submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4656. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4133 submitted by Mr. KAINE and intended to be proposed to the amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4657. Mr. WARNOCK (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, supra; which was ordered to lie on the table.

SA 4658. Mr. WARNOCK (for himself and 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, supra; which was ordered to lie on the table.

SA 4659. Mr. HICKENLOOPER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4551.** Mr. MCCONNELL (for himself, Mr. DURBIN, Mr. YOUNG, Mr. GRASSLEY, Mr. GRAHAM, Mr. CARDIN, and Mr. HAGERTY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. SUPPORTING DEMOCRACY IN BURMA.**

(a) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Foreign Affairs of the House of Representatives;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Appropriations of the House of Representatives;

(5) the Committee on Armed Services of the Senate;

(6) the Committee on Armed Services of the House of Representatives;

(7) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(8) the Committee on Financial Services of the House of Representatives.

(b) BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the following officials shall jointly brief the appropriate congressional committees regarding actions taken by the United States Government to further United States policy and security objectives in Burma (officially known as the ''Republic of the Union of Myanmar''):

(A) The Assistant Secretary of State for East Asian and Pacific Affairs.

(B) The Counselor of the Department of State.

(C) The Under Secretary of the Treasury for Terrorism and Financial Intelligence.

(D) The Assistant to the Administrator for the Bureau for Conflict Prevention and Stabilization.

(E) Additional officials from the Department of Defense or the Intelligence Community, as appropriate.

(2) INFORMATION REQUIRED.—The briefing required under paragraph (1) shall include—

(A) a detailed description of the specific United States policy and security objectives in Burma;

(B) information about any actions taken by the United States, either directly or in coordination with other countries—

(i) to support and legitimize the National Unity Government of the Republic of the Union of Myanmar, The Civil Disobedience Movement in Myanmar, and other entities promoting democracy in Burma, while simultaneously denying legitimacy and resources to the Myanmar's military junta;

(ii) to impose costs on Myanmar's military junta, including—

(I) an assessment of the impact of existing United States and international sanctions; and

(II) a description of potential future sanctions options;

(iii) to secure the restoration of democracy, the establishment of inclusive and representative civilian government, with a reformed military reflecting the diversity of Burma and under civilian control, and the enactment of constitutional, political, and economic reform in Burma;

(iv) to secure the unconditional release of all political prisoners in Burma;

(v) to promote genuine national reconciliation among Burma's diverse ethnic and religious groups;

(vi) to ensure accountability for atrocities, human rights violations, and crimes against humanity committed by Myanmar's military junta; and

(vii) to avert a large-scale humanitarian disaster;

(C) an update on the current status of United States assistance programs in Burma, including—

(i) humanitarian assistance for affected populations, including internally displaced persons and efforts to mitigate humanitarian and health crises in neighboring countries and among refugee populations;

(ii) democracy assistance, including support to the National Unity Government of the Republic of the Union of Myanmar and civil society groups in Burma;

(iii) economic assistance; and

(iv) global health assistance, including COVID–19 relief; and

(D) a description of the strategic interests in Burma of the People's Republic of China and the Russian Federation, including—

(i) access to natural resources and lines of communications to sea routes; and

(ii) actions taken by such countries—

(I) to support Myanmar's military junta in order to preserve or promote such interests;

(II) to undermine the sovereignty and territorial integrity of Burma; and

(III) to promote ethnic conflict within Burma.

(c) CLASSIFICATION AND FORMAT.—The briefing required under subsection (b)—

(1) shall be provided in an unclassified setting; and

(2) may be accompanied by a separate classified briefing, as appropriate.

**SA 4552.** Mr. GRASSLEY (for himself and 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:

In section 1002(g)(1), insert after subparagraph (E) the following:

(F) A review of the financial management systems of the Department of Defense, including policies, procedures, and past and planned investments, and recommendations related to replacing, modifying, and improving such systems to ensure that the financial management systems and related processes of the Department ensure effective internal control and the ability to achieve auditable financial statements and meet other financial management and operational needs.

**SA 4553.** Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. _____. REPEAL OF NEW INFORMATION REPORTING REQUIREMENTS WITH RESPECT TO DIGITAL ASSET TRANSFERS.**

(a) IN GENERAL.—The amendments made by section 80603 of the Infrastructure Investment and Jobs Act are repealed and the provisions of law amended by such section are restored as if such section had never been enacted.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect on the date of enactment of this Act.

**SA 4554.** 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 I, add the following:

**SEC. 164. RESTRICTION ON PROCUREMENT OF AIRCRAFT NOT CAPABLE OF PERFORMING CERTAIN MISSIONS.**

(a) IN GENERAL.—Except as provided under subsection (b), the Secretary of a military department may not procure any aircraft that is not capable of performing the primary or secondary mission of the aircraft in the expected threat environment in which the aircraft will operate during conflict.

(b) WAIVER.—The Secretary of a military department may waive the requirement under subsection (a) if the Secretary certifies to the congressional defense committees that the aircraft—

(1) will not be used inside a threat envelope; or

(2) will be unmanned.

**SA 4555.** 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 I, add the following:

**SEC. 150. MINIMUM FIGHTER FORCE STRUCTURE WITHIN THE EUROPEAN THEATER.**

(a) IN GENERAL.—The Secretary of the Air Force shall maintain a minimum of seven fighter squadrons assigned to and based in the area of responsibility of the United States European Command.

(b) SUNSET.—This section shall cease to be effective on November 1, 2028.

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**SA 4556.** Mr. WHITEHOUSE (for himself and Ms. HASSAN) 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. _____. INCREASING THE CAPACITY OF STATES AND PARTNER COUNTRIES TO COUNTER CORRUPTION AND MONEY LAUNDERING SCHEMES RELATED TO DRUG TRAFFICKING.**

(a) SHORT TITLE.—This section may be cited as the ''Not Allowing Revenue for Criminal Organizations Act'' or ''NARCO Act''.

(b) FINDINGS.—Congress finds the following:

(1) Drug trafficking organizations, transnational criminal organizations, and money laundering organizations prey upon individuals suffering from substance use disorders and exploit the financial systems of the United States to sustain their criminal enterprises.

(2) The illicit drug trade in the United States is conservatively valued at $150,000,000,000 annually, making it worth more than the gross domestic product of approximately 150 countries.

(3) More than 93,000 individuals in the United States died from drug overdoses in 2020.

(4) Drug trafficking organizations, transnational criminal organizations, and money laundering organizations perpetuate crime, corruption, and kleptocracy, which undermines the rule of law and erodes democratic institutions in foreign countries while threatening the national security of the United States.

(5) Understanding and attacking the financial networks, both in the United States and abroad, that enable drug trafficking organizations, transnational criminal organizations, and money laundering organizations is critical to disrupting and dismantling those organizations.

(6) As such, the national drug control strategy of the United States should include an explicit focus, goals, and metrics related to mapping, tracking, attacking, and dismantling the financial networks of drug trafficking organizations, transnational criminal organizations, and money laundering organizations.

(7) Uniform application of anti-money laundering laws and information sharing will enhance the ability of the Federal Government and State governments to dismantle drug trafficking organizations, transnational criminal organizations, and money laundering organizations.

(8) The Financial Action Task Force establishes international standards that aim to prevent money laundering associated with the illicit drug trade and other illegal activities, and is supported by more than 200 implementing countries and jurisdictions, including the United States. In its 2016 Mutual Evaluation Report of the United States, the Task Force found that while Federal law enforcement agencies aggressively target money laundering cases, ''State law enforcement authorities can complement Federal efforts, but more typically pursue State-level law enforcement priorities. Among the States, there is no uniform approach and little data is available. Where information was provided, it tended to suggest that [money laundering] is not prioritised by the State authorities.''.

(9) It is in the best national security interest of the United States to increase the capacity of States and partner countries to identify, investigate, and prosecute corruption and money laundering schemes that directly benefit drug trafficking organizations, transnational criminal organizations, and money laundering organizations.

(c) GAO REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate, the Caucus on International Narcotics Control of the Senate, the Committee on the Judiciary of the House of Representatives, and the Director of National Drug Control Policy an assessment of—

(A) the number and status of investigations and prosecutions across National Drug Control Program agencies (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)) with a drug trafficking and money laundering and illicit finance nexus, unless the disclosure of such information would reveal information protected by rule 6(e) of the Federal Rules of Criminal Procedure or a court order; and

(B) the amount of money and other things of value in various forms, including tangible and digital assets, and property criminally seized by or forfeited to the Federal Government on an annual basis from individuals associated with drug trafficking, drug trafficking organizations, transnational criminal organizations, or money laundering organizations, which shall be—

(i) adjusted to eliminate duplication in the case of seizures or forfeitures carried out and reported by multiple agencies; and

(ii) disaggregated by agency.

(2) CLASSIFIED ANNEX.—The Comptroller General may provide the assessment under paragraph (1), or a portion thereof, in a classified annex if necessary.

(d) TECHNICAL UPDATES TO OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.—

(1) DEFINITION OF ''SUPPLY REDUCTION''.—Section 702(17) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701(17)) is amended—

(A) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively; and

(B) by inserting after subparagraph (F) the following:

''(G) activities to map, track, dismantle, and disrupt the financial networks of drug trafficking organizations, transnational criminal organizations, and money laundering organizations involved in the manufacture and trafficking of drugs in the United States and in foreign countries;''.

(2) CONTENTS OF NATIONAL DRUG CONTROL STRATEGY.—Section 706(c)(1)(L) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705(c)(1)(L)) is amended by inserting before the period at the end the following: '', which statistical data shall include, to the greatest extent practicable, the information submitted to the Director by the Comptroller General of the United States in the 2 most recent annual reports under subsection (c) of the Not Allowing Revenue for Criminal Organizations Act''.

(e) MODEL LAWS.—

(1) IN GENERAL.—The Attorney General shall enter into an agreement with a nongovernmental organization, which may include an institution of higher education, to—

(A) advise States on establishing laws and policies to address money laundering practices related to the manufacture, sale, or trafficking of illicit drugs;

(B) develop model State laws pertaining to money laundering practices related to the sale or trafficking of illicit drugs; and

(C) revise the model State laws described in subparagraph (B) and draft supplementary model State laws that take into consideration changes in the trafficking of illicit drugs and related money laundering schemes in the State involved.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $300,000 for each of fiscal years 2022 through 2026 to carry out this subsection.

