month.

''(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

''(iii) A detailed description of the legal authority that, in the view of the Secretary, provides authorization for each international agreement and qualifying non-binding instrument provided under clause (ii) to become operative. If multiple authorities are relied upon in relation to an international agreement or qualifying non-binding instrument, the Secretary shall cite all such authorities. All citations to a treaty or statute shall include the specific article or section and subsection reference whenever available and, if not available, shall be as specific as possible. If the authority relied upon is or includes article II of the Constitution of the United States, the Secretary shall explain the basis for that reliance.

''(C)(i) A list of all international agreements that entered into force and qualifying non-binding instruments that became operative for the United States or an agency of the United States during the prior month.

''(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

''(iii) A statement describing any new or amended statutory or regulatory authority anticipated to be required to fully implement each proposed international agreement and qualifying non-binding instrument included in the list described in clause (i).

''(iv) A statement of whether there were any opportunities for public comment on the international agreement or qualifying non-binding instrument prior to the conclusion of such agreement or instrument.

''(2) The Secretary may provide any of the information or texts of international agreements and qualifying non-binding instruments required under paragraph (1) in classified form if providing such information in unclassified form could reasonably be expected to cause damage to the foreign relations or foreign activities of the United States.

''(3) In the case of a general authorization issued for the negotiation or conclusion of a series of international agreements of the same general type, the requirements of this subsection may be satisfied by the provision in writing of—

''(A) a single notification containing all the information required by this subsection; and

''(B) a list, to the extent described in such general authorization, of the countries or entities with which such agreements are contemplated.

''(4)(A) The Secretary may, on a case-by-case basis, waive the requirements of subsection (a)(1)(A)(i) with respect to a specific international agreement or qualifying non-binding instrument for renewable periods of up to 180 days if the Secretary certifies in writing to the appropriate congressional committees that—

''(i) exercising the waiver authority is vital to the negotiation of a particular international agreement or qualifying non-binding instrument; and

''(ii) the international agreement or qualifying non-binding instrument would significantly and materially advance the foreign policy or national security interests of the United States.

''(B) The Secretary shall brief the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the appropriate congressional committees on the scope and status of the negotiation that is the subject of the waiver under subparagraph (A)—

''(i) not later than 60 calendar days after the date on which the Secretary exercises the waiver; and

''(ii) once every 180 calendar days during the period in which a renewed waiver is in effect.

''(C) The certification required by subparagraph (A) may be provided in classified form.

''(D) The Secretary shall not delegate the waiver authority or certification requirements under subparagraph (A). The Secretary shall not delegate the briefing requirements under subparagraph (B) to any person other than the Deputy Secretary.

''(b)(1) Not less frequently than once each month, the Secretary shall make the text of all international agreements that entered into force during the prior month, and the information required by subparagraph (B)(iii) of subsection (a)(1) and clauses (iii) and (iv) of subparagraph (C) of such subsection, available to the public on the website of the Department of State.

''(2) The requirement under paragraph (1)—

''(A) shall not apply to any information, including the text of an international agreement, that is classified; and

''(B) shall apply to any information, including the text of an international agreement, that is unclassified, except that the information required by subparagraph (B)(iii) of subsection (a)(1) and clauses (iii) and (iv) of subparagraph (C) of such subsection shall not be subject to the requirement under paragraph (1) if the international agreement to which it relates is classified.

''(3)(A) Not less frequently than once every 90 calendar days, the Secretary shall make the text of all unclassified qualifying non-binding instruments that become operative available to the public on the website of the Department of State.

''(B) The requirement under subparagraph (A) shall not apply to a qualifying non-binding instrument if making the text of that instrument available to the public could reasonably be expected to cause damage to the foreign relations or foreign activities of the United States.

''(c) For any international agreement or qualifying non-binding instrument, not later than 30 calendar days after the date on which the Secretary receives a written communication from the Chair or Ranking Member of either of the appropriate congressional committees requesting copies of any implementing agreements or instruments, whether binding or non-binding, the Secretary shall submit such implementing agreements or instruments to the appropriate congressional committees.

''(d) Any department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall—

''(1) provide to the Secretary the text of each international agreement not later than 30 calendar days after the date on which such agreement is signed;

''(2) provide to the Secretary the text of each qualifying non-binding instrument not later than 30 calendar days after the date of the written communication described in subsection (m)(3)(A)(ii)(II); and

''(3) on an ongoing basis, provide any implementing material to the Secretary for transmittal to the appropriate congressional committees as needed to satisfy the requirements described in subsection (c).

''(e)(1) Each department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall designate a Chief International Agreements Officer, who shall—

''(A) be selected from among employees of such department or agency;

''(B) serve concurrently as the Chief International Agreements Officer; and

''(C) subject to the authority of the head of such department or agency, have department- or agency-wide responsibility for efficient and appropriate compliance with this section.

''(2) The Chief International Agreements Officer of the Department of State shall serve in the Office of the Legal Adviser with the title of International Agreements Compliance Officer.

''(f) Texts of oral international agreements and qualifying non-binding instruments shall be reduced to writing and subject to the requirements of subsection (a).

''(g) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary. Such consultation may encompass a class of agreements rather than a particular agreement.

''(h)(1) Notwithstanding any other provision of law, no amounts appropriated to the Department of State under any law shall be available for obligation or expenditure to conclude or implement or to support the conclusion or implementation of (including through the use of personnel or resources subject to the authority of a chief of mission) an international agreement, other than to facilitate compliance with this section, until the Secretary satisfies the substantive requirements in subsection (a) with respect to that international agreement.

''(2)(A) An obligation or expenditure of funds that does not comply with the prohibition described in paragraph (1) shall not constitute a violation of paragraph (1) or any other law if such violation was inadvertent.

''(B) For purposes of this subsection, a violation shall be considered to be inadvertent if, not later than 5 business days after the date on which a Department of State official first learns of the violation, the Secretary—

''(i) certifies in writing to the appropriate congressional committees that, to the Secretary's knowledge, the Department of State was unaware of the violation at the time of the obligation or expenditure; and

''(ii) satisfies the substantive requirements in subsection (a) with respect to the international agreement concerned.

''(3) This subsection shall take effect on October 1, 2022.

''(i)(1) Not later than 3 years after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the compliance of the Secretary with the requirements of this section.

''(2) In any instance in which a failure by the Secretary to comply with such requirements is determined by the Comptroller General to have been due to the failure or refusal of another agency to provide information or material to the Department of State, or the failure to do so in a timely manner, the Comptroller General shall engage such other agency to determine—

''(A) the cause and scope of such failure or refusal;

''(B) the specific office or offices responsible for such failure or refusal; and

''(C) penalties or other recommendations for measures to ensure compliance with statutory requirements.

''(3) The Comptroller General shall submit to the appropriate congressional committees in writing the results of each audit required by paragraph (1).

''(4) The Comptroller General and the Secretary shall make the results of each audit required by paragraph (1) publicly available on the websites of the Government Accountability Office and the Department of State, respectively.

''(j)(1) Not later than February 1 of each year, the Secretary shall submit to the appropriate congressional committees a written report that contains a list of—

''(A) all international agreements and qualifying non-binding instruments that were signed or otherwise concluded, entered into force or otherwise became operative, or that were modified or otherwise amended during the preceding calendar year; and

''(B) for each agreement and instrument included in the list under subparagraph (A)—

''(i) the dates of any action described in such subparagraph;

''(ii) the title of the agreement or instrument; and

''(iii) a summary of the agreement or instrument (including a description of the duration of activities under the agreement or instrument and a description of the agreement or instrument).

''(2) The report described in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

''(3)(A) The Secretary should make the report, except for any classified annex, available to the public on the website of the Department of State.

''(B) Not later than February 1 of each year, the Secretary shall make available to the public on the website of the Department of State each part of the report involving an international agreement or qualifying non-binding instrument that entered into force or became operative during the preceding calendar year, except for any classified annex or information contained therein.

''(4) Not less frequently than once every 90 calendar days, the Secretary shall brief the appropriate congressional committees on developments with regard to treaties, other international agreements, and non-binding instruments that have an important effect on the foreign relations of the United States.

''(k) The President shall, through the Secretary, promulgate such rules and regulations as may be necessary to carry out this section.

''(l) It is the sense of Congress that the executive branch should not prescribe or otherwise commit to or include specific legislative text in a treaty, executive agreement, or non-binding instrument unless Congress has authorized such action.

''(m) In this section:

''(1) The term 'appropriate congressional committees' means—

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

''(B) the Committee on Foreign Affairs of the House of Representatives.

''(2) The term 'Deputy Secretary' means the Deputy Secretary of State.

''(3) The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(4) The term 'international agreement' includes—

''(A) any treaty that requires the advice and consent of the Senate, pursuant to article II of the Constitution of the United States; and

''(B) any other international agreement to which the United States is a party and that is not subject to the advice and consent of the Senate.

''(5)(A) The term 'qualifying non-binding instrument' means a non-binding instrument that—

''(i) is or will be under negotiation or is signed or otherwise becomes operative with one or more foreign governments, international organizations, or foreign entities, including non-state actors; and

''(ii)(I) could reasonably be expected to have a significant impact on the foreign policy of the United States; or

''(II) is the subject of a written communication from the Chair or Ranking Member of either of the appropriate congressional committees to the Secretary.

''(B) The term 'qualifying non-binding instrument' does not include any non-binding instrument that is signed or otherwise becomes operative pursuant to the authorities provided in title 10 or the authorities provided to any element of the intelligence community.

''(6) The term 'Secretary' means the Secretary of State.

''(7)(A) The term 'text' with respect to an international agreement or qualifying non-binding instrument includes—

''(i) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument; and

''(ii) any implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument.

''(B) Under clauses (i) and (ii) of subparagraph (A), the term 'contemporaneously and in conjunction with' shall be construed liberally and shall not be interpreted to mean simultaneously or on the same day.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title

1, United States Code, is amended by striking the item relating to section 112b and inserting the following:

''112b. United states international agreements; transparency provisions.''.

(3) TECHNICAL AND CONFORMING AMENDMENT RELATING TO AUTHORITIES OF THE SECRETARY OF STATE.—Section 317(h)(2) of the Homeland Security Act of 2002 (6 U.S.C. 195c(h)(2)) is amended by striking ''Section 112b(c)'' and inserting ''Section 112b(g)''.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State $1,000,000 for each of fiscal years 2022 through 2026 for purposes of implementing the requirements of section 112b of title 1, United States Code, as amended by this subsection.

(5) RULES AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the President shall, through the Secretary of State, promulgate such rules and regulations as may be necessary to carry out section 112b of title 1, United States Code, as amended by this subsection.

(b) SECTION 112A OF TITLE 1.—Section 112a of title 1, United States Code, is amended—

(1) in subsection (a), by striking ''(a) The Secretary'' and inserting ''The Secretary''; and

(2) by striking subsections (b), (c), and (d).

SA 4514. Mr. WHITEHOUSE (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 end of subtitle G of title X, add the following:

SEC. 1064. RESEARCH INTO NON-OPIOID PAIN MANAGEMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention, shall carry out research with respect to non-opioid methods of pain management, including non-pharmaceutical remedies for pain and integrative medicine solutions.

(b) AUTHORIZATION OF APPROPRIATIONS.—For purposes of conducting research under this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2022 through 2026.

SEC. 1065. LONG-TERM TREATMENT AND RECOVERY SUPPORT SERVICES OUTCOMES RESEARCH.

(a) IN GENERAL.—The Secretary of Health and Human Services shall award grants to eligible entities to carry out evidence-based, long-term outcomes research, over 5-year periods, for different modalities of treatment and recovery support for substance use disorder, including culturally competent (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) treatment. Such research shall measure mortality, morbidity, physical and emotional health, employment, stable housing, criminal justice involvement, family relationships, and other quality-of-life measures. Such research shall distinguish outcomes based on race, gender, and socioeconomic status, as well as any other relevant characteristics.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary.

SEC. 1066. CONTINUING CARE AND COMMUNITY SUPPORT TO MAINTAIN RECOVERY.

Title V of the Public Health Service Act is amended by inserting after section 547A of such Act (42 U.S.C. 290ee–2a) the following:

''SEC. 547B. CONTINUING CARE AND COMMUNITY SUPPORT TO MAINTAIN RECOVERY.

''(a) IN GENERAL.—The Secretary shall award grants to peer recovery support services, for the purposes of providing continuing care and ongoing community support for individuals to maintain recovery from substance use disorders.

''(b) DEFINITION.—For purposes of this section, the term 'peer recovery support services' means an independent nonprofit organization that provides peer recovery support services, through credentialed peer support professionals.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 2022 through 2026, $50,000,000 for purposes of awarding grants under subsection (a).''.

SA 4515. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—DEPARTMENT OF STATE AUTHORIZATION ACT OF 2021

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Department of State Authorization Act of 2021''.

SEC. 5002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term '''appropriate congressional committees''' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) DEPARTMENT.—If not otherwise specified, the term '''Department''' means the Department of State.

(3) SECRETARY.—If not otherwise specified, the term '''Secretary''' means the Secretary of State.

TITLE I—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 5101. SENSE OF CONGRESS ON IMPORTANCE OF DEPARTMENT OF STATE'S WORK.

It is the sense of Congress that—

(1) United States global engagement is key to a stable and prosperous world;

(2) United States leadership is indispensable in light of the many complex and interconnected threats facing the United States and the world;

(3) diplomacy and development are critical tools of national power, and full deployment of these tools is vital to United States national security;

(4) challenges such as the global refugee and migration crises, terrorism, historic famine and food insecurity, and fragile or repressive societies cannot be addressed without sustained and robust United States diplomatic and development leadership;

(5) the United States Government must use all of the instruments of national security and foreign policy at its disposal to protect United States citizens, promote United States interests and values, and support global stability and prosperity;

(6) United States security and prosperity depend on having partners and allies that share our interests and values, and these partnerships are nurtured and our shared interests and values are promoted through United States diplomatic engagement, security cooperation, economic statecraft, and assistance that helps further economic development, good governance, including the rule of law and democratic institutions, and the development of shared responses to natural and humanitarian disasters;

(7) as the United States Government agencies primarily charged with conducting diplomacy and development, the Department and the United States Agency for International Development (USAID) require sustained and robust funding to carry out this important work, which is essential to our ability to project United States leadership and values and to advance United States interests around the world;

(8) the work of the Department and USAID makes the United States and the world safer and more prosperous by alleviating global poverty and hunger, fighting HIV/AIDS and other infectious diseases, strengthening alliances, expanding educational opportunities for women and girls, promoting good governance and democracy, supporting anti-corruption efforts, driving economic development and trade, preventing armed conflicts and humanitarian crises, and creating American jobs and export opportunities;

(9) the Department and USAID are vital national security agencies, whose work is critical to the projection of United States power and leadership worldwide, and without which Americans would be less safe, United States economic power would be diminished, and global stability and prosperity would suffer;

(10) investing in diplomacy and development before conflicts break out saves American lives while also being cost-effective; and

(11) the contributions of personnel working at the Department and USAID are extraordinarily valuable and allow the United States to maintain its leadership around the world.

SEC. 5102. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.

Paragraph (2) of section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) in subparagraph (A), by adding at the end the following new sentence: ''All special envoys, ambassadors, and coordinators located within the Bureau of Democracy, Human Rights, and Labor shall report directly to the Assistant Secretary unless otherwise provided by law.'';

(2) in subparagraph (B)(ii)—

(A) by striking ''section'' and inserting ''sections 116 and''; and

(B) by inserting before the period at the end the following: ''(commonly referred to as the annual 'Country Reports on Human Rights Practices')''; and

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

''(C) AUTHORITIES.—In addition to the duties, functions, and responsibilities specified in this paragraph, the Assistant Secretary of State for Democracy, Human Rights, and Labor is authorized to—

''(i) promote democracy and actively support human rights throughout the world;

''(ii) promote the rule of law and good governance throughout the world;

''(iii) strengthen, empower, and protect civil society representatives, programs, and

organizations, and facilitate their ability to engage in dialogue with governments and other civil society entities;

''(iv) work with regional bureaus to ensure adequate personnel at diplomatic posts are assigned responsibilities relating to advancing democracy, human rights, labor rights, women's equal participation in society, and the rule of law, with particular attention paid to adequate oversight and engagement on such issues by senior officials at such posts;

''(v) review and, as appropriate, make recommendations that shall be given equal weight to those of other bureaus or offices to the Secretary of State regarding the proposed transfer of—

''(I) defense articles and defense services authorized under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

''(II) military items listed on the '600 series' of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;

''(vi) coordinate programs and activities that protect and advance the exercise of human rights and internet freedom in cyberspace; and

''(vii) implement other relevant policies and provisions of law.

''(D) LOCAL OVERSIGHT.—United States missions, when executing DRL programming, to the extent practicable, should assist in exercising oversight authority and coordinate with the Bureau of Democracy, Human Rights, and Labor to ensure that funds are appropriately used and comply with anti-corruption practices.''.

SEC. 5103. ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) IN GENERAL.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.—

''(A) IN GENERAL.—There is authorized to be in the Department of State an Assistant Secretary for International Narcotics and Law Enforcement Affairs, who shall be responsible to the Secretary of State for all matters, programs, and related activities pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy by the Department, including, as appropriate, leading the coordination of programs carried out by United States Government agencies abroad, and such other related duties as the Secretary may from time to time designate.

''(B) AREAS OF RESPONSIBILITY.—The Assistant Secretary for International Narcotics and Law Enforcement Affairs shall maintain continuous observation and coordination of all matters pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy, including programs carried out by other United States Government agencies when such programs pertain to the following matters:

''(i) Combating international narcotics production and trafficking.

''(ii) Strengthening foreign justice systems, including judicial and prosecutorial capacity, appeals systems, law enforcement agencies, prison systems, and the sharing of recovered assets.

''(iii) Training and equipping foreign police, border control, other government officials, and other civilian law enforcement authorities for anti-crime purposes, including ensuring that no foreign security unit or member of such unit shall receive such assistance from the United States Government absent appropriate vetting.

''(iv) Ensuring the inclusion of human rights and women's participation issues in law enforcement programs, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, and other senior officials in regional and thematic bureaus and offices.

''(v) Combating, in conjunction with other relevant bureaus of the Department of State and other United States Government agencies, all forms of transnational organized crime, including human trafficking, illicit trafficking in arms, wildlife, and cultural property, migrant smuggling, corruption, money laundering, the illicit smuggling of bulk cash, the licit use of financial systems for malign purposes, and other new and emerging forms of crime.

''(vi) Identifying and responding to global corruption, including strengthening the capacity of foreign government institutions responsible for addressing financial crimes and engaging with multilateral organizations responsible for monitoring and supporting foreign governments' anti-corruption efforts.

''(C) ADDITIONAL DUTIES.—In addition to the responsibilities specified in subparagraph (B), the Assistant Secretary for International Narcotics and Law Enforcement Affairs shall also—

''(i) carry out timely and substantive consultation with chiefs of mission and, as appropriate, the heads of other United States Government agencies to ensure effective coordination of all international narcotics and law enforcement programs carried out overseas by the Department and such other agencies;

''(ii) coordinate with the Office of National Drug Control Policy to ensure lessons learned from other United States Government agencies are available to the Bureau of International Narcotics and Law Enforcement Affairs of the Department;

''(iii) develop standard requirements for monitoring and evaluation of Bureau programs, including metrics for success that do not rely solely on the amounts of illegal drugs that are produced or seized;

''(iv) in coordination with the Secretary of State, annually certify in writing to the Committee on Foreign Relations of the Senate that United States and the Committee on Foreign Affairs of the House of Representatives enforcement personnel posted abroad whose activities are funded to any extent by the Bureau of International Narcotics and Law Enforcement Affairs are complying with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927); and

''(v) carry out such other relevant duties as the Secretary may assign.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.''.

(b) MODIFICATION OF ANNUAL INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Subsection (a) of section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h) is amended by inserting after paragraph (9) the following new paragraph:

''(10) A separate section that contains an identification of all United States Government-supported units funded by the Bureau of International Narcotics and Law Enforcement Affairs and any Bureau-funded operations by such units in which United States law enforcement personnel have been physically present.''.

SEC. 5104. BUREAU OF CONSULAR AFFAIRS; BUREAU OF POPULATION, REFUGEES, AND MIGRATION.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following new subsections:

''(g) BUREAU OF CONSULAR AFFAIRS.—There is in the Department of State the Bureau of Consular Affairs, which shall be headed by the Assistant Secretary of State for Consular Affairs.

''(h) BUREAU OF POPULATION, REFUGEES, AND MIGRATION.—There is in the Department of State the Bureau of Population, Refugees, and Migration, which shall be headed by the Assistant Secretary of State for Population, Refugees, and Migration.''.

SEC. 5105. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.

(a) ESTABLISHMENT.—There should be established in the Department of State an Office of International Disability Rights (referred to in this section as the ''Office'').

(b) DUTIES.—The Office should—

(1) seek to ensure that all United States foreign operations are accessible to, and inclusive of, persons with disabilities;

(2) promote the human rights and full participation in international development activities of all persons with disabilities;

(3) promote disability inclusive practices and the training of Department of State staff on soliciting quality programs that are fully inclusive of people with disabilities;

(4) represent the United States in diplomatic and multilateral fora on matters relevant to the rights of persons with disabilities, and work to raise the profile of disability across a broader range of organizations contributing to international development efforts;

(5) conduct regular consultation with civil society organizations working to advance international disability rights and empower persons with disabilities internationally;

(6) consult with other relevant offices at the Department that are responsible for drafting annual reports documenting progress on human rights, including, wherever applicable, references to instances of discrimination, prejudice, or abuses of persons with disabilities;

(7) advise the Bureau of Human Resources or its equivalent within the Department regarding the hiring and recruitment and overseas practices of civil service employees and Foreign Service officers with disabilities and their family members with chronic medical conditions or disabilities; and

(8) carry out such other relevant duties as the Secretary of State may assign.

(c) SUPERVISION.—The Office may be headed by—

(1) a senior advisor to the appropriate Assistant Secretary of State; or

(2) an officer exercising significant authority who reports to the President or Secretary of State, appointed by and with the advice and consent of the Senate.

(d) CONSULTATION.—The Secretary of State should direct Ambassadors at Large, Representatives, Special Envoys, and coordinators working on human rights to consult with the Office to promote the human rights and full participation in international development activities of all persons with disabilities.

SEC. 5106. SPECIAL APPOINTMENT AUTHORITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 5104 of this Act, is further amended by inserting after subsection (h) the following new subsection:

''(i) SPECIAL APPOINTMENTS.—

''(1) POSITIONS EXERCISING SIGNIFICANT AUTHORITY.—The President may, by and with the advice and consent of the Senate, appoint an individual as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State exercising significant authority pursuant to the laws of the United States. Except as provided in paragraph (3) or in clause 3, section 2, article II of the Constitution (relating to recess appointments), an individual may not be designated as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department exercising significant authority pursuant to the laws of the United States without the advice and consent of the Senate.

''(2) POSITIONS NOT EXERCISING SIGNIFICANT AUTHORITY.—The President or Secretary of State may appoint any Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Special Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State not exercising significant authority pursuant to the laws of the United States without the advice and consent of the Senate, if the President or Secretary, not later than 15 days before the appointment of a person to such a position, submits to the appropriate congressional committees a notification that includes the following:

''(A) A certification that the position does not require the exercise of significant authority pursuant to the laws of the United States.

''(B) A description of the duties and purpose of the position.

''(C) The rationale for giving the specific title and function to the position.

''(3) LIMITED EXCEPTION FOR TEMPORARY APPOINTMENTS EXERCISING SIGNIFICANT AUTHORITY.—The President may maintain or establish a position with the title of Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State exercising significant authority pursuant to the laws of the United States for not longer than 180 days if the Secretary of State, not later than 15 days after the appointment of a person to such a position, or 30 days after the date of the enactment of this subsection, whichever is earlier, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification that includes the following:

''(A) The necessity for conferring such title and function.

''(B) The dates during which such title and function will be held.

''(C) The justification for not submitting the proposed conferral of such title and function to the Senate as a nomination for advice and consent to appointment.

''(D) All relevant information concerning any potential conflict of interest which the proposed recipient of such title and function may have with regard to the appointment.

''(4) RENEWAL OF TEMPORARY APPOINTMENT.—The President may renew for one period not to exceed 180 days any position maintained or established under paragraph (3) if the President, not later than 15 days before issuing such renewal, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a detailed justification on the necessity of such extension, including the dates with respect to which such title will continue to be held and the justification for not submitting such title to the Senate as a nomination for advice and consent.

''(5) EXEMPTION.—Paragraphs (1) through (4) shall not apply to a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other person performing a similar function, regardless of title, at the Department of State if the position is expressly mandated by statute.

''(6) EFFECTIVE DATE.—This subsection shall apply to appointments made on or after January 3, 2023.''.

SEC. 5107. REPEAL OF AUTHORITY FOR SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

Section 7 of the Tom Lantos Block Burmese Jade (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110–286; 50 U.S.C. 1701 note) relating to the establishment of a Special Representative and Policy Coordinator for Burma) is hereby repealed.

SEC. 5108. ANTI-PIRACY INFORMATION SHARING.

The Secretary is authorized to provide for the participation by the United States in the Information Sharing Centre located in Singapore, as established by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

SEC. 5109. IMPORTANCE OF FOREIGN AFFAIRS TRAINING TO NATIONAL SECURITY.

It is the sense of Congress that—

(1) the Department is a crucial national security agency, whose employees, both Foreign and Civil Service, require the best possible training at every stage of their careers to prepare them to promote and defend United States national interests and the health and safety of United States citizens abroad;

(2) the Secretary should explore establishing a ''training float'' requiring that a certain percentage of the Foreign Service shall be in long-term training at any given time;

(3) the Department's Foreign Service Institute should seek to substantially increase its educational and training offerings to Department personnel, including developing new and innovative educational and training courses, methods, programs, and opportunities; and

(4) consistent with existing Department gift acceptance authority and other applicable laws, the Department and Foreign Service Institute may accept funds and other resources from foundations, not-for-profit corporations, and other appropriate sources to help the Department and the Institute accomplish the goals specified in paragraph (3).

SEC. 5110. CLASSIFICATION AND ASSIGNMENT OF FOREIGN SERVICE OFFICERS.

The Foreign Service Act of 1980 is amended—

(1) in section 501 (22 U.S.C. 3981), by inserting ''If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 309.'' after ''Positions designated under this section are excepted from the competitive service.''; and

(2) in paragraph (2) of section 502(a) (22 U.S.C. 3982(a)), by inserting '', or domestically, in a position working on issues relating to a particular country or geographic area,'' after ''geographic area''.

SEC. 5111. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

Subsection (c) of section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 5103 of this Act, is further amended—

(1) by redesignating paragraph (4) (as redesignated pursuant to such section 5103) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) ENERGY RESOURCES.—

''(A) AUTHORIZATION FOR ASSISTANT SECRETARY.—Subject to the numerical limitation specified in paragraph (1), there is authorized to be established in the Department of State an Assistant Secretary of State for Energy Resources.

''(B) PERSONNEL.—If the Department establishes an Assistant Secretary of State for Energy Resources in accordance with the authorization provided in subparagraph (A), the Secretary of State shall ensure there are sufficient personnel dedicated to energy matters within the Department of State whose responsibilities shall include—

''(i) formulating and implementing international policies aimed at protecting and advancing United States energy security interests by effectively managing United States bilateral and multilateral relations;

''(ii) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decision making process within the Department;

''(iii) incorporating energy security priorities into the activities of the Department;

''(iv) coordinating energy activities of the Department with relevant Federal departments and agencies;

''(v) coordinating with the Office of Sanctions Coordination on economic sanctions pertaining to the international energy sector; and

''(vi) working internationally to—

''(I) support the development of energy resources and the distribution of such resources for the benefit of the United States and United States allies and trading partners for their energy security and economic development needs;

''(II) promote availability of diversified energy supplies and a well-functioning global market for energy resources, technologies, and expertise for the benefit of the United States and United States allies and trading partners;

''(III) resolve international disputes regarding the exploration, development, production, or distribution of energy resources;

''(IV) support the economic and commercial interests of United States persons operating in the energy markets of foreign countries;

''(V) support and coordinate international efforts to alleviate energy poverty;

''(VI) leading the United States commitment to the Extractive Industries Transparency Initiative; and

''(VII) coordinating energy security and other relevant functions within the Department currently undertaken by—

''(aa) the Bureau of Economic and Business Affairs;

''(bb) the Bureau of Oceans and International Environmental and Scientific Affairs; and

''(cc) other offices within the Department of State.''.

SEC. 5112. THE NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 63 (22 U.S.C. 2735) the following new section:

''SEC. 64. THE NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

''(a) ACTIVITIES.—

''(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide, by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services and related events, including organizing programs and conference activities, museum shop services and food services in the public exhibition and related space utilized by the National Museum of American Diplomacy.

''(2) RECOVERY OF COSTS.—The Secretary of State is authorized to recover any revenues generated under the authority of paragraph (1) for visitor and outreach services and related events referred to in such paragraph, including fees for use of facilities at the National Museum for American Diplomacy. Any such revenues may be retained as a recovery of the costs of operating the museum.

''(b) DISPOSITION OF NATIONAL MUSEUM OF AMERICAN DIPLOMACY DOCUMENTS, ARTIFACTS, AND OTHER ARTICLES.—

''(1) PROPERTY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary of State to be suitable for display by the National Museum of American Diplomacy shall be considered to be the property of the United States Government and shall be subject to disposition solely in accordance with this subsection.

''(2) SALE, TRADE, OR TRANSFER.—Whenever the Secretary of State makes the determination described in paragraph (3) with respect to a document, artifact, or other article under paragraph (1), the Secretary may sell at fair market value, trade, or transfer such document, artifact, or other article without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the mission of the National Museum of American Diplomacy and may not be used for any purpose other than the acquisition and direct care of the collections of the museum.