(f) COUNTERING INTERNATIONAL ILLICIT FINANCE TECHNIQUES USED BY CRIMINAL ORGANIZATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Director of the Financial Crimes Enforcement Network of the Department of the Treasury, shall provide training, technical assistance, and mentorship to foreign countries that have been designated as major money laundering countries under section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h) in order to—

(A) increase the institutional capacity of those countries to prevent corruption and swiftly address corruption when it occurs;

(B) implement justice sector reform to ensure the successful prosecution of drug trafficking organizations, transnational criminal organizations, money laundering organizations, and other entities or individuals involved in the illicit drug trade;

(C) better understand, map, target, and attack the financial networks of drug trafficking organizations, transnational criminal organizations, and other entities or individuals involved in the illicit drug trade;

(D) develop and implement laws and regulations to establish or strengthen asset forfeiture programs; and

(E) develop and implement laws and regulations to counter corruption, money laundering, and illicit finance techniques used by drug trafficking organizations, transnational criminal organizations, money laundering organizations, and other entities or individuals involved in the illicit drug trade.

(2) ANNUAL REPORT.—Not later than 120 days after the end of each fiscal year, beginning with fiscal year 2023, the Attorney General shall submit a report to the Committee on the Judiciary of the Senate, the Caucus on International Narcotics Control of the Senate, and the Committee on the Judiciary

of the House of Representatives that includes, with respect to each country that received training, technical assistance, and mentorship under paragraph (1) during that fiscal year—

(A) the type and duration of training, technical assistance, and mentorship provided to the country;

(B) the implementation status of new laws and regulations to counter corruption, money laundering, and illicit finance techniques used by drug trafficking organizations, transnational criminal organizations, money laundering organizations, and other entities or individuals involved in the illicit drug trade in the country;

(C) the number of money laundering and illicit finance investigations, prosecutions, and convictions related to the narcotics trade that were undertaken in the country;

(D) the amount of money and other things of value in various forms, including tangible and digital assets, and property criminally seized by or forfeited to the Federal Government from drug trafficking organizations, transnational criminal organizations, money laundering organizations, and other entities or individuals involved in the illicit drug trade, in the country; and

(E) the number of joint investigations that United States undertook with the country and whether those investigations led to prosecutions or convictions.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $80,000,000 for each of fiscal years 2022 through 2026 to carry out this subsection.

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**SA 4557.** 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.**

For each of fiscal years 2022 through 2026, $1,800,000 is authorized to be appropriated for International Military Education and Training assistance for Greece, which may 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.

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**SA 4558.** 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.

(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 multileveled 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.

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**SA 4559.** Ms. SINEMA (for herself 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 appropriate place, insert the following:

**SEC. _____. PROTECTION OF THE GRAND CANYON.**

(a) WITHDRAWAL OF FEDERAL LAND FROM MINING LAWS.—

(1) DEFINITION OF MAP.—In this subsection, the term ''Map'' means the Bureau of Land Management map entitled ''Grand Canyon Protection Act'' and dated January 22, 2021.

(2) WITHDRAWAL.—Subject to valid existing rights, the approximately 1,006,545 acres of Federal land in the State of Arizona within the area depicted on the Map, including any land or interest in land that is acquired by the United States after the date of enactment of this Act, is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and mineral materials laws.

(3) AVAILABILITY OF MAP.—The Map shall be kept on file and made available for public inspection in the appropriate offices of the Forest Service and the Bureau of Land Management.

(b) GAO STUDY ON DOMESTIC URANIUM STOCKPILES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of uranium stockpiles in the United States that are available to meet future national security requirements.

(2) REQUIREMENTS.—The study conducted under paragraph (1) shall identify—

(A)(i) existing and potential future national security program demands for uranium; and

(ii) existing and projected future inventories of domestic uranium that could be available to meet national security needs; and

(B) the extent to which national security needs are capable of being met with existing uranium stockpiles.

(3) DEADLINE FOR COMPLETION OF STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall provide a briefing on the study conducted under paragraph (1) to—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;

(C) the Committee on Environment and Public Works of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

(E) the Committee on Natural Resources of the House of Representatives; and

(F) the Committee on Energy and Commerce of the House of Representatives.

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**SA 4560.** Mr. KING (for himself, Mr. ROUNDS, Mr. SASSE, Ms. ROSEN, Ms. HASSAN, and 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. ___. SECURE FOUNDATIONAL INTERNET PROTOCOLS.**

(a) DEFINITIONS.—In this section:

(1) BORDER GATEWAY PROTOCOL.—The term ''border gateway protocol'' means a protocol designed to optimize routing of information exchanged through the internet.

(2) DOMAIN NAME SYSTEM.—The term ''domain name system'' means a system that stores information associated with domain names in a distributed database on networks.

(3) INFORMATION AND COMMUNICATIONS TECHNOLOGY INFRASTRUCTURE PROVIDERS.—The term ''information and communications technology infrastructure providers'' means all systems that enable connectivity and operability of internet service, backbone, cloud, web hosting, content delivery, domain name system, and software-defined networks and other systems and services.

(b) CREATION OF A STRATEGY TO ENCOURAGE IMPLEMENTATION OF MEASURES TO SECURE FOUNDATIONAL INTERNET PROTOCOLS.—

(1) PROTOCOL SECURITY STRATEGY.—In order to encourage implementation of measures to secure foundational internet protocols by information and communications technology infrastructure providers, not later than 180 days after the date of enactment of this Act, the Assistant Secretary for Communications and Information of the Department of Commerce, in coordination with the Director of the National Institute Standards and Technology and the Director of the Cybersecurity and Infrastructure Security Agency, shall establish a working group composed of appropriate stakeholders, including representatives of the Internet Engineering Task Force and information and communications technology infrastructure providers, to prepare and submit to Congress a strategy to encourage implementation of measures to secure the border gateway protocol and the domain name system.

(2) STRATEGY REQUIREMENTS.—The strategy required under paragraph (1) shall—

(A) articulate the motivation and goal of the strategy to reduce incidents of border gateway protocol hijacking and domain name system hijacking;

(B) articulate the security and privacy benefits of implementing the most up-to-date and secure instances of the border gateway protocol and the domain name system and the burdens of implementation and the entities on whom those burdens will most likely fall;

(C) identify key United States and international stakeholders;

(D) outline varying measures that could be used to implement security or provide authentication for the border gateway protocol and the domain name system;

(E) identify any barriers to implementing security for the border gateway protocol and the domain name system at scale;

(F) identify operational security and robustness concerns in other aspects of the core infrastructure of the internet;

(G) propose a strategy to implement identified security measures at scale, accounting for barriers to implementation and balancing benefits and burdens, where feasible; and

(H) provide an initial estimate of the total cost to the Government and implementing entities in the private sector of implementing security for the border gateway protocol and the domain name system and propose recommendations for defraying these costs, if applicable.

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**SA 4561.** Mr. KING (for himself, Mr. ROUNDS, Mr. SASSE, Ms. ROSEN, Ms. HASSAN, and 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 end, add the following:

**DIVISION E—DEFENSE OF UNITED STATES INFRASTRUCTURE**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the ''Defense of United States Infrastructure Act of 2021''.

**SEC. 5002. DEFINITIONS.**

In this division:

(1) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given such term in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

(2) CYBERSECURITY RISK.—The term ''cybersecurity risk'' has the meaning given such term in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

## TITLE LI—INVESTING IN CYBER RESILIENCY IN CRITICAL INFRASTRUCTURE

### SEC. 5101. NATIONAL RISK MANAGEMENT CYCLE AND CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.

(a) AMENDMENTS.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2202(c) (6 U.S.C. 652(c))—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in the first paragraph designated as paragraph (12), relating to the Cybersecurity State Coordinator—

(i) by striking ''section 2215'' and inserting ''section 2217''; and

(ii) by striking ''and'' at the end; and

(C) by redesignating the second and third paragraphs designated as paragraph (12) as paragraphs (13) and (14), respectively;

(2) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(3) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(4) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(5) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217;

(6) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216; and

(7) by adding at the end the following:

### ''SEC. 2220A. NATIONAL RISK MANAGEMENT CYCLE AND CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.

''(a) DEFINITION.—In this section, the term 'cybersecurity risk' has the meaning given such term in section 2209.

''(b) CREATION OF A CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY AND A NATIONAL RISK MANAGEMENT CYCLE.—

''(1) INITIAL RISK IDENTIFICATION AND ASSESSMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Director, shall establish a process by which to identify, assess, and prioritize risks to critical infrastructure, considering both cyber and physical threats, vulnerabilities, and consequences.

''(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall—

''(i) coordinate with the heads of Sector Risk Management Agencies and the National Cyber Director;

''(ii) consult with the Director of National Intelligence and the Attorney General; and

''(iii) consult with the owners and operators of critical infrastructure.

''(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).

''(D) REPORT.—Not later than 1 year after the date of enactment of this section, 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).

''(2) INITIAL NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

''(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers the report required under paragraph (1)(D), the President shall deliver to the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, 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.—In the strategy delivered under subparagraph (A), the President shall—

''(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise, disrupt, or impede the ability of the critical infrastructure to support the national critical functions of national security, economic security, or public health and safety;

''(ii) identify and outline current and proposed national-level actions, programs, and efforts to be taken to address the risks identified;

''(iii) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each;

''(iv) outline the budget plan required to provide sufficient resources to successfully execute the full range of activities proposed or described by the strategy; and

''(v) request any additional authorities or resources necessary to successfully execute the strategy.

''(C) FORM.—The strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—Not later than 1 year after the date on which the President delivers the strategy under paragraph (2), and every year thereafter, the Secretary, in coordination with the heads of Sector Risk Management Agencies, shall submit to the appropriate congressional committees a report on the national risk management cycle activities undertaken pursuant to the strategy, including—

''(i) all variables included in risk assessments and the weights assigned to each such variable;

''(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

''(iii) any change in the methodologies since the previous report under this paragraph, including changes in the variables considered, weighting of those variables, and computational methods.

''(B) CLASSIFIED ANNEX.—The reports required under subparagraph (A) shall be submitted in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

''(4) FIVE YEAR RISK MANAGEMENT CYCLE.—

''(A) RISK IDENTIFICATION AND ASSESSMENT.—Under procedures established by the Secretary, the Secretary shall repeat the conducting and reporting of the risk identification and assessment required under paragraph (1), in accordance with the requirements in paragraph (1), every 5 years.

''(B) STRATEGY.—Under procedures established by the President, the President shall repeat the preparation and delivery of the critical infrastructure resilience strategy required under paragraph (2), in accordance with the requirements in paragraph (2), every 5 years, which shall also include assessing the implementation of the previous national critical infrastructure resilience strategy.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) 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. National risk management cycle and critical infrastructure resilience strategy.''.

(2) 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).

## TITLE LII—IMPROVING THE ABILITY OF THE FEDERAL GOVERNMENT TO ASSIST IN ENHANCING CRITICAL INFRASTRUCTURE CYBER RESILIENCE

### SEC. 5201. INSTITUTE A 5-YEAR TERM FOR THE DIRECTOR OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) IN GENERAL.—Subsection (b)(1) of section 2202 of the Homeland Security Act of 2002 (6 U.S.C. 652), is amended by inserting ''The term of office of an individual serving as Director shall be 5 years.'' after ''who shall report to the Secretary.''.

(b) TRANSITION RULES.—The amendment made by subsection (a) shall take effect on the first appointment of an individual to the position of Director of the Cybersecurity and Infrastructure Security Agency, by and with the advice and consent of the Senate, that is made on or after the date of enactment of this Act.

### SEC. 5202. CYBER THREAT INFORMATION COLLABORATION ENVIRONMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE INFORMATION.—The term ''critical infrastructure information'' has the meaning given such term in section 2222 of the Homeland Security Act of 2002 (6 U.S.C. 671).

(2) CYBER THREAT INDICATOR.—The term ''cyber threat indicator'' has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(3) CYBERSECURITY THREAT.—The term ''cybersecurity threat'' has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(4) ENVIRONMENT.—The term ''environment'' means the information collaboration environment established under subsection (b).

(5) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term ''information sharing and analysis organization'' has the meaning given such term in section 2222 of the Homeland Security Act of 2002 (6 U.S.C. 671).

(6) NON-FEDERAL ENTITY.—The term ''non-Federal entity'' has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(b) PROGRAM.—The Secretary, in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall carry out a program under which the Secretary shall develop an information collaboration environment consisting of a digital environment containing technical tools for information analytics and a portal through which relevant parties may submit and automate information inputs and

access the environment in order to enable interoperable data flow that enable Federal and non-Federal entities to identify, mitigate, and prevent malicious cyber activity to—

(1) provide limited access to appropriate and operationally relevant data from unclassified and classified intelligence about cybersecurity risks and cybersecurity threats, as well as malware forensics and data from network sensor programs, on a platform that enables query and analysis;

(2) enable cross-correlation of data on cybersecurity risks and cybersecurity threats at the speed and scale necessary for rapid detection and identification;

(3) facilitate a comprehensive understanding of cybersecurity risks and cybersecurity threats; and

(4) facilitate collaborative analysis between the Federal Government and public and private sector critical infrastructure entities and information and analysis organizations.

(c) IMPLEMENTATION OF INFORMATION COLLABORATION ENVIRONMENT.—

(1) EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency, and in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall—

(A) identify, inventory, and evaluate existing Federal sources of classified and unclassified information on cybersecurity threats;

(B) evaluate current programs, applications, or platforms intended to detect, identify, analyze, and monitor cybersecurity risks and cybersecurity threats;

(C) consult with public and private sector critical infrastructure entities to identify public and private critical infrastructure cyber threat capabilities, needs, and gaps; and

(D) identify existing tools, capabilities, and systems that may be adapted to achieve the purposes of the environment in order to maximize return on investment and minimize cost.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 1 year after completing the evaluation required under paragraph (1)(B), the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency, and in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall begin implementation of the environment to enable participants in the environment to develop and run analytic tools referred to in subsection (b) on specified data sets for the purpose of identifying, mitigating, and preventing malicious cyber activity that is a threat to public and private critical infrastructure.

(B) REQUIREMENTS.—The environment and the use of analytic tools referred to in subsection (b) shall—

(i) operate in a manner consistent with relevant privacy, civil rights, and civil liberties policies and protections, including such policies and protections established pursuant to section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

(ii) account for appropriate data interoperability requirements;

(iii) enable integration of current applications, platforms, data, and information, including classified information, in a manner that supports integration of unclassified and classified information on cybersecurity risks and cybersecurity threats;

(iv) incorporate tools to manage access to classified and unclassified data, as appropriate;

(v) ensure accessibility by entities the Secretary, in consultation with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, determines appropriate;

(vi) allow for access by critical infrastructure stakeholders and other private sector partners, at the discretion of the Secretary, in consultation with the Secretary of Defense;

(vii) deploy analytic tools across classification levels to leverage all relevant data sets, as appropriate;

(viii) identify tools and analytical software that can be applied and shared to manipulate, transform, and display data and other identified needs; and

(ix) anticipate the integration of new technologies and data streams, including data from government-sponsored network sensors or network-monitoring programs deployed in support of non-Federal entities.

(3) ANNUAL REPORT REQUIREMENT ON THE IMPLEMENTATION, EXECUTION, AND EFFECTIVENESS OF THE PROGRAM.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 1 year after the program under this section terminates under subsection (g), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives a report that details—

(A) Federal Government participation in the environment, including the Federal entities participating in the environment and the volume of information shared by Federal entities into the environment;

(B) non-Federal entities' participation in the environment, including the non-Federal entities participating in the environment and the volume of information shared by non-Federal entities into the environment;

(C) the impact of the environment on positive security outcomes for the Federal Government and non-Federal entities;

(D) barriers identified to fully realizing the benefit of the environment both for the Federal Government and non-Federal entities;

(E) additional authorities or resources necessary to successfully execute the environment; and

(F) identified shortcomings or risks to data security and privacy, and the steps necessary to improve the mitigation of the shortcomings or risks.

(d) CYBER THREAT DATA INTEROPERABILITY.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall identify or establish data interoperability requirements for non-Federal entities to participate in the environment.

(2) DATA STREAMS.—The Secretary shall identify, designate, and periodically update programs that shall participate in or be interoperable with the environment, which may include—

(A) network-monitoring and intrusion detection programs;

(B) cyber threat indicator sharing programs;

(C) certain government-sponsored network sensors or network-monitoring programs;

(D) incident response and cybersecurity technical assistance programs; or

(E) malware forensics and reverse-engineering programs.

(3) DATA GOVERNANCE.—The Secretary, in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall establish procedures and data governance structures, as necessary, to protect sensitive data, comply with Federal regulations and statutes, and respect existing consent agreements with private sector critical infrastructure entities that apply to critical infrastructure information.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall change existing ownership or protection of, or policies and processes for access to, agency data.

(e) NATIONAL SECURITY SYSTEMS.—Nothing in this section shall apply to national security systems, as defined in section 3552 of title 44, United States Code, or to cybersecurity threat intelligence related to such systems, without the consent of the relevant element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(f) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—The Director of National Intelligence shall ensure that any information sharing conducted under this section shall protect intelligence sources and methods from unauthorized disclosure in accordance with section 102A(i) of the National Security Act (50 U.S.C. 3024(i)).

(g) DURATION.—The program under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

## TITLE LIII—IMPROVING SECURITY IN THE NATIONAL CYBER ECOSYSTEM

### SEC. 5301. REPORT ON CYBERSECURITY CERTIFICATIONS AND LABELING.

Not later than October 1, 2022, the National Cyber Director, in consultation with the Director of the National Institute of Standards and Technology and the Director of the Cybersecurity and Infrastructure Security Agency, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives a report that—

(1) identifies and assesses existing efforts by the Federal Government to create, administer, or otherwise support the use of certifications or labels to communicate the security or security characteristics of information technology or operational technology products and services; and

(2) assesses the viability of and need for a new program at the Department, or at other Federal agencies as appropriate, to better address information technology and operational technology product and service security certification and labeling efforts across the Federal Government and between the Federal Government and the private sector.

## TITLE LIV—ENABLING THE NATIONAL CYBER DIRECTOR

### SEC. 5401. ESTABLISHMENT OF HIRING AUTHORITIES FOR THE OFFICE OF THE NATIONAL CYBER DIRECTOR.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the National Cyber Director.

(2) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given such term in section 2103 of title 5, United States Code.

(3) OFFICE.—The term ''Office'' means the Office of the National Cyber Director.

(4) QUALIFIED POSITION.—The term ''qualified position'' means a position identified by the Director under subsection (b)(1)(A), in which the individual occupying such position performs, manages, or supervises functions

that execute the responsibilities of the Office.

(b) HIRING PLAN.—The Director shall, for purposes of carrying out the functions of the Office—

(1) craft an implementation plan for positions in the excepted service in the Office, which shall propose—

(A) qualified positions in the Office, as the Director determines necessary to carry out the responsibilities of the Office; and

(B) subject to the requirements of paragraph (2), rates of compensation for an individual serving in a qualified position;

(2) propose rates of basic pay for qualified positions, which shall—

(A) be determined in relation to the rates of pay provided for employees in comparable positions in the Office, in which the employee occupying the comparable position performs, manages, or supervises functions that execute the mission of the Office; and

(B) subject to the same limitations on maximum rates of pay and consistent with section 5341 of title 5, United States Code, adopt such provisions of that title to provide for prevailing rate systems of basic pay and apply those provisions to qualified positions for employees in or under which the Office may employ individuals described by section 5342(a)(2)(A) of such title; and

(3) craft proposals to provide—

(A) employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5, United States Code; and

(B) employees in a qualified position for which the Director proposes a rate of basic pay under paragraph (2) an allowance under section 5941 of title 5, United States Code, on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

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**SA 4562.** Mrs. FEINSTEIN (for herself, Mr. PADILLA, Mr. DAINES, and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 10___. WAIVER OF PREMIUM PAY LIMITATIONS FOR DEPARTMENT OF AGRICULTURE, DEPARTMENT OF THE INTERIOR, AND NATIONAL WEATHER SERVICE EMPLOYEES ENGAGED IN EMERGENCY WILDLAND FIRE SUPPRESSION ACTIVITIES.**

(a) DEFINITIONS.—In this section:

(1) BASIC PAY.—The term ''basic pay'' includes any applicable locality-based comparability payment under section 5304 of title 5, United States Code, any applicable special rate supplement under section 5305 of that title, and any equivalent payment under a similar provision of law.