''(3) DETERMINATIONS PRIOR TO SALE, TRADE, OR TRANSFER.—The determination described in this paragraph with respect to a document, artifact, or other article under paragraph (1), is a determination that—

''(A) such document, artifact, or other article no longer serves to further the purposes of the National Museum of American Diplomacy as set forth in the collections management policy of the museum;

''(B) the sale, trade, or transfer of such document, artifact, or other article would serve to maintain the standards of the collection of the museum; or

''(C) sale, trade, or transfer of such document, artifact, or other article would be in the best interests of the United States.

''(4) LOANS.—In addition to the authorization under paragraph (2) relating to the sale, trade, or transfer of documents, artifacts, or other articles under paragraph (1), the Secretary of State may loan such documents, artifacts, or other articles, when not needed for use or display by the National Museum of American Diplomacy to the Smithsonian Institution or a similar institution for repair, study, or exhibition.''.

SEC. 5113. EXTENSION OF PERIOD FOR REIMBURSEMENT OF FISHERMEN FOR COSTS INCURRED FROM THE ILLEGAL SEIZURE AND DETENTION OF U.S.-FLAG FISHING VESSELS BY FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (e) of section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977) is amended to read as follows:

''(e) AMOUNTS.—Payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.''.

(b) RETROACTIVE APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply as if the date specified in subsection (e) of section 7 of the Fishermen's Protective Act of 1967, as in effect on the day before the date of the enactment of this Act, were the day after such date of enactment.

(2) AGREEMENTS AND PAYMENTS.—The Secretary is authorized to—

(A) enter into agreements pursuant to section 7 of the Fishermen's Protective Act of 1967 for any claims to which such section would otherwise apply but for the date specified in subsection (e) of such section, as in effect on the day before the date of the enactment of this Act; and

(B) make payments in accordance with agreements entered into pursuant to such section if any such payments have not been made as a result of the expiration of the date specified in such section, as in effect on the day before the date of the enactment of this Act.

SEC. 5114. ART IN EMBASSIES.

(a) IN GENERAL.—No funds are authorized to be appropriated for the purchase of any piece of art for the purposes of installation or display in any embassy, consulate, or other foreign mission of the United States if the purchase price of such piece of art is in excess of $50,000, unless such purchase is subject to prior consultation with, and the regular notification procedures of, the appropriate congressional committees.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the costs of the Art in Embassies Program for each of fiscal years 2012, 2013, and 2014.

(c) SUNSET.—This section shall terminate on the date that is 2 years after the date of the enactment of this Act.

(d) DEFINITION.—In this section, the term ''art'' includes paintings, sculptures, photographs, industrial design, and craft art.

SEC. 5115. AMENDMENT OR REPEAL OF REPORTING REQUIREMENTS.

(a) BURMA.—

(1) IN GENERAL.—Section 570 of Public Law 104–208 is amended—

(A) by amending subsection (c) to read as follows:

''(c) MULTILATERAL STRATEGY.—The President shall develop, in coordination with likeminded countries, a comprehensive, multilateral strategy to—

''(1) assist Burma in addressing corrosive malign influence of the People's Republic of China; and

''(2) support a return to democratic governance, and support constitutional, economic, and security sector reforms in Burma designed to—

''(A) advance democratic development and improve human rights practices and the quality of life; and

''(B) promote genuine national reconciliation.''; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking ''six months'' and inserting ''year'';

(ii) by redesignating paragraph (3) as paragraph (7); and

(iii) by inserting after paragraph (2) the following new paragraphs:

''(3) improvements in human rights practices;

''(4) progress toward broad-based and inclusive economic growth; and

''(5) progress toward genuine national reconciliation.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply with respect to the first report required under subsection (d) of section 570 of Public Law 104–208 that is required after the date of the enactment of this Act.

(b) REPEALS.—The following provisions of law are hereby repealed:

(1) Subsection (b) of section 804 of Public Law 101–246.

(2) Section 6 of Public Law 104–45.

(3) Subsection (c) of section 702 of Public Law 96–465 (22 U.S.C. 4022).

(4) Section 404 of the Arms Control and Disarmament Act (22 U.S.C. 2593b).

(5) Section 5 of Public Law 94–304 (22 U.S.C. 3005).

(6) Subsection (b) of section 502 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa–7).

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report that includes each of the following:

(1) A list of all reports described in subsection (d) required to be submitted by their respective agency.

(2) For each such report, a citation to the provision of law under which the report is required to be submitted.

(3) The reporting frequency of each such report.

(4) The estimated cost of each report, to include personnel time costs.

(d) COVERED REPORTS.—A report described in this subsection is a recurring report that is required to be submitted to Congress by the Department of State or the United States Agency for International Development, or by any officer, official, component, or element of each entity.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 5116. REPORTING ON IMPLEMENTATION OF GAO RECOMMENDATIONS.

(a) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that lists all of the Government Accountability Office's recommendations relating to the Department that have not been fully implemented.

(b) COMPTROLLER GENERAL REPORT.—Not later than 30 days after the Secretary submits the report under subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that identifies any discrepancies between the list of recommendations included in such report and the Government Accountability Office's list of outstanding recommendations for the Department.

(c) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the submission of the Comptroller General's report under subsection (b), the Secretary shall submit to the appropriate congressional committees a report that describes the implementation status of each recommendation from the Government Accountability Office included in the report submitted under subsection (a).

(2) JUSTIFICATION.—The report under paragraph (1) shall include—

(A) a detailed justification for each decision not to fully implement a recommendation or to implement a recommendation in a different manner than specified by the Government Accountability Office;

(B) a timeline for the full implementation of any recommendation the Secretary has decided to adopt, but has not yet fully implemented; and

(C) an explanation for any discrepancies included in the Comptroller General report submitted under subsection (b).

(d) FORM.—The information required in each report under this section shall be submitted in unclassified form, to the maximum extent practicable, but may be included in a classified annex to the extent necessary.

SEC. 5117. OFFICE OF GLOBAL CRIMINAL JUSTICE.

(a) IN GENERAL.—There should be established within the Department of State an Office of Global Criminal Justice (referred to in this section as the ''Office''), which may be placed within the organizational structure of the Department at the discretion of the Secretary.

(b) DUTIES.—The Office should carry out the following:

(1) Advise the Secretary and other relevant senior officials on issues related to atrocities, including war crimes, crimes against humanity, and genocide.

(2) Assist in formulating United States policy on the prevention of, responses to, and accountability for atrocities.

(3) Coordinate, as appropriate and with other relevant Federal departments and agencies, United States Government positions relating to the international and hybrid courts currently prosecuting persons suspected of atrocities around the world.

(4) Work with other governments, international organizations, and nongovernmental organizations, as appropriate, to establish and assist international and domestic commissions of inquiry, fact-finding missions, and tribunals to investigate, document, and prosecute atrocities around the world.

(5) Coordinate, as appropriate and with other relevant Federal departments and agencies, the deployment of diplomatic, legal, economic, military, and other tools to help collect evidence of atrocities, judge those responsible, protect and assist victims, enable reconciliation, prevent and deter atrocities, and promote the rule of law.

(6) Provide advice and expertise on transitional justice mechanisms to United States personnel operating in conflict and post-conflict environments.

(7) Act as a point of contact for international, hybrid, and domestic tribunals exercising jurisdiction over atrocities committed around the world.

(8) Represent the Department on any interagency whole-of-government coordinating entities addressing genocide and other atrocities.

(9) Perform any additional duties and exercise such powers as the Secretary of State may prescribe.

(c) SUPERVISION.—If established, the Office shall be led by an Ambassador-at-Large for Global Criminal Justice who is nominated by the President and appointed by and with the advice and consent of the Senate.

TITLE II—EMBASSY CONSTRUCTION

SEC. 5201. EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.

For ''Embassy Security, Construction, and Maintenance'', there is authorized to be appropriated $1,975,449,000 for fiscal year 2022.

SEC. 5202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department's Bureau of Overseas Building Operations (OBO) or successor office should give appropriate consideration to standardization in construction, in which each new United States embassy and consulate starts with a standard design and keeps customization to a minimum.

(b) CONSULTATION.—The Secretary shall carry out any new United States embassy compound or new consulate compound project that utilizes a non-standard design, including those projects that are in the design or pre-design phase as of the date of the enactment of this Act, only in consultation with the appropriate congressional committees. The Secretary shall provide the appropriate congressional committees, for each such project, the following documentation:

(1) A comparison of the estimated full lifecycle costs of the project to the estimated full lifecycle costs of such project if it were to use a standard design.

(2) A comparison of the estimated completion date of such project to the estimated completion date of such project if it were to use a standard design.

(3) A comparison of the security of the completed project to the security of such completed project if it were to use a standard design.

(4) A justification for the Secretary's selection of a non-standard design over a standard design for such project.

(5) A written explanation if any of the documentation necessary to support the comparisons and justification, as the case may be, described in paragraphs (1) through (4) cannot be provided.

(c) SUNSET.—The consultation requirement under subsection (b) shall expire on the date that is 4 years after the date of the enactment of this Act.

SEC. 5203. CAPITAL CONSTRUCTION TRANSPARENCY.

Section 118 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304) is amended—

(1) in the section heading , by striking ''**ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS**'' and inserting ''**BIANNUAL REPORT ON OVERSEAS CAPITAL CONSTRUCTION PROJECTS**''; and

(2) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection and every 180 days thereafter until the date that is 4 years after such date of enactment, the Secretary shall submit to the appropriate congressional committees a comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

''(b) CONTENTS.—Each report required under subsection (a) shall include the following with respect to each ongoing overseas capital construction project and major embassy security upgrade project:

''(1) The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.

''(2) The current cost estimate.

''(3) The value of each request for equitable adjustment received by the Department to date.

''(4) The value of each certified claim received by the Department to date.

''(5) The value of any usage of the project's contingency fund to date and the value of the remainder of the project's contingency fund.

''(6) An enumerated list of each request for adjustment and certified claim that remains outstanding or unresolved.

''(7) An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.

''(8) The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs.

''(9) The current date of estimated completion.''.

SEC. 5204. CONTRACTOR PERFORMANCE INFORMATION.

(a) DEADLINE FOR COMPLETION.—The Secretary shall complete all contractor performance evaluations outstanding as of the date of the enactment of this Act required by subpart 42.15 of the Federal Acquisition Regulation for those contractors engaged in construction of new embassy or new consulate compounds by April 1, 2022.

(b) PRIORITIZATION SYSTEM.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall develop a prioritization system for clearing the current backlog of required evaluations referred to in subsection (a).

(2) ELEMENTS.—The system required under paragraph (1) should prioritize the evaluations as follows:

(A) Project completion evaluations should be prioritized over annual evaluations.

(B) Evaluations for relatively large contracts should have priority.

(C) Evaluations that would be particularly informative for the awarding of government contracts should have priority.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on the Department's plan for completing all evaluations by April 1, 2022, in accordance with subsection (a) and the prioritization system developed pursuant to subsection (b).

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

(1) contractors deciding whether to bid on Department contracts would benefit from greater understanding of the Department as a client; and

(2) the Department should develop a forum where contractors can comment on the Department's project management performance.

SEC. 5205. GROWTH PROJECTIONS FOR NEW EMBASSIES AND CONSULATES.

(a) IN GENERAL.—For each new United States embassy compound (NEC) and new consulate compound project (NCC) in or not yet in the design phase as of the date of the enactment of this Act, the Department shall project growth over the estimated life of the facility using all available and relevant data, including the following:

(1) Relevant historical trends for Department personnel and personnel from other agencies represented at the NEC or NCC that is to be constructed.

(2) An analysis of the tradeoffs between risk and the needs of United States Government policy conducted as part of the most recent Vital Presence Validation Process, if applicable.

(3) Reasonable assumptions about the strategic importance of the NEC or NCC, as the case may be, over the life of the building at issue.

(4) Any other data that would be helpful in projecting the future growth of NEC or NCC.

(b) OTHER FEDERAL AGENCIES.—The head of each Federal agency represented at a United States embassy or consulate shall provide to the Secretary, upon request, growth projections for the personnel of each such agency over the estimated life of each embassy or consulate, as the case may be.

(c) BASIS FOR ESTIMATES.—The Department shall base its growth assumption for all NECs and NCCs on the estimates required under subsections (a) and (b).

(d) CONGRESSIONAL NOTIFICATION.—Any congressional notification of site selection

for a NEC or NCC submitted after the date of the enactment of this Act shall include the growth assumption used pursuant to subsection (c).

SEC. 5206. LONG-RANGE PLANNING PROCESS.

(a) PLANS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the next five years as the Secretary of State considers appropriate, the Secretary shall develop—

(A) a comprehensive 6-year plan documenting the Department's overseas building program for the replacement of overseas diplomatic posts taking into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety; and

(B) a comprehensive 6-year plan detailing the Department's long-term planning for the maintenance and sustainment of completed diplomatic posts, which takes into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety.

(2) INITIAL REPORT.—The first plan developed pursuant to paragraph (1)(A) shall also include a one-time status report on existing small diplomatic posts and a strategy for establishing a physical diplomatic presence in countries in which there is no current physical diplomatic presence and with which the United States maintains diplomatic relations. Such report, which may include a classified annex, shall include the following:

(A) A description of the extent to which each small diplomatic post furthers the national interest of the United States.

(B) A description of how each small diplomatic post provides American Citizen Services, including data on specific services provided and the number of Americans receiving services over the previous year.

(C) A description of whether each small diplomatic post meets current security requirements.

(D) A description of the full financial cost of maintaining each small diplomatic post.

(E) Input from the relevant chiefs of mission on any unique operational or policy value the small diplomatic post provides.

(F) A recommendation of whether any small diplomatic posts should be closed.

(3) UPDATED INFORMATION.—The annual updates of each of the plans developed pursuant to paragraph (1) shall highlight any changes from the previous year's plan to the ordering of construction and maintenance projects.

(b) REPORTING REQUIREMENTS.—

(1) SUBMISSION OF PLANS TO CONGRESS.—Not later than 60 days after the completion of each plan required under subsection (a), the Secretary shall submit the plans to the appropriate congressional committees.

(2) REFERENCE IN BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to the appropriate congressional committees in support of the Department's budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the plans required under subsection (a) shall be referenced to justify funding requested for building and maintenance projects overseas.

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

(c) SMALL DIPLOMATIC POST DEFINED.—In this section, the term ''small diplomatic post'' means any United States embassy or consulate that has employed five or fewer United States Government employees or contractors on average over the 36 months prior to the date of the enactment of this Act.

SEC. 5207. VALUE ENGINEERING AND RISK ASSESSMENT.

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

(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A–131, Value Engineering, dated December 31, 2013.

(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

(b) NOTIFICATION REQUIREMENTS.—

(1) SUBMISSION TO AUTHORIZING COMMITTEES.—Any operating plan that includes the allocation of capital construction and maintenance funds shall be submitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) REQUIREMENT TO CONFIRM COMPLETION OF VALUE ENGINEERING AND RISK ASSESSMENT STUDIES.—The notifications required under paragraph (1) shall include confirmation that the Department has completed the requisite VE and risk management process described in subsection (a), or applicable successor process.

(c) REPORTING AND BRIEFING REQUIREMENTS.—The Secretary shall provide to the appropriate congressional committees upon request—

(1) a description of each risk management study referred to in subsection (a)(2) and a table detailing which recommendations related to each such study were accepted and which were rejected; and

(2) a report or briefing detailing the rationale for not implementing any such recommendations that may otherwise yield significant cost savings to the Department if implemented.

SEC. 5208. BUSINESS VOLUME.

Section 402(c)(2)(E) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852(c)(2)(E)) is amended by striking ''in 3 years'' and inserting ''cumulatively over 3 years''.

SEC. 5209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.

The Secretary of State shall provide to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate upon request information on physical security deficiencies at United States diplomatic posts, including relating to the following:

(1) Requests made over the previous year by United States diplomatic posts for security upgrades.

(2) Significant security deficiencies at United States diplomatic posts that are not operating out of a new embassy compound or new consulate compound.

SEC. 5210. OVERSEAS SECURITY BRIEFINGS.

Not later than one year after the date of the enactment of this Act, the Secretary of State shall revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all United States Government employees under chief of mission authority traveling to a foreign country on official business. To the extent practicable, such material shall be provided to such employees prior to their arrival at a United States diplomatic post or as soon as possible thereafter.

SEC. 5211. CONTRACTING METHODS IN CAPITAL CONSTRUCTION.

(a) DELIVERY.—Unless the Secretary of State notifies the appropriate congressional committees that the use of the design-build project delivery method would not be appropriate, the Secretary shall make use of such method at United States diplomatic posts that have not yet received design or capital construction contracts as of the date of the enactment of this Act.

(b) NOTIFICATION.—Before executing a contract for a delivery method other than design-build in accordance with subsection (a), the Secretary of State shall notify the appropriate congressional committees in writing of the decision, including the reasons therefor. The notification required by this subsection may be included in any other report regarding a new United States diplomatic post that is required to be submitted to the appropriate congressional committees.

(c) PERFORMANCE EVALUATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall report to the appropriate congressional committees regarding performance evaluation measures in accordance with GAO's ''Standards for Internal Control in the Federal Government'' that will be applicable to design and construction, lifecycle cost, and building maintenance programs of the Bureau of Overseas Building Operations of the Department.

SEC. 5212. COMPETITION IN EMBASSY CONSTRUCTION.

Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committee a report detailing steps the Department of State is taking to expand the embassy construction contractor base in order to increase competition and maximize value.

SEC. 5213. STATEMENT OF POLICY.

It is the policy of the United States that the Bureau of Overseas Building Operations of the Department or its successor office shall continue to balance functionality and security with accessibility, as defined by guidelines established by the United States Access Board in constructing embassies and consulates, and shall ensure compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) to the fullest extent possible.

SEC. 5214. DEFINITIONS.

In this title:

(1) DESIGN-BUILD.—The term ''design-build'' means a method of project delivery in which one entity works under a single contract with the Department to provide design and construction services.

(2) NON-STANDARD DESIGN.—The term ''non-standard design'' means a design for a new embassy compound project or new consulate compound project that does not utilize a standardized design for the structural, spatial, or security requirements of such embassy compound or consulate compound, as the case may be.

TITLE III—PERSONNEL ISSUES

SEC. 5301. DEFENSE BASE ACT INSURANCE WAIVERS.

(a) APPLICATION FOR WAIVERS.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall apply to the Department of Labor for a waiver from insurance requirements under the Defense Base Act (42 U.S.C. 1651 et seq.) for all countries with respect to which the requirement

was waived prior to January 2017, and for which there is not currently a waiver.

(b) CERTIFICATION REQUIREMENT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

SEC. 5302. STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing an empirical analysis on the effect of overseas allowances on the foreign assignment of Foreign Service officers (FSOs), to be conducted by a federally-funded research and development center with appropriate expertise in labor economics and military compensation.

(2) CONTENTS.—The analysis required under paragraph (1) shall—

(A) identify all allowances paid to FSOs assigned permanently or on temporary duty to foreign areas;

(B) examine the efficiency of the Foreign Service bidding system in determining foreign assignments;

(C) examine the factors that incentivize FSOs to bid on particular assignments, including danger levels and hardship conditions;

(D) examine the Department's strategy and process for incentivizing FSOs to bid on assignments that are historically in lower demand, including with monetary compensation, and whether monetary compensation is necessary for assignments in higher demand;

(E) make any relevant comparisons to military compensation and allowances, noting which allowances are shared or based on the same regulations;

(F) recommend options for restructuring allowances to improve the efficiency of the assignments system and better align FSO incentives with the needs of the Foreign Service, including any cost savings associated with such restructuring;

(G) recommend any statutory changes necessary to implement subparagraph (F), such as consolidating existing legal authorities for the provision of hardship and danger pay; and

(H) detail any effects of recommendations made pursuant to subparagraphs (F) and (G) on other United States Government departments and agencies with civilian employees permanently assigned or on temporary duty in foreign areas, following consultation with such departments and agencies.

(b) BRIEFING REQUIREMENT.—Before initiating the analysis required under subsection (a)(1), and not later than 60 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs in the House of Representatives a briefing on the implementation of this section that includes the following:

(1) The name of the federally funded research and development center that will conduct such analysis.

(2) The scope of such analysis and terms of reference for such analysis as specified between the Department and such federally funded research and development center.

(c) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall make available to the federally-funded research and development center carrying out the analysis required under subsection (a)(1) all necessary and relevant information to allow such center to conduct such analysis in a quantitative and analytical manner, including historical data on the number of bids for each foreign assignment and any survey data collected by the Department from eligible bidders on their bid decision-making.

(2) COOPERATION.—The Secretary shall work with the heads of other relevant United States Government departments and agencies to ensure such departments and agencies provide all necessary and relevant information to the federally-funded research and development center carrying out the analysis required under subsection (a)(1).

(d) INTERIM REPORT TO CONGRESS.—The Secretary shall require that the chief executive officer of the federally-funded research and development center that carries out the analysis required under subsection (a)(1) submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an interim report on such analysis not later than 180 days after the date of the enactment of this Act.

SEC. 5303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d) is amended by adding at the end the following new subsection:

''(e) GRANTS AND COOPERATIVE AGREEMENTS RELATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAMS.—

''(1) IN GENERAL.—The Secretary is authorized to make grants or enter into cooperative agreements related to Department of State science and technology fellowship programs, including for assistance in recruiting fellows and the payment of stipends, travel, and other appropriate expenses to fellows.

''(2) EXCLUSION FROM CONSIDERATION AS COMPENSATION.—Stipends under paragraph (1) shall not be considered compensation for purposes of section 209 of title 18, United States Code.

''(3) MAXIMUM ANNUAL AMOUNT.—The total amount of grants made pursuant to this subsection may not exceed $500,000 in any fiscal year.''.

SEC. 5304. TRAVEL FOR SEPARATED FAMILIES.

Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''1 round-trip per year for each child below age 21 of a member of the Service assigned abroad'' and inserting ''in the case of one or more children below age 21 of a member of the Service assigned abroad, 1 round-trip per year'';

(2) in subparagraph (A)—

(A) by inserting ''for each child'' before ''to visit the member abroad''; and

(B) by striking ''; or'' and inserting a comma;

(3) in subparagraph (B)—

(A) by inserting ''for each child'' before ''to visit the other parent''; and

(B) by inserting ''or'' after ''resides,'';

(4) by inserting after subparagraph (B) the following new subparagraph:

''(C) for one of the child's parents to visit the child or children abroad if the child or children do not regularly reside with that parent and that parent is not receiving an education allowance or educational travel allowance for the child or children under section 5924(4) of title 5, United States Code,'';

and

(5) in the matter following subparagraph (C), as added by paragraph (4) of this section, by striking ''a payment'' and inserting ''the cost of round-trip travel''.

SEC. 5305. HOME LEAVE TRAVEL FOR SEPARATED FAMILIES.

Section 903(b) of the Foreign Service Act of 1980 (22 U.S.C. 4083(b)) is amended by adding at the end the following new sentence: ''In cases in which a member of the Service has official orders to an unaccompanied post and in which the family members of the member reside apart from the member at authorized locations outside the United States, the member may take the leave ordered under this section where that member's family members reside, notwithstanding section 6305 of title 5, United States Code.''.

SEC. 5306. SENSE OF CONGRESS REGARDING CERTAIN FELLOWSHIP PROGRAMS.

It is the sense of Congress that Department fellowships that promote the employment of candidates belonging to under-represented groups, including the Charles B. Rangel International Affairs Graduate Fellowship Program, the Thomas R. Pickering Foreign Affairs Fellowship Program, and the Donald M. Payne International Development Fellowship Program, represent smart investments vital for building a strong, capable, and representative national security workforce.

SEC. 5307. TECHNICAL CORRECTION.

Subparagraph (A) of section 601(c)(6) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(6)) is amended, in the matter preceding clause (i), by—

(1) striking ''promotion'' and inserting ''promotion, on or after January 1, 2017,''; and

(2) striking ''individual joining the Service on or after January 1, 2017,'' and inserting ''Foreign Service officer, appointed under section 302(a)(1), who has general responsibility for carrying out the functions of the Service''.

SEC. 5308. FOREIGN SERVICE AWARDS.

(a) IN GENERAL.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended—

(1) by amending the section heading to read as follows: ''DEPARTMENT AWARDS''; and

(2) in the first sentence, by inserting ''or Civil Service'' after ''the Service''.

(b) CONFORMING AMENDMENT.—The item relating to section 614 in the table of contents of the Foreign Service Act of 1980 is amended to read as follows:

''Sec. 614. Department awards.''.

SEC. 5309. DIPLOMATIC PROGRAMS.

(a) SENSE OF CONGRESS ON WORKFORCE RECRUITMENT.—It is the sense of Congress that the Secretary should continue to hold entry-level classes for Foreign Service officers and specialists and continue to recruit civil servants through programs such as the Presidential Management Fellows Program and Pathways Internship Programs in a manner and at a frequency consistent with prior years and consistent with the need to maintain a pool of experienced personnel effectively distributed across skill codes and ranks. It is further the sense of Congress that absent continuous recruitment and training of Foreign Service officers and civil servants, the Department will lack experienced, qualified personnel in the short, medium, and long terms.

(b) LIMITATION.—The Secretary should not implement any reduction-in-force action under section 3502 or 3595 of title 5, United States Code, or for any incentive payments for early separation or retirement under any other provision of law unless—

(1) the appropriate congressional committees are notified not less than 15 days in advance of such obligation or expenditure; and

(2) the Secretary has provided to the appropriate congressional committees a detailed report that describes the Department's strategic staffing goals, including—

(A) a justification that describes how any proposed workforce reduction enhances the effectiveness of the Department;

(B) a certification that such workforce reduction is in the national interest of the United States;

(C) a comprehensive strategic staffing plan for the Department, including 5-year workforce forecasting and a description of the anticipated impact of any proposed workforce reduction; and

(D) a dataset displaying comprehensive workforce data for all current and planned employees of the Department, disaggregated by—

(i) Foreign Service officer and Foreign Service specialist rank;

(ii) civil service job skill code, grade level, and bureau of assignment;

(iii) contracted employees, including the equivalent job skill code and bureau of assignment; and

(iv) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including their equivalent grade and job skill code and bureau of assignment.

SEC. 5310. SENSE OF CONGRESS REGARDING VETERANS EMPLOYMENT AT THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Department should continue to promote the employment of veterans, in accordance with section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 5407 of this Act, including those veterans belonging to traditionally underrepresented groups at the Department;

(2) veterans employed by the Department have made significant contributions to United States foreign policy in a variety of regional and global affairs bureaus and diplomatic posts overseas; and

(3) the Department should continue to encourage veteran employment and facilitate their participation in the workforce.

SEC. 5311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND PRECLUSIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department should expand the appeal process it makes available to employees related to assignment preclusions and restrictions.

(b) APPEAL OF ASSIGNMENT RESTRICTION OR PRECLUSION.—Subsection (a) of section 414 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 2734c(a)) is amended by adding at the end the following new sentences: ''Such right and process shall ensure that any employee subjected to an assignment restriction or preclusion shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance. Any such appeal shall be resolved not later than 60 days after such appeal is filed.''.

(c) NOTICE AND CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall revise, and certify to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding such revision, the Foreign Affairs Manual guidance regarding denial or revocation of a security clearance to expressly state that all review and appeal rights relating thereto shall also apply to any recommendation or decision to impose an assignment restriction or preclusion to an employee.

SEC. 5312. RECALL AND REEMPLOYMENT OF CAREER MEMBERS.

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

(1) career Department employees provide invaluable service to the United States as nonpartisan professionals who contribute subject matter expertise and professional skills to the successful development and execution of United States foreign policy; and

(2) reemployment of skilled former members of the Foreign and civil service who have voluntarily separated from the Foreign or civil service due to family reasons or to obtain professional skills outside government is of benefit to the Department.

(b) NOTICE OF EMPLOYMENT OPPORTUNITIES.—Title 5, United States Code, is amended by inserting after chapter 102 the following new chapter:

''CHAPTER 103—DEPARTMENT OF STATE

''Sec.

''10301. Notice of employment opportunities for Department of State and USAID positions.

''10302. Consulting services for the Department of State.

''§ 10301. Notice of employment opportunities for Department of State and USAID positions

''To ensure that individuals who have separated from the Department of State or the United States Agency for International Development and who are eligible for reappointment are aware of such opportunities, the Department of State and the United States Agency for International Development shall publicize notice of all employment opportunities, including positions for which the relevant agency is accepting applications from individuals within the agency's workforce under merit promotion procedures, on publicly accessible sites, including www.usajobs.gov. If using merit promotion procedures, the notice shall expressly state that former employees eligible for reinstatement may apply.''.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 5, United States Code, is amended by inserting after the item relating to chapter 102 the following:

''103. Department of State .....10301.''.

SEC. 5313. STRATEGIC STAFFING PLAN FOR THE DEPARTMENT OF STATE.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a comprehensive 5-year strategic staffing plan for the Department that is aligned with and furthers the objectives of the National Security Strategy of the United States of America issued in December 2017, or any subsequent strategy issued not later than 18 months after the date of the enactment of this Act, which shall include the following:

(1) A dataset displaying comprehensive workforce data, including all shortages in bureaus described in GAO report GAO–19–220, for all current and planned employees of the Department, disaggregated by—

(A) Foreign Service officer and Foreign Service specialist rank;

(B) civil service job skill code, grade level, and bureau of assignment;

(C) contracted employees, including the equivalent job skill code and bureau of assignment; and

(D) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including the equivalent grade and job skill code and bureau of assignment of such employee.