(2) COVERED EMPLOYEE.—The term ''covered employee'' means an employee of the Department of Agriculture, the Department of the Interior, or the National Weather Service.

(3) COVERED SERVICES.—The term ''covered services'' means services performed by a covered employee—

(A) serving as a wildland firefighter or a fire management response official, including a regional fire director, a deputy regional fire director, an agency official who directly oversees fire operations, and a fire management officer;

(B) serving as an incident meteorologist accompanying a wildland firefighter crew; or

(C) serving on an incident management team, at the National Interagency Fire Center, at a Geographic Area Coordinating Center, or at an operations center.

(4) PREMIUM PAY.—The term ''premium pay'' means the premium pay paid under the provisions of law described in section 5547(a) of title 5, United States Code.

(5) RELEVANT COMMITTEES.—The term ''relevant 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;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(6) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to an employee of the Department of Agriculture;

(B) the Secretary of the Interior, with respect to an employee of the Department of the Interior; and

(C) the Secretary of Commerce, with respect to an employee of the National Weather Service.

(b) WAIVERS OF PREMIUM PAY LIMITATION.—

(1) WAIVER OF PREMIUM PAY PERIOD LIMITATION.—Any premium pay for covered services shall be disregarded in calculating the aggregate of the basic pay and premium pay for the applicable covered employee for purposes of a limitation under section 5547 of title 5, United States Code, or under any other provision of law.

(2) CALCULATION OF AGGREGATE PAY.—Any pay that is disregarded under paragraph (1) shall be disregarded in calculating the aggregate pay of the applicable covered employee for purposes of applying the limitation under section 5307 of title 5, United States Code, during calendar year 2022.

(3) PAY LIMITATION.—A covered employee may not be paid premium pay under this subsection if, or to the extent that, the aggregate amount of the basic pay and premium pay (including premium pay for covered services) of the covered employee for a calendar year would exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of that calendar year.

(4) TREATMENT OF ADDITIONAL PREMIUM PAY.—If the application of this subsection results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional premium pay shall not be—

(A) considered to be basic pay of the covered employee for any purpose; or

(B) used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or 5552 of title 5, United States Code.

(5) EFFECTIVE PERIOD.—This subsection shall be in effect during calendar year 2022 and apply to premium pay payable during that year.

(c) SUBMISSION OF PLAN.—Not later than March 30, 2022, each Secretary concerned, in consultation with the Director of the Office of Management and Budget and the Director of the Office of Personnel Management, shall submit to the relevant committees a plan that addresses the needs of the Department of Agriculture, the Department of the Interior, or the National Weather Service, as applicable, to hire and train additional wildland firefighters and incident meteorologists and modernize compensation for wildland firefighters and incident meteorologists such that sufficient firefighting resources are available throughout each year without the need for waivers of premium pay limitations.

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**SA 4563.** Mrs. FEINSTEIN (for herself 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 appropriate place, insert the following:

**SEC. ___. DECLARATION OF EMERGING THREAT.**

(a) IN GENERAL.—Congress declares methamphetamine an emerging drug threat, as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701), in the United States.

(b) REQUIRED EMERGING THREAT RESPONSE PLAN.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall establish and implement an Emerging Threat Response Plan that is specific to methamphetamine in accordance with section 709(d) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1708(d)).

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**SA 4564.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1216. REPORTS AND BRIEFINGS REGARDING OVERSIGHT OF AFGHANISTAN.**

(a) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until December 31, 2026, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on Afghanistan. The report shall address, with respect to Afghanistan, the following matters:

(1) An assessment of the terrorist threat to the United States posed by terrorist organizations in Afghanistan.

(2) A description of the intelligence collection posture on terrorist organizations in Afghanistan, including al-Qaeda and ISIS-K.

(3) A description of the intelligence collection posture on the Taliban defense and security forces.

(4) An assessment of the status of any military cooperation between the Taliban and China, Russia, or Iran.

(5) An assessment of changes in the ability of al-Qaeda and ISIS-K to conduct operations outside of Afghanistan against the United States and United States allies.

(6) A current assessment of counterterrorism capabilities of the United States to remove the terrorist threat in Afghanistan.

(7) An assessment of counterterrorism capabilities of United States allies and partners in Afghanistan and their willingness to participate in counterterrorism operations.

(8) The location of such counterterrorism capabilities, to include the current locations of the forces and any plans to adjust such locations.

(9) Any plans to expand or adjust such counterterrorism capabilities in the future to account for evolving terrorist threats in Afghanistan.

(10) An assessment of the quantity and types of United States military equipment remaining in Afghanistan, including an indication of whether the Secretary plans to leave, recover, or destroy such equipment.

(11) Contingency plans for the retrieval or hostage rescue of United States citizens located in Afghanistan.

(12) Contingency plans related to the continued evacuation of Afghans who hold special immigrant visa status under section 602 of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 110–8; 8 U.S.C. 1101 note) or who have filed a petition for such status, following the withdraw of the United States Armed Forces from Afghanistan.

(13) Any other matters the Secretary determines appropriate.

(b) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, and on a biannual basis thereafter until December 31, 2026, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the matters specified in subsection (a).

(c) FORM.—The reports and briefings under this section may be submitted in either unclassified or classified form, as determined appropriate by the Secretary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

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

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

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**SA 4565.** Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. PAYMENTS TO STATES FOR THE TREATMENT OF PERFLUOROOCTANE SULFONIC ACID AND PERFLUOROOCTANOIC ACID IN DRINKING WATER.**

(a) IN GENERAL.—The Secretary of the Air Force shall pay a local water authority located in the vicinity of an installation of the Air Force, or a State in which the local water authority is located, for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water from the wells owned and operated by the local water authority to attain the lifetime health advisory level for such acids established by the Environmental Protection Agency and in effect on October 1, 2017.

(b) ELIGIBILITY FOR PAYMENT.—To be eligible to receive payment under subsection (a)—

(1) a local water authority or State, as the case may be, must—

(A) request such a payment from the Secretary of the Air Force for reimbursable expenses not already covered under a cooperative agreement entered into by the Secretary relating to treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid contamination before the date on which funding is made available to the Secretary for payments relating to such treatment; and

(B) upon acceptance of such a payment, waive all legal causes of action arising under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), and any other Federal tort liability statute for expenses for treatment and mitigation of perfluorooctane sulfonic acid and perfluorooctanoic acid incurred before January 1, 2018, and otherwise covered under this section;

(2) the elevated levels of perfluorooctane sulfonic acid and perfluorooctanoic acid in the water must be the result of activities conducted by or paid for by the Department of the Air Force; and

(3) treatment or mitigation of such acids must have taken place during the period beginning on January 1, 2016, and ending on the day before the date of the enactment of this Act.

(c) AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Air Force may enter into such agreements with a local water authority or State as the Secretary considers necessary to implement this section.

(2) USE OF MEMORANDUM OF AGREEMENT.—The Secretary of the Air Force may use the applicable Defense State Memorandum of Agreement to pay amounts under subsection (a) that would otherwise be eligible for payment under that agreement were those costs paid using amounts appropriated to the Environmental Restoration Account, Air Force, established under section 2703(a)(4) of title 10, United States Code.

(3) PAYMENT WITHOUT REGARD TO EXISTING AGREEMENTS.—Payment may be made under subsection (a) to a State or a local water authority in that State without regard to existing agreements relating to environmental response actions or indemnification between the Department of the Air Force and that State.

(d) LIMITATION.—Any payment made under subsection (a) may not exceed the actual cost of treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid resulting from the activities conducted by or paid for by the Department of the Air Force.

(e) AVAILABILITY OF AMOUNTS.—Of the amounts authorized to be appropriated to the Department of Defense for Operation and Maintenance, Air Force, not more than $10,000,000 shall be available to carry out this section.

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**SA 4566.** Mr. BENNET (for himself, Mrs. FEINSTEIN, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. ____. CONTINUED NATIONAL GUARD SUPPORT FOR FIREGUARD PROGRAM.**

The Secretary of Defense shall continue to support the FireGuard program with National Guard personnel to aggregate, analyze, and assess multi-source remote sensing information for interagency partnerships in the initial detection and monitoring of wildfires until September 30, 2026. After such date, the Secretary may not reduce such support, or transfer responsibility for such support to an interagency partner, until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives written notice of such proposed change, and reasons for such change.

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**SA 4567.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. REVIEW OF PORT AND PORT-RELATED INFRASTRUCTURE PURCHASES AND INVESTMENTS MADE BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND ENTITIES DIRECTED OR BACKED BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.**

(a) IN GENERAL.—The Secretary of State, in coordination with the Director of National Intelligence, the Secretary of Defense, and the head of any other agency the Secretary of State considers necessary, shall conduct a review of port and port-related infrastructure purchases and investments critical to the interests and national security of the United States made by—

(1) the Government of the People's Republic of China;

(2) entities directed or backed by the Government of the People's Republic of China; and

(3) entities with beneficial owners that include the Government of the People's Republic of China or a private company controlled by the Government of the People's Republic of China.

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

(1) A list of port and port-related infrastructure purchases and investments described in that subsection, prioritized in order of the purchases or investments that pose the greatest threat to United States economic, defense, and foreign policy interests.

(2) An analysis of the effects the consolidation of such investments, or the assertion of control by the Government of the People's Republic of China over entities described in paragraph (2) or (3) of that subsection, would

have on Department of State, Office of the Director of National Intelligence, and Department of Defense contingency plans.

(3) A description of past and planned efforts by the Secretary of State, the Director of National Intelligence, and the Secretary of Defense to address such purchases, investments, and consolidation of investments or assertion of control.

(c) COORDINATION WITH OTHER FEDERAL AGENCIES.—In conducting the review required by subsection (a), the Secretary of State may coordinate with the head of any other Federal agency, as the Secretary of State considers appropriate.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report on the results of the review under subsection (a).

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

(e) 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) PORT.—The term ''port'' means—

(A) any port—

(i) on the navigable waters of the United States; or

(ii) that is considered by the Secretary of State to be critical to United States interests; and

(B) any harbor, marine terminal, or other shoreside facility used principally for the movement of goods on inland waters that the Secretary of State considers critical to United States interests.

(3) PORT-RELATED INFRASTRUCTURE.—The term ''port-related infrastructure'' includes—

(A) crane equipment;

(B) logistics, information, and communications systems; and

(C) any other infrastructure the Secretary of State considers appropriate.

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**SA 4568.** Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 XXVII, add the following:

**SEC. 2703. CONDITIONS ON CLOSURE OF PUEBLO CHEMICAL DEPOT AND CHEMICAL AGENT-DESTRUCTION PILOT PLANT, COLORADO.**

(a) SUBMISSION OF FINAL CLOSURE AND DISPOSAL PLANS.—

(1) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) a plan for the closure of the portion of Pueblo Chemical Depot, Colorado, not previously declared surplus to the Department of the Army upon the completion of the chemical demilitarization mission of the Chemical Agent-Destruction Pilot Plant at Pueblo Chemical Depot; and

(B) a plan for the disposal of all remaining land, buildings, facilities, and equipment at Pueblo Chemical Depot not previously declared surplus to the Department of the Army.

(2) LOCAL REDEVELOPMENT AUTHORITY ROLE.—In preparing the disposal plan required by paragraph (1)(B), the Secretary of the Army shall take into account the future role of the Local Redevelopment Authority.

(b) LOCAL REDEVELOPMENT AUTHORITY ELIGIBILITY FOR ASSISTANCE.—The Secretary of Defense, acting through the Office of Local Defense Community Cooperation, may make grants, conclude cooperative agreements, and supplement other Federal funds to assist the Local Redevelopment Authority in planning community adjustments and economic diversification required by the closure of Pueblo Chemical Depot and the Chemical Agent-Destruction Pilot Plant if the Secretary determines that the closure is likely to have a direct and significantly adverse consequence on nearby communities.

(c) GENERAL CLOSURE, REALIGNMENT, AND DISPOSAL PROHIBITION.—

(1) PROHIBITION; CERTAIN RECIPIENT EXCEPTED.—During the period specified in paragraph (2), the Secretary of the Army shall take no action—

(A) to close or realign the portion of Pueblo Chemical Depot not previously declared surplus to the Department of the Army, which contains the Chemical Agent-Destruction Pilot Plant; or

(B) to dispose of any land, building, facility, or equipment that is surplus to the Department of the Army and that comprises any portion of the Chemical Agent-Destruction Pilot Plant other than to the Local Redevelopment Authority.

(2) DURATION.—The prohibition under paragraph (1) shall apply until a final closure and disposal decision is made the Secretary of the Army for the portion of the Pueblo Chemical Depot not previously declared surplus to the Department of the Army, following submission of the closure and disposal plans required by subsection (a).

(d) PROHIBITION ON DEMOLITION OR DISPOSAL RELATED TO CHEMICAL AGENT-DESTRUCTION PILOT PLANT.—

(1) PROHIBITION; CERTAIN RECIPIENT EXCEPTED.—During the period specified in paragraph (4), the Secretary of the Army may not—

(A) demolish any building, facility, or equipment described in paragraph (2) that comprises any portion of the Chemical Agent-Destruction Pilot Plant; or

(B) dispose of any such building, facility, or equipment that is surplus to the Department of the Army other than to the Local Redevelopment Authority.

(2) COVERED BUILDINGS, FACILITIES, AND EQUIPMENT.—The prohibition under paragraph (1) shall apply to the following:

(A) Any building, facility, or equipment that is surplus to the Department of the Army and that is located outside of a Hazardous Waste Management Unit, where chemical munitions were present, but where contamination did not occur, that is considered by the Secretary of the Army as clean, safe, and acceptable for reuse by the public after a risk assessment by the Secretary.

(B) Any building, facility, or equipment that is surplus to the Department of the Army and that is located outside of a Hazardous Waste Management Unit, that was not contaminated by chemical munitions and that was without the potential to be contaminated, such as office buildings, parts warehouses, or utility infrastructure, that is considered by the Secretary of the Army as suitable for reuse by the public.

(3) EXCEPTION.—The prohibition under paragraph (1) shall not apply to any building, facility, or equipment otherwise described in paragraph (2) for which the Local Redevelopment Authority provides to the Secretary of the Army a written determination specifying that the building, facility, or equipment is not needed for community adjustment and economic diversification following the closure of the Chemical Agent-Destruction Pilot Plant.

(4) DURATION.—The prohibition under paragraph (1) shall apply until Hazardous Waste Permit Number CO–20–09–02–01 is modified or replaced with a new permit under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976'') issued by the State of Colorado, after the public notice and comment process has been concluded.

(e) LOCAL REDEVELOPMENT AUTHORITY DEFINED.—In this section, the term ''Local Redevelopment Authority'' means the Local Redevelopment Authority for Pueblo Chemical Depot, as recognized by the Office of Local Defense Community Cooperation of the Department of Defense.

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**SA 4569.** 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 end of subtitle G of title X, add the following:

**SEC. 1064. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS REGARDING DEFENSE INNOVATION UNIT PROGRAMS THAT PROMOTE ENTREPRENEURSHIP AND INNOVATION AT INSTITUTIONS OF HIGHER EDUCATION.**

(a) PILOT PROGRAM.—The Under Secretary of Defense for Research and Engineering may establish activities, including outreach and technical assistance, to better connect historically Black colleges and universities and minority serving institutions to the programs of the Defense Innovation Unit and its associated programs.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the results of any activities conducted under subsection (a), including the results of outreach efforts, the success of expanding Defense Innovation Unit programs to historically Black colleges and universities and minority serving institutions, the barriers to expansion, and recommendations for how the Department of Defense and the Federal Government can support such institutions to successfully participate in Defense Innovation Unit programs.

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**SA 4570.** Ms. SMITH (for herself, Mr. CASSIDY, 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 G of title X, add the following:

**SEC. 1064. STUDY AND REPORT ON THE REDISTRIBUTION OF COVID–19 VACCINE DOSES THAT WOULD OTHERWISE EXPIRE TO FOREIGN COUNTRIES AND ECONOMIES.**

(a) STUDY.—The Secretary of Health and Human Services, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall conduct a study to identify and analyze the logistical requirements necessary for the heads of the relevant agencies—

(1) to track the location of doses of the COVID–19 vaccine in the United States that have been distributed by the Government of the United States to—

(A) a State;

(B) a health care provider;

(C) a pharmacy;

(D) a clinic; or

(E) any other health care facility;

(2) to maintain a database of the locations and expiration dates of such doses;

(3) to determine the latest date prior to expiration that such doses may—

(A) be recovered and prepared for shipment to foreign countries and economies; and

(B) be safe and effective upon delivery to such countries and economies;

(4) to determine whether the supply of doses of the COVID–19 vaccine in the United States is sufficient to vaccinate the citizens of the United States;

(5) to distribute to foreign countries and economies doses of the COVID–19 vaccine that as determined under paragraph (3) will be safe and effective upon delivery to such countries and economies;

(6) to identify other Federal agencies with which the heads of the relevant agencies should coordinate to accomplish the tasks described in paragraphs (1) through (5); and

(7) to determine the necessary scope of involvement of and required coordination with the Federal agencies identified under paragraph (6).

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the other heads of the relevant agencies, shall submit to the appropriate congressional committees a report on the results of the study conducted under subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Health, Education, Labor, and Pensions, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives.

(2) RELEVANT AGENCIES.—The term ''relevant agencies'' means—

(A) the Department of Health and Human Services;

(B) the Department of State; and

(C) the United States Agency for International Development.

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**SA 4571.** Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 3926 submitted by Mr. PORTMAN (for himself, Mr. BOOKER, Mr. CARDIN, and Mr. YOUNG) and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of 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 5, strike line 4 and insert the following:

(5) to support the Government of Israel in its ongoing efforts to reach a negotiated solution to the

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**SA 4572.** Mr. CORNYN (for himself, Ms. CORTEZ MASTO, and Mr. LUJÁN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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, State, or Tribal 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.

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**SA 4573.** Mr. YOUNG (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 appropriate place, insert the following:

**SEC. ___. NONAPPLICABILITY OF CERTAIN REQUIREMENTS TO THE PASSENGER VESSEL AMERICAN QUEEN.**

(a) IN GENERAL.—Notwithstanding any other provision of law, sections 3507 and 3508 of title 46, United States Code, shall not apply to the passenger vessel AMERICAN QUEEN (United States official number 1030765) when such vessel is operating inside the Boundary Line.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) BOUNDARY LINE.—The term ''Boundary Line'' has the meaning given such term in section 103 of title 46, United States Code.

(2) PASSENGER VESSEL.—The term ''passenger vessel'' has the meaning given such term in section 2101 of title 46, United States Code.

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**SA 4574.** 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. AUTHORITY TO CONVEY BY DONATION CERTAIN VESSELS FOR HUMANITARIAN ASSISTANCE AND DISASTER RELIEF PURPOSES.**

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, by donation, all right, title, and interest of the United States Government in and to any vessel described in subsection (b) to the Coalition of Hope Foundation, Inc., a nonprofit organization, for use in the provision of humanitarian assistance and disaster relief services, if the vessel is no

longer required by the United States Government.

(b) VESSELS DESCRIBED.—The vessels described in this subsection are the following vessels, which have been stricken from the Naval Vessel Register:

(1) The former U.S.S. Tarawa (LHA–1)

(2) The former U.S.S. Peleliu (LHA–5).

(c) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—The Secretary of the Navy shall deliver a vessel conveyed under subsection (a)—

(A) at a location and on a date of conveyance as mutually agreed to by the Secretary and the recipient; and

(B) in its condition on that date.

(2) LIMITATIONS ON LIABILITY AND RESPONSIBILITY.—

(A) IMMUNITY OF THE UNITED STATES.—The United States and all departments and agencies thereof, and their officers and employees, shall not be liable at law or in equity for any injury or damage to any person or property occurring on a vessel donated under this section.