(2) Recommendations on the number of Foreign Service officers disaggregated by service cone that should be posted at each United States diplomatic post and in the District of Columbia, with a detailed basis for such recommendations.

(3) Recommendations on the number of civil service officers that should be employed by the Department, with a detailed basis for such recommendations.

(b) MAINTENANCE.—The dataset required under subsection (a)(1) shall be maintained and updated on a regular basis.

(c) CONSULTATION.—The Secretary shall lead the development of the plan required under subsection (a) but may consult or partner with private sector entities with expertise in labor economics, management, or human resources, as well as organizations familiar with the demands and needs of the Department's workforce.

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report regarding root causes of Foreign Service and civil service shortages, the effect of such shortages on national security objectives, and the Department's plan to implement recommendations described in GAO–19–220.

SEC. 5314. CONSULTING SERVICES.

Chapter 103 of title 5, United States Code, as added by section 5312, is amended by adding at the end the following:

''§ 10302. Consulting services for the Department of State

''Any consulting service obtained by the Department of State through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts with respect to which expenditures are a matter of public record and available for public inspection, except if otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.''.

SEC. 5315. INCENTIVES FOR CRITICAL POSTS.

Section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) is amended by striking the last sentence.

SEC. 5316. EXTENSION OF AUTHORITY FOR CERTAIN ACCOUNTABILITY REVIEW BOARDS.

Section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) is amended—

(1) in the heading, by striking ''AFGHANISTAN AND'' and inserting ''AFGHANISTAN, YEMEN, SYRIA, AND''; and

(2) in subparagraph (A)—

(A) in clause (i), by striking ''Afghanistan or'' and inserting ''Afghanistan, Yemen, Syria, or''; and

(B) in clause (ii), by striking ''beginning on October 1, 2005, and ending on September 30, 2009'' and inserting ''beginning on October 1, 2020, and ending on September 30, 2022''.

SEC. 5317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.

Subsection (c) of section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''suspend'' and inserting ''indefinitely suspend without duties'';

(2) by redesignating paragraph (5) as paragraph (7);

(3) by inserting after paragraph (4) the following new paragraphs:

''(5) Any member of the Service suspended from duties under this subsection may be suspended without pay only after a final written decision is provided to such member under paragraph (2).

''(6) If no final written decision under paragraph (2) has been provided within 1 calendar year of the date the suspension at issue was proposed, not later than 30 days thereafter the Secretary of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in writing regarding the specific reasons for such delay.''; and

(4) in paragraph (7), as so redesignated—

(A) by striking ''(7) In this subsection:'';

(B) in subparagraph (A), by striking ''(A) The term'' and inserting the following:

''(7) In this subsection, the term'';

(C) by striking subparagraph (B) (relating to the definition of ''suspend'' and ''suspension''); and

(D) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and moving such subparagraphs 2 ems to the left.

SEC. 5318. FOREIGN AFFAIRS MANUAL AND FOREIGN AFFAIRS HANDBOOK CHANGES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the Secretary shall submit to the appropriate congressional committees a report detailing all changes made to the Foreign Affairs Manual or the Foreign Affairs Handbook.

(b) COVERED PERIODS.—The first report required under subsection (a) shall cover the 5-year period preceding the submission of such report. Each subsequent report shall cover the 180-day period preceding submission.

(c) CONTENTS.—Each report required under subsection (a) shall contain the following:

(1) The location within the Foreign Affairs Manual or the Foreign Affairs Handbook where a change has been made.

(2) The statutory basis for each such change.

(3) A side-by-side comparison of the Foreign Affairs Manual or Foreign Affairs Handbook before and after such change.

(4) A summary of such changes displayed in spreadsheet form.

SEC. 5319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPATIONAL REQUIREMENTS OF CERTAIN POSITIONS.

The Secretary of State may waive any or all of the individual occupational requirements with respect to an employee or prospective employee of the Department of State for a civilian position categorized under the GS–0130 occupational series if the Secretary determines that the individual possesses significant scientific, technological, engineering, or mathematical expertise that is integral to performing the duties of the applicable position, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document that is transmitted to the Director of the Office of Personnel Management the rationale for the decision of the Secretary to waive such requirements.

SEC. 5320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL ENGAGEMENT CENTER.

The Secretary may appoint, for a 3-year period that may be extended for up to an additional 2 years, solely to carry out the functions of the Global Engagement Center, employees of the Department without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title.

SEC. 5321. REST AND RECUPERATION AND OVERSEAS OPERATIONS LEAVE FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following new sections:

"§ 6329d. Rest and recuperation leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' means an Executive agency (as that term is defined in section 105), but does not include the Government Accountability Office;

''(2) the term 'combat zone' means a geographic area designated by an Executive order of the President as an area in which the Armed Forces are engaging or have engaged in combat, an area designated by law to be treated as a combat zone, or a location the Department of Defense has certified for combat zone tax benefits due to its direct support of military operations;

''(3) the term 'employee' has the meaning given that term in section 6301 of this title;

''(4) the term 'high risk, high threat post' has the meaning given that term in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4803); and

''(5) the term 'leave year' means the period beginning on the first day of the first complete pay period in a calendar year and ending on the day immediately before the first day of the first complete pay period in the following calendar year.

''(b) LEAVE FOR REST AND RECUPERATION.—The head of an agency may prescribe regulations to grant up to 20 days of paid leave, per leave year, for the purposes of rest and recuperation to an employee of the agency serving in a combat zone, any other high risk, high threat post, or any other location presenting significant security or operational challenges.

''(c) DISCRETIONARY AUTHORITY OF AGENCY HEAD.—Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

''(d) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

"§ 6329e. Overseas operations leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' means an Executive agency (as that term is defined in section 105 of this title), but does not include the Government Accountability Office;

''(2) the term 'employee' has the meaning given that term in section 6301 of this title; and

''(3) the term 'leave year' means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

''(b) LEAVE FOR OVERSEAS OPERATIONS.—The head of an agency may prescribe regulations to grant up to 10 days of paid leave, per leave year, to an employee of the agency serving abroad where the conduct of business could pose potential security or safety related risks or would be inconsistent with host-country practice. Such regulations may provide that additional leave days may be granted during such leave year if the head of the agency determines that to do so is necessary to advance the national security or foreign policy interests of the United States.

''(c) DISCRETIONARY AUTHORITY OF AGENCY HEAD.—Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

''(d) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6329c the following new items:

''6329d. Rest and recuperation leave.

''6329e. Overseas operations leave.''.

SEC. 5322. EXTENSION OF AUTHORITY FOR CORONAVIRUS RELATED PAYMENTS.

(a) IN GENERAL.—The Secretary of State and the heads of other Federal agencies whose employees are authorized to receive payments of monetary amounts and other allowances under section 5523 of title 5, United States Code, may rely upon the authority of that section, without regard to the time limitations referenced therein, to continue such payments in connection with authorized or ordered departures from foreign areas, to prevent, prepare for, and respond to coronavirus.

(b) APPLICABILITY.—The authority under subsection (a) shall be available to continue the payments described in such subsection for the period beginning on July 21, 2020, through September 30, 2022, when such authority shall expire.

SEC. 5323. EDUCATION ALLOWANCES DUE TO CORONAVIRUS.

(a) IN GENERAL.—The authority under section 5924 of title 5, United States Code, may be exercised by the Secretary of State and the heads of other Federal agencies for education allowances to employees who are in the United States with assignment orders to a foreign area and for whom service abroad has been interrupted or delayed because of the coronavirus pandemic without regard to the foreign area limitations referenced therein.

(b) TERMINATION.—The authority under subsection shall expire on September 30, 2022.

SEC. 5324. EMERGENCY MEDICAL SERVICES AUTHORITY.

Section 3 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) in subsection (l), by striking ''and'' after the semicolon;

(2) in subsection (m), by striking the period and inserting ''; and''; and

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

''(n) in exigent circumstances, as determined by the Secretary, provide emergency medical services or related support for private United States citizens, nationals, and permanent resident aliens abroad, or third country nationals connected to such persons or to the diplomatic or development missions of the United States abroad, who are unable to obtain such services or support otherwise, with such assistance provided on a reimbursable basis to the extent feasible.''.

SEC. 5325. DEPARTMENT OF STATE STUDENT INTERNSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of State shall establish the Department of State Student Internship Program (in this section referred to as the ''Program'') to offer internship opportunities at the Department of State to eligible students to raise awareness of the essential role of diplomacy in the conduct of United States foreign policy and the realization of United States foreign policy objectives.

(b) ELIGIBILITY.—To be eligible to participate in the Program, an applicant shall—

(1) be enrolled, not less than half-time, at—

(A) an institution of higher education (as such term is defined section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or

(B) an institution of higher education based outside the United States, as determined by the Secretary of State;

(2) be able to receive and hold an appropriate security clearance; and

(3) satisfy such other criteria as established by the Secretary.

(c) SELECTION.—The Secretary of State shall establish selection criteria for students to be admitted into the Program that includes the following:

(1) Demonstrable interest in a career in foreign affairs.

(2) Academic performance.

(3) Such other criteria as determined by the Secretary.

(d) OUTREACH.—The Secretary of State shall advertise the Program widely, including on the internet, through the Department of State's Diplomats in Residence program, and through other outreach and recruiting initiatives targeting undergraduate and graduate students. The Secretary shall actively encourage people belonging to traditionally under represented groups in terms of racial, ethnic, geographic, and gender diversity, and disability status to apply to the Program, including by conducting targeted

outreach at minority serving institutions (as such term is described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(e) COMPENSATION.—

(1) IN GENERAL.—Students participating in the Program should be paid at least—

(A) the amount specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); or

(B) the minimum wage of the jurisdiction in which the internship is located,

whichever is greatest.

(2) HOUSING ASSISTANCE.—

(A) ABROAD.—The Secretary of State shall provide housing to a student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is outside the United States.

(B) DOMESTIC.—The Secretary of State is authorized to provide housing to a student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is more than 50 miles away from such student's permanent address.

(3) TRAVEL ASSISTANCE.—The Secretary of State shall provide a student participating in the Program whose permanent address is within the United States financial assistance to cover the costs of travel once to and once from the location of the internship in which such student is participating, including travel by air, train, bus, or other transit as appropriate, if the location of such internship is—

(A) more than 50 miles from such student's permanent address; or

(B) outside the United States.

(f) WORKING WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary of State is authorized to enter into agreements with institutions of higher education to structure internships to ensure such internships satisfy criteria for academic programs in which participants in such internships are enrolled.

(g) REPORTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of a Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes the following:

(1) Information regarding the number of students, disaggregated by race, ethnicity, gender, institution of higher learning, home State, State where each student graduated from high school, and disability status, who applied to the Program, were offered a position, and participated.

(2) Information on the number of security clearance investigations started and the timeline for such investigations, including whether such investigations were completed or if, and when, an interim security clearance was granted.

(3) Information on expenditures on the Program.

(4) Information regarding the Department of State's compliance with subsection (g).

(h) VOLUNTARY PARTICIPATION.—

(1) IN GENERAL.—Nothing in this section may be construed to compel any employee of the Department of State to participate in the collection of the data or divulge any personal information. Department employees shall be informed that their participation in the data collection contemplated by this title is voluntary.

(2) PRIVACY PROTECTION.—Any data collected under this section shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.

SEC. 5326. COMPETITIVE STATUS FOR CERTAIN EMPLOYEES HIRED BY INSPECTORS GENERAL TO SUPPORT THE LEAD IG MISSION.

Subparagraph (A) of section 8L(d)(5)(A) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''a lead Inspector General for'' and inserting ''any of the Inspectors General specified in subsection (c) for oversight of''.

SEC. 5327. REPORT RELATING TO FOREIGN SERVICE OFFICER TRAINING AND DEVELOPMENT.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report certain fellowship or detail opportunities for Department of State Foreign Service personnel.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) The number of Senior Foreign Service Officer generalists who, as of the date of the enactment of this Act, have done a tour of at least one year in any of the agencies or congressional committees described in subsection (a).

(2) The total number of senior Foreign Service Officer generalists as of the date of the enactment of this Act.

(3) The average number of Senior Foreign Service Officer generalists inducted annually during the 10 years preceding the date of the enactment of this Act.

(4) The total number of Department advisors stationed in any of the agencies or congressional offices described in subsection (a), including the agencies or offices in which such advisors serve.

(5) The total number of advisors from other United States Government agencies stationed in the Department of State (excluding defense attaches, senior defense officials, and other Department of Defense personnel stationed in United States missions abroad), the home agency of the advisor, and the offices in which such advisors serve.

SEC. 5328. INTERNATIONAL FAIRS AND EXPOSITIONS.

There is authorized to be appropriated $20,000,000 for the Department of State for United States participation in international fairs and expositions abroad, including for construction and the operation of United States pavilions or other major exhibits.

TITLE IV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PROMOTION

SEC. 5401. DEFINITIONS.

In this title:

(1) APPLICANT FLOW DATA.—The term ''applicant flow data'' means data that tracks the rate of applications for job positions among demographic categories.

(2) DEMOGRAPHIC DATA.—The term ''demographic data'' means facts or statistics relating to the demographic categories specified in the Office of Management and Budget statistical policy directive entitled ''Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity'' (81 Fed. Reg. 67398).

(3) DIVERSITY.—The term ''diversity'' means those classes of persons protected under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) WORKFORCE.—The term ''workforce'' means—

(A) individuals serving in a position in the civil service (as defined in section 2101 of title 5, United States Code);

(B) individuals who are members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3902));

(C) all individuals serving under a personal services contract;

(D) all individuals serving under a Foreign Service Limited appointment under section 309 of the Foreign Service Act of 1980; or

(E) individuals other than Locally Employed Staff working in the Department of State under any other authority.

SEC. 5402. COLLECTION, ANALYSIS, AND DISSEMINATION OF WORKFORCE DATA.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, submit to the appropriate congressional committees a report, which shall also be posted on a publicly available website of the Department in a searchable database format, that includes disaggregated demographic data and other information regarding the diversity of the workforce of the Department.

(b) DATA.—The report under subsection (a) shall include the following data:

(1) Demographic data on each element of the workforce of the Department, disaggregated by rank and grade or grade-equivalent, with respect to the following groups:

(A) Applicants for positions in the Department.

(B) Individuals hired to join the workforce.

(C) Individuals promoted during the 2-year period ending on the date of the enactment of this Act, including promotions to and within the Senior Executive Service or the Senior Foreign Service.

(D) Individuals serving on applicable selection boards.

(E) Members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department.

(F) Individuals participating in professional development programs of the Department, and the extent to which such participants have been placed into senior positions within the Department after such participation.

(G) Individuals participating in mentorship or retention programs.

(H) Individuals who separated from the agency during the 2-year period ending on the date of the enactment of this Act, including individuals in the Senior Executive Service or the Senior Foreign Service.

(2) An assessment of agency compliance with the essential elements identified in Equal Employment Opportunity Commission Management Directive 715, effective October 1, 2003.

(3) Data on the overall number of individuals who are part of the workforce, the percentages of such workforce corresponding to each element listed in section 5401(4), and the percentages corresponding to each rank, grade, or grade-equivalent.

(c) RECOMMENDATION.—The Secretary may include in the report under subsection (a) a recommendation to the Director of Office of Management and Budget and to the appropriate congressional committees regarding whether the Department should collect more detailed data on demographic categories in addition to the race and ethnicity categories specified in the Office of Management and Budget statistical policy directive entitled ''Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity'' (81 Fed. Reg. 67398).

(d) OTHER CONTENTS.—The report under subsection (a) shall also describe and assess the effectiveness of the efforts of the Department—

(1) to propagate fairness, impartiality, and inclusion in the work environment, both domestically and abroad;

(2) to enforce anti-harassment and anti-discrimination policies, both domestically and at posts overseas;

(3) to refrain from engaging in unlawful discrimination in any phase of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training;

(4) to prevent illegal retaliation against employees for participating in a protected equal employment opportunity activity or for reporting sexual harassment or sexual assault;

(5) to provide reasonable accommodation for qualified employees and applicants with disabilities; and

(6) to recruit a representative workforce by—

(A) recruiting women and minorities;

(B) recruiting at women's colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(C) placing job advertisements in newspapers, magazines, and job sites oriented toward women and minorities;

(D) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;

(E) providing opportunities through the Foreign Service Internship Program under chapter 12 of the Foreign Service Act of 1980 (22 U.S.C. 4141 et seq.) and other hiring initiatives;

(F) recruiting mid-level and senior-level professionals through programs designed to increase minority representation in international affairs;

(G) offering the Foreign Service written and oral assessment examinations in several locations throughout the United States to reduce the burden of applicants having to travel at their own expense to take either or both such examinations;

(H) expanding the use of paid internships; and

(I) supporting recruiting and hiring opportunities through—

(i) the Charles B. Rangel International Affairs Fellowship Program;

(ii) the Thomas R. Pickering Foreign Affairs Fellowship Program; and

(iii) other initiatives, including agency-wide policy initiatives.

(e) ANNUAL UPDATES.—Not later than 1 year after the publication of the report required under subsection (a) and annually thereafter for the following 5 years, the Secretary shall work with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget to provide a report to the appropriate congressional committees, which shall be posted on the Department's website, which may be included in another annual report required under another provision of law, that includes—

(1) disaggregated demographic data relating to the workforce and information on the status of diversity and inclusion efforts of the Department;

(2) an analysis of applicant flow data; and

(3) disaggregated demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs.

SEC. 5403. EXIT INTERVIEWS FOR WORKFORCE.

(a) RETAINED MEMBERS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall conduct periodic interviews with a representative and diverse cross-section of the workforce of the Department—

(1) to understand the reasons of individuals in such workforce for remaining in a position in the Department; and

(2) to receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of individuals in the workforce to remain in the Department.

(b) DEPARTING MEMBERS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall provide an opportunity for an exit interview to each individual in the workforce of the Department who separates from service with the Department to better understand the reasons of such individual for leaving such service.

(c) USE OF ANALYSIS FROM INTERVIEWS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall analyze demographic data and other information obtained through interviews under subsections (a) and (b) to determine—

(1) to what extent, if any, the diversity of those participating in such interviews impacts the results; and

(2) whether to implement any policy changes or include any recommendations in a report required under subsection (a) or (e) of section 5402 relating to the determination reached pursuant to paragraph (1).

(d) TRACKING DATA.—The Department shall—

(1) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs;

(2) annually evaluate such data—

(A) to identify ways to improve outreach and recruitment for such programs, consistent with merit system principles; and

(B) to understand the extent to which participation in any professional development program offered or sponsored by the Department differs among the demographic categories of the workforce; and

(3) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation, in such professional development programs.

SEC. 5404. RECRUITMENT AND RETENTION.

(a) IN GENERAL.—The Secretary shall—

(1) continue to seek a diverse and talented pool of applicants; and

(2) instruct the Director General of the Foreign Service and the Director of the Bureau of Human Resources of the Department to have a recruitment plan of action for the recruitment of people belonging to traditionally under-represented groups, which should include outreach at appropriate colleges, universities, affinity groups, and professional associations.

(b) SCOPE.—The diversity recruitment initiatives described in subsection (a) shall include—

(1) recruiting at women's colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(2) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;

(3) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;

(4) providing opportunities through highly respected, international leadership programs, that focus on diversity recruitment and retention;

(5) expanding the use of paid internships; and

(6) cultivating partnerships with organizations dedicated to the advancement of the profession of international affairs and national security to advance shared diversity goals.

(c) EXPAND TRAINING ON ANTI-HARASSMENT AND ANTI-DISCRIMINATION.—

(1) IN GENERAL.—The Secretary shall, through the Foreign Service Institute and other educational and training opportunities—

(A) ensure the provision to all individuals in the workforce of training on anti-harassment and anti-discrimination information and policies, including in existing Foreign Service Institute courses or modules prioritized in the Department's Diversity and Inclusion Strategic Plan for 2016–2020 to promote diversity in Bureau awards or mitigate unconscious bias;

(B) expand the provision of training on workplace rights and responsibilities to focus on anti-harassment and anti-discrimination information and policies, including policies relating to sexual assault prevention and response; and

(C) make such expanded training mandatory for—

(i) individuals in senior and supervisory positions;

(ii) individuals having responsibilities related to recruitment, retention, or promotion of employees; and

(iii) any other individual determined by the Department who needs such training based on analysis by the Department or OPM analysis.

(2) BEST PRACTICES.—The Department shall give special attention to ensuring the continuous incorporation of research-based best practices in training provided under this subsection.

SEC. 5405. LEADERSHIP ENGAGEMENT AND ACCOUNTABILITY.

(a) REWARD AND RECOGNIZE EFFORTS TO PROMOTE DIVERSITY AND INCLUSION.—

(1) IN GENERAL.—The Secretary shall implement performance and advancement requirements that reward and recognize the efforts of individuals in senior positions and supervisors in the Department in fostering an inclusive environment and cultivating talent consistent with merit system principles, such as through participation in mentoring programs or sponsorship initiatives, recruitment events, and other similar opportunities.

(2) OUTREACH EVENTS.—The Secretary shall create opportunities for individuals in senior positions and supervisors in the Department to participate in outreach events and to discuss issues relating to diversity and inclusion with the workforce on a regular basis, including with employee resource groups.

(b) EXTERNAL ADVISORY COMMITTEES AND BOARDS.—For each external advisory committee or board to which individuals in senior positions in the Department appoint members, the Secretary is strongly encouraged by Congress to ensure such external advisory committee or board is developed, reviewed, and carried out by qualified teams that represent the diversity of the organization.

SEC. 5406. PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOOLS.

(a) EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

(1) IN GENERAL.—The Secretary is authorized to expand professional development opportunities that support the mission needs of the Department, such as—

(A) academic programs;

(B) private-public exchanges; and

(C) detail assignments to relevant positions in—

(i) private or international organizations;

(ii) State, local, and Tribal governments;

(iii) other branches of the Federal Government; or

(iv) professional schools of international affairs.

(2) TRAINING FOR SENIOR POSITIONS.—

(A) IN GENERAL.—The Secretary shall offer, or sponsor members of the workforce to participate in, a Senior Executive Service candidate development program or other program that trains members on the skills required for appointment to senior positions in the Department.

(B) REQUIREMENTS.—In determining which members of the workforce are granted professional development or career advancement opportunities under subparagraph (A), the Secretary shall—

(i) ensure any program offered or sponsored by the Department under such subparagraph comports with the requirements of subpart C of part 412 of title 5, Code of Federal Regulations, or any successor thereto, including merit staffing and assessment requirements;

(ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;

(iii) understand how participation in any program offered or sponsored by the Department under such subparagraph differs by gender, race, national origin, disability status, or other demographic categories; and

(iv) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

SEC. 5407. EXAMINATION AND ORAL ASSESSMENT FOR THE FOREIGN SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department should offer both the Foreign Service written examination and oral assessment in more locations throughout the United States. Doing so would ease the financial burden on potential candidates who do not currently reside in and must travel at their own expense to one of the few locations where these assessments are offered.

(b) FOREIGN SERVICE EXAMINATIONS.—Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941) is amended—

(1) by striking ''The Secretary'' and inserting: ''(1) The Secretary''; and

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

''(2) The Secretary shall ensure that the Board of Examiners for the Foreign Service annually offers the oral assessment examinations described in paragraph (1) in cities, chosen on a rotating basis, located in at least five cities in three different time zones across the United States.''.

SEC. 5408. PAYNE FELLOWSHIP AUTHORIZATION.

(a) IN GENERAL.—Undergraduate and graduate components of the Donald M. Payne International Development Fellowship Program may conduct outreach to attract outstanding students with an interest in pursuing a Foreign Service career who represent diverse ethnic and socioeconomic backgrounds.

(b) REVIEW OF PAST PROGRAMS.—The Secretary shall review past programs designed to increase minority representation in international affairs positions.

SEC. 5409. VOLUNTARY PARTICIPATION.

(a) IN GENERAL.—Nothing in this title should be construed so as to compel any employee to participate in the collection of the data or divulge any personal information. Department employees shall be informed that their participation in the data collection contemplated by this title is voluntary.

(b) PRIVACY PROTECTION.—Any data collected under this title shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.

TITLE V—INFORMATION SECURITY

SEC. 5501. DEFINITIONS.

In this title:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means—

(A) the appropriate congressional committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 5502. LIST OF CERTAIN TELECOMMUNICATIONS PROVIDERS.

(a) LIST OF COVERED CONTRACTORS.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of National Intelligence, shall develop or maintain, as the case may be, and update as frequently as the Secretary determines appropriate, a list of covered contractors with respect to which the Department should seek to avoid entering into contracts. Not later than 30 days after the initial development of the list under this subsection, any update thereto, and annually thereafter for 5 years after such initial 30 day period, the Secretary shall submit to the appropriate congressional committees a copy of such list.

(b) COVERED CONTRACTOR DEFINED.—In this section, the term ''covered contractor'' means a provider of telecommunications, telecommunications equipment, or information technology equipment, including hardware, software, or services, that has knowingly assisted or facilitated a cyber attack or conducted surveillance, including passive or active monitoring, carried out against—

(1) the United States by, or on behalf of, any government, or persons associated with such government, listed as a cyber threat actor in the intelligence community's 2017 assessment of worldwide threats to United States national security or any subsequent worldwide threat assessment of the intelligence community; or

(2) individuals, including activists, journalists, opposition politicians, or other individuals for the purposes of suppressing dissent or intimidating critics, on behalf of a country included in the annual country reports on human rights practices of the Department for systematic acts of political repression, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights.

SEC. 5503. PRESERVING RECORDS OF ELECTRONIC COMMUNICATIONS CONDUCTED RELATED TO OFFICIAL DUTIES OF POSITIONS IN THE PUBLIC TRUST OF THE AMERICAN PEOPLE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, as a matter of rule of law and transparency in a democratic government, all officers and employees of the Department and the United States Agency for International Development must preserve all records of communications conducted in their official capacities or related to their official duties with entities outside of the United States Government. It is further the sense of Congress that such practice should include foreign government officials or other foreign entities which may seek to influence United States Government policies and actions.

(b) PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Foreign Affairs Manual guidance implementing chapter 31 of title 44, United States Code (commonly referred to as the ''Federal Records Act''), to treat electronic messaging systems, software, and applications as equivalent to electronic mail for the purpose of identifying Federal records, and shall also publish in the Foreign Affairs Manual the statutory penalties for failure to comply with such guidance. Beginning on the date that is 180 days after the date of the enactment of this Act, no funds are authorized to be appropriated or made available to the Department of State under any Act to support the use or establishment of accounts on third-party messaging applications or other non-Government online communication tools if the Secretary does not certify to the relevant congressional committees that the Secretary has carried out this section. The prohibition described in this subsection shall not apply to warden or embassy security messages.

SEC. 5504. FOREIGN RELATIONS OF THE UNITED STATES (FRUS) SERIES AND DECLASSIFICATION.

The State Department Basic Authorities Act of 1956 is amended—

(1) in section 402(a)(2) (22 U.S.C. 4352(a)(2)), by striking ''26'' and inserting ''20''; and

(2) in section 404 (22 U.S.C. 4354)—

(A) in subsection (a)(1), by striking ''30''and inserting ''25''; and

(B) in subsection (c)(1)(C), by striking ''30'' and inserting ''25''.

SEC. 5505. VULNERABILITY DISCLOSURE POLICY AND BUG BOUNTY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BUG BOUNTY PROGRAM.—The term ''bug bounty program'' means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of internet-facing information technology of the Department in exchange for compensation.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) INFORMATION TECHNOLOGY.—The term ''information technology'' has the meaning given such term in section 11101 of title 40, United States Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(b) DEPARTMENT OF STATE VULNERABILITY DISCLOSURE PROCESS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall design, establish, and make publicly known a Vulnerability Disclosure Process (VDP) to improve Department cybersecurity by—

(A) providing security researchers with clear guidelines for—

(i) conducting vulnerability discovery activities directed at Department information technology; and

(ii) submitting discovered security vulnerabilities to the Department; and

(B) creating Department procedures and infrastructure to receive and fix discovered vulnerabilities.

(2) REQUIREMENTS.—In establishing the VDP pursuant to paragraph (1), the Secretary shall—

(A) identify which Department information technology should be included in the process;

(B) determine whether the process should differentiate among and specify the types of security vulnerabilities that may be targeted;

(C) provide a readily available means of reporting discovered security vulnerabilities and the form in which such vulnerabilities should be reported;

(D) identify which Department offices and positions will be responsible for receiving, prioritizing, and addressing security vulnerability disclosure reports;

(E) consult with the Attorney General regarding how to ensure that individuals, organizations, and companies that comply with the requirements of the process are protected from prosecution under section 1030 of

title 18, United States Code, and similar provisions of law for specific activities authorized under the process;

(F) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 Vulnerability Disclosure Program, ''Hack the Pentagon'', and subsequent Department of Defense bug bounty programs;

(G) engage qualified interested persons, including nongovernmental sector representatives, about the structure of the process as constructive and to the extent practicable; and

(H) award contracts to entities, as necessary, to manage the process and implement the remediation of discovered security vulnerabilities.

(3) ANNUAL REPORTS.—Not later than 180 days after the establishment of the VDP under paragraph (1) and annually thereafter for the next 5 years, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the VDP, including information relating to the following:

(A) The number and severity, in accordance with the National Vulnerabilities Database of the National Institute of Standards and Technology, of security vulnerabilities reported.

(B) The number of previously unidentified security vulnerabilities remediated as a result.

(C) The current number of outstanding previously unidentified security vulnerabilities and Department of State remediation plans.

(D) The average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities.

(E) The resources, surge staffing, roles, and responsibilities within the Department used to implement the VDP and complete security vulnerability remediation.

(F) Any other information the Secretary determines relevant.

(c) DEPARTMENT OF STATE BUG BOUNTY PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a bug bounty pilot program to minimize security vulnerabilities of internet-facing information technology of the Department.

(2) REQUIREMENTS.—In establishing the pilot program described in paragraph (1), the Secretary shall—

(A) provide compensation for reports of previously unidentified security vulnerabilities within the websites, applications, and other internet-facing information technology of the Department that are accessible to the public;

(B) award contracts to entities, as necessary, to manage such pilot program and for executing the remediation of security vulnerabilities identified pursuant to subparagraph (A);

(C) identify which Department information technology should be included in such pilot program;

(D) consult with the Attorney General on how to ensure that individuals, organizations, or companies that comply with the requirements of such pilot program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under such pilot program;

(E) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 ''Hack the Pentagon'' pilot program and subsequent Department of Defense bug bounty programs;

(F) develop a process by which an approved individual, organization, or company can register with the entity referred to in subparagraph (B), submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in such pilot program;

(G) engage qualified interested persons, including nongovernmental sector representatives, about the structure of such pilot program as constructive and to the extent practicable; and

(H) consult with relevant United States Government officials to ensure that such pilot program complements persistent network and vulnerability scans of the Department of State's internet-accessible systems, such as the scans conducted pursuant to Binding Operational Directive BOD–15–01.

(3) DURATION.—The pilot program established under paragraph (1) should be short-term in duration and not last longer than 1 year.

(4) REPORT.—Not later than 180 days after the date on which the bug bounty pilot program under subsection (a) is completed, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on such pilot program, including information relating to—

(A) the number of approved individuals, organizations, or companies involved in such pilot program, broken down by the number of approved individuals, organizations, or companies that—

(i) registered;

(ii) were approved;

(iii) submitted security vulnerabilities; and

(iv) received compensation;

(B) the number and severity, in accordance with the National Vulnerabilities Database of the National Institute of Standards and Technology, of security vulnerabilities reported as part of such pilot program;

(C) the number of previously unidentified security vulnerabilities remediated as a result of such pilot program;

(D) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans;

(E) the average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities;

(F) the types of compensation provided under such pilot program; and

(G) the lessons learned from such pilot program.

TITLE VI—PUBLIC DIPLOMACY

SEC. 5601. SHORT TITLE.

This title may be cited as the ''Public Diplomacy Modernization Act of 2021''.

SEC. 5602. AVOIDING DUPLICATION OF PROGRAMS AND EFFORTS.

The Secretary shall—

(1) identify opportunities for greater efficiency of operations, including through improved coordination of efforts across public diplomacy bureaus and offices of the Department; and

(2) maximize shared use of resources between, and within, such public diplomacy bureaus and offices in cases in which programs, facilities, or administrative functions are duplicative or substantially overlapping.

SEC. 5603. IMPROVING RESEARCH AND EVALUATION OF PUBLIC DIPLOMACY.

(a) RESEARCH AND EVALUATION ACTIVITIES.—The Secretary, acting through the Director of Research and Evaluation appointed pursuant to subsection (b), shall—

(1) conduct regular research and evaluation of public diplomacy programs and activities of the Department, including through the routine use of audience research, digital analytics, and impact evaluations, to plan and execute such programs and activities; and

(2) make available to Congress the findings of the research and evaluations conducted under paragraph (1).

(b) DIRECTOR OF RESEARCH AND EVALUATION.—

(1) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall appoint a Director of Research and Evaluation (referred to in this subsection as the ''Director'') in the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department.

(2) LIMITATION ON APPOINTMENT.—The appointment of the Director pursuant to paragraph (1) shall not result in an increase in the overall full-time equivalent positions within the Department.

(3) RESPONSIBILITIES.—The Director shall—

(A) coordinate and oversee the research and evaluation of public diplomacy programs and activities of the Department in order to—

(i) improve public diplomacy strategies and tactics; and

(ii) ensure that such programs and activities are increasing the knowledge, understanding, and trust of the United States by relevant target audiences;

(B) routinely organize and oversee audience research, digital analytics, and impact evaluations across all public diplomacy bureaus and offices of the Department;

(C) support United States diplomatic posts' public affairs sections;

(D) share appropriate public diplomacy research and evaluation information within the Department and with other appropriate Federal departments and agencies;

(E) regularly design and coordinate standardized research questions, methodologies, and procedures to ensure that public diplomacy programs and activities across all public diplomacy bureaus and offices are designed to meet appropriate foreign policy objectives; and

(F) report biannually to the United States Advisory Commission on Public Diplomacy, through the Subcommittee on Research and Evaluation established pursuant to subsection (f), regarding the research and evaluation of all public diplomacy bureaus and offices.

(4) GUIDANCE AND TRAINING.—Not later than 1 year after the appointment of the Director pursuant to paragraph (1), the Director shall develop guidance and training, including curriculum for use by the Foreign Service Institute, for all public diplomacy officers of the Department regarding the reading and interpretation of public diplomacy program and activity evaluation findings to ensure that such findings and related lessons learned are implemented in the planning and evaluation of all public diplomacy programs and activities of the Department.

(c) PRIORITIZING RESEARCH AND EVALUATION.—

(1) IN GENERAL.—The head of the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department shall ensure that research and evaluation of public diplomacy and activities of the Department, as coordinated and overseen by the Director pursuant to subsection (b), supports strategic planning and resource allocation across all public diplomacy bureaus and offices of the Department.

(2) ALLOCATION OF RESOURCES.—Amounts allocated for the purpose of research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) shall be made available to be disbursed at the direction of the Director of Research and Evaluation among the research and evaluation staff across all public diplomacy bureaus and offices of the Department.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the Department should gradually increase its allocation of funds made available under the headings ''Educational

and Cultural Exchange Programs'' and ''Diplomatic Programs'' for research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) to a percentage of program funds that is commensurate with Federal Government best practices.

(d) LIMITED EXEMPTION RELATING TO THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') shall not apply to the collection of information directed at any individuals conducted by, or on behalf of, the Department of State for the purpose of audience research, monitoring, and evaluations, and in connection with the Department's activities conducted pursuant to any of the following:

(1) The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

(2) Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note).

(3) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(e) LIMITED EXEMPTION RELATING TO THE PRIVACY ACT.—

(1) IN GENERAL.—The Department shall maintain, collect, use, and disseminate records (as such term is defined in section 552a(a)(4) of title 5, United States Code) for audience research, digital analytics, and impact evaluation of communications related to public diplomacy efforts intended for foreign audiences.

(2) CONDITIONS.—Audience research, digital analytics, and impact evaluations under paragraph (1) shall be—

(A) reasonably tailored to meet the purposes of this subsection; and

(B) carried out with due regard for privacy and civil liberties guidance and oversight.

(f) UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

(1) SUBCOMMITTEE FOR RESEARCH AND EVALUATION.—The United States Advisory Commission on Public Diplomacy shall establish a Subcommittee on Research and Evaluation to monitor and advise regarding audience research, digital analytics, and impact evaluations carried out by the Department and the United States Agency for Global Media.

(2) ANNUAL REPORT.—The Subcommittee on Research and Evaluation established pursuant to paragraph (1) shall submit to the appropriate congressional committees an annual report, in conjunction with the United States Advisory Commission on Public Diplomacy's Comprehensive Annual Report on the performance of the Department and the United States Agency for Global Media, describing all actions taken by the Subcommittee pursuant to paragraph (1) and any findings made as a result of such actions.

SEC. 5604. PERMANENT REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended—

(1) in the section heading, by striking ''**SUNSET**'' and inserting ''**CONTINUATION**''; and

(2) by striking ''until October 1, 2021''.

SEC. 5605. STREAMLINING OF SUPPORT FUNCTIONS.

(a) WORKING GROUP ESTABLISHED.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish a working group to explore the possibilities and cost-benefit analysis of transitioning to a shared services model as such pertains to human resources, travel, purchasing, budgetary planning, and all other executive support functions for all bureaus of the Department that report to the Under Secretary for Public Diplomacy of the Department.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan to implement any such findings of the working group established under subsection (a).

SEC. 5606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall adopt, and include in the Foreign Affairs Manual, guidelines to collect and utilize information from each diplomatic post at which the construction of a new embassy compound or new consulate compound would result in the closure or co-location of an American Space, American Center, American Corner, or any other public diplomacy facility under the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).

(b) REQUIREMENTS.—The guidelines required by subsection (a) shall include the following:

(1) Standardized notification to each chief of mission at a diplomatic post describing the requirements of the Secure Embassy Construction and Counterterrorism Act of 1999 and the impact on the mission footprint of such requirements.

(2) An assessment and recommendations from each chief of mission of potential impacts to public diplomacy programming at such diplomatic post if any public diplomacy facility referred to in subsection (a) is closed or staff is co-located in accordance with such Act.

(3) A process by which assessments and recommendations under paragraph (2) are considered by the Secretary and the appropriate Under Secretaries and Assistant Secretaries of the Department.

(4) Notification to the appropriate congressional committees, prior to the initiation of a new embassy compound or new consulate compound design, of the intent to close any such public diplomacy facility or co-locate public diplomacy staff in accordance with such Act.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the guidelines required under subsection (a) and any recommendations for any modifications to such guidelines.

SEC. 5607. DEFINITIONS.

In this title:

(1) AUDIENCE RESEARCH.—The term ''audience research'' means research conducted at the outset of a public diplomacy program or the outset of campaign planning and design regarding specific audience segments to understand the attitudes, interests, knowledge, and behaviors of such audience segments.

(2) DIGITAL ANALYTICS.—The term ''digital analytics'' means the analysis of qualitative and quantitative data, accumulated in digital format, to indicate the outputs and outcomes of a public diplomacy program or campaign.

(3) IMPACT EVALUATION.—The term ''impact evaluation'' means an assessment of the changes in the audience targeted by a public diplomacy program or campaign that can be attributed to such program or campaign.

(4) PUBLIC DIPLOMACY BUREAUS AND OFFICES.—The term ''public diplomacy bureaus and offices'' means, with respect to the Department, the following:

(A) The Bureau of Educational and Cultural Affairs.

(B) The Bureau of Global Public Affairs.

(C) The Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs.

(D) The Global Engagement Center.

(E) The public diplomacy functions within the regional and functional bureaus.

TITLE VII—COMBATING PUBLIC CORRUPTION

SEC. 5701. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is in the foreign policy interest of the United States to help foreign countries promote good governance and combat public corruption;

(2) multiple Federal departments and agencies operate programs that promote good governance in foreign countries and enhance such countries' ability to combat public corruption; and

(3) the Department of State should—

(A) promote coordination among the Federal departments and agencies implementing programs to promote good governance and combat public corruption in foreign countries in order to improve effectiveness and efficiency; and

(B) identify areas in which United States efforts to help other countries promote good governance and combat public corruption could be enhanced.

SEC. 5702. DEFINITIONS.

In this title:

(1) CORRUPT ACTOR.—The term ''corrupt actor'' means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(2) CORRUPTION.—The term ''corruption'' means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

(3) SIGNIFICANT CORRUPTION.—The term ''significant corruption'' means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

(B) Involves economically or socially large-scale government activities.

SEC. 5703. PUBLICATION OF TIERED RANKING LIST.

(a) IN GENERAL.—The Secretary of State shall annually publish, on a publicly accessible website, a tiered ranking of all foreign countries.

(b) TIER 1 COUNTRIES.—A country shall be ranked as a tier 1 country in the ranking published under subsection (a) if the government of such country is complying with the minimum standards set forth in section 5704.

(c) TIER 2 COUNTRIES.—A country shall be ranked as a tier 2 country in the ranking published under subsection (a) if the government of such country is making efforts to comply with the minimum standards set forth in section 5704, but is not achieving the requisite level of compliance to be ranked as a tier 1 country.

(d) TIER 3 COUNTRIES.—A country shall be ranked as a tier 3 country in the ranking published under subsection (a) if the government of such country is making de minimis or no efforts to comply with the minimum standards set forth in section 5704.

SEC. 5704. MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT CORRUPTION.

(a) IN GENERAL.—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted and implemented laws and established government structures, policies,

and practices that prohibit corruption, including significant corruption;

(2) enforces the laws described in paragraph (1) by punishing any person who is found, through a fair judicial process, to have violated such laws;

(3) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and

(4) is making serious and sustained efforts to address corruption, including through prevention.

(b) FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider, to the extent relevant or appropriate, factors such as—

(1) whether the government of the country has criminalized corruption, investigates and prosecutes acts of corruption, and convicts and sentences persons responsible for such acts over which it has jurisdiction, including, as appropriate, incarcerating individuals convicted of such acts;

(2) whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate corruption, including nationals of the country who are deployed in foreign military assignments, trade delegations abroad, or other similar missions, who engage in or facilitate significant corruption;

(3) whether the government of the country has adopted measures to prevent corruption, such as measures to inform and educate the public, including potential victims, about the causes and consequences of corruption;

(4) what steps the government of the country has taken to prohibit government officials from participating in, facilitating, or condoning corruption, including the investigation, prosecution, and conviction of such officials;

(5) the extent to which the country provides access, or, as appropriate, makes adequate resources available, to civil society organizations and other institutions to combat corruption, including reporting, investigating, and monitoring;

(6) whether an independent judiciary or judicial body in the country is responsible for, and effectively capable of, deciding corruption cases impartially, on the basis of facts and in accordance with the law, without any improper restrictions, influences, inducements, pressures, threats, or interferences (direct or indirect);

(7) whether the government of the country is assisting in international investigations of transnational corruption networks and in other cooperative efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors;

(8) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others;

(9) whether the government of the country protects victims of corruption or whistleblowers from reprisal due to such persons having assisted in exposing corruption, and refrains from other discriminatory treatment of such persons;

(10) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption;

(11) whether the government of the country is taking steps to implement financial transparency measures in line with the Financial Action Task Force recommendations, including due diligence and beneficial ownership transparency requirements;

(12) whether the government of the country is facilitating corruption in other countries in connection with state-directed investment, loans or grants for major infrastructure, or other initiatives; and

(13) such other information relating to corruption as the Secretary of State considers appropriate.

(c) ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION IN RELATION TO RELEVANT INTERNATIONAL COMMITMENTS.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider the government of a country's compliance with the following, as relevant:

(1) The Inter-American Convention against Corruption of the Organization of American States, done at Caracas March 29, 1996.

(2) The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation of Economic Co-operation and Development, done at Paris December 21, 1997 (commonly referred to as the ''Anti-Bribery Convention'').

(3) The United Nations Convention against Transnational Organized Crime, done at New York November 15, 2000.

(4) The United Nations Convention against Corruption, done at New York October 31, 2003.

(5) Such other treaties, agreements, and international standards as the Secretary of State considers appropriate.

SEC. 5705. IMPOSITION OF SANCTIONS UNDER GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of the Treasury, should evaluate whether there are foreign persons engaged in significant corruption for the purposes of potential imposition of sanctions under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note)—

(1) in all countries identified as tier 3 countries under section 5703; or

(2) in relation to the planning or construction or any operation of the Nord Stream 2 pipeline.

(b) REPORT REQUIRED.—Not later than 180 days after publishing the list required by section 5703(a) and annually thereafter, the Secretary of State shall submit to the committees specified in subsection (f) a report that includes—

(1) a list of foreign persons with respect to which the President imposed sanctions pursuant to the evaluation under subsection (a);

(2) the dates on which such sanctions were imposed;

(3) the reasons for imposing such sanctions; and

(4) a list of all foreign persons found to have been engaged in significant corruption in relation to the planning, construction, or operation of the Nord Stream 2 pipeline.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(d) BRIEFING IN LIEU OF REPORT.—The Secretary of State, in coordination with the Secretary of the Treasury, may (except with respect to the list required by subsection (b)(4)) provide a briefing to the committees specified in subsection (f) instead of submitting a written report required under subsection (b), if doing so would better serve existing United States anti-corruption efforts or the national interests of the Untied States.

(e) TERMINATION OF REQUIREMENTS RELATING TO NORD STREAM 2.—The requirements under subsections (a)(2) and (b)(4) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(f) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(1) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

SEC. 5706. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.

(a) IN GENERAL.—The Secretary of State shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified as tier 2 or tier 3 under section 5703, or which the Secretary otherwise determines is in need of such a point of contact. The point of contact shall be the chief of mission or the chief of mission's designee.

(b) RESPONSIBILITIES.—Each anti-corruption point of contact designated under subsection (a) shall be responsible for enhancing coordination and promoting the implementation of a whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

(1) promote good governance in foreign countries; and

(2) enhance the ability of such countries—

(A) to combat public corruption; and

(B) to develop and implement corruption risk assessment tools and mitigation strategies.

(c) TRAINING.—The Secretary of State shall implement appropriate training for anti-corruption points of contact designated under subsection (a).

TITLE VIII—GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY REAUTHORIZATION ACT

SEC. 5801. SHORT TITLE.

This title may be cited as the ''Global Magnitsky Human Rights Accountability Reauthorization Act''.

SEC. 5802. MODIFICATIONS TO AND REAUTHORIZATION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.

(a) DEFINITIONS.—Section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended by striking paragraph (2) and inserting the following:

''(2) IMMEDIATE FAMILY MEMBER.—The term 'immediate family member', with respect to a foreign person, means the spouse, parent, sibling, or adult child of the person.''.

(b) SENSE OF CONGRESS.—The Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended by inserting after section 1262 the following new section:

''SEC. 1262A. SENSE OF CONGRESS.

''It is the sense of Congress that the President should establish and regularize information sharing and sanctions-related decision making with like-minded governments possessing human rights and anti-corruption sanctions programs similar in nature to those authorized under this subtitle.''.

(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Subsection (a) of section 1263 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended to read as follows:

''(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to—

''(1) any foreign person that the President determines, based on credible information—

''(A) is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse;

''(B) is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in—

''(i) corruption, including—

''(I) the misappropriation of state assets;

''(II) the expropriation of private assets for personal gain;

''(III) corruption related to government contracts or the extraction of natural resources; or

''(IV) bribery; or

''(ii) the transfer or facilitation of the transfer of the proceeds of corruption;

''(C) is or has been a leader or official of—

''(i) an entity, including a government entity, that has engaged in, or whose members have engaged in, any of the activities described in subparagraph (A) or (B) related to the tenure of the leader or official; or

''(ii) an entity whose property and interests in property are blocked pursuant to this section as a result of activities related to the tenure of the leader or official;

''(D) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—

''(i) an activity described in subparagraph (A) or (B) that is conducted by a foreign person;

''(ii) a person whose property and interests in property are blocked pursuant to this section; or

''(iii) an entity, including a government entity, that has engaged in, or whose members have engaged in, an activity described in subparagraph (A) or (B) conducted by a foreign person; or

''(E) is owned or controlled by, or has acted or been purported to act for or on behalf of, directly or indirectly, a person whose property and interests in property are blocked pursuant to this section; and

''(2) any immediate family member of a person described in paragraph (1).''.

(2) CONSIDERATION OF CERTAIN INFORMATION.—Subsection (c)(2) of such section is amended by inserting ''corruption and'' after ''monitor''.

(3) REQUESTS BY CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsection (a)'' and inserting ''subsection (a)(1)''; and

(ii) in subparagraph (B)(i), by inserting ''or an immediate family member of the person''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''HUMAN RIGHTS VIOLATIONS'' and inserting ''SERIOUS HUMAN RIGHTS ABUSE''; and

(II) by striking ''described in paragraph (1) or (2) of subsection (a)'' and inserting ''described in subsection (a)(1) relating to serious human rights abuse''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''described in paragraph (3) or (4) of subsection (a)'' and inserting ''described in subsection (a)(1) relating to corruption or the transfer or facilitation of the transfer of the proceeds of corruption''; and

(II) by striking ''ranking member of'' and all that follows through the period at the end and inserting ''ranking member of one of the appropriate congressional committees''.

(4) TERMINATION OF SANCTIONS.—Subsection (g) of such section is amended, in the matter preceding paragraph (1), by inserting ''and the immediate family members of that person'' after ''a person''.

(d) REPORTS TO CONGRESS.—Section 1264(a) of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended—

(1) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) A description of additional steps taken by the President through diplomacy, international engagement, and assistance to foreign or security sectors to address persistent underlying causes of serious human rights abuse and corruption in each country in which foreign persons with respect to which sanctions have been imposed under section 1263 are located.''.

(e) REPEAL OF SUNSET.—Section 1265 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is repealed.

TITLE IX—OTHER MATTERS

SEC. 5901. LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT.

Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking ''No assistance'' and inserting the following:

''(1) No assistance'';

(2) by inserting ''the government of'' before ''any country'';

(3) by inserting ''the government of'' before ''such country'' each place it appears;

(4) by striking ''determines'' and all that follows and inserting ''determines, after consultation with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, that assistance for such country is in the national interest of the United States.''; and

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

''(2) No assistance shall be furnished under this Act, the Peace Corps Act, the Millennium Challenge Act of 2003, the African Development Foundation Act, the BUILD Act of 2018, section 504 of the FREEDOM Support Act, or section 23 of the Arms Export Control Act to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest or any loan made to the government of such country by the United States unless the President determines, following consultation with the congressional committees specified in paragraph (1), that assistance for such country is in the national interest of the United States.''.

SEC. 5902. SEAN AND DAVID GOLDMAN CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2014 AMENDMENT.

Subsection (b) of section 101 of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9111; Public Law 113–150) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting '', respectively,'' after ''access cases''; and

(ii) by inserting ''and the number of children involved'' before the semicolon at the end; and

(B) in subparagraph (D), by inserting ''respectively, the number of children involved,'' after ''access cases,'';

(2) in paragraph (7), by inserting '', and number of children involved in such cases'' before the semicolon at the end;

(3) in paragraph (8), by striking ''and'' after the semicolon at the end;

(4) in paragraph (9), by striking the period at the end and inserting ''; and''; and

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

''(10) the total number of pending cases the Department of State has assigned to case officers and number of children involved for each country and as a total for all countries.''.

SEC. 5903. MODIFICATION OF AUTHORITIES OF COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD.

(a) IN GENERAL.—Chapter 3123 of title 54, United States Code, is amended as follows:

(1) In section 312302, by inserting '', and unimpeded access to those sites,'' after ''and historic buildings''.

(2) In section 312304(a)—

(A) in paragraph (2)—

(i) by striking ''and historic buildings'' and inserting ''and historic buildings, and unimpeded access to those sites''; and

(ii) by striking ''and protected'' and inserting '', protected, and made accessible''; and

(B) in paragraph (3), by striking ''and protecting'' and inserting '', protecting, and making accessible''.

(3) In section 312305, by inserting ''and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives'' after ''President''.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commission for the Preservation of America's Heritage Abroad shall submit to the President and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that contains an evaluation of the extent to which the Commission is prepared to continue its activities and accomplishments with respect to the foreign heritage of United States citizens from eastern and central Europe, were the Commission's duties and powers extended to include other regions, including the Middle East and North Africa, and any additional resources or personnel the Commission would require.

SEC. 5904. CONGRESSIONAL OVERSIGHT, QUARTERLY REVIEW, AND AUTHORITY RELATING TO CONCURRENCE PROVIDED BY CHIEFS OF MISSION FOR THE PROVISION OF SUPPORT RELATING TO CERTAIN UNITED STATES GOVERNMENT OPERATIONS.

(a) NOTIFICATION REQUIRED.—Not later than 30 days after the date on which a chief of mission provides concurrence for the provision of United States Government support to entities or individuals engaged in facilitating or supporting United States Government operations within the area of responsibility of the chief of mission, the Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of the provision of such concurrence.

(b) QUARTERLY REVIEW, DETERMINATION, AND BRIEFING REQUIRED.—Not less frequently than every 90 days, the Secretary of State shall, in order to ensure support described in subsection (a) continues to align with United States foreign policy objectives and the objectives of the Department of State—

(1) conduct a review of any concurrence described in subsection (a) in effect as of the date of the review;

(2) based on the review, determine whether to revoke any such concurrence pending further study and review; and

(3) brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the results of the review.

(c) REVOCATION OF CONCURRENCE.—Based on the review conducted pursuant to subsection

(b), the Secretary may revoke any such concurrence.

(d) ANNUAL REPORT REQUIRED.—Not later than January 31 of each year, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes the following:

(1) A description of any support described in subsection (a) that was provided with the concurrence of a chief of mission during the calendar year preceding the calendar year in which the report is submitted.

(2) An analysis of the effects of the support described in paragraph (1) on diplomatic lines of effort, including with respect to—

(A) Nonproliferation, Anti-terrorism, Demining, and Related Programs (NADR) and associated Anti-Terrorism Assistance (ATA) programs;

(B) International Narcotics Control and Law Enforcement (INCLE) programs; and

(C) Foreign Military Sales (FMS), Foreign Military Financing (FMF), and associated training programs.

SEC. 5905. REPORT ON EFFORTS OF THE CORONAVIRUS REPATRIATION TASK FORCE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report evaluating the efforts of the Coronavirus Repatriation Task Force of the Department of State to repatriate United States citizens and legal permanent residents in response to the 2020 coronavirus outbreak. The report shall identify—

(1) the most significant impediments to repatriating such persons;

(2) the lessons learned from such repatriations; and

(3) any changes planned to future repatriation efforts of the Department of State to incorporate such lessons learned.

SA 4516. Mr. PETERS (for himself, Mr. PORTMAN, Mr. WARNER, Ms. COLLINS, and Ms. SINEMA) 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, add the following:

DIVISION E—FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Federal Information Security Modernization Act of 2021''.

SEC. 5102. DEFINITIONS.

In this division, 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 division.

(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 division.

(8) THREAT HUNTING.—The term ''threat hunting'' means proactively and iteratively searching for threats to systems that evade detection by automated threat detection systems.

TITLE LI—UPDATES TO FISMA

SEC. 5121. 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, 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 and the Director of the Cybersecurity and Infrastructure Security Agency, security of information; and'';

(B) in subsection (g), by striking paragraph (1) and inserting the following:

''(1) with respect to information collected or maintained by or for agencies—

''(A) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, disclosure, and sharing of the information; and

''(B) in consultation with the National Cyber Director and the Director of the Cybersecurity and Infrastructure Security Agency, develop and oversee policies, principles, standards, and guidelines on security of the information; and''; and

(C) in subsection (h)(1)—

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

(I) by inserting ''the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director,'' before ''the Director''; and

(II) by inserting a comma before ''and the Administrator''; and

(ii) in subparagraph (A), by inserting ''security and'' after ''information technology'';

(2) in section 3505—

(A) in paragraph (3) of the first 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.''; and

(B) by striking the second subsection designated as subsection (c);

(3) in section 3506—

(A) in subsection (b)(1)(C), by inserting '', availability'' after ''integrity''; and

(B) 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 or cybersecurity to the Director of the Cybersecurity and Infrastructure Security Agency.''.

(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), (3), (4), (5), (6), (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 (6), as so redesignated, the following:

''(7) The term 'high value asset' means information or an information system that the head of an agency determines 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.

''(8) The term 'major incident' has the meaning given the term in guidance issued by the Director under section 3598(a).'';

(D) by inserting after paragraph (9), as so redesignated, the following:

''(10) The term 'penetration test' means a specialized type of assessment that—

''(A) is conducted on an information system or a component of an information system; and

''(B) emulates an attack or other exploitation capability of a potential adversary, typically under specific constraints, in order to identify any vulnerabilities of an information system or a component of an information system that could be exploited.''; and

(E) 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) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(B) by inserting after paragraph (2) the following:

''(3) recognize the role of the Cybersecurity and Infrastructure Security Agency as the lead entity for operational cybersecurity coordination across the Federal Government;'';

(C) in paragraph (5), as so redesignated, by striking ''diagnose and improve'' and inserting ''integrate, deliver, diagnose, and improve'';

(D) in paragraph (6), as so redesignated, by striking ''and'' at the end;

(E) in paragraph (7), as so redesignated, by striking the period at the end and inserting a semi colon; and

(F) by adding at the end the following:

''(8) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency;

''(9) 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

''(10) recognize that—

''(A) a holistic Federal cybersecurity model is necessary to account for differences between the missions and capabilities of agencies; and

''(B) in accounting for the differences described in subparagraph (A) and ensuring overall Federal cybersecurity—

''(i) the Office of Management and Budget is the leader for policy development and oversight of Federal cybersecurity;

''(ii) the Cybersecurity and Infrastructure Security Agency is the leader for implementing operations at agencies; and

''(iii) the National Cyber Director is responsible for developing the overall cybersecurity strategy of the United States and advising the President on matters relating to cybersecurity.'';

(2) in section 3553—

(A) by striking the section heading and inserting ''**Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency**''.

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director,'' before ''developing and overseeing'';

(ii) in paragraph (5)—

(I) by inserting '', in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director,'' before ''agency compliance''; and

(II) 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 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.'';

(C) in subsection (b)—

(i) by striking the subsection heading and inserting ''CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY'';

(ii) in the matter preceding paragraph (1), by striking ''The Secretary, in consultation with the Director'' and inserting ''The Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and the National Cyber Director'';

(iii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''and reporting requirements under subchapter IV of this title'' after ''section 3556''; and

(II) in subparagraph (D), by striking ''the Director or Secretary'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency'';

(iv) in paragraph (5), by striking ''coordinating'' and inserting ''leading the coordination of'';

(v) in paragraph (8), by striking ''the Secretary's discretion'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency's discretion''; and

(vi) in paragraph (9), by striking ''as the Director or the Secretary, in consultation with the Director,'' and inserting ''as the Director of the Cybersecurity and Infrastructure Security Agency'';

(D) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''each year'' and inserting ''each year during which agencies are required to submit reports under section 3554(c)'';

(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'';

(E) by redesignating subsections (i), (j), (k), and (l) as subsections (j), (k), (l), and (m) respectively;

(F) 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 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.''; and

(G) 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

(H) 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 2 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 appropriate reporting entities the status of the implementation of the binding operational directive at the agency.'';

(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, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, 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 in accordance with the risk-based cyber budget model developed pursuant to section 3553(a)(7);'';

(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—

''(I) the agency risk assessment performed under subsection (a)(1)(A); and

''(II) the determinations of applying more stringent standards and additional cybersecurity procedures pursuant to section 11331(c)(1) of title 40; 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 known 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 title; 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 2021 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 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 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 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 Director of the Cybersecurity and Infrastructure Security Agency'' after ''the Director''; and

(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 guidance for evaluating the effectiveness of an information security program and practices

''(2) PRIORITIES.—The guidance developed under paragraph (1) shall prioritize the identification of—

''(A) the most common threat patterns experienced by each agency;

''(B) the security controls that address the threat patterns described in subparagraph (A); and

''(C) any other security risks unique to the networks of each agency.''; 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—

(A) by striking the item relating to section 3553 and inserting the following:

''3553. Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency.''; and

(B) 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' means—

''(A) a compromise of the security, confidentiality, or integrity of data in electronic form that results in unauthorized access to, or an acquisition of, personal information; or

''(B) a loss of data in electronic form that results in unauthorized access to, or an acquisition of, personal information.