(B) IMPROVEMENTS, UPGRADES, AND REPAIRS.—Notwithstanding any other law, the Department of Defense, and the officers and employees of the Department of Defense, shall have no responsibility or obligation to make, engage in, or provide funding for, any improvement, upgrade, modification, maintenance, preservation, or repair to a vessel donated under this section.

(C) CLAIMS ARISING FROM EXPOSURE TO HAZARDOUS MATERIAL.—The Secretary may not convey a vessel under this section unless the recipient agrees to hold the United States Government harmless for any claim arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after the conveyance of the vessel, except for any claim arising before the date of the conveyance or from use of the vessel by the Government after that date.

(3) CONVEYANCE TO BE AT NO COST TO DEPARTMENT OF DEFENSE.—Any conveyance of a vessel under this section, the demilitarization of Munitions List items of that vessel, the maintenance and preservation of that vessel after conveyance, and the ultimate disposal of that vessel shall be made at no cost to the Department of Defense.

(4) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(d) DEFINITIONS.—In this section:

(1) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

(2) MUNITIONS LIST.—The term ''Munitions List'' means the United States Munitions List created and controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

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**SA 4575.** Mr. WICKER (for himself 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 in title II, insert the following:

**SEC. _____. ADDITIONAL FUNDING FOR UNDERSEA WARFARE APPLIED RESEARCH.**

(a) ADDITIONAL FUNDING.—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by $11,000,000, with the amount of the increase to be available for Undersea Warfare Applied Research (PE 0602747N).

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2022 by section 101 for procurement for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and Defense-wide activities is hereby decreased by $11,000,000, with the amount of the decrease to be derived from amounts available for Shipbuilding and Conversion, Navy Fleet Ballistic Missile Ships, Line 19, LHA Replacement.

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**SA 4576.** 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 X, add the following:

**SEC. 1064. REIMBURSEMENT OF PHYSICIANS BY DEPARTMENT OF VETERANS AFFAIRS DURING CERTAIN DISASTERS AND EMERGENCIES.**

(a) IN GENERAL.—During a period in which a covered disaster or emergency has been declared, the Secretary of Veterans Affairs shall reimburse covered physicians for audio-only telehealth visits under the laws administered by the Secretary at the same rate as in-person visits.

(b) DEFINITIONS.—In this section:

(1) COVERED DISASTER OR EMERGENCY.—The term ''covered disaster or emergency'' means the following:

(A) A disaster or emergency specified in section 1785(b) of title 38, United States Code.

(B) A 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).

(C) A domestic emergency declared by the Secretary of Homeland Security.

(2) COVERED PHYSICIAN.—The term ''covered physician'' means a physician who is not a physician of the Department of Veterans Affairs who provides care to veterans under—

(A) the Veterans Community Care Program under section 1703 of title 38, United States Code; or

(B) any other authority under the laws administered by the Secretary.

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**SA 4577.** 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.

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**SA 4578.** Ms. ERNST (for herself, Ms. HASSAN, Mr. GRASSLEY, Mr. CRAMER, Mrs. FEINSTEIN, Mr. BURR, Mr. TILLIS, Mr. RISCH, Mrs. GILLIBRAND, Mr. TESTER, Mr. MORAN, Mrs. CAPITO, Mr. HOEVEN, Mr. BOOZMAN, Mr. LANKFORD, Mr. WARNOCK, Mr. ROMNEY, Mr. CORNYN, Ms. BALDWIN, Mr. PETERS, Ms. COLLINS, Mrs. HYDE-SMITH, Mr. WICKER, Mr. BRAUN, Mr. BLUMENTHAL, Mr. SULLIVAN, Mrs. BLACKBURN, Mr. KELLY, Mr. SASSE, Mr. RUBIO, Mr. SCOTT of South Carolina, Mr. VAN HOLLEN, 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 appropriate place, insert the following:

**SEC. ___. NATIONAL GLOBAL WAR ON TERRORISM MEMORIAL.**

(a) SITE.—Notwithstanding section 8908(c) of title 40, United States Code, the National Global War on Terrorism Memorial authorized by section 2(a) of the Global War on Terrorism War Memorial Act (40 U.S.C. 8903 note; Public Law 115–51; 131 Stat. 1003) (referred to in this section as the ''Memorial'') shall be located within the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) APPLICABILITY OF COMMEMORATIVE WORKS ACT.—Except as provided in subsection (a), chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act''), shall apply to the Memorial.

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**SA 4579.** Mr. COONS (for himself, Mr. MERKLEY, Mr. RUBIO, 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. DESIGNATION OF CERTAIN RESIDENTS OF THE XINJIANG UYGHUR AUTONOMOUS REGION.**

(a) IN GENERAL.—

(1) PRIORITY 2 PROCESSING.—Persons of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system shall include—

(A) Uyghurs and members of other predominately Turkic or Muslim ethnic groups, including Kazakhs and Kyrgyz, who are residents of, or fled from, the Xinjiang Uyghur Autonomous Region and who suffered persecution or have a well-founded fear of persecution on account of their imputed or actual religious or ethnic identity;

(B) Uyghurs and members of other predominately Turkic or Muslim ethnic groups, including Kazakhs and Kyrgyz, who have been formally charged, detained, or convicted by the Government of the People's Republic of China on account of their peaceful actions in the Xinjiang Uyghur Autonomous Region, as described in the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145); and

(C) the spouses, children, and parents (as such terms are defined in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) of individuals described in subparagraph (A) or (B), except such parents who are citizens of a country other than the People's Republic of China.

(2) PROCESSING OF XINJIANG UYGHUR AUTONOMOUS REGION REFUGEES.—The processing of individuals described in paragraph (1) for classification as refugees may occur in China or in another foreign country.

(3) ELIGIBILITY FOR ADMISSION AS REFUGEES.—An alien may not be denied the opportunity to apply for admission as a refugee under this subsection primarily because such alien—

(A) qualifies as an immediate relative of a citizen of the United States; or

(B) is eligible for admission to the United States under any other immigrant classification.

(4) FACILITATION OF ADMISSIONS.—Certain applicants for admission to the United States from the Xinjiang Uyghur Autonomous Region may not be denied primarily on the basis of a politically motivated arrest, detention, or other adverse government action taken against such applicant as a result of the participation by such applicant in religious, cultural, or protest activities.

(5) BILATERAL DIPLOMACY.—The Secretary of State shall prioritize bilateral diplomacy with foreign countries hosting former residents of the Xinjiang Uyghur Autonomous Region who face significant diplomatic pressure from the Government of the People's Republic of China.

(6) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens eligible for Priority 2 processing under this subsection who are provided refugee status shall not be counted against any numerical limitation under section 201, 202, 203, or 207 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, 1153, and 1157).

(7) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State and the Secretary of Homeland Security shall jointly submit a report containing the matters described in subparagraph (B) to—

(i) the Committee on the Judiciary of the Senate;

(ii) the Committee on Foreign Relations of the Senate;

(iii) the Committee on the Judiciary of the House of Representatives; and

(iv) the Committee on Foreign Affairs of the House of Representatives.

(B) MATTERS TO BE INCLUDED.—Each report required under subparagraph (A) shall include—

(i) the total number of applications from individuals described in paragraph (1) that are pending at the end of the reporting period;

(ii) the average wait-times and the number of such applicants who, at the end of the reporting period, are waiting for—

(I) a prescreening interview with a resettlement support center;

(II) an interview with U.S. Citizenship and Immigration Services;

(III) the completion of security checks; or

(IV) receipt of a final decision after completion of an interview with U.S. Citizenship and Immigration Services; and

(iii) the number of individuals who applied for refugee status under this subsection whose application was denied, disaggregated by the reason for each such denial.

(C) FORM.—Each report required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(D) PUBLIC REPORTS.—The Secretary of State shall make each report submitted under this paragraph available to the public on the internet website of the Department of State.

(8) SATISFACTION OF OTHER REQUIREMENTS.—Aliens eligible under this subsection for Priority 2 processing under the refugee resettlement priority system shall satisfy the requirements under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) for admission to the United States.

(b) WAIVER OF IMMIGRANT STATUS PRESUMPTION.—

(1) IN GENERAL.—The presumption under the first sentence of section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) that every alien is an immigrant until the alien establishes that the alien is entitled to nonimmigrant status shall not apply to an alien described in paragraph (2).

(2) ALIEN DESCRIBED.—

(A) IN GENERAL.—Subject to subparagraph (B), an alien described in this paragraph is an alien who—

(i)(I) is an Uyghur or a member of another predominately Turkic or Muslim ethnic group, including Kazakhs and Kyrgyz, and was a resident of the Xinjiang Uyghur Autonomous Region on January 1 2021; or

(II) fled the Xinjiang Uyghur Autonomous Region after June 30, 2009 and resides in a different province of China or in another foreign country;

(ii) is seeking entry to the United States to apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158); and

(iii) is facing repression in the Xinjiang Uyghur Autonomous Region by the Government of the People's Republic of China including—

(I) forced and arbitrary detention including in internment and reeducation camps;

(II) forced political indoctrination, torture, beatings, food deprivation, and denial of religious, cultural, and linguistic freedoms;

(III) forced labor;

(IV) forced separation from family members; or

(V) other forms of systemic threats, harassment, and gross human rights violations.

(B) EXCLUSION.—An alien described in this paragraph does not include any alien who—

(i) is a citizen or permanent resident of a country other than the People's Republic of China; or

(ii) is determined to have committed a gross violation of human rights.

(3) INTENTION TO ABANDON FOREIGN RESIDENCE.—The filing by an alien described in paragraph (2) of an application for a preference status under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or otherwise seeking permanent residence in the United States shall not be deemed as evidence of the alien's intention to abandon a foreign residence for purposes of obtaining a visa as a nonimmigrant described in subparagraph (H)(i)(b), (H)(i)(c), (L), or (V) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)) or otherwise obtaining or maintaining the status of a nonimmigrant described in any such subparagraph if the alien had obtained a change of status under section 208 of such Act to a classification as such a nonimmigrant before the alien's most recent departure from the United States.

(c) REFUGEE AND ASYLUM DETERMINATIONS UNDER THE IMMIGRATION AND NATIONALITY ACT.—

(1) PERSECUTION ON ACCOUNT OF POLITICAL, RELIGIOUS, OR CULTURAL EXPRESSION OR ASSOCIATION.—

(A) IN GENERAL.—An alien who is within a category of aliens established under this section may establish, for purposes of admission as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), that the alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution.