''(4) CONTRACTOR.—The term 'contractor' means—

''(A) a prime contractor of an agency or a subcontractor of a prime contractor of an agency; and

''(B) any person or business that collects or maintains information, including personally identifiable information, on behalf 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 rationale for the determination that notice should be provided under subsection (a);

''(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 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) 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 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 impacted 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) EXEMPTION FROM NOTIFICATION.—

''(1) IN GENERAL.—The head of an agency, in consultation with the inspector general of the agency, may request an exemption from the Director from complying with the notification requirements under subsection (a) if the information affected by the breach is determined by an independent evaluation to be unreadable, including, as appropriate, instances in which the information is—

''(A) encrypted; and

''(B) determined by the Director of the Cybersecurity and Infrastructure Security Agency to be of sufficiently low risk of exposure.

''(2) APPROVAL.—The Director shall determine whether to grant an exemption requested under paragraph (1) in consultation with—

''(A) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(B) the Attorney General.

''(3) DOCUMENTATION.—Any exemption granted by the Director under paragraph (1) shall be reported in writing to the head of the agency and the inspector general of the agency that experienced the breach and the Director of the Cybersecurity and Infrastructure Security Agency.

''(f) 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 or exemption to notification to individuals potentially affected by the major incident under subsection (c) or (e) of section 3592; and

''(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.

''(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 on the major incident and, to the extent practicable, provide a briefing 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 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; and

''(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 or exemption described in subsection (c) or (e), respectively, of section 3592, if applicable.

''(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) ANNUAL REPORT.—Each agency shall submit as part of the annual report required under section 3554(c)(1) of this title a description of each major incident that occurred during the 1-year period preceding the date on which the report is submitted.

''(e) DELAY AND EXEMPTION REPORT.—

''(1) IN GENERAL.—The Director shall submit to the appropriate notification entities an annual report on all notification delays and exemptions granted pursuant to subsections (c) and (d) of section 3592.

''(2) 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 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.—The head of each agency shall provide any information relating to any incident, whether the information is obtained by the Federal Government directly or indirectly, to the Cybersecurity and Infrastructure Security Agency and the Office of Management and Budget.

''(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.

''(3) INFORMATION SHARING.—To the greatest extent practicable, the Director of the Cybersecurity and Infrastructure Security Agency shall share information relating to an incident with any agencies that may be impacted by the incident.

''(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.—The information provided under subsection (a) 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

''(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, as defined by the Director and not involving a national security system, regardless of delays from notification granted for a major incident, shall coordinate with the Cybersecurity and Infrastructure Security Agency regarding—

''(1) incident response and recovery; and

''(2) recommendations for mitigating future incidents.

''§ 3595. Responsibilities of contractors and awardees

''(a) NOTIFICATION.—

''(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 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 on and after the date that is 1 year after the date of enactment of the Federal Information Security Modernization Act of 2021.

''§ 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) cross Federal Government root causes of incidents at 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 in cross-Federal Government 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)).

''(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 and other Federal agencies as appropriate, shall submit to the appropriate notification 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 compromises 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.—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.

''(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—

''(i) data for the incident; and

''(ii) 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 agency 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 2021, 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 impacts 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 shall declare a major incident at each agency impacted by an incident if the Director of the Cybersecurity and Infrastructure Security Agency determines 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—

''(A) is any incident described in paragraph (1), the head of an agency shall consult with the Director of the Cybersecurity and Infrastructure Security Agency;

''(B) is an incident described in paragraph (1)(A), the head of the agency shall consult with the National Cyber Director; and

''(C) is an incident described in subparagraph (C) or (D) of paragraph (1), the head of the agency shall consult with—

''(i) the Privacy and Civil Liberties Oversight Board; and

''(ii) the Chair of the Federal Trade Commission.

''(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 2021, and not less frequently than every 2 years thereafter, 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 an evaluation, which shall include—

''(1) an update, if necessary, to the guidance issued under subsection (a);

''(2) 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. 5122. AMENDMENTS TO SUBTITLE III OF TITLE 40.

(a) INFORMATION TECHNOLOGY MODERNIZATION CENTERS OF EXCELLENCE PROGRAM ACT.—Section 2(c)(4)(A)(ii) of the Information Technology Modernization Centers of Excellence Program Act (40 U.S.C. 11301 note) is amended by striking the period at the end and inserting '', which shall be provided in coordination with the Director of the Cybersecurity and Infrastructure Security Agency.''.

(b) 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—

(1) in section 1077(b)—

(A) in paragraph (5)(A), by inserting ''improving the cybersecurity of systems and'' before ''cost savings activities''; and

(B) in paragraph (7)—

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

(ii) by striking ''In evaluating projects'' and inserting the following:

''(A) CONSIDERATION OF GUIDANCE.—In evaluating projects'';

(iii) in subparagraph (A), as so designated, by striking ''under section 1094(b)(1)'' and inserting ''by the Director''; and

(iv) by adding at the end the following:

''(B) CONSULTATION.—In using funds under paragraph (3)(A), the Chief Information Officer of the covered agency shall consult with the necessary stakeholders to ensure the project appropriately addresses cybersecurity risks, including the Director of the Cybersecurity and Infrastructure Security Agency, as appropriate.''; and

(2) in section 1078—

(A) 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.'';

(B) 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

(C) in subsection (c)—

(i) in paragraph (2)(A)(i), by inserting '', including a consideration of the impact on high value assets'' after ''operational risks'';

(ii) 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

(iii) in paragraph (6)(A), by striking ''shall be—'' and all that follows through ''4 employees'' and inserting ''shall be 4 employees''.

(c) SUBCHAPTER I.—Subchapter I 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'';

(bb) in clause (i), as so designated, by striking '', and performance'' and inserting ''security, and performance; and''; and

(cc) 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), 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.''; and

(ii) in paragraph (4)(B), in the matter preceding clause (i), by inserting ''not later than 30 days after the date on which the review under subparagraph (A) is completed,'' before ''the Administrator'';

(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''.

(d) SUBCHAPTER II.—Subchapter II 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.'';

(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''.

(e) SUBCHAPTER III.—Section 11331 of title 40, United States Code, is amended—

(1) in subsection (a), by striking ''section 3532(b)(1)'' and inserting ''section 3552(b)'';

(2) in subsection (b)(1)(A)—

(A) by striking ''in consultation'' and inserting ''in coordination''; and

(B) by striking ''the Secretary of Homeland Security'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency'';

(3) by striking subsection (c) and inserting the following:

''(c) APPLICATION OF MORE STRINGENT STANDARDS.—

''(1) IN GENERAL.—The head of an agency shall—

''(A) evaluate, in consultation with the senior agency information security officers, the need to employ standards for cost-effective, risk-based information security for all systems, operations, and assets within or under the supervision of the agency that are more stringent than the standards promulgated by the Director under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Director; and

''(B) to the greatest extent practicable and if the head of the agency determines that the standards described in subparagraph (A) are necessary, employ those standards.

''(2) EVALUATION OF MORE STRINGENT STANDARDS.—In evaluating the need to employ more stringent standards under paragraph (1), the head of an agency shall consider available risk information, such as—

''(A) the status of cybersecurity remedial actions of the agency;

''(B) any vulnerability information relating to agency systems that is known to the agency;

''(C) incident information of the agency;

''(D) information from—

''(i) penetration testing performed under section 3559A of title 44; and

''(ii) information from the vulnerability disclosure program established under section 3559B of title 44;

''(E) agency threat hunting results under section 5145 of the Federal Information Security Modernization Act of 2021;

''(F) Federal and non-Federal threat intelligence;

''(G) data on compliance with standards issued under this section;

''(H) agency system risk assessments performed under section 3554(a)(1)(A) of title 44; and

''(I) any other information determined relevant by the head of the agency.'';

(4) in subsection (d)(2)—

(A) in the paragraph heading, by striking ''NOTICE AND COMMENT'' and inserting ''CONSULTATION, NOTICE, AND COMMENT'';

(B) by inserting ''promulgate,'' before ''significantly modify''; and

(C) by striking ''shall be made after the public is given an opportunity to comment on the Director's proposed decision.'' and inserting ''shall be made—

''(A) for a decision to significantly modify or not promulgate such a proposed standard, after the public is given an opportunity to comment on the Director's proposed decision;

''(B) 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;

''(C) considering the Federal risk assessments performed under section 3553(i) of title 44; and

''(D) considering the extent to which the proposed standard reduces risk relative to the cost of implementation of the standard.''; and

(5) by adding at the end the following:

''(e) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) CONDUCT OF REVIEW.—

''(A) IN GENERAL.—Not less frequently than once every 3 years, the Director of the Office of Management and Budget, 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 review the efficacy of the guidance and policy promulgated by the Director in reducing cybersecurity risks, including an assessment of the requirements for agencies to report information to the Director, and determine whether any changes to that guidance or policy is appropriate.

''(B) FEDERAL RISK ASSESSMENTS.—In conducting the review described in subparagraph (A), the Director shall consider the Federal risk assessments performed under section 3553(i) of title 44.

''(2) UPDATED GUIDANCE.—Not later than 90 days after the date on which a review is completed under paragraph (1), the Director of the Office of Management and Budget 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 a review is completed under paragraph (1), the Director of the Office of Management and Budget shall make publicly available a report that includes—

''(A) an overview of the guidance and policy promulgated under this section that is currently in effect;

''(B) the cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy document described in subparagraph (A); and

''(C) a summary of the guidance or policy to which changes were determined appropriate during the review and what the changes are anticipated to include.

''(4) CONGRESSIONAL BRIEFING.—Not later than 30 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.

''(f) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard pursuant to paragraphs (2) and (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.''.

SEC. 5123. ACTIONS TO ENHANCE FEDERAL INCIDENT RESPONSE.

(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 division, and the report required under subsection (b) of that section that includes—

(i) a description of any challenges the Director 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 division.

(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 division.

(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 division;

(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 division, 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 division.

(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 division.

(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. 5124. ADDITIONAL GUIDANCE TO AGENCIES ON FISMA UPDATES.

Not later than 1 year after the date of enactment of this Act, the Director, in coordination 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 division;

(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 division, 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;

(4) interpreting the definition of ''high value asset'' under section 3552 of title 44, United States Code, as amended by this division; and

(5) 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. 5125. 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).

TITLE LII—IMPROVING FEDERAL CYBERSECURITY

SEC. 5141. 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. 5142. 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 time periods to retain the logs and other relevant data;

(3) the time periods for agencies to enable 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 Federal Bureau of Investigation 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.

SEC. 5143. 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. 5144. 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 shall issue guidance that—

''(A) requires agencies to use, when and where appropriate, penetration testing on agency systems; 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 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) PENETRATION TESTING BY THE SECRETARY OF HOMELAND SECURITY.—Section 3553(b) of title 44, United States Code, as amended by section 5121, is further amended—

(1) in paragraph (8)(B), by striking ''and'' at the end;

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) performing penetration testing with or without advance notice to, or authorization from, agencies, to identify vulnerabilities within Federal information systems; and''.

SEC. 5145. 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, and analyzing 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—

(i) more stringent standards under section 11331(c)(1) of title 40, United States Code; and

(ii) 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. 5146. 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 5144 of this division, the following:

"§ 3559B. Federal vulnerability disclosure programs

''(a) 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.

''(b) 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 (d)(2); and

''(B) is authorized under the vulnerability disclosure policy of the agency developed under subsection (d)(2).

''(2) SHARING INFORMATION WITH CISA.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, shall issue guidance to agencies on sharing relevant information in a consistent, automated, and machine readable manner with 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 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 (d)(2).

''(c) 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.

''(d) 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, to cover all Federal information systems 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.

''(e) PAPERWORK REDUCTION ACT EXEMPTION.—The requirements of subchapter I (commonly known as the 'Paperwork Reduction Act') shall not apply to a vulnerability disclosure program established under this section.

''(f) CONGRESSIONAL REPORTING.—Not later than 90 days after the date of enactment of the Federal Information Security Modernization Act of 2021, and annually thereafter for a 3-year period, 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 (b)(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 204, the following:

''3559B. Federal vulnerability disclosure programs.''.

SEC. 5147. IMPLEMENTING PRESUMPTION OF COMPROMISE AND LEAST PRIVILEGE PRINCIPLES.

(a) GUIDANCE.—Not later than 1 year 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 quickly;

(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 1 year 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;

(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. 5148. AUTOMATION REPORTS.

(a) OMB REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report 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. 5149. EXTENSION OF FEDERAL ACQUISITION SECURITY COUNCIL.

Section 1328 of title 41, United States Code, is amended by striking ''the date that'' and all that follows and inserting ''December 31, 2026.''.

SEC. 5150. 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. 5151. 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, 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))—

(A) update the covered metrics; and

(B) 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.

(d) CONGRESSIONAL REPORTS.—

(1) UTILITY OF METRICS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees a report on the utility of the covered metrics.

(2) USE OF METRICS.—Not later than 180 days after the date on which the Director promulgates guidance under subsection (c)(1), the Director shall submit to the appropriate congressional committees a report on the results of the use of the covered metrics by agencies.

(e) CYBERSECURITY ACT OF 2015 UPDATES.—Section 224 of the Cybersecurity Act of 2015 (6 U.S.C. 1522) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) IMPROVED METRICS.—

''(1) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall establish, review, and update metrics to measure the cybersecurity and incident response capabilities of agencies in accordance with the responsibilities of agencies under section 3554 of title 44, United States Code.

''(2) QUALITIES.—With respect to the metrics established, reviewed, and updated under paragraph (1)—

''(A) not less than 2 of the metrics shall be time-based, such as a metric of—

''(i) the amount of time it takes for an agency to detect an incident; and

''(ii) the amount of time that passes between—

''(I) the detection of an incident and the remediation of the incident; and

''(II) the remediation of an incident and the recovery from the incident; and

''(B) the metrics may include other measurable outcomes.'';

(2) by striking subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

TITLE LIII—RISK-BASED BUDGET MODEL

SEC. 5161. DEFINITIONS.

In this title:

(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 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 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).

SEC. 5162. ESTABLISHMENT OF RISK-BASED BUDGET MODEL.

(a) IN GENERAL.—

(1) 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 creating a risk-based budget for cybersecurity spending.

(2) RESPONSIBILITY OF DIRECTOR.—Section 3553(a) of title 44, United States Code, as amended by section 5121 of this division, 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''.

(3) CONTENTS OF MODEL.—The model required to be developed under paragraph (1) shall—

(A) consider Federal and non-Federal cyber threat intelligence products, where available, to identify threats, vulnerabilities, and risks;

(B) consider the impact of agency operations of compromise of systems, including the interconnectivity to other agency systems and the operations of other agencies;

(C) indicate where resources should be allocated to have the greatest impact on mitigating current and future threats and current and future cybersecurity capabilities;

(D) be used to 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

(E) be used to evaluate and inform Government-wide cybersecurity programs of the Department of Homeland Security.

(4) 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 this subsection.

(5) PUBLICATION.—The Director shall publish the model required to be developed under this subsection, and any updates necessary under paragraph (4), on the public website of the Office of Management and Budget.

(6) REPORTS.—Not later than 1 year after 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 this subsection is completed, whichever is sooner, the Director shall submit a report to Congress on the development of the model.

(b) REQUIRED USE OF RISK-BASED BUDGET MODEL.—

(1) IN GENERAL.—Not later than 2 years after the date on which the model developed under subsection (a) is published, the head of each covered agency shall use the model to develop the annual cybersecurity and information technology budget requests of the agency.

(2) AGENCY PERFORMANCE PLANS.—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)''.

(c) VERIFICATION.—

(1) IN GENERAL.—Section 1105(a)(35)(A)(i) of title 31, United States Code, is amended—

(A) in the matter preceding subclause (I), by striking ''by agency, and by initiative area (as determined by the administration)'' and inserting ''and by agency'';

(B) in subclause (III), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(V) a validation that the budgets submitted were developed 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.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on

the date that is 2 years after the date on which the model developed under subsection (a) is published.

(d) REPORTS.—

(1) INDEPENDENT EVALUATION.—Section 3555(a)(2) of title 44, United States Code, is amended—

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

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

(C) by adding at the end the following:

''(D) an assessment of how the agency implemented the risk-based budget model required under section 3553(a)(7) and an evaluation of whether the model mitigates agency cyber vulnerabilities.''.

(2) ASSESSMENT.—Section 3553(c) of title 44, United States Code, as amended by section 5121, is further amended by inserting after paragraph (5) the following:

''(6) an assessment of—

''(A) Federal agency implementation of the model required under subsection (a)(7);

''(B) how cyber vulnerabilities of Federal agencies changed from the previous year; and

''(C) whether the model mitigates the cyber vulnerabilities of the Federal Government.''.

(e) 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 subsection (c), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes—

(1) an evaluation of the success of covered agencies in developing risk-based budgets;

(2) an evaluation of the success of covered agencies in implementing risk-based budgets;

(3) an evaluation of whether the risk-based budgets developed by covered agencies mitigate cyber vulnerability, including the extent to which the risk-based budgets inform Federal Government-wide cybersecurity programs; and

(4) any other information relating to risk-based budgets the Comptroller General determines appropriate.

TITLE LIV—PILOT PROGRAMS TO ENHANCE FEDERAL CYBERSECURITY

SEC. 5181. 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, 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 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. 5182. 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 260 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).

DIVISION F—CYBER INCIDENT REPORTING ACT OF 2021 AND CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021

TITLE LXI—CYBER INCIDENT REPORTING ACT OF 2021

SEC. 6101. SHORT TITLE.

This title may be cited as the ''Cyber Incident Reporting Act of 2021''.

SEC. 6102. DEFINITIONS.

In this title:

(1) COVERED CYBER INCIDENT; COVERED ENTITY; CYBER INCIDENT.—The terms ''covered cyber incident'', ''covered entity'', and ''cyber incident'' have the meanings given those terms in section 2230 of the Homeland Security Act of 2002, as added by section 6103 of this title.

(2) RANSOM PAYMENT; RANSOMWARE ATTACK.—The terms ''ransom payment'' and ''ransomware attack'' have the meanings given those terms in section 2200 of the Homeland Security Act of 2002 (6 U.S.C. 651), as added by section 6203 of this division.

(3) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(4) INFORMATION SYSTEM; SECURITY VULNERABILITY.—The terms ''information system'' and ''security vulnerability'' have the meanings given those terms in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

SEC. 6103. 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(b) (6 U.S.C. 659(b)), as so redesignated by section 6203(b) of this division—

(A) in paragraph (11), by striking ''and'' at the end;

(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 2230) submitted by covered entities (as defined in section 2230) and reports related to ransom payments submitted by entities in furtherance of the activities specified in sections 2202(e), 2203, and 2231, 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 C—Cyber Incident Reporting

''SEC. 2230. DEFINITIONS.

''In this subtitle:

''(1) CENTER.—The term 'Center' means the center established under section 2209.

''(2) COUNCIL.—The term 'Council' means the Cyber Incident Reporting Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)).

''(3) 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 2232(b).

''(4) COVERED ENTITY.—The term 'covered entity' means—

''(A) any Federal contractor; or

''(B) an entity that owns or operates critical infrastructure that satisfies the definition established by the Director in the final rule issued pursuant to section 2232(b).

''(5) CYBER INCIDENT.—The term 'cyber incident' has the meaning given the term 'incident' in section 2200.

''(6) CYBER THREAT.—The term 'cyber threat'—

''(A) has the meaning given the term 'cybersecurity threat' in section 2200; and

''(B) does not include any activity related to good faith security research, including participation in a bug-bounty program or a vulnerability disclosure program.

''(7) FEDERAL CONTRACTOR.—The term 'Federal contractor' means a business, nonprofit organization, or other private sector entity that holds a Federal Government contract, unless that contractor is a party only to—

''(A) a service contract to provide housekeeping or custodial services; or

''(B) a contract to provide products or services unrelated to information technology that is below the micro-purchase threshold, as defined in section 2.101 of title 48, Code of Federal Regulations, or any successor regulation.

''(8) FEDERAL ENTITY; INFORMATION SYSTEM; SECURITY CONTROL.—The terms 'Federal entity', 'information system', and 'security control' have the meanings given those terms in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

''(9) SIGNIFICANT CYBER INCIDENT.—The term 'significant cyber incident' means a cybersecurity incident, or a group of related cybersecurity 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.

''(10) SMALL ORGANIZATION.—The term 'small organization'—

''(A) means—

''(i) a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632); or

''(ii) any nonprofit organization, including faith-based organizations and houses of worship, or other private sector entity with fewer than 200 employees (determined on a full-time equivalent basis); and

''(B) does not include—

''(i) a business, nonprofit organization, or other private sector entity that is a covered entity; or

''(ii) a Federal contractor.

''SEC. 2231. 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 support law enforcement investigations, to assess potential impact of incidents on public health and safety, and to have a more accurate picture of the cyber threat to critical infrastructure and the people of the United States;

''(2) receive, aggregate, analyze, and secure reports to lead the identification of tactics, techniques, and procedures used to perpetuate cyber incidents and ransomware attacks;

''(3) coordinate and share information with appropriate Federal departments and agencies to identify and track ransom payments, including those utilizing virtual currencies;

''(4) leverage information gathered about cybersecurity 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, technology providers, critical infrastructure owners and operators, cybersecurity and incident response firms, and security researchers; and

''(B) provide appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, cybersecurity and 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 2235;

''(5) 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;

''(6) 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 incidents in the future;

''(7) 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;

''(8) with respect to covered cyber incident reports under subsection (b) 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;

''(9) publish quarterly unclassified, public reports that may be based on the unclassified information contained in the reports required under subsection (b);

''(10) proactively identify opportunities and perform analyses, consistent with the protections in section 2235, to leverage and utilize data on ransomware attacks to support law enforcement operations to identify, track, and seize ransom payments utilizing virtual currencies, to the greatest extent practicable;

''(11) proactively identify opportunities, consistent with the protections in section 2235, 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;

''(12) on a not less frequently than annual basis, analyze public disclosures made pursuant to parts 229 and 249 of title 17, Code of Federal Regulations, or any subsequent document submitted to the Securities and Exchange Commission by entities experiencing cyber incidents and compare such disclosures to reports received by the Center; and

''(13) in accordance with section 2235 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 2233, or information received pursuant to a request for information or subpoena under section 2234, make available the information to appropriate Sector Risk Management Agencies and other appropriate Federal agencies.

''(b) INTERAGENCY SHARING.—The Director of the Office of Management and Budget, in consultation with the Director and the National Cyber Director—

''(1) may establish a specific time requirement for sharing information under subsection (a)(13); and

''(2) shall determine the appropriate Federal agencies under subsection (a)(13).

''(c) PERIODIC BRIEFING.—Not later than 60 days after the effective date of the final rule required under section 2232(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 2232 and 2233 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 2232 and 2233, 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 2232 and 2233; and

''(4) be unclassified, but may include a classified annex.

''SEC. 2232. REQUIRED REPORTING OF CERTAIN CYBER INCIDENTS.

''(a) IN GENERAL.—

''(1) COVERED CYBER INCIDENT REPORTS.—A covered entity that is a victim of a covered cyber incident shall report the covered cyber incident to the Director not later than 72 hours after the covered entity reasonably believes that the covered cyber incident has occurred.

''(2) RANSOM PAYMENT REPORTS.—An entity, including a covered entity and except for an individual or a small organization, that makes a ransom payment as the result of a ransomware attack against the entity shall report the payment to the Director not later than 24 hours after the ransom payment has been made.

''(3) SUPPLEMENTAL REPORTS.—A covered entity shall promptly submit to the Director an update or supplement to a previously submitted covered cyber incident report if 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).

''(4) PRESERVATION OF INFORMATION.—Any 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 cyber incident includes a ransom payment such that the reporting requirements under paragraphs (1) and (2) 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.—The requirements under paragraphs (1), (2), and (3) shall not apply to an

entity required by law, regulation, or contract to report substantially similar information to another Federal agency within a substantially similar timeframe.

''(C) DOMAIN NAME SYSTEM.—The requirements under paragraphs (1), (2) and (3) shall not apply to an entity or the functions of an 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 2 years after the date of enactment of this section, the Director, in consultation with Sector Risk Management Agencies and the heads of 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 may issue regulations to implement subsection (a) after issuance of the final rule under paragraph (2), including a rule to amend or revise the final rule.

''(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) the unauthorized access to an information system or network with a 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 due to a cyber incident; or

''(iii) an occurrence described in clause (i) or (ii) 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 an 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 an 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 perpetuated by a United States Government entity, good faith security research, or in response to an invitation by the owner or operator of the information system for third parties to find vulnerabilities in the information system, such as through a vulnerability disclosure program or the use of authorized penetration testing services; and

''(ii) the threat of disruption as extortion, as described in section 2201(9)(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 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 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, tactics, techniques, and procedures used to perpetuate the covered cyber incident.

''(C) Where applicable, any identifying or contact information related to each actor reasonably believed to be responsible for such 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 entity impacted by the covered cyber incident.

''(F) Contact information, such as telephone number or electronic mail address, that the Center 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 perpetuate 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 entity that made the ransom payment.

''(E) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the 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 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) and the period of time for which the data is required to be preserved.

''(7) Deadlines for submitting reports to the Director 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; and

''(C) balance the need for situational awareness with the ability of the covered entity to conduct incident response and investigations.

''(8) Procedures for—

''(A) entities 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 the enforcement provisions of section 2233, including with respect to the issuance, service, withdrawal, and enforcement of subpoenas, appeals and due process procedures, the suspension and debarment provisions in section 2234(c), and other aspects of noncompliance;

''(C) implementing the exceptions provided in subparagraphs (A), (B), and (D) of 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) A clear description of the types of entities that constitute other private sector entities for purposes of section 2230(b)(7).

''(d) THIRD PARTY REPORT SUBMISSION AND RANSOM PAYMENT.—

''(1) REPORT SUBMISSION.—An entity, including 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 an 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 or an entity that makes a ransom payment 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 an entity that knowingly makes a ransom payment on behalf of an entity impacted by a ransomware attack shall advise the impacted entity of the responsibilities of the impacted entity regarding reporting ransom payments under this section.

''(e) OUTREACH TO COVERED ENTITIES.—

''(1) IN GENERAL.—The Director 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 entities impacted by ransomware attacks, potential ransomware attack victims, 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 Center covered cyber incident reports and information relating to the disclosure, retention, and use of incident 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 2234 when a covered entity is not in compliance with the reporting requirements under subsection (a).

''(E) Specific outreach to cybersecurity vendors, incident response providers, cybersecurity insurance entities, and other entities that may support covered entities or ransomware attack victims.

''(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 Director 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) ORGANIZATION OF REPORTS.—Notwithstanding chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), the Director may request information within the scope of the final rule issued under subsection (b) by the alteration of existing questions or response fields and the reorganization and reformatting of the means by which covered cyber incident reports, ransom payment reports, and any voluntarily offered information is submitted to the Center.

''SEC. 2233. VOLUNTARY REPORTING OF OTHER CYBER INCIDENTS.

''(a) IN GENERAL.—Entities may voluntarily report incidents or ransom payments to the Director that are not required under paragraph (1), (2), or (3) of section 2232(a), but may enhance the situational awareness of cyber threats.

''(b) VOLUNTARY PROVISION OF ADDITIONAL INFORMATION IN REQUIRED REPORTS.—Entities may voluntarily include in reports required under paragraph (1), (2), or (3) of section 2232(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 2235 applicable to covered cyber incident reports shall apply in the same manner and to the same extent to reports and information submitted under subsections (a) and (b).

''SEC. 2234. NONCOMPLIANCE WITH REQUIRED REPORTING.

''(a) PURPOSE.—In the event that an entity that is required to submit a report under section 2232(a) fails to comply with the requirement to report, the Director may obtain information about the incident or ransom payment by engaging the entity directly to request information about the incident or ransom payment, and if the Director is unable to obtain information through such engagement, by issuing a subpoena to the entity, pursuant to subsection (c), to gather information sufficient to determine whether a covered cyber incident or ransom payment has occurred, and, if so, whether additional action is warranted pursuant to subsection (d).

''(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 2231(a), that an entity has experienced a covered cyber incident or made a ransom payment but failed to report such incident or payment to the Center within 72 hours in accordance with section 2232(a), the Director shall request additional information from the entity to confirm whether or not a covered cyber incident or ransom payment has occurred.

''(2) TREATMENT.—Information provided to the Center in response to a request under paragraph (1) shall be treated as if it was submitted through the reporting procedures established in section 2232.

''(c) AUTHORITY TO ISSUE SUBPOENAS AND DEBAR.—

''(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 entity from which such information was requested, or received an inadequate response, the Director may issue to such 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 2232 and any implementing regulations.

''(2) CIVIL ACTION.—

''(A) IN GENERAL.—If an 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 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) DEBARMENT OF FEDERAL CONTRACTORS.—If a covered entity with a Federal Government contract, grant, cooperative agreement, or other transaction agreement fails to comply with a subpoena issued under this subsection—

''(A) the Director may refer the matter to the Administrator of General Services; and

''(B) upon receiving a referral from the Director, the Administrator of General Services may impose additional available penalties, including suspension or debarment.

''(d) ACTIONS BY ATTORNEY GENERAL AND REGULATORS.—

''(1) IN GENERAL.—Notwithstanding section 2235(a) and subsection (b)(2) of this section, if the Attorney General or the appropriate regulator determines, based on information provided in response to a subpoena issued pursuant to subsection (c), that the facts relating to the covered cyber incident or ransom payment at issue may constitute grounds for a regulatory enforcement action or criminal prosecution, the Attorney General or the appropriate regulator may use that information for a regulatory enforcement action or criminal prosecution.

''(2) APPLICATION TO CERTAIN ENTITIES AND THIRD PARTIES.—A covered cyber incident or ransom payment report submitted to the Center by an entity that makes a ransom payment or third party under section 2232 shall not be used by any Federal, State, Tribal, or local government to investigate or take another law enforcement action against the entity that makes a ransom payment or third party.

''(3) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to provide an entity that submits a covered cyber incident report or ransom payment report under section 2232 any immunity from law enforcement action for making a ransom payment otherwise prohibited by law.

''(e) CONSIDERATIONS.—When determining whether to exercise the authorities provided under this section, the Director shall take into consideration—

''(1) the size and complexity of the entity;

''(2) the complexity in determining if a covered cyber incident has occurred; and

''(3) prior interaction with the Agency or awareness of the 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);

''(3) brought a civil action pursuant to subsection (c)(2); or

''(4) conducted additional actions pursuant to subsection (d).

''SEC. 2235. INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.

''(a) DISCLOSURE, RETENTION, AND USE.—

''(1) AUTHORIZED ACTIVITIES.—Information provided to the Center or Agency pursuant to section 2232 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 covered cyber incident 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 center shall immediately review the report to determine whether the 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) STANDARDS 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 Center or the Agency pursuant to section 2232 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; or

''(B) information that identifies a specific individual that is not directly related to a cybersecurity threat.

''(4) DIGITAL SECURITY.—The Center and the Agency shall ensure that reports submitted to the Center or the Agency pursuant to section 2232, 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 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 Center or the Agency in accordance with this subtitle to regulate, including through an enforcement action, the lawful activities of the covered entity or entity that made a ransom payment.

''(b) NO WAIVER OF PRIVILEGE OR PROTECTION.—The submission of a report to the Center or the Agency under section 2232 shall not constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection and attorney-client privilege.

''(c) EXEMPTION FROM DISCLOSURE.—Information contained in a report submitted to the Office under section 2232 shall be exempt from disclosure under section 552(b)(3)(B) of title 5, United States Code (commonly known as the 'Freedom of Information Act') and any State, Tribal, or local provision of law requiring disclosure of information or records.

''(d) EX PARTE COMMUNICATIONS.—The submission of a report to the Agency under section 2232 shall 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.

''(e) 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 2232(a) that is submitted in conformance with this subtitle and the rule promulgated under section 2232(b), except that this subsection shall not apply with regard to an action by the Federal Government pursuant to section 2234(c)(2).

''(2) SCOPE.—The liability protections provided in subsection (e) 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 Center or 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.

''(f) SHARING WITH NON-FEDERAL ENTITIES.—The Agency shall anonymize the victim who reported the information when making information provided in reports received under section 2232 available to critical infrastructure owners and operators and the general public.

''(g) PROPRIETARY INFORMATION.—Information contained in a report submitted to the Agency under section 2232 shall be considered the commercial, financial, and proprietary information of the covered entity when so designated by the covered entity.

''(h) 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').''.

(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 B of title XXII the following:

''Subtitle C—Cyber Incident Reporting

''Sec. 2230. Definitions.
''Sec. 2231. Cyber Incident Review.
''Sec. 2232. Required reporting of certain cyber incidents.
''Sec. 2233. Voluntary reporting of other cyber incidents.
''Sec. 2234. Noncompliance with required reporting.
''Sec. 2235. Information shared with or provided to the Federal Government.''.

SEC. 6104. FEDERAL SHARING OF INCIDENT REPORTS.

(a) CYBER INCIDENT REPORTING SHARING.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, any Federal agency that receives a report from an entity of a cyber incident, including a ransomware attack, shall provide the report to the Director 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 Cybersecurity Infrastructure Security Agency and the recipient Federal agency.

(2) RULE OF CONSTRUCTION.—The requirements described in paragraph (1) shall not be construed to be a violation of any provision of law or policy that would otherwise prohibit disclosure 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) FOIA EXEMPTION.—Any report received by the Director pursuant to paragraph (1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(b) CREATION OF COUNCIL.—Section 1752(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) lead an intergovernmental Cyber Incident Reporting Council, in coordination with the Director of the Office of Management and Budget and the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with Sector Risk Management Agencies (as defined in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651)) and other appropriate Federal agencies, to coordinate, deconflict, and harmonize Federal incident reporting requirements, including those issued through regulations, for covered entities (as defined in section 2230 of such Act) and entities that make a ransom payment (as defined in such section 2201 (6 U.S.C. 651)); and''; and

(2) by adding at the end the following:

''(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(H) shall be construed to provide any additional regulatory authority to any Federal entity.''.

(c) HARMONIZING REPORTING REQUIREMENTS.—The National Cyber Director shall, in consultation with the Director, the Cyber Incident Reporting Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), and the Director of the Office of Management and Budget, to the maximum extent practicable—

(1) periodically review existing regulatory requirements, including the information required in such reports, to report cyber incidents and ensure that any such reporting requirements and procedures avoid conflicting, duplicative, or burdensome requirements; and

(2) coordinate with the Director and regulatory authorities that receive reports relating to cyber 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 such agencies to gain timely situational awareness of a covered cyber incident or ransom payment.

SEC. 6105. 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 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 Federal and other relevant 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 within 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. 6106. 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 National Cyber Director, in consultation with 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 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 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 task force to mitigate the threat of ransomware attacks against Federal and non-Federal entities.

(b) CLARIFYING PRIVATE SECTOR LAWFUL DEFENSIVE MEASURES.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in coordination with the Secretary of Homeland Security and the Attorney General, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Reform of the House of Representatives a report that describes defensive measures that private sector actors can take when countering ransomware attacks and what laws need to be clarified to enable that action.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide any additional authority to any Federal agency.

SEC. 6107. 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 2232(b) of the Homeland Security Act of 2002, as added by section 6103(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 2231(a)(9) of the Homeland Security Act of 2002, as added by section 6103(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 6105, 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 6105(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 this pilot 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 National Cyber Director convenes the Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), the National Cyber Director shall submit to the appropriate congressional committees a report that includes—

(A) a list of duplicative Federal cyber incident reporting requirements on covered entities and entities that make a ransom payment;

(B) a description of any challenges in harmonizing the duplicative reporting requirements;

(C) any actions the National Cyber 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 2232(b) of the Homeland Security Act of 2002, as added by section 6103 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 2232(a) of the Homeland Security Act of 2002, as added by section 6103 of this title, which shall include—

(A) to the extent practicable, an evaluation of the quantity of incidents not reported to the Federal Government;

(B) an evaluation of the impact on impacted entities, homeland security, and the national economy of the ransomware criminal ecosystem of incidents and ransom payments, including a discussion on the scope of impact of 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 organization and would be exempt from ransom payment reporting but not for being a covered entity; and

(D) a description of the consequences and effects of the exemptions.

(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 2232(b) of the Homeland Security Act of 2002, as added by section 6103 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 2234 of the Homeland Security Act of 2002, as added by section 6103 of this title.

TITLE LXII—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021

SEC. 6201. SHORT TITLE.

This title may be cited as the ''CISA Technical Corrections and Improvements Act of 2021''.

SEC. 6202. REDESIGNATIONS.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(2) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(3) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(4) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217; and

(5) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in the first paragraph (12), by striking ''section 2215'' and inserting ''section 2217''; and

(2) by redesignating the second and third paragraphs (12) as paragraphs (13) and (14), respectively.

(c) ADDITIONAL TECHNICAL AMENDMENT.—

(1) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

SEC. 6203. CONSOLIDATION OF DEFINITIONS.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651) is amended by inserting before the subtitle A heading the following:

''SEC. 2200. DEFINITIONS.

''Except as otherwise specifically provided, in this title:

''(1) AGENCY.—The term 'Agency' means the Cybersecurity and Infrastructure Security Agency.

''(2) AGENCY INFORMATION.—The term 'agency information' means information collected or maintained by or on behalf of an agency.

''(3) AGENCY INFORMATION SYSTEM.—The term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency.

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

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

''(B) the Committee on Homeland Security of the House of Representatives.

''(5) CLOUD SERVICE PROVIDER.—The term 'cloud service provider' means an entity offering products or services related to cloud computing, as defined by the National Institutes of Standards and Technology in NIST Special Publication 800–145 and any amendatory or superseding document relating thereto.

''(6) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' means information not customarily in the public domain and related to the security of critical infrastructure or protected systems, including—

''(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

''(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

''(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

''(7) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' means information that is necessary to describe or identify—

''(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

''(B) a method of defeating a security control or exploitation of a security vulnerability;

''(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

''(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

''(E) malicious cyber command and control;

''(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

''(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

''(H) any combination thereof.

''(8) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

''(9) CYBERSECURITY RISK.—The term 'cybersecurity risk'—

''(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

''(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

''(10) CYBERSECURITY THREAT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'cybersecurity threat' means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

''(B) EXCLUSION.—The term 'cybersecurity threat' does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

''(11) DEFENSIVE MEASURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'defensive measure' means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

''(B) EXCLUSION.—The term 'defensive measure' does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by—

''(i) the entity operating the measure; or

''(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

''(12) HOMELAND SECURITY ENTERPRISE.—The term 'Homeland Security Enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

''(13) INCIDENT.—The term 'incident' means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system.

''(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'Information Sharing and Analysis Organization' means any

formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

''(A) gathering and analyzing critical infrastructure information, including information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;

''(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of a interference, compromise, or a incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

''(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

''(15) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44, United States Code.

''(16) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(17) 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.

''(18) MONITOR.—The term 'monitor' means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

''(19) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term 'national cybersecurity asset response activities' means—

''(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

''(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

''(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

''(D) facilitating information sharing and operational coordination with threat response; and

''(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

''(20) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given the term in section 11103 of title 40, United States Code.

''(21) 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.

''(22) RANSOMWARE ATTACK.—The term 'ransomware attack'—

''(A) means a cyber incident that includes the threat of use of unauthorized or malicious code on an information system, or the 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 made by a Federal Government entity, good faith security research, or in response to an invitation by the owner or operator of the information system for third parties to identify vulnerabilities in the information system.

''(23) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

''(24) SECURITY VULNERABILITY.—The term 'security vulnerability' means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

''(25) SHARING.—The term 'sharing' (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).

''(26) SUPPLY CHAIN COMPROMISE.—The term 'supply chain compromise' means a cyber incident within the supply chain of an information technology system whereby an adversary jeopardizes the confidentiality, integrity, or availability of the information technology system or the information the system processes, stores, or transmits, and can occur at any point during the life cycle.

''(27) 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.

''(28) 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.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by amending section 2201 to read as follows:

''SEC. 2201. DEFINITION.

''In this subtitle, the term 'Cybersecurity Advisory Committee' means the advisory committee established under section 2219(a).'';

(2) in section 2202—

(A) in subsection (a)(1), by striking ''(in this subtitle referred to as the Agency)'';

(B) in subsection (f)—

(i) in paragraph (1), by inserting ''Executive'' before ''Assistant Director''; and

(ii) in paragraph (2), by inserting ''Executive'' before ''Assistant Director'';

(3) in section 2203(a)(2), by striking ''as the 'Assistant Director' '' and inserting ''as the 'Executive Assistant Director' '';

(4) in section 2204(a)(2), by striking ''as the 'Assistant Director' '' and inserting ''as the 'Executive Assistant Director' '';

(5) in section 2209—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (o) as subsections (a) through (n), respectively;

(C) in subsection (c)(1)(A)(iii), as so redesignated, by striking '', as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))'';

(D) in subsection (d), as so redesignated, in the matter preceding paragraph (1), by striking ''subsection (c)'' and inserting ''subsection (b)'';

(E) in subsection (j), as so redesignated, by striking ''subsection (c)(8)'' and inserting ''subsection (b)(8)''; and

(F) in subsection (n), as so redesignated—

(i) in paragraph (2)(A), by striking ''subsection (c)(12)'' and inserting ''subsection (b)(12)''; and

(ii) in paragraph (3)(B)(i), by striking ''subsection (c)(12)'' and inserting ''subsection (b)(12)'';

(6) in section 2210—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (d) as subsections (a) through (c), respectively;

(C) in subsection (b), as so redesignated—

(i) by striking ''information sharing and analysis organizations (as defined in section 2222(5))'' and inserting ''Information Sharing and Analysis Organizations''; and

(ii) by striking ''(as defined in section 2209)''; and

(D) in subsection (c), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (b)'';

(7) in section 2211, by striking subsection (h);

(8) in section 2212, by striking ''information sharing and analysis organizations (as defined in section 2222(5))'' and inserting ''Information Sharing and Analysis Organizations'';

(9) in section 2213—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (f) as subsections (a) through (e); respectively;

(C) in subsection (b), as so redesignated, by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

(D) in subsection (c), as so redesignated, in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(E) in subsection (d), as so redesignated—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)'';

(II) in subparagraph (A), by striking ''subsection (c)(1)'' and inserting ''subsection (b)(1)''; and

(III) in subparagraph (B), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)''; and

(ii) in paragraph (2), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)'';

(10) in section 2216, as so redesignated—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (h) as subsections (a) through (g), respectively;

(C) in subsection (a), as so redesignated—

(i) in the matter preceding paragraph (1), by striking ''subsection (e)'' and inserting ''subsection (d)'';

(ii) in paragraph (1), by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(iii) in paragraph (2), by striking ''subsection (c)'' and inserting ''subsection (b)'';

(D) in subsection (b)(4), as so redesignated—

(i) by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(ii) by striking ''subsection (h)'' and inserting ''subsection (g)'';

(E) in subsection (d), as so redesignated, by striking ''subsection (b)(1)'' each place it appears and inserting ''subsection (a)(1)'';

(F) in subsection (e), as so redesignated—

(i) by striking ''subsection (b)'' and inserting ''subsection (a)'';

(ii) by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(iii) by striking ''subsection (b)(1)'' and inserting ''subsection (a)(1)''; and

(G) in subsection (f), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (b)'';

(11) in section 2217, as so redesignated, by striking subsection (f) and inserting the following:

''(f) CYBER DEFENSE OPERATION DEFINED.—In this section, the term 'cyber defense operation' means the use of a defensive measure.''; and

(12) in section 2222—

(A) by striking paragraphs (3), (5), and (8);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(c) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by inserting before the item relating to subtitle A of title XXII the following:

''Sec. 2200. Definitions.'';

(2) by striking the item relating to section 2201 and inserting the following:

''Sec. 2201. Definition.''; and

(3) by striking the second item relating to section 2215 and all that follows through the item relating to section 2217 and inserting the following:

''Sec. 2216. Cybersecurity State Coordinator.
''Sec. 2217. Joint Cyber Planning Office.
''Sec. 2218. Duties and authorities relating to .gov internet domain.
''Sec. 2219. Cybersecurity Advisory Committee.
''Sec. 2220. Cybersecurity Education and Training Programs.''.

(d) CYBERSECURITY ACT OF 2015 DEFINITIONS.—Section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501) is amended—

(1) by striking paragraphs (4) through (7) and inserting the following:

''(4) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(5) CYBERSECURITY THREAT.—The term 'cybersecurity threat' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(6) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(7) DEFENSIVE MEASURE.—The term 'defensive measure' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.'';

(2) by striking paragraph (13) and inserting the following:

''(13) MONITOR.— The term 'monitor' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.''; and

(3) by striking paragraph (17) and inserting the following:

''(17) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.''.

SEC. 6204. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

(a) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015.—The Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521 et seq.) is amended—

(1) in section 222 (6 U.S.C. 1521)—

(A) in paragraph (2), by striking ''section 2210'' and inserting ''section 2200''; and

(B) in paragraph (4), by striking ''section 2209'' and inserting ''section 2200'';

(2) in section 223 (6 U.S.C. 151 note), by striking ''section 2213(b)(1)'' each place it appears and inserting ''section 2213(a)(1)'';

(3) in section 226—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 2213'' and inserting ''section 2200'';

(ii) in paragraph (4), by striking ''section 2210(b)(1)'' and inserting ''section 2210(a)(1)''; and

(iii) in paragraph (5), by striking ''section 2213(b)'' and inserting ''section 2213(a)''; and

(B) in subsection (c)(1)(A)(vi), by striking ''section 2213(c)(5)'' and inserting ''section 2213(b)(5)''; and

(4) in section 227(b) (6 U.S.C. 1525(b)), by striking ''section 2213(d)(2)'' and inserting ''section 2213(c)(2)''.

(b) PUBLIC HEALTH SERVICE ACT.—Section 2811(b)(4)(D) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(4)(D)) is amended by striking ''section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 149(c))'' and inserting ''section 2210(c) of the Homeland Security Act of 2002''.

(c) WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2021.—Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''section 2222(5) of the Homeland Security Act of 2002 (6 U.S.C. 671(5))'' and inserting ''section 2200 of the Homeland Security Act of 2002''; and

(B) by amending paragraph (7) to read as follows:

''(7) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.'';

(2) in subsection (c)(3)(B), by striking ''section 2201(5) of the Homeland Security Act of 2002 (6 U.S.C. 651(5))'' and inserting ''section 2200 of the Homeland Security Act of 2002''; and

(3) in subsection (d)—

(A) by striking ''section 2215'' and inserting ''section 2218''; and

(B) by striking '', as added by this section''.

(d) NATIONAL SECURITY ACT OF 1947.—Section 113B of the National Security Act of 1947 (50 U.S.C. 3049a(b)(4)) is amended by striking ''section 226 of the Homeland Security Act of 2002 (6 U.S.C. 147)'' and inserting ''section 2206 of the Homeland Security Act of 2002''.

(e) IOT CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 5(b)(3) of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3c) is amended by striking ''section 2209(m)'' and inserting ''section 2209(1)''.

(f) SMALL BUSINESS ACT.—Section 21(a)(8)(B) of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is amended by striking ''section 2209(a)'' and inserting ''section 2200''.

(g) TITLE 46.—Section 70101(2) of title 46, United States Code, is amended by striking ''section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148)'' and inserting ''section 2200 of the Homeland Security Act of 2002''.

SA 4517. Mr. KELLY (for himself, Ms. COLLINS, Ms. SINEMA, Mrs. FEINSTEIN, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____ BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION MODERNIZATION.

(a) CLARIFYING AMENDMENTS TO DEFINITIONS.—Section 1403 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4702) is amended—

(1) by striking paragraph (5) and inserting the following:

''(5) The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and any other territory or possession of the United States.''; and

(2) by striking paragraph (6) and inserting the following:

''(6) The term 'eligible person' means—

''(A) a permanent resident alien of the United States;

''(B) a citizen or national of the United States;

''(C) a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau; or

''(D) any person who may be admitted to lawfully engage in occupations and establish residence as a nonimmigrant in the United States as permitted under the Compact of Free Association agreements with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.''.

(b) BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION AWARDS.—

(1) Section 1405(a) of the Barry Goldwater Scholarship and Excellence in Education Program (20 U.S.C. 4704(a)) is amended—

(A) in the subsection heading, by striking ''AWARD OF SCHOLARSHIPS AND FELLOWSHIPS'' and inserting ''AWARD OF SCHOLARSHIPS, FELLOWSHIPS, AND RESEARCH INTERNSHIPS'';

(B) in paragraph (1)—

(i) by striking ''scholarships and fellowships'' and inserting ''scholarships, fellowships, and research internships''each place the term appears; and

(ii) by striking ''science and mathematics'' and inserting ''the natural sciences, engineering, and mathematics'';

(C) in paragraph (2), by striking ''mathematics and the natural sciences'' and inserting ''the natural sciences, engineering, and mathematics'';

(D) in paragraph (3), by striking ''mathematics and the natural sciences'' and inserting ''the natural sciences, engineering, and mathematics'';

(E) by redesignating paragraph (4) as paragraph (5);

(F) in paragraph (5), as so redesignated, by striking ''scholarships and fellowships'' and inserting ''scholarships, fellowships, and research internships''; and

(G) by inserting after paragraph (3) the following:

''(4) Research internships shall be awarded to outstanding undergraduate students who intend to pursue careers in the natural sciences, engineering, and mathematics, which shall be prioritized for students attending community colleges.''.

(2) Section 1405(b) of the Barry Goldwater Scholarship and Excellence in Education Program (20 U.S.C. 4704(b)) is amended by adding at the end the following: ''Recipients of research internships under this title shall be known as 'Barry Goldwater Interns'.''

(c) STIPENDS.—Section 1406 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4705) is amended by adding at the end the following: ''Each person awarded a research internship under this title shall receive a stipend as may be prescribed by the Board, which shall not exceed

the maximum stipend amount awarded for a scholarship or fellowship.''

(d) SCHOLARSHIP AND RESEARCH INTERNSHIP CONDITIONS.—Section 1407 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4706) is amended—

(1) in the section heading, by inserting ''**AND RESEARCH INTERNSHIP**'' after ''**SCHOLARSHIP**'';

(2) in subsection (a)—

(A) by striking the subsection heading and inserting ''SCHOLARSHIP CONDITIONS''; and

(B) by striking ''and devoting full time to study or research and is not engaging in gainful employment other than employment approved by the Foundation'';

(3) in subsection (b), by striking the subsection heading and inserting ''REPORTS ON SCHOLARSHIPS''; and

(4) by inserting at the end the following:

''(c) RESEARCH INTERNSHIP CONDITIONS.—A person awarded a research internship under this title may receive payments authorized under this title only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency pursuant to regulations of the Board.

''(d) REPORTS ON RESEARCH INTERNSHIPS.—The Foundation may require reports containing such information in such form and to be filed at such times as the Foundation determines to be necessary from any person awarded a research internship under this title. Such reports may be accompanied by a certificate from an appropriate official at the institution of higher education or internship employer, approved by the Foundation, stating that such person is maintaining satisfactory progress in the internship.''.

(e) SUSTAINABLE INVESTMENTS OF FUNDS.—Section 1408 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4707) is amended—

(1) in subsection (a), by striking ''subsection (d)'' and inserting ''subsection (f)'';

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following:

''(c) INVESTMENT IN SECURITIES.—Notwithstanding subsection (b), the Secretary of the Treasury may invest not more than 40 percent of the fund's assets in securities other than public debt securities of the United States, if—

''(1) the Secretary receives a determination from the Board that such investments are necessary to enable the Foundation to carry out the purposes of this title; and

''(2) the securities in which such funds are invested are traded in established United States markets.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Board to increase the number of scholarships provided under section 1405, or to increase the amount of the stipend authorized by section 1406, as the Board considers appropriate and is otherwise consistent with the requirements of this title.''.

(f) ADMINISTRATIVE PROVISIONS.—Section 1411(a) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4710(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) appoint and fix the rates of basic pay of such personnel (in addition to the Executive Secretary appointed under section 1410) as may be necessary to carry out the provisions of this chapter, without regard to the provisions in chapter 33 of title 5, United States Code, governing appointment in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that—

''(A) a rate of basic pay set under this paragraph may not exceed the maximum rate provided for employees in grade GS–15 of the General Schedule under section 5332 of title 5, United States Code; and

''(B) the employee shall be entitled to the applicable locality-based comparability payment under section 5304 of title 5, United States Code, subject to the applicable limitation established under subsection (g) of such section;'';

(2) in paragraph (2) by striking ''grade GS–18 under section 5332 of such title'' and inserting ''level IV of the Executive Schedule'';

(3) in paragraph (7), by striking ''and'' at the end;

(4) by redesignating paragraph (8) as paragraph (10); and

(5) by inserting after paragraph (7) the following:

''(8) expend not more than 5 percent of the Foundation's annual operating budget on programs that, in addition to or in conjunction with the Foundation's scholarship financial awards, support the development of Barry Goldwater Scholars and Barry Goldwater interns throughout their professional careers;

''(9) expend not more than 5 percent of the Foundation's annual operating budget to pay the costs associated with fundraising activities, including public and private gatherings; and''.

SA 4518. Mr. KELLY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 379, line 17, insert ''currently under contract at the installation and not'' after ''are not''.

SA 4519. Mr. TOOMEY (for himself, Mrs. GILLIBRAND, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF THE LOST CREW MEMBERS OF THE U.S.S. FRANK E. EVANS KILLED ON JUNE 3, 1969.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall authorize the inclusion on the Vietnam Veterans Memorial Wall in the District of Columbia of the names of the 74 crew members of the U.S.S. Frank E. Evans killed on June 3, 1969.

(b) REQUIRED CONSULTATION.—The Secretary of Defense shall consult with the Secretary of the Interior, the American Battlefield Monuments Commission, and other applicable authorities with respect to any adjustments to the nomenclature and placement of names pursuant to subsection (a) to address any space limitations on the placement of additional names on the Vietnam Veterans Memorial Wall.

(c) NONAPPLICABILITY OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act''), shall not apply to any activities carried out under subsection (a) or (b).

SA 4520. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. SUBMISSION TO CONGRESS OF DISSENT CABLES RELATING TO WITHDRAWAL OF THE UNITED STATES ARMED FORCES FROM AFGHANISTAN.

(a) SUBMISSION OF CLASSIFIED DISSENT CABLES TO CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress any classified Department of State cable or memo that expresses a dissenting recommendation or opinion with respect to the withdrawal of the United States Armed Forces from Afghanistan.

(b) PUBLIC AVAILABILITY OF UNCLASSIFIED DISSENT CABLES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall make available to the public an unclassified version of any such cable or memo.

SA 4521. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1224. REPORT ON MALIGN INFLUENCE OF THE ISLAMIC REPUBLIC OF IRAN.

(a) IN GENERAL.— Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2027, the Secretary of Defense, in coordination with the Secretary of State, the Director of National Intelligence, and the Secretary of the Treasury, shall submit to the appropriate committees of Congress a report on the activities of the Islamic Republic of Iran, which is a designated state sponsor of terrorism, with respect to the material, technological, financial, or other support provided by the Islamic Republic of Iran to the following:

(1) Shiite militias.

(2) Houthis in Yemen.

(3) Hezbollah.

(4) Hamas.

(5) The Palestinian Islamic Jihad.

(6) The Taliban.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

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

SA 4522. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DEPARTMENT OF HOMELAND SECURITY OTHER TRANSACTION AUTHORITY.

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(B) by amending paragraph (2) to read as follows:

''(2) PROTOTYPE PROJECTS.—The Secretary—

''(A) may under the authority of paragraph (1), carry out prototype projects under section 2371b of title 10, United States Code; and

''(B) in applying the authorities of such section 2371b, shall perform the functions of the Secretary of Defense as prescribed in such section.'';

(2) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(3) in subsection (d), by striking ''section 845(e)'' and all that follows and inserting ''section 2371b(e) of title 10, United States Code.''.

SA 4523. Ms. SINEMA (for herself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RECREATION PASSES.

Section 805 of the Federal Lands Recreation Enhancement Act (Public Law 108–447; 118 Stat. 3385; 16 U.S.C. 6804) is amended—

(1) in subsection (a)(4), by striking ''age and disability discounted'' and inserting ''age discount and lifetime''; and

(2) in subsection (b)—

(A) in the heading, by striking ''DISCOUNTED'' and inserting ''FREE AND DISCOUNTED'';

(B) in paragraph (2)—

(i) in the heading, by striking ''DISABILITY DISCOUNT'' and inserting ''LIFETIME PASSES''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) Any veteran who provides adequate proof of military service as determined by the Secretary.

''(C) Any member of a Gold Star Family who meets the eligibility requirements of section 3.2 of Department of Defense Instruction 1348.36 (or a successor instruction).''; and

(C) in paragraph (3)—

(i) in the heading, by striking ''GOLD STAR FAMILIES PARKS PASS'' and inserting ''ANNUAL PASSES''; and

(ii) by striking ''members of'' and all that follows through the end of the sentence and inserting ''members of the uniformed services and their dependents who provide adequate proof of eligibility for such pass as determined by the Secretary.''.

SA 4524. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPORT BY SECRETARY OF THE NAVY ON UNMANNED UNDERSEA VEHICLES.

Not later than June 30, 2022, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that includes the following:

(1) Detailed plans of the Navy for basing Navy unmanned undersea vehicles and planned or potential unmanned undersea vehicle squadrons, including the infrastructure, personnel, and logistical requirements for the testing, evaluation, docking, and maintenance of such vehicles.

(2) An examination of the merits of locating the vehicles and squadrons described in paragraph (1) at sites undergoing retrofitting, renovation, and upgrades in support of the transition from Ohio-class submarines to Columbia-class submarines.

SA 4525. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RIGHTS FOR THE TSA WORKFORCE.