(B) NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—For purposes of refugee determinations under this section in accordance with section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), a national of the People's Republic of China whose residency in the Xinjiang Uyghur Autonomous Region, or any other area within the jurisdiction of the People's Republic of China, as determined by the Secretary of State, is revoked for having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the immigration laws shall be considered to have suffered persecution on account of political opinion.

(2) CHANGED CIRCUMSTANCES.—For purposes of asylum determinations under this section in accordance with section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), the revocation of the citizenship, nationality, or residency of an individual for having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the immigration laws shall be considered to be changed circumstances under subsection (a)(2)(D) of such section.

(d) STATEMENT OF POLICY ON ENCOURAGING ALLIES AND PARTNERS TO MAKE SIMILAR ACCOMMODATIONS.—It is the policy of the United States to encourage allies and partners of the United States to make accommodations similar to the accommodations made under this section for Uyghurs and members of other predominately Turkic or Muslim ethnic groups, including Kazakhs and Kyrgyz, who were previously residents of the Xinjiang Uyghur Autonomous Region and are fleeing oppression by the Government of the People's Republic of China.

(e) SUNSET CLAUSE.—This section shall cease to have effect on the date that is 10 years after the date of the enactment of this Act.

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**SA 4580.** 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:

Strike section 1601 and insert the following:

**SEC. 1601. MATTERS CONCERNING CYBER PERSONNEL REQUIREMENTS.**

(a) IN GENERAL.—The Secretary of Defense shall—

(1) determine the overall workforce requirement of the Department of Defense for cyber and information operation military personnel across the active and reserve components of the Armed Forces (other than the Coast Guard) and for civilian personnel, and in doing so shall—

(A) consider personnel in positions securing the Department of Defense Information Network and associated enterprise information technology, defense agencies and field activities, and combatant commands, including current billets primarily associated with the information environment and cyberspace domain and projected future billets;

(B) consider the mix between military and civilian personnel, active and reserve components, and the use of the National Guard;

(C) develop a workforce development plan for military and civilian personnel that covers accessions, training, education, recruitment, retention, fair and competitive compensation, enlistment standards and screening tools, analysis of recruiting resources and sustainment of the workforce, and metrics to evaluate success; and

(D) consider such other elements as the Secretary determines appropriate;

(2) assess current and future general information warfare and cyber education curriculum and requirements for military and civilian personnel, including—

(A) acquisition personnel;

(B) accessions and recruits to the military services;

(C) cadets and midshipmen at the military service academies and enrolled in the Senior Reserve Officers' Training Corps;

(D) information environment and cyberspace military and civilian personnel; and

(E) non-information environment and cyberspace military and civilian personnel;

(3) assess the talent management value for the Department's cyber workforce requirement of cyberspace and information environment-related scholarship-for-service programs, including—

(A) the CyberCorps: Scholarship for Service (SFS);

(B) the Department of Defense Cyber Scholarship Program (DoD CySP);

(C) the Department of Defense Science, Mathematics, and Research for Transformation (SMART) Scholarship-for-Service Program;

(D) the Stokes Educational Scholarship Program; and

(E) the OnRamp II Scholarship Program;

(4) identify appropriate locations for information warfare and cyber education for military and civilian personnel as the Secretary considers appropriate, including—

(A) the military service academies;

(B) the educational institutions described in section 2151(b) of title 10, United States Code;

(C) the Air Force Institute of Technology;

(D) the National Defense University;

(E) the Joint Special Operations University;

(F) any other military educational institution of the Department specified by the Secretary for purposes of this section;

(G) the Cyber Centers of Academic Excellence certified jointly by the National Security Agency and the Department of Homeland Security; and

(H) potential future educational institutions of the Federal Government, including an assessment, in consultation with the Secretary of Homeland Security and the National Cyber Director, of the potential components of a National Cyber Academy or similar institute created for the purpose of educating and training civilian and military personnel for service in cyber, information, and related fields throughout the Federal Government; and

(5) determine—

(A) the cyberspace domain and information warfare mission requirements of an undergraduate- and graduate-level professional military education college on par with and distinct from the war colleges for the Army, Navy, and Air Force;

(B) what curriculum such a college should instruct;

(C) whether such a college should be joint;

(D) where it should be located;

(E) where such college should be administered;

(F) interim efforts to improve the coordination of existing cyber and information environment education programs; and

(G) the feasibility and advisability of partnering with and integrating a Reserve Officers' Training Corps (ROTC) program, which shall include civilian personnel, dedicated to cyber and information environment operations.

(b) BRIEFING AND REPORT REQUIRED.—Not later than May 31, 2022, the Secretary shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing and, not later than September 30, 2022, the Secretary shall submit to such committees a report on—

(1) the findings of the Secretary in carrying out subsection (a);

(2) an implementation plan to achieve future information warfare and cyber education requirements at appropriate locations;

(3) such recommendations as the Secretary may have for personnel needs in information warfare and the cyberspace domain; and

(4) such legislative or administrative action as the Secretary identifies as necessary to effectively meet cyber personnel requirements.

(c) EDUCATION DEFINED.—In this section, the term ''education'' includes formal education requirements, such as degrees and certification in targeted subject areas, but also general training, including—

(1) reskilling;

(2) knowledge, skills, and abilities; and

(3) nonacademic professional development.

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**SA 4581.** 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, insert the following:

**SEC. _____. MATTERS CONCERNING CYBER PERSONNEL EDUCATION REQUIREMENTS.**

(a) IN GENERAL.—The Director of National Intelligence shall—

(1) assess current cyber education curricula and requirements for civilian personnel of the intelligence community, including cyberspace and information environment-related scholarship-for-service programs, including—

(A) the CyberCorps: Scholarship for Service (SFS);

(B) the Stokes Educational Scholarship Program; and

(C) the OnRamp II Scholarship Program;

(2) recommend—

(A) cyberspace domain and information security curriculum requirements of undergraduate- and graduate-level accredited institutions;

(B) under which Federal department or agency such a curriculum could be administered; and

(C) interim efforts to improve the coordination of existing cyberspace and information environment education programs; and

(3) identify—

(A) any counterintelligence risks or threats to the intelligence community that establishment of such a curriculum could create; and

(B) a cost estimate for the establishment of such a curriculum.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than May 31, 2022, the Director shall provide the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a briefing and, not later than September 30, 2022, the Director shall submit to such committees a report on—

(A) the findings of the Director in carrying out subsection (a);

(B) such recommendations as the Director may have for personnel education needs in the cyberspace domain; and

(C) any legislative or administrative action the Director identifies as necessary to effectively meet cyber personnel education requirements.

(2) FORM.—In presenting and submitting findings under paragraph (1), the Director may—

(A) when providing the briefing required by such paragraph, present such findings in a classified setting; and

(B) when submitting the report required by such paragraph, include such findings in a classified annex.

(c) DEFINITIONS.—In this section:

(1) EDUCATION.—The term ''education'' includes formal education requirements, such as degrees and certification in targeted subject areas.

(2) INTELLIGENCE COMMUNITY.—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).

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**SA 4582.** Ms. KLOBUCHAR (for herself 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 V, add the following:

**SEC. 596. STUDY ON IMPROVEMENT OF ACCESS TO VOTING FOR MEMBERS OF THE ARMED FORCES OVERSEAS.**

(a) STUDY REQUIRED.—The Director of the Federal Voting Assistance Program of the Department of Defense shall conduct a study on means of improving access to voting for members of the Armed Forces overseas.

(b) REPORT.—Not later than September 30, 2023, the Director shall submit to Congress a report on the results of the study conducted under subsection (a). The report shall include the following:

(1) The results of a survey, undertaken for purposes of the study, of Voting Assistance Officers and members of the Armed Forces overseas on means of improving access to voting for such members, including through the establishment of unit-level assistance mechanisms or permanent voting assistance offices.

(2) An estimate of the costs and requirements in connection with an expansion of the number of Voting Assistance Officers in order to fully meet the needs of members of the Armed Forces overseas for access to voting.

(3) A description and assessment of various actions to be undertaken under the Federal Voting Assistance Program in order to increase the capabilities of the Voting Assistance Officer program.

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**SA 4583.** Mr. MANCHIN (for himself, Mr. LUJÁN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. ___. AMOUNTS FOR NEXT GENERATION RADAR AND RADIO ASTRONOMY IMPROVEMENTS AND RELATED ACTIVITIES.**

There are authorized to be appropriated to the National Science Foundation, $176,000,000 for the period of fiscal years 2022 through 2024 for the design, development, prototyping, or mid-scale upgrades of next generation radar and radio astronomy improvements and related activities under section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4).

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**SA 4584.** Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. WARNER, Mr. RUBIO, Mr. RISCH, Mr. MENENDEZ, Mr. DURBIN, 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:

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 Appropriations of the Senate;

(G) the Committee on Armed Services of the House of Representatives;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the Permanent Select Committee on Intelligence of the House of Representatives;

(J) the Committee on Homeland Security of the House of Representatives;

(K) the Committee on the Judiciary of the House of Representatives; and

(L) the Committee on Appropriations 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.

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**SA 4585.** 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. 3157. UNIVERSITY-BASED NUCLEAR POLICY 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 POLICY COLLABORATION PROGRAM.**

''(a) PROGRAM.—The Administrator shall carry out a program under which the Administrator establishes a policy research consortium of institutions of higher education and nonprofit entities in support of implementing and innovating the defense nuclear policy programs of the Administration. The Administrator shall establish and carry out 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 shape the formulation and application of policy through the conduct of research and analysis regarding defense nuclear policy programs.

''(2) To maintain open-source databases on issues relevant to understanding defense nuclear nonproliferation, arms control, nuclear deterrence, foreign nuclear programs, 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 such threats.

''(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) the study of foreign nuclear programs;

''(E) nuclear security; or

''(F) educating and training the next generation of defense nuclear policy experts.''.

(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 policy collaboration program.''.