(a) DEFINITIONS.—In this section—

(1) the term ''2019 Determination'' means the publication entitled ''Determination on Transportation Security Officers and Collective Bargaining'', issued on July 13, 2019, by Administrator David P. Pekoske;

(2) the term ''adjusted basic pay'' means—

(A) the rate of pay fixed by law or administrative action for a position occupied by a covered employee, before any deductions; and

(B) any regular, fixed supplemental payment for non-overtime hours of work creditable as basic pay for retirement purposes, including any applicable locality payment and any special rate supplement;

(3) the term ''Administrator'' means the Administrator of the Transportation Security Administration;

(4) the term ''conversion date'' means the date on which subparagraphs (A) through (D) of subsection (b)(3) take effect;

(5) the term ''covered employee'' means an employee who occupies a covered position;

(6) the term ''covered position'' means a position within the Transportation Security Administration;

(7) the term ''employee'' has the meaning given the term in section 2105 of title 5, United States Code, which shall be determined without regard to any provision of law cited in paragraph (9);

(8) the term ''Secretary'' means the Secretary of Homeland Security; and

(9) the term ''TSA personnel management system'' means any personnel management system established or modified under—

(A) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note); or

(B) section 114(n) of title 49, United States Code.

(b) CONVERSION OF TSA PERSONNEL.—

(1) RESTRICTIONS ON CERTAIN PERSONNEL AUTHORITIES.—Notwithstanding any other provision of law, effective as of the date of enactment of this Act—

(A) any TSA personnel management system in use for covered employees and covered positions on the day before that date of enactment, and any Transportation Security Administration personnel management policy, letters, guideline, or directive in effect on that day, may not be modified;

(B) no Transportation Security Administration personnel management policy, letter, guideline, or directive that was not established before that date issued under section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) or section 114(n) of title 49, United States Code, may be established; and

(C) any authority to establish or adjust a human resources management system under chapter 97 of title 5, United States Code, shall terminate with respect to covered employees and covered positions.

(2) PERSONNEL AUTHORITIES DURING TRANSITION PERIOD.—Any TSA personnel management system in use for covered employees and covered positions on the day before the date of enactment of this Act and any Transportation Security Administration personnel management policy, letter, guideline, or directive in effect on the day before the date of enactment of this Act shall remain in effect until the effective date under paragraph (3).

(3) TRANSITION TO GENERAL PERSONNEL MANAGEMENT SYSTEM APPLICABLE TO CIVIL SERVICE EMPLOYEES.—Effective as of a date determined by the Secretary, but in no event later than 180 days after the date of enactment of this Act—

(A) each provision of law cited in subsection (a)(9) is repealed;

(B) any Transportation Security Administration personnel management policy, letter, guideline, or directive, including the 2019 Determination, shall cease to be effective;

(C) any human resources management system established or adjusted under chapter 97 of title 5, United States Code, with respect to covered employees or covered positions shall cease to be effective; and

(D) covered employees and covered positions shall be subject to the provisions of title 5, United States Code.

(4) SAFEGUARDS ON GRIEVANCES.—In carrying out this section, the Secretary shall take such actions as are necessary to provide an opportunity to each covered employee with a grievance or disciplinary action (including an adverse action) pending within the Transportation Security Administration on the date of enactment of this Act, or at any time during the transition period described in paragraph (3), to have that grievance removed to proceedings pursuant to title 5, United States Code, or continued within the Administration.

(c) TRANSITION RULES.—

(1) NONREDUCTION IN PAY AND COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), under pay conversion rules as the Secretary may prescribe to carry out this section, a covered employee converted from a TSA personnel management system to the provisions of title 5, United States Code, under subsection (b)(3)(D) shall not be subject to any reduction in the rate of adjusted basic pay payable, or total compensation provided, to that covered employee.

(B) FEDERAL AIR MARSHAL SERVICE.—An employee of the Federal Air Marshal Service converted from a TSA personnel management system to the provisions of title 5, United States Code, under subsection (b)(3)(D) shall be converted such that the rate of adjusted basic pay payable to the employee is not less than that rate for a position at GS–13 of the General Schedule.

(2) PRESERVATION OF OTHER RIGHTS.—With respect to each covered employee, as of the conversion date, the Secretary shall take any actions necessary to ensure that—

(A) any annual leave, sick leave, or other paid leave accrued, accumulated, or otherwise available to the covered employee, as of the day before the conversion date, shall remain available to the covered employee until used; and

(B) the Government share of any premiums or other periodic charges under chapter 89 of title 5, United States Code, governing group health insurance shall be paid in an amount that is not less than the amount paid for those premiums and other periodic charges, as of the day before the conversion date.

(3) GAO STUDY ON TSA PAY RATES.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the differences in rates of pay, classified by pay system, between Transportation Security Administration employees—

(A) with duty stations in the contiguous 48 States; and

(B) with duty stations outside of the States described in subparagraph (A), including those employees located in any territory or possession of the United States.

(4) RULE OF CONSTRUCTION.—During the transition period described in subsection (b)(3), and after the conversion date, the Secretary shall ensure that the Transportation Security Administration continues to prevent the appointment of individuals who have been convicted of a sex crime, an offense involving a minor, a crime of violence, or terrorism.

(d) CONSULTATION REQUIREMENT.—

(1) EXCLUSIVE REPRESENTATIVE.—

(A) IN GENERAL.—The labor organization certified by the Federal Labor Relations Authority on June 29, 2011, or a successor labor organization, shall be—

(i) treated as the exclusive representative of full- and part-time non-supervisory personnel of the Transportation Security Administration carrying out screening functions under section 44901 of title 49, United States Code; and

(ii) the exclusive representative for the personnel described in clause (i) under chapter 71 of title 5, United States Code, with full rights under that chapter.

(B) APPLICATION.—Any collective bargaining agreement covering the personnel described in subparagraph (A)(i) that is in effect on the date of enactment of this Act shall remain in effect, consistent with paragraph (4).

(2) CONSULTATION RIGHTS.—

(A) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Secretary shall consult with the exclusive representative for the personnel described in paragraph (1)(A)(i) under chapter 71 of title 5, United States Code, as well as appropriate labor associations that represent a substantial percentage of employees, on the formulation of plans and deadlines to carry out the conversion of covered employees and covered positions under this section.

(B) PLANS.—Before the conversion date, the Secretary shall provide (in writing) to the exclusive representative and labor associations described in subparagraph (A) the plans for how the Secretary intends to carry out the conversion of covered employees and covered positions under this section, including with respect to such matters as—

(i) the anticipated conversion date; and

(ii) measures to ensure compliance with subsections (b) and (c).

(3) REQUIRED AGENCY RESPONSE.—If any views or recommendations are presented under paragraph (2) by the exclusive representative, or the labor associations described in that subsection, the Secretary shall—

(A) consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(B) provide the exclusive representative and those labor associations a written statement of the reasons for the final actions to be taken.

(4) SUNSET PROVISION.—The provisions of this subsection shall cease to be effective as of the conversion date.

(e) NO RIGHT TO STRIKE.— Nothing in this section may be considered—

(1) to repeal or otherwise affect—

(A) section 1918 of title 18, United States Code (relating to disloyalty and asserting the right to strike against the Government); or

(B) section 7311 of title 5, United States Code (relating to loyalty and striking); or

(2) to otherwise authorize any activity that is not permitted under either provision of law cited in paragraph (1).

(f) RULE OF CONSTRUCTION WITH RESPECT TO CERTAIN CRIMES RELATING TO TERRORISM.—Nothing in this section may be construed to contradict chapter 113B of title 18, United States Code, including with respect to—

(1) section 2332b (relating to acts of terrorism transcending national boundaries);

(2) section 2339 (relating to harboring or concealing terrorists); and

(3) section 2339A (relating to providing material support to terrorists).

(g) REPORT BY GAO REGARDING TSA RECRUITMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the efforts of the Administrator regarding recruitment, including recruitment efforts relating to—

(A) veterans and the dependents of veterans; and

(B) members of the Armed Forces and the dependents of those members.

(2) CONTENTS.—The report required under paragraph (1) shall include recommendations regarding how the Administrator may improve the recruitment efforts described in that paragraph.

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

(1) the personnel system of the Transportation Security Administration provides insufficient benefits and workplace protections to the workforce that secures the transportation systems of the United States; and

(2) the workforce of the Transportation Security Administration should be provided protections and benefits under title 5, United States Code.

(i) FEDERAL AIR MARSHAL SERVICE.—The Administrator shall—

(1) implement in-person or remote (by means of telecommunications) mental health programs at each field office of the Federal Air Marshal Service that offer, at a minimum, confidential and direct psychiatric counseling; and

(2) consult with appropriate labor associations that represent a substantial percentage of Federal Air Marshal Service employees regarding, with respect to those employees—

(A) mental health;

(B) suicide rates;

(C) morale and recruitment;

(D) equipment and training; and

(E) any other personnel issues the Administrator determines appropriate.

(j) VETERANS HIRING.—

(1) DEFINITIONS.—In this subsection, the terms ''disabled veteran'', ''preference eligible'', and ''veteran'' have the meanings given the terms in section 2108 of title 5, United States Code.

(2) PRIORITIZATION.—The Secretary shall prioritize the appointment of veterans, including disabled veterans, and other preference eligibles, including widows and widowers of veterans, to covered positions.

(l) PREVENTION AND PROTECTION AGAINST CERTAIN ILLNESS.—The Administrator, in coordination with the Director of the Centers for Disease Control and Prevention and the Director of the National Institute of Allergy and Infectious Diseases, shall ensure that covered employees are provided proper guidance regarding prevention and protections against coronavirus, including appropriate resources.

SA 4526. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. BRIEFING ON SYNCHRONIZATION OF IMPLEMENTATION OF PACIFIC DETERRENCE INITIATIVE AND EUROPEAN DETERRENCE INITIATIVE.

(a) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall provide to the congressional defense committees a briefing on the synchronization of the processes used to implement the Pacific Deterrence Initiative with the processes used to implement the European Deterrence Initiative, including—

(1) the allocation of fiscal toplines in the program objective memorandum process to

support such initiatives at the outset of process;

(2) the role of the combatant commanders in setting requirements for such initiatives;

(3) the role of the military departments and other components of the Armed Forces in proposing programmatic options to meet such requirements; and

(4) the role of the combatant commanders, the military departments and other components of the Armed Forces, the Cost Assessment and Program Evaluation Office, and the Deputy Secretary of Defense in adjudicating requirements and programmatic options—

(A) before the submission of the program objective memorandum for each such initiative; and

(B) during program review.

(b) GUIDANCE.—In establishing program objective memorandum guidance for fiscal year 2024, the Deputy Secretary of Defense shall ensure that the processes used to implement the Pacific Deterrence Initiative align with the processes used to implement the European Deterrence Initiative, including through the allocation of fiscal toplines for each such initiative in the fiscal year 2024 process.

SA 4527. Mr. SULLIVAN (for himself and Mr. WHITEHOUSE) 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. REPORT ON SHARING OF ILLEGAL, UNREPORTED, AND UNREGULATED (IUU) FISHING-RELATED INFORMATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the ability and effectiveness of, and barriers to, the Department of Defense related to the dissemination and generation of IUU fishing-related information, particularly related to the sharing of Department of Defense information with other countries, State and local governments, and private organizations.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) a description of the challenges resulting from, and ways to overcome, classification and dissemination issues related to the sharing of invaluable IUU fishing-related information; and

(2) a description of the current and future planned use by the Department of Defense of technology, including image recognition algorithms, to combat IUU.

SA 4528. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. CBP DONATIONS ACCEPTANCE PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''CBP Donations Acceptance Program Reauthorization Act''.

(b) INCLUSION OF GOVERNMENT-LEASED LAND PORTS OF ENTRY; REAUTHORIZATION.—Section 482 of the Homeland Security Act of 2002 (6 U.S.C. 301a) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting ''or -leased'' before ''land'';

(B) in subparagraph (C), in the matter preceding clause (i), by inserting ''or -leased'' before ''land''; and

(2) in subsection (b)(4)—

(A) in subparagraph (A), by striking ''terminate'' and all that follows and inserting ''terminate on December 31, 2026.''; and

(B) in subparagraph (B), by striking ''carrying out'' and all that follows and inserting ''a proposal accepted for consideration by U.S. Customs and Border Protection pursuant to this section or a prior pilot program before such termination date.''.

(c) GAO BIENNIAL REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall submit a biennial report to Congress that describes the activities of the CBP Donations Acceptance Program authorized under section 482 of the Homeland Security Act of 2002 (6 U.S.C. 301a).

(2) SUNSET.—Paragraph (1) shall cease to be effective on December 31, 2026.

SA 4529. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. PROHIBITION ON USE OF FUNDS FOR THE ARAB GAS PIPELINE.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 may be obligated or expended to implement any activity relating to the construction, repair, restoration, or assessment of the Arab Gas Pipeline.

(b) CERTIFICATION.—The Secretary of State may waive the application of subsection (a) if, not less than 30 days before the date on which an activity described in that subsection is proposed to commence, the Secretary of State certifies to the appropriate committees of Congress in writing that the implementation of the activity does not—

(1) knowingly provide significant financial, material, or technological support to, or involve knowingly engaging in a significant transaction with—

(A) the Government of Syria (including any entity owned or controlled by the Government of Syria) or a senior political figure of the Government of Syria;

(B) a foreign person who is a military contractor mercenary, a paramilitary force knowingly operating in a military capacity inside Syria for, or on behalf of, the Government of Syria, the Government of the Russian Federation, or the Government of Iran;

(C) a foreign person subject to sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to Syria or any other provision of law that imposes sanctions with respect to Syria; or

(2) knowingly involve the sale or provision of significant goods, services, technology, information, or other forms of support that significantly facilitate the maintenance, repair, or expansion of the Government of Syria's domestic production of natural gas, petroleum, or petroleum products, including pipelines that facilitate the transit of energy into neighboring countries.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report that—

(1) details United States efforts to work with other governments in the region to develop a plan for the distribution of gas supplies to Lebanon in a manner that reduces Lebanon's dependence on Iran;

(2) assesses the extent to which alternatives to the Arab Gas Pipeline were pursued and considered feasible;

(3) includes a comprehensive overview of the key sources of Lebanon's gas supply before 2020;

(4) the response of the Administration to fuel from Iran entering Lebanon, particularly amid reports that additional vessels have departed Iran; and

(5) a list of entities involved in the production and transport of fuel from Syria to Lebanon in 2020 and 2021.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term ''appropriate committees of Congress'' means—

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

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SA 4530. Mr. VAN HOLLEN (for himself and Mr. SULLIVAN) 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—Foreign Service Families Act of 2021

SECTION 1071. SHORT TITLE.

This subtitle may be cited as the ''Foreign Service Families Act of 2021''.

SEC. 1072. TELECOMMUTING OPPORTUNITIES.

(a) DETO POLICY.—

(1) IN GENERAL.—Each Federal department and agency shall establish a policy enumerating the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations where there is a related Foreign Service assignment pursuant to an approved Domestically Employed Teleworking Overseas (DETO) agreement.

(2) PARTICIPATION.—The policy described under paragraph (1) shall—

(A) ensure that telework does not diminish employee performance or agency operations;

(B) require a written agreement that—

(i) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

(ii) is mandatory in order for any employee to participate in telework;

(C) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(D) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

(i) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

(ii) on-site activity that cannot be handled remotely or at an alternate worksite;

(E) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency; and

(F) enumerate the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations.

(b) ACCESS TO ICASS SYSTEM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall revise chapter 900 of volume 6 of the Foreign Affairs Manual, the International Cooperative Administrative Support Services Handbook, the Personnel Operations Handbook, and any other relevant regulations to allow each Federal agency that has enacted a policy under subsection (a) to have access to the International Cooperative Administrative Support Services (ICASS) system.

SEC. 1073. EMPLOYMENT AND EDUCATION PROGRAMS FOR ELIGIBLE FAMILY MEMBERS OF MEMBERS OF THE FOREIGN SERVICE.

Section 706(b) of the Foreign Service Act of 1980 (22 U.S.C. 4026(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''The Secretary may'' and inserting ''The Secretary shall''; and

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

''(C) establishing a program for assisting eligible family members in accessing employment and education opportunities, as appropriate, including by exercising the authorities, in relevant part, under sections 1784 and 1784a of title 10, United States Code, and subject to such regulations as the Secretary may prescribe modeled after those prescribed pursuant to subsection (b) of such section 1784.'';

(2) by redesignating paragraph (2) as paragraph (9);

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) The Secretary shall prescribe regulations—

''(A) to provide preference to eligible family members in hiring for any civilian position in the Department, notwithstanding the prohibition on marital discrimination found in 5 U.S.C. 2302(b)(1)(E), if —

''(i) the eligible family member is among persons determined to be best qualified for the position; and

''(ii) the position is located in the overseas country of assignment of their sponsoring employee;

''(B) to ensure that notice of any vacant position in the Department is provided in a manner reasonably designed to reach eligible family members of sponsoring employees whose permanent duty stations are in the same country as that in which the position is located; and

''(C) to ensure that an eligible family member who applies for a vacant position in the Department shall, to the extent practicable, be considered for any such position located in the same country as the permanent duty station of their sponsoring employee.

''(3) Nothing in this section may be construed to provide an eligible family member with entitlement or preference in hiring over an individual who is preference eligible.

''(4) Under regulations prescribed by the Secretary, a chief of mission may, consistent with all applicable laws and regulations pertaining to the ICASS system, make available to an eligible family member and a non-Department entity space in an embassy or consulate for the purpose of the non-Department entity providing employment-related training for eligible family members.

''(5) The Secretary may work with the Director of the Office of Personnel Management and the heads of other Federal departments and agencies to expand and facilitate the use of existing Federal programs and resources in support of eligible family member employment.

''(6) The Secretary may—

''(A) develop partnerships with firms in the private sector to enhance employment opportunities for eligible family members and to provide for improved job portability for such spouses, especially in the case of an eligible family member accompanying a sponsoring employee to a new geographical area because of a change of permanent duty station of the sponsoring employee; and

''(B) work with the United States Chamber of Commerce and other appropriate private-sector entities to facilitate the formation of such partnerships.

''(7) The Secretary may prescribe regulations to incorporate hiring preferences for eligible family members of sponsoring employees into contracts between the Department and private sector entities.

''(8)(A) The Secretary of State may enter into a cooperative agreement with the Council of State Governments to assist with funding of the development of interstate compacts on licensed occupations in order to alleviate the burden associated with relicensing in such an occupation by an eligible family member in connection with a permanent change of duty station of their sponsoring employee.

''(B) The total amount of assistance provided under subparagraph (A) for all interstate compacts in any fiscal year may not exceed $4,000,000.

''(C) The amount provided under subparagraph (A) as assistance for the development of any particular interstate compact may not exceed $1,000,000.

''(D) Not later than February 28 each year, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on interstate compacts described in subparagraph (A) developed through assistance provided under that subparagraph. Each report shall set forth the following:

''(i) Any interstate compact developed during the preceding calendar year, including the occupational licenses covered by such compact and the States agreeing to enter into such compact.

''(ii) Any interstate compact developed during a prior calendar year into which one or more additional States agreed to enter during the preceding calendar year.

''(E) The authority to enter into a cooperative agreement under subparagraph (A), and to provide assistance described in that subparagraph pursuant to such cooperative agreement, expire on September 30, 2024.''; and

(4) by adding after paragraph (9), as redesignated by paragraph (2) of this subsection, the following new paragraph:

''(10) In this subsection, the term 'eligible family member' refers to family members of government employees assigned abroad or hired for service at their post of residence who are appointed by the Secretary of State or the Administrator of the United States Agency for International Development pursuant to sections 102, 202, 303, and 311.''.

SEC. 1074. BRIEFING ON FOREIGN SERVICE FAMILY RESERVE CORPS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on the status of implementation of the Foreign Service Family Reserve Corps.

(b) ELEMENTS.—The briefing required under subsection (a) shall include the following elements:

(1) A description of the status of implementation of the Foreign Service Family Reserve Corps (FSFRC).

(2) An assessment of the extent to which implementation was impacted by the Department's hiring freeze and a detailed explanation of the effect of any such impacts.

(3) A description of the status of implementation of a hiring preference for the FSFRC.

(4) A detailed accounting of any individuals eligible for membership in the FSFRC who were unable to begin working at a new location as a result of being unable to transfer their security clearance, including an assessment of whether they would have been able to port their clearance as a member of the FSFRC if the program had been fully implemented.

(5) An estimate of the number of individuals who are eligible to join the FSFRC worldwide and the categories, as detailed in the Under Secretary for Management's guidance dated May 3, 2016, under which those individuals would enroll.

(6) An estimate of the number of individuals who are enrolled in the FSFRC worldwide and the categories, as detailed in the Under Secretary for Management's guidance dated May 3, 2016, under which those individuals enrolled.

(7) An estimate of the number of individuals who were enrolled in each phase of the implementation of the FSFRC as detailed in guidance issued by the Under Secretary for Management.

(8) An estimate of the number of individuals enrolled in the FSFRC who have successfully transferred a security clearance to a new post since implementation of the program began.

(9) An estimate of the number of individuals enrolled in the FSFRC who have been unable to successfully transfer a security clearance to a new post since implementation of the program began.

(10) An estimate of the number of individuals who have declined in writing to apply to the FSFRC.

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

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

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

SEC. 1075. TREATMENT OF FAMILY MEMBERS SEEKING POSITIONS CUSTOMARILY FILLED BY FOREIGN SERVICE OFFICERS OR FOREIGN NATIONAL EMPLOYEES.

Section 311 of the Foreign Service Act of 1980 (22 U.S.C. 3951) is amended by adding at the end the following:

''(e) The Secretary shall hold a family member of a government employee described in subsection (a) seeking employment in a position described in that subsection to the same employment standards as those applicable to Foreign Service officers, Foreign Service personnel, or foreign national employees seeking the same or a substantially similar position.''.

SEC. 1076. IN-STATE TUITION RATES FOR MEMBERS OF QUALIFYING FEDERAL SERVICE.

(a) IN GENERAL.—Section 135 of the Higher Education Act of 1965 (20 U.S.C. 1015d) is amended—

(1) in the section heading, by striking ''**THE ARMED FORCES ON ACTIVE DUTY, SPOUSES, AND DEPENDENT CHILDREN**'' and inserting ''**QUALIFYING FEDERAL SERVICE**'';

(2) in subsection (a), by striking ''member of the armed forces who is on active duty for a period of more than 30 days and'' and inserting ''member of a qualifying Federal service'';

(3) in subsection (b), by striking ''member of the armed forces'' and inserting ''member of a qualifying Federal service''; and

(4) by striking subsection (d) and inserting the following:

''(d) DEFINITIONS.—In this section, the term 'member of a qualifying Federal service' means—

''(1) a member of the armed forces (as defined in section 101 of title 10, United States Code) who is on active duty for a period of more than 30 days (as defined in section 101 of title 10, United States Code); or

''(2) a member of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903)) who is on active duty for a period of more than 30 days.''.

(b) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect at each public institution of higher education in a State that receives assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for the first period of enrollment at such institution that begins after July 1, 2021.

SEC. 1077. TERMINATION OF RESIDENTIAL OR MOTOR VEHICLE LEASES AND TELEPHONE SERVICE CONTRACTS FOR CERTAIN MEMBERS OF THE FOREIGN SERVICE.

(a) IN GENERAL.—Chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) is amended by adding at the end the following new section:

''SEC. 907. TERMINATION OF RESIDENTIAL OR MOTOR VEHICLE LEASES AND TELEPHONE SERVICE CONTRACTS.

''The terms governing the termination of residential or motor vehicle leases and telephone service contracts described in sections 305 and 305A, respectively of the Servicemembers Civil Relief Act (50 U.S.C. 3955 and 3956) with respect to servicemembers who receive military orders described in such Act shall apply in the same manner and to the same extent to members of the Service who are posted abroad at a Foreign Service post in accordance with this Act.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 906 the following new item:

''Sec. 907. Termination of residential or motor vehicle leases and telephone service contracts.''.

SA 4531. Mr. REED submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TAXPAYER PROTECTIONS.

Section 9902(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by adding at the end the following:

''(6) TAXPAYER PROTECTIONS.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, as appropriate, may receive from a covered entity that receives a financial assistance award under this subsection a nonvoting warrant or nonvoting equity interest in the covered entity, or a senior debt instrument issued by the covered entity that, in the sole determination of the Secretary, provides appropriate compensation to the Federal Government for the provision of the financial assistance award. The Secretary shall not exercise voting power with respect to any warrant, equity interest, or senior debt instrument received from a covered entity, including common stock and preferred stock.

''(B) TERMS AND CONDITIONS.—The terms and conditions of any warrant, equity interest, or senior debt instrument received under subparagraph (A) shall be set by the Secretary and shall meet the following requirements:

''(i) PURPOSES.—Such terms and conditions shall be designed to provide for a reasonable participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

''(ii) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary may sell, exercise, or surrender a warrant, equity interest, or any senior debt instrument received from a covered entity. The Secretary shall not exercise voting power with respect to any warrant, equity interest, or senior debt instrument received from a covered entity.

''(C) TRANSFER TO TREASURY.—Dividend, interest, and principal payments from a warrant, equity interest, or senior debt instrument received from a covered entity, and proceeds from the sale, exercise, or surrender of such a warrant, equity interest, or senior debt instrument shall be paid into the general fund of the Treasury for reduction of the public debt.''.

SA 4532. Mr. HEINRICH (for himself, Mr. LUJÁN, and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1. RESCISSION OF SECRETARY OF HOMELAND SECURITY'S WAIVER AUTHORITY TO EXPEDITE THE CONSTRUCTION OF BARRIERS AND ROADS ALONG THE SOUTHWEST BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended by striking subsection (c).

SA 4533. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1054. REPORT ON THE HUMANITARIAN IMPACT OF THE GAZA RESTRICTIONS AND THE FEASIBILITY OF ENDING THE RESTRICTIONS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States, after consultation with the President, the Secretary of State, the Secretary of Defense, the Administrator of the United States Agency for International Development, and appropriate representatives of the United Nations, the World Bank, the European Union, and donor nations supporting reconstruction efforts in Gaza, shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding—

(1) whether the implementation of the Gaza Reconstruction Mechanism is adhering to international dual-use standards;

(2) short-, medium-, and long-term solutions to address the humanitarian and political crisis in Gaza;

(3) the economic, humanitarian, political, and psychological impact of the restrictions on Palestinians in Gaza and its impact on recovery and reconstruction efforts following the Israeli airstrikes in May 2021;

(4) any arbitrary delays caused by extra Israeli inspections;

(5) the feasibility of replacing the current inspection mechanism at the border crossings in Gaza with an international inspection mechanism of commercial and humanitarian goods entering and exiting Gaza modeled after the United Nations Verification and Inspection Mechanism for Yemen;

(6) the feasibility of the United Nations, in consultation with all key stakeholders, leading the facilitation and inspection mechanisms of a new international agreement on movement and access for Gaza, in a neutral and transparent way that addresses humanitarian, economic, and legitimate security concerns;

(7) the feasibility of docking United States boats in the Port of Gaza, including an analysis of—

(A) relevant logistical requirements, such as boat size and dock location; and

(B) navigating the legal and political restrictions through the coordinated efforts of United Nations and United States agencies operating in Gaza;

(8) the feasibility of sending United States Government personnel into Gaza through a land or sea border, including an analysis of—

(A) relevant logistical requirements, such as ports of entry, and security accommodations; and

(B) navigating the legal and political restrictions through the coordinated efforts of United Nations and United States agencies operating in Gaza; and

(9) the feasibility of transporting Palestinians in United States vehicles between the Erez Crossing in Gaza to the United States Embassy in Jerusalem for appointments with Embassy staff, including an analysis of—

(A) relevant logistical requirements and security accommodations; and

(B) navigating the legal and political restrictions through the coordinated efforts of Israeli authorities and United Nations and United States agencies operating in Gaza.

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

SA 4534. Mr. SANDERS (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1004. REDUCTION IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 2022 BY THIS ACT.

(a) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2022 by this Act is—

(1) the aggregate amount authorized to be appropriated for fiscal year 2022 by this Act (other than for military personnel and the Defense Health Program); minus

(2) the amount equal to 14 percent of the aggregate amount described in paragraph (1).

(b) ALLOCATION.—The reduction made by subsection (a) shall apply on a pro rata basis among the accounts and funds for which amounts are authorized to be appropriated by this Act (other than military personnel and the Defense Health Program), and shall be applied on a pro rata basis across each program, project, and activity funded by the account or fund concerned.

SA 4535. Mr. SANDERS (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. PROHIBITION ON SUPPORT OR MILITARY PARTICIPATION IN SAUDI-LED OPERATIONS IN YEMEN.

(a) PROHIBITION ON SUPPORT.—None of the funds authorized to be appropriated or otherwise made available by this Act may be made available to provide the following forms of United States support to the Saudi-led coalition's operations in Yemen:

(1) Sharing intelligence for the purpose of enabling offensive coalition strikes.

(2) Providing logistical support for coalition strikes that prolong and deepen the conflict in Yemen, including by providing maintenance or transferring spare parts to coalition members flying warplanes engaged in military strikes in Yemen.

(b) PROHIBITION ON MILITARY PARTICIPATION.—None of the funds authorized to be appropriated or otherwise made available by this Act may be made available for any civilian or military personnel of the Department of Defense to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of the Saudi and United Arab Emirates-led coalition forces in Yemen or in situations in which there exists an imminent threat that such coalition forces become engaged in such hostilities, unless and until the President has obtained specific statutory authorization, in accordance with section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)).

(c) RULE OF CONSTRUCTION.—The prohibitions under this section may not be construed to apply with respect to United States Armed Forces engaged in operations directed at al Qaeda or associated forces.

SA 4536. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1004. DEPARTMENT OF DEFENSE SPENDING REDUCTIONS IN THE ABSENCE OF AN UNQUALIFIED AUDIT OPINION.

If during any fiscal year after fiscal year 2022, the Secretary of Defense determines that a department, agency, or other element of the Department of Defense has not achieved an unqualified opinion on its full financial statements for the calendar year ending during such fiscal year—

(1) the amount available to such department, agency, or element for the fiscal year in which such determination is made shall be equal to the amount otherwise authorized to be appropriated minus 1.0 percent;

(2) the amount unavailable to such department, agency, or element for that fiscal year pursuant to paragraph (1) shall be applied on a pro rata basis against each program, project, and activity of such department, agency, or element in that fiscal year; and

(3) the Secretary shall deposit in the general fund of the Treasury for purposes of deficit reduction all amounts unavailable to departments, agencies, and elements of the Department in the fiscal year pursuant to determinations made under paragraph (1).

SA 4537. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. BRIEFING ON UNITED STATES-INDIA JOINT DEFENSE AND RELATED INDUSTRIAL AND TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the appropriate committees of Congress a briefing on joint defense and related industrial and technology research and development and personnel exchange opportunities between the United States and India.

(b) MATTERS TO BE INCLUDED.—The briefing under subsection (a) shall include the following:

(1) A status update on the Defense Technology and Trade Initiative and its efforts to increase private sector industrial cooperation.

(2) An assessment of whether additional funds are necessary for the Defense Technology and Trade Initiative for seed funding and personnel exchanges.

(3) An assessment of whether the Israel-U.S. Binational Industrial Research and Development Foundation and Fund provides a model for United States and India private sector collaboration on defense and critical technologies.

(4) A status update on the collaboration between the Department of Defense Innovation Unit and the Innovations for Defence Excellence program of the Ministry of Defence of India to enhance the capacity of the Department of Defense and Ministry of Defence of India to identify and source solutions to military requirements by accessing cutting-edge commercial technology through non-traditional processes.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 4538. Mr. WARNER 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 XVI, insert the following:

SEC. _____. EDUCATIONAL ASSISTANCE FOR PURSUIT OF PROGRAMS OF EDUCATION IN CYBERSECURITY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Director of Operational Test and Evaluation, carry out a program on the provision of educational assistance to individuals for the pursuit of a programs of education in the field of cybersecurity in support of Department of Defense requirements and in order to create a talent pipeline for the cyber testing and evaluation workforce capable of improving confidence in the operational effectiveness, suitability, and survivability of software-enabled and cyber physical systems.

(b) REQUIREMENTS.—In providing educational assistance under subsection (a), the Secretary shall ensure that the educational assistance is provided for programs of education that lead to a degree or certification in a cybersecurity field from an institution of higher education, including a community college.

(c) FUNDING.—

(1) ADDITIONAL AMOUNT.—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by $3,000,000, with the amount of the increase to be available for Life Fire Test and Evaluation (PE 0605131OTE).

(2) AVAILABILITY.—The amount available under paragraph (1) shall be available to carry out the program required by subsection (a).

(3) OFFSET.—The amount authorized to be appropriated for fiscal year 2022 by section 101 for procurement is hereby decreased by $3,000,000, with the amount of the decrease to be taken from amounts available for Procurement of Ammo, Navy & Marine Corps, General Purpose Bombs.

SA 4539. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1264. ANNUAL REPORT ON SURVEILLANCE SALES TO REPRESSIVE GOVERNMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until 2040, the Secretary of State, in coordination with the Director of National Intelligence and the Secretary of Defense, shall submit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a report with respect to foreign persons that the Secretary of State determines—

(1) have operated, sold, leased, or otherwise provided, directly or indirectly, items or services related to targeted digital surveillance with knowledge of, or disregard for, potential human rights concerns to—

(A) a foreign government or entity located primarily inside a foreign country where a reasonable person would assess that such transfer could result in a use of the items or services in a manner contrary to human rights; or

(B) a country including any governmental unit thereof, entity, or other person determined by the Secretary of State in a notice published in the Federal Register to have used items or services for targeted digital surveillance in a manner contrary to human rights; or

(2) have materially assisted, sponsored, or provided financial, material, or technological support for, or items or services to or in support of, the activities described in paragraph (1).

(b) MATTERS TO BE INCLUDED.—Each report required by subsection (a) shall include the following for the preceding one-year period:

(1) The name of each foreign person with respect to which the Secretary has made a determination under paragraph (1) or (2) of subsection (a).

(2) The name of each intended and actual recipient of items or services described in subsection (a).

(3) A detailed description of such items or services.

(4) An identification of such items and services that could provide the Government of the People's Republic of China with a critical capability to suppress basic human rights, including items and services that provide the capability—

(A) to conduct surveillance;

(B) to monitor and restrict an individual's movement;

(C) to monitor and restrict access to the internet; or

(D) to identify individuals through facial or voice recognition.

(5) An analysis of whether the inclusion of the persons named under paragraph (1) on the entity list maintained by the Bureau of Industry and Security is appropriate.

(c) CONSULTATION.—In compiling data and making assessments for the purpose of preparing a report required by subsection (a), the Secretary of State shall consult with a wide range of organizations, including with respect to—

(1) classified and unclassified information provided by the Director of National Intelligence;

(2) information provided by the Bureau of Democracy, Human Rights, and Labor's Internet Freedom, Business and Human Rights section;

(3) information provided by the Department of Commerce, including the Bureau of Industry and Security;

(4) information provided by the advisory committees established by the Secretary of State to advise the Under Secretary of Commerce for Industry and Security on controls under the Export Administration Regulations, including the Emerging Technology and Research Advisory Committee; and

(5) information on human rights and technology matters, as solicited from civil society and human rights organizations through regular consultation processes; and

(6) information contained in the country reports on human rights practices published annually by the Department of State.

(d) FORM.—Each report required by subsection (a) shall be submitted in unclassified form and may include a classified annex.

(e) PUBLIC AVAILABILITY.—Not later than 14 days after the date on which each report required by subsection (a) is submitted to Congress, the President shall post the report on a text-based, searchable, and publicly available internet website.

(f) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(2) IN A MANNER CONTRARY TO HUMAN RIGHTS.—The term ''in a manner contrary to human rights'', with respect to targeted digital surveillance, means engaging in targeted digital surveillance—

(A) in violation of basic human rights, including to silence dissent, sanction criticism, punish independent reporting (and sources for that reporting), manipulate or interfere with democratic or electoral processes, persecute minorities or vulnerable groups, or target advocates or practitioners of human rights and democratic rights (including activists, journalists, artists, minority communities, or opposition politicians); or

(B) in a country lacking a minimum legal framework governing the use of targeted digital surveillance, including established—

(i) authorization under laws that are accessible, precise, and available to the public;

(ii) constraints limiting the use of targeted digital surveillance under principles of necessity, proportionality, and legitimacy;

(iii) oversight by entities independent of the government's executive agencies;

(iv) involvement of an independent and impartial judiciary branch in authorizing the use of targeted digital surveillance; or

(v) legal remedies in case of abuse.

(3) TARGETED DIGITAL SURVEILLANCE.—The term ''targeted digital surveillance'' means the use of items or services that enable an individual or entity to detect, monitor, intercept, collect, exploit, preserve, protect, transmit, retain, or otherwise gain access to the communications, protected information, work product, browsing data, research, identifying information, location history, or online and offline activities of other individuals, organizations, or entities, with or without the explicit authorization of such individuals, organizations, or entities.

SA 4540. 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:

On page 565, strike lines 6 and 7, and insert the following:

(C) in paragraph (5)—

(i) by striking ''fiscal year 2021'' and inserting ''fiscal year 2022''; and

(ii) by striking ''$75,000,000'' and inserting ''$125,000,000'';

In the funding table in section 4301, for Operation and Maintenance, Defense-wide relating to Administrative and Service-Wide Activities, in the item relating to the Defense Security Cooperation Agency, Increase to Ukraine Security Assistance Initiative, strike the amount in the Senate Authorized column and insert ''[100,000]''.

In the funding table in section 4301, for Operation and Maintenance, Defense-wide relating to Subtotal Administrative and Service-Wide Activities, strike the amount in the Senate Authorized column and insert ''35,080,256''.

In the funding table in section 4301, for Operation and Maintenance, Defense-wide relating to Total Operation and Maintenance, Defense-Wide, strike the amount in the Senate Authorized column and insert ''45,129,862''.

In the funding table in section 4301 for Operation and Maintenance, Defense-wide relating to Afghanistan Security Forces Fund, Afghan Air Force, [Sustainment], strike the amount in the Senate Authorized column and insert ''512,056''.

In the funding table in section 4301 for Operation and Maintenance, Defense-wide relating to Afghanistan Security Forces Fund, Afghan Air Force, Subtotal Afghan Air Force, strike the amount in the Senate Authorized column and insert ''467,331''.

In the funding table in section 4301 for Operation and Maintenance, Defense-wide relating to Afghanistan Security Forces Fund, Total Afghanistan Security Forces Fund, strike the amount in the Senate Authorized column and insert ''3,277,810''.

SA 4541. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to

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

In section 511, strike subsection (g) and insert the following:

(g) SEPARATE VOTE REQUIREMENT FOR INDUCTION OF MEN AND WOMEN.—

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

(A) Clause 12 of section 8 of article I of the Constitution of the United States empowers Congress with the responsibility to ''raise and support Armies''.

(B) The United States first required military conscription in the American Civil War under the Civil War Military Draft Act of 1863.

(C) The Selective Services Act of 1917 authorized the President to draft additional forces beyond the volunteer force to support exceedingly high demand for additional forces when the U.S. entered the first World War.

(D) The Selective Training and Service Act of 1940 was the first authorization by Congress for conscription in peacetime but limited the President's induction authority to ''no greater number of men than the Congress shall hereafter make specific appropriation for from time to time''.

(E) Congress allowed induction authority to lapse in 1947.

(F) Congress reinstated the President's induction authority under the Selective Service Act of 1948 to raise troops for United States participation in the Korean War.

(G) Congress maintained the President's induction authority under the Selective Service Act of 1948 through the beginning of the Vietnam War.

(H) Congress passed additional reforms to the draft under the Military Selective Service Act of 1967 in response to issues arising from United States engagement in the Vietnam War.

(I) Congress prohibited any further use of the draft after July 1, 1973.

(J) If a president seeks to reactivate the use of the draft, Congress would have to enact a law providing authorization for this purpose

(2) AMENDMENT.—Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended by adding at the end the following new subsection: Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended by adding at the end the following new subsection:

''(d) No person shall be inducted for training and service in the Armed Forces unless Congress first passes and there is enacted—

''(1) a law expressly authorizing such induction into service; and

''(2) a law authorizing separately—

''(A) the number of male persons subject to such induction into service; and

''(B) the number of female persons subject to such induction into service.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (d) and (g) shall take effect 1 year after such date of enactment.

SA 4542. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 511.

SA 4543. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 511(d)(4), strike the period at the end of subparagraph (B)(ii) and insert the following: ''; and

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

''(p) No person may be inducted for training and service under this title if such person—

''(1) has a dependent child and the other parent of the dependent child has been inducted for training or service under this title unless the person volunteers for such induction; or

''(2) has a dependent child who has no other living parent.''.

SA 4544. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 511, strike subsection (g) and insert the following:

(g) ENACTMENT OF AUTHORIZATION REQUIRED FOR DRAFT.—

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

(A) Clause 12 of section 8 of article I of the Constitution of the United States empowers Congress with the responsibility to ''raise and support Armies''.

(B) The United States first required military conscription in the American Civil War under the Civil War Military Draft Act of 1863.

(C) The Selective Services Act of 1917 authorized the President to draft additional forces beyond the volunteer force to support exceedingly high demand for additional forces when the U.S. entered the first World War.

(D) The Selective Training and Service Act of 1940 was the first authorization by Congress for conscription in peacetime but limited the President's induction authority to ''no greater number of men than the Congress shall hereafter make specific appropriation for from time to time''.

(E) Congress allowed induction authority to lapse in 1947.

(F) Congress reinstated the President's induction authority under the Selective Service Act of 1948 to raise troops for United States participation in the Korean War.

(G) Congress maintained the President's induction authority under the Selective Service Act of 1948 through the beginning of the Vietnam War.

(H) Congress passed additional reforms to the draft under the Military Selective Service Act of 1967 in response to issues arising from United States engagement in the Vietnam War.

(I) Congress prohibited any further use of the draft after July 1, 1973.

(J) If a president seeks to reactivate the use of the draft, Congress would have to enact a law providing authorization for this purpose

(2) AMENDMENT.—Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended by adding at the end the following new subsection:

''(d) No person shall be inducted for training and service in the Armed Forces unless Congress first passes and there is enacted a law expressly authorizing such induction into service and specifying the total number of persons that may be so inducted.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (d) and (g) shall take effect 1 year after such date of enactment.

SA 4545. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADVERSE INFORMATION IN CASES OF TRAFFICKING.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605B the following:

''§ 605C Adverse information in cases of trafficking

''(a) DEFINITIONS.—In this section:

''(1) TRAFFICKING DOCUMENTATION.—The term 'trafficking documentation' means—

''(A) documentation of—

''(i) a determination by a Federal or State governmental entity that a consumer is a victim of trafficking; or

''(ii) a determination by a court of competent jurisdiction that a consumer is a victim of trafficking; and

''(B) documentation that identifies items of adverse information that should not be furnished by a consumer reporting agency because the items resulted from the severe form of trafficking in persons or sex trafficking of which the consumer is a victim.

''(2) VICTIM OF TRAFFICKING.—The term 'victim of trafficking' means a person who is a victim of a severe form of trafficking in persons or sex trafficking, as those terms are defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

''(b) ADVERSE INFORMATION.—A consumer reporting agency may not furnish a consumer report containing any adverse item of information about a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the consumer has provided trafficking documentation to the consumer reporting agency.

''(c) RULEMAKING.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Director shall promulgate regulations to implement subsection (a).

''(2) CONTENTS.—The regulations issued pursuant to paragraph (1) shall establish a method by which consumers shall submit trafficking documentation to consumer reporting agencies.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Fair Credit Reporting Act is amended by inserting after the item relating to section 605B the following:

''605C. Adverse information in cases of trafficking.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply on the date that is 30 days after the date on which the Director of the Bureau of Consumer Financial Protection issues a rule pursuant to section 605C(c) of the Fair Credit Reporting Act, as added by subsection (a) of this section. Any rule issued by the Director to implement such section 605C shall be limited to preventing a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer that resulted from trafficking.

SA 4546. Mr. MERKLEY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. CONTINGENCY PLAN RELATING TO FLOATING OIL STORAGE AND OFFLOADING VESSEL *SAFER*.

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

(1) the condition of the floating storage and offloading vessel (FSO) *Safer* in the port of Hodeidah in Yemen poses a significant threat to the economic, ecological, and humanitarian environment of the countries bordering the Red Sea;

(2) the Houthis have repeatedly obstructed efforts by the international community, including the United Nations, to inspect and repair the FSO *Safer*;

(3) a spill of the nearly 1,000,000 barrels of crude oil contained in the FSO *Safer*, four times the amount spilled in the *Exxon Valdez* disaster in 1989, would result in devastating ecological damage to the unique environment of the Red Sea, and would profoundly damage fishing industries along both sides of the Red Sea Coast, especially in Yemen;

(4) a spill from the FSO *Safer* would—

(A) block a vital shipping lane through which 10 percent of annual trade transits; and

(B) disrupt international trade during a time in which countries around the world continue efforts to recover from the COVID–19 pandemic;

(5) the people of Yemen continue to face dire circumstances, and such circumstances would be exacerbated by a spill from the FSO *Safer* because such a spill would close of the port of Hodeidah, through which ⅔ of Yemen's food is transferred, and result in the potential for widespread famine and malnutrition; and

(6) Congress should encourage the efforts of various parties, including the United Nations and other regional stakeholders, to resolve the dangerous situation posed by the FSO *Safer* and find a lasting solution to the crisis, including by contributing financially to efforts—

(A) to prevent an oil spill from the FSO *Safer*; and

(B) in the event of such a spill, to mitigate the effects of the spill.

(b) CONTINGENCY PLAN.—

(1) INTERAGENCY WORKING GROUP.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall establish an interagency working group consisting of representatives of relevant Federal agencies, including the Department of Defense, the United States Mission to the United Nations, the United States Agency for International Development, and the Federal Emergency Management Agency, to develop a contingency plan to be implemented in the event a crude oil leak from, or an explosion on, the FSO *Safer*.

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and representatives of the interagency working group established under paragraph (1) shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of the contingency plan developed under that paragraph that describes—

(i) the options available to the United States Government for mitigating the economic, ecological, and humanitarian crises that would result from a disaster related to the FSO *Safer*; and

(ii) the steps already taken by the United States Government and international and regional stakeholders—

(I) to encourage a diplomatic solution to the situation; and

(II) to prepare for the eventuality that a disaster may occur before such a solution is reached.

SA 4547. Mr. WHITEHOUSE 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:

SEC. 10___. ADMISSION OF ESSENTIAL SCIENTISTS AND TECHNICAL EXPERTS TO PROMOTE AND PROTECT NATIONAL SECURITY INNOVATION BASE.

(a) SPECIAL IMMIGRANT STATUS.—In accordance with the procedures established under subsection (f)(1), and subject to the numerical limitations under subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) (and the spouse and children of the alien if accompanying or following to join the alien) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) submits a classification petition under section 204(a)(1)(G)(i) of such Act (8 U.S.C. 1154(a)(1)(G)(i)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if—

(1) the alien—

(A) is employed by a United States employer and engaged in work to promote and protect the National Security Innovation Base;

(B) is engaged in basic or applied research, funded by the Department of Defense, through a United States institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

(C) possesses scientific or technical expertise that will advance the development of critical technologies identified in the National Defense Strategy or the National Defense Science and Technology Strategy, required by section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679); and

(2) the Secretary of Defense issues a written statement to the Secretary of Homeland Security confirming that the admission of the alien is essential to advancing the research, development, testing, or evaluation of critical technologies described in paragraph (1)(C) or otherwise serves national security interests.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed—

(A) 10 in each of fiscal years 2022 through 2030; and

(B) 100 in fiscal year 2031 and each fiscal year thereafter.

(2) EXCLUSION FROM NUMERICAL LIMITATION.—Aliens provided special immigrant status under this section shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(d) DEFENSE COMPETITION FOR SCIENTISTS AND TECHNICAL EXPERTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a process to select, on a competitive basis from among individuals described in subsection (b), individuals for recommendation to the Secretary of Homeland Security for special immigrant status under subsection (a).

(e) AUTHORITIES.—In carrying out this section, the Secretary of Defense shall authorize appropriate personnel of the Department of Defense to use all personnel and management authorities available to the Department, including—

(1) the personnel and management authorities provided to the science and technology reinvention laboratories;

(2) the Major Range and Test Facility Base (as defined in 196(i) of title 10, United States Code); and

(3) the Defense Advanced Research Projects Agency.

(f) PROCEDURES.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security and Secretary of Defense shall jointly establish policies and procedures implementing this section, which shall include procedures for—

(1) processing of petitions for classification submitted under subsection (a)(1) and applications for an immigrant visa or adjustment of status, as applicable; and

(2) thorough processing of any required security clearances.

(g) FEES.—The Secretary of Homeland Security shall establish a fee—

(1) to be charged and collected to process an application filed under this section; and

(2) that is set at a level that will ensure recovery of the full costs of such processing and any additional costs associated with the administration of the fees collected.

(h) IMPLEMENTATION REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and Secretary of Defense shall jointly submit to the appropriate committees of Congress a report that includes—

(1) a plan for implementing the authorities provided under this section; and

(2) identification of any additional authorities that may be required to assist the Secretaries in fully implementing this section.

(i) PROGRAM EVALUATION AND REPORT.—

(1) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the competitive program and special immigrant program described in subsections (a) through (g).

(2) REPORT.—Not later than October 1, 2026, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the evaluation conducted under paragraph (1).

(j) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

(B) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.

(2) NATIONAL SECURITY INNOVATION BASE.—The term ''National Security Innovation Base'' means the network of persons and organizations, including Federal agencies, institutions of higher education, federally funded research and development centers, defense industrial base entities, nonprofit organizations, commercial entities, and venture capital firms that are engaged in the military and nonmilitary research, development, funding, and production of innovative technologies that support the national security of the United States.

SA 4548. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. DELAY OF COVID–19 VACCINE MANDATE FOR MEMBERS OF THE ARMED FORCES AND ADDITIONAL REQUIREMENTS RELATING TO RELIGIOUS ACCOMMODATIONS.

(a) DELAY OF VACCINE MANDATE.—The Secretary of Defense may not require members of the Armed Forces to receive the vaccination for coronavirus disease 2019 (commonly known as ''COVID–19'') or penalize such members for not receiving such vaccine until the date on which all religious and medical accommodation requests filed before December 1, 2022, seeking an exemption from such a requirement have been individually evaluated with a final determination and all appeal processes in connection with any such requests have been exhausted.

(b) PRIVATE RIGHT OF ACTION RELATING TO COVID–19 VACCINATION.—A member of the Armed Forces whose religious accommodation request relating to the vaccination for coronavirus disease 2019 is denied without written individualized consideration or consultation with the Office of the Chief of Chaplains for the military department concerned to confirm that there is a compelling interest in having the member receive such vaccination and that mandating vaccination is the least restrictive means of furthering that interest shall have a cause of action for financial damages caused by the harm to their military career, retirement, or benefits.

(c) CONSULTATION WITH OFFICES OF CHIEF OF CHAPLAINS REGARDING RELIGIOUS ACCOMMODATIONS.—

(1) IN GENERAL.—The final accommodation authority for each military department shall consult with the Office of the Chief of Chaplains for the military department concerned before denying any religious accommodation request.

(2) PROCEDURES FOR RELIGIOUS EXEMPTION REQUESTS.—The Secretary of Defense shall consult with the members of the Armed Forces Chaplains Board in determining the general procedure for processing religious exemption requests.

(3) DETERMINATIONS RELATING TO RELIGIOUS BELIEF OR CONSCIENCE.—No determinations shall be made regarding the sincerity of the religious belief or conscience of a member of the Armed Forces by the final accommodation authority without the documented consultation of a chaplain with the member.

(d) INSPECTOR GENERAL INVESTIGATION REGARDING RELIGIOUS ACCOMMODATIONS FOR COVID–19 VACCINATION MANDATE.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall complete an investigation into whether each of the military departments has complied with Federal law (including the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.)), Department of Defense Instruction 1300.17, and other policies of the military departments relevant to determining religious accommodations for the requirement that members of the Armed Forces receive the vaccination for coronavirus disease 2019.

SA 4549. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3157. PRESERVATION AND STORAGE OF URANIUM-233 TO FOSTER DEVELOPMENT OF THORIUM MOLTEN-SALT REACTORS.

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

(1) Thorium molten-salt reactor technology was originally developed in the United States, primarily at the Oak Ridge National Laboratory in the State of Tennessee.

(2) Before the cancellation of the program in 1976, the technology developed at the Oak Ridge National Laboratory was moving steadily toward efficient utilization of the natural thorium energy resource, which exists in substantial amounts in many parts of the United States and around the world.

(3) The People's Republic of China is known to be pursuing the development of molten salt reactor technology based on a thorium fuel cycle.

(4) Thorium itself is not fissile, but fertile, and requires a fissile material to begin a nuclear chain reaction.

(5) Uranium-233, derived from neutron absorption by natural thorium, is the ideal candidate for the fissile component of a thorium reactor, and is the only fissile material candidate that can minimize the production of long-lived transuranic elements, which have proven a great challenge to the geologic disposal of existing spent nuclear fuel.

(6) Geologic disposal of spent nuclear fuel from conventional nuclear reactors continues to pose severe political and technical challenges, and costs the United States taxpayer more than $500,000,000 annually in court-mandated awards to utilities.

(7) The United States possesses the largest inventory of uranium-233 in the world, aggregated at the Oak Ridge National Laboratory.

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

(1) it is in the best economic and national security interests of the United States to resume development of highly efficient thorium molten-salt reactors that can minimize transuranic waste production, in consideration of the pursuit by the People's Republic of China of thorium molten-salt reactors and associated cooperative research agreements with United States national laboratories;

(2) that the development of highly efficient thorium molten-salt reactors is consistent with section 1261 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2060), which declared long-term strategic competition with the People's Republic of China as ''a principal priority for the United States''; and

(3) to resume such development, it is necessary to preserve as much of the uranium-233 remaining at Oak Ridge National Laboratory as possible.

(c) PRESERVATION AND STORAGE OF URANIUM-233.—

(1) IN GENERAL.—The Secretary of Energy shall seek every opportunity to preserve separated uranium-233, with the goal of fostering development of thorium molten-salt reactors by United States industry.

(2) DOWNBLENDING AND DISPOSAL OF CERTAIN URANIUM.—The Secretary may provide for the downblending and disposal of uranium-233 determined by industry experts not to be valuable for research and development of thorium molten-salt reactors or technology implementation.

(d) INTERAGENCY COOPERATION.—The Secretary of Energy, the Secretary of the Army (including the head of the Army Reactor Office), the Secretary of Transportation, the Tennessee Valley Authority, and other relevant agencies shall—

(1) work together to preserve uranium-233;

(2) if necessary, expedite transfers of uranium-233 between the Department of Energy and the Department of Defense; and

(3) seek the assistance of appropriate industrial or medical entities.

(e) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report that includes the following:

(1) Details of the separated U-233 inventory that is most feasible for immediate or near-term transfer.

(2) The costs of constructing or modifying a suitable category I facility for the secure, permanent storage of the U–233 inventory.

(3) A pathway for National Asset Material designation.

(4) A description of the scope for such a facility that would enable secure access to the nuclear material for research and development of thorium fuel cycle reactors, for defense and civilian applications, as well as for medical isotope extraction and processing, including by developing such a facility through public-private partnerships.

(5) An assessment of whether the Secretary should transfer the ownership of U–233 from the Office of Environmental Management to the Office of Nuclear Energy.

(6) An assessment of the ability of the Department of Energy to transfer the inventory of U–233 that the Secretary determines is most feasible for immediate or near-term transfer to the Y–12 National Security Complex, Oak Ridge, Tennessee, for secure interim storage.

(7) The feasibility of the National Nuclear Security Administration providing for the secure storage of the inventory of U–233 within the Y–12 National Security Complex or another suitable location within the nuclear security enterprise (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)).

(f) NO FUNDING AUTHORIZED.—The amount authorized to be appropriated by section 3102 and available as specified in the funding table in section 4701 for the U233 Disposition Program is hereby reduced by $55,000,000.

SA 4550. Mr. THUNE submitted an amendment intended to be proposed by him 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:

SEC. _____. DEVELOPMENT AND TESTING OF IMPROVED SCHEDULING AND MANAGEMENT OF SPECIAL ACTIVITY AIRSPACE.

(a) SENSE OF CONGRESS ON ADAPTIVE AIRSPACE.—It is the sense of Congress that—

(1) where it does not conflict with safety, improved scheduling and management of special activity airspace (also referred to as ''adaptive airspace'' and ''dynamic airspace'') is expected to optimize the use of the national airspace system for all stakeholders; and

(2) the Administrator of the Federal Aviation Administration and the Secretary of Defense should take such actions as may be necessary to support ongoing efforts to develop improved scheduling and management of special activity airspace, including—

(A) the continuation of formal partnerships between the Federal Aviation Administration and the Department of Defense that focus on special activity airspace, future airspace needs, and joint solutions; and

(B) maturing research within their federally funded research and development centers, Federal partner agencies, and the aviation community.

(b) PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, shall establish a pilot program on developing and testing improved management of special activity airspace supported by efficient scheduling capabilities.

(2) TESTING OF SPECIAL ACTIVITY AIRSPACE SCHEDULING AND MANAGEMENT.—Under the pilot program established under paragraph (1), the Administrator and the Secretary shall jointly test not fewer than three areas of special activity airspace designated by the Federal Aviation Administration for use by the Department of Defense, of which—

(A) at least one shall be over coastal waters of the United States; and

(B) at least two shall be over land of the United States.

(c) REPORT.—Not less than two years after the date of the establishment of the pilot program under subsection (b)(1), the Administrator and Secretary shall submit to the following congressional committees a report on the interim results of the pilot program:

(1) The Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate.

(2) The Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Armed Services of the House of Representatives.

(d) AUTHORIZATION OF FUNDS.—The Administrator and Secretary shall be authorized to use such funds as necessary to carry out the activities established under subsections (b) and (c).

(e) LIMITS ON STAFF.—Any such hour or other employee limitations concerning staff or workforce that may be dedicated to the execution of the activities established under subsections (b) and (c), including work associated with the Center for Advanced Aviation System Development, shall be waived.

AUTHORITY FOR COMMITTEES TO MEET

Mr. DURBIN. Mr. President, I have 5 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 AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, November 4, 2021, at 11 a.m., to conduct a business meeting.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, November 4, 2021, 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 Thursday, November 4, 2021, at 11 a.m., to conduct a business meeting.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, November 4, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, November 4, 2021, at 9 a.m., to conduct an executive business meeting.

PRIVILEGES OF THE FLOOR

Mr. BROWN. Mr. President, I ask unanimous consent that Aarti Iyer, a legislative fellow in my office; Ben Ashman, another legislative fellow in my office; and Danny Carlson, who is joining us today on the floor from my office, all be granted floor privileges for the remainder of the 117th Congress.

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

PROTECTING AMERICA'S FIRST RESPONDERS ACT OF 2021

Mr. OSSOFF. Mr. President, I ask unanimous consent that the Chair lay before the Senate the message to accompany S. 1511.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1511) entitled ''An Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to payments to certain public safety officers who have become permanently and totally disabled as a result of personal injuries sustained in the line of duty, and for other purposes.'', do pass with an amendment.

MOTION TO CONCUR

Mr. OSSOFF. Mr. President, I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH

Mr. OSSOFF. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 440, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 440) recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. OSSOFF. I know of no further debate on the resolution.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the resolution.

The resolution (S. Res. 440) was agreed to.

Mr. OSSOFF. I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the