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**SA 4586.** Mrs. FEINSTEIN (for herself, Ms. ERNST, Ms. DUCKWORTH, Ms. COLLINS, Mr. DURBIN, Mr. CORNYN, Ms. HIRONO, and 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 subtitle B of title XII, add the following:

**SEC. 1220L. STATUS OF WOMEN AND GIRLS IN AFGHANISTAN.**

(a) FINDINGS.—Congress finds the following:

(1) Since May 2021, the escalation of violent conflict in Afghanistan has forcibly displaced an estimated 655,000 civilians, and 80 percent of those forced to flee are women and children.

(2) Since regaining control of Afghanistan in August 2021, the Taliban have taken actions reminiscent of their brutal rule in the late 1990s, including by cracking down on protesters, detaining and beating journalists, reestablishing the Ministry for the Promotion of Virtue and Prevention of Vice, and requiring women to study at universities in gender-segregated classrooms while wearing Islamic attire.

(3) Until the Taliban assumed control of the country in August 2021, the women and girls of Afghanistan had achieved much since

2001, even as insecurity, poverty, underdevelopment, and patriarchal norms continued to limit their rights and opportunities in much of Afghanistan.

(4) Through strong support from the United States and the international community—

(A) female enrollment in public schools in Afghanistan continued to increase through 2015, with an estimated high of 50 percent of school age girls attending; and

(B) by 2019—

(i) women held political leadership positions, and women served as ambassadors; and

(ii) women served as professors, judges, prosecutors, defense attorneys, police, military members, health professionals, journalists, humanitarian and developmental aid workers, and entrepreneurs.

(5) Efforts to empower women and girls in Afghanistan continue to serve the national interests of Afghanistan and the United States because women are sources of peace and economic progress.

(6) With the return of Taliban control, the United States has little ability to preserve the human rights of women and girls in Afghanistan, and those women and girls may again face the intimidation and marginalization they faced under the last Taliban regime.

(7) Women and girls in Afghanistan are again facing gender-based violence, including—

(A) forced marriage;

(B) intimate partner and domestic violence;

(C) sexual harassment;

(D) sexual violence, including rape;

(E) denial of resources; and

(F) emotional and psychological violence.

(8) Gender-based violence has always been a significant problem in Afghanistan and is expected to become more widespread with the Taliban in control. In 2020, even before the Taliban assumed control of the country, Human Rights Watch projected that 87 percent of Afghan women and girls will experience at least one form of gender-based violence in their lifetime, with 62 percent experiencing multiple incidents of such violence.

(9) Prior to the Taliban takeover in August 2021, approximately 7,000,000 people in Afghanistan lacked or had limited access to essential health services as a result of inadequate public health coverage, weak health systems, and conflict-related interruptions in care.

(10) Women and girls faced additional challenges, as their access to life-saving services, such as emergency obstetric services, was limited due to a shortage of female medical staff, cultural barriers, stigma and fears of reprisals following sexual violence, or other barriers to mobility, including security fears.

(11) Only approximately 50 percent of pregnant women and girls in Afghanistan deliver their children in a health facility with a professional attendant, which increases the risk of complications in childbirth and preventable maternal mortality.

(12) Food insecurity in Afghanistan is also posing a variety of threats to women and girls, as malnutrition weakens their immune systems and makes them more susceptible to infections, complications during pregnancy, and risks during childbirth.

(13) With the combined impacts of ongoing conflict and COVID–19, Afghan households increasingly resort to child marriage, forced marriage, and child labor to address food insecurity and other effects of extreme poverty.

(14) In Afghanistan, the high prevalence of anemia among adolescent girls reduces their ability to survive childbirth, especially when coupled with high rates of child marriage and forced marriage and barriers to accessing safe health services and information.

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

(1) since 2001, organizations and networks promoting the empowerment of women and girls have been important engines of social, economic, and political development in Afghanistan;

(2) any future political order in Afghanistan should secure the political, economic, and social gains made by Afghan women and work to increase the equal treatment of women and girls and improve the safe access for women and girls to essential services and information through laws and policies pertaining to public and private life;

(3) respecting the human rights of all people is essential to securing lasting peace and sustainable development in Afghanistan;

(4) in cooperation with international partners, the United States must endeavor to preserve the hard-won gains made in Afghanistan during the past two decades, particularly as related to the social, economic and political empowerment of women and girls in society;

(5) the continued provision of humanitarian assistance in Afghanistan should be targeted toward the most vulnerable, including for the protection, education, and well-being of women and girls;

(6) immediate and ongoing humanitarian needs in Afghanistan can only be met by a humanitarian response that includes formal agreements between local nongovernmental organizations and international partners that promotes the safe access and participation of female staff at all levels and across functional roles among all humanitarian actors; and

(7) a lack of aid and essential services would exacerbate the current humanitarian crisis and serve to reinforce gender inequalities and power imbalances in Afghanistan.

(c) POLICY OF THE UNITED STATES REGARDING THE RIGHTS OF WOMEN AND GIRLS OF AFGHANISTAN.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to continue to support the human rights of women and girls in Afghanistan following the withdrawal of the United States Armed Forces from Afghanistan, including through mechanisms to hold all parties publicly accountable for violations of international humanitarian law and human rights violations against women and girls;

(B) to strongly oppose any weakening of the rights of women and girls in Afghanistan;

(C) to use the voice and influence of the United States at the United Nations to promote, respect, and uphold the human rights of the women and girls of Afghanistan, including the right to safely work;

(D) to identify individuals who violate the human rights of women and girls in Afghanistan, as those rights are defined by international human rights standards, such as by committing acts of murder, lynching, and grievous domestic violence against women, and to press for bringing those individuals to justice;

(E) to systematically consult with Afghan women and girls on their needs and priorities in the development, implementation, and monitoring of humanitarian action, including women and girls who are part of the Afghan diaspora community; and

(F) to ensure all humanitarian action is informed by—

(i) a gender analysis that identifies forms of inequality and oppression; and

(ii) the collection, analysis, and use of data disaggregated by sex and age.

(d) HUMANITARIAN ASSISTANCE AND AFGHAN WOMEN.—The Administrator of the United States Agency for International Development should work to ensure that Afghan women are employed and enabled to work in the delivery of humanitarian assistance in Afghanistan, to the extent practicable.

(e) REPORT ON WOMEN AND GIRLS IN AFGHANISTAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through 2024, the Secretary of State shall submit to the appropriate committees of Congress a report that includes the following:

(A) An assessment of the status of women and girls in Afghanistan following the departure of United States and partner military forces, including with respect to access to primary and secondary education, jobs, health care, and legal protections and status.

(B) An assessment of the political and civic participation of women and girls in Afghanistan.

(C) An assessment of the prevalence of gender-based violence in Afghanistan.

(D) A report on funds for United States foreign assistance obligated or expended during the period covered by the report to advance gender equality and the human rights of women and girls in Afghanistan, including funds directed toward local organizations promoting the rights of women and girls.

(2) ASSESSMENT.—

(A) INPUT.—The assessment described in paragraph (1)(A) shall include the input of—

(i) Afghan women and girls;

(ii) organizations employing and working with Afghan women and girls; and

(iii) humanitarian organizations providing assistance in Afghanistan.

(B) SAFETY AND CONFIDENTIALITY.—In carrying out the assessment described in paragraph (1)(A), the Secretary shall, to the maximum extent practicable, ensure the safety and confidentiality of personal information of each individual who provides information from within Afghanistan.

(3) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

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**SA 4587.** Mr. CASEY (for himself, Mr. CASSIDY, Mrs. SHAHEEN, Mrs. CAPITO, Ms. SMITH, Ms. MURKOWSKI, Mr. KAINE, 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 title X, add the following:

**Subtitle H—Pregnant Workers Fairness Act**

**SEC. 1071. SHORT TITLE.**

This subtitle may be cited as the ''Pregnant Workers Fairness Act''.

**SEC. 1072. NONDISCRIMINATION WITH REGARD TO REASONABLE ACCOMMODATIONS RELATED TO PREGNANCY.**

It shall be an unlawful employment practice for a covered entity to—

(1) not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;

(2) require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in section 1075(7);

(3) deny employment opportunities to a qualified employee if such denial is based on the need of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee;

(4) require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee; or

(5) take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

**SEC. 1073. REMEDIES AND ENFORCEMENT.**

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person alleging a violation of title VII of such Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this subtitle provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this subtitle against an employee described in section 1075(3)(A) except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this subtitle provides to the Commission, the Attorney General, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this subtitle provides to the Commission, the Attorney General, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of such Act (2 U.S.C. 1301)) or any person alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this subtitle provides to the Board or any person, respectively, alleging an unlawful employment practice in violation of this subtitle against an employee described in section 1075(3)(B), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this subtitle provides to the Board or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this subtitle provides to the Board or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person alleging a violation of section 411(a)(1) of such title shall be the powers, remedies, and procedures this subtitle provides to the President, the Commission, the Board, or any person, respectively, alleging an unlawful employment practice in violation of this subtitle against an employee described in section 1075(3)(C), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this subtitle provides to the President, the Commission, the Board, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this subtitle provides to the President, the Commission, the Board, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(d) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b; 2000e–16c) to the Commission or any person alleging a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this subtitle provides to the Commission or any person, respectively, alleging an unlawful employment practice in violation of this subtitle against an employee described in section 1075(3)(D), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this subtitle provides to the Commission or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this subtitle provides to the Commission or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person alleging a violation of that section shall be the powers, remedies, and procedures this subtitle provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this subtitle against an employee described in section 1075(3)(E), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this subtitle provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this subtitle provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(f) PROHIBITION AGAINST RETALIATION.—

(1) IN GENERAL.—No person shall discriminate against any employee because such employee has opposed any act or practice made unlawful by this subtitle or because such employee made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subtitle.

(2) PROHIBITION AGAINST COERCION.—It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of such individual having exercised or enjoyed, or on account of such individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this subtitle.

(3) REMEDY.—The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) LIMITATION.—Notwithstanding subsections (a)(3), (b)(3), (c)(3), (d)(3), and (e)(3), if an unlawful employment practice involves the provision of a reasonable accommodation pursuant to this subtitle or regulations implementing this subtitle, damages may not be awarded under section 1977A of the Revised Statutes (42 U.S.C. 1981a) if the covered entity demonstrates good faith efforts, in consultation with the employee with known limitations related to pregnancy, childbirth, or related medical conditions who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such employee with an equally effective opportunity and would not cause an undue hardship on the operation of the covered entity.

**SEC. 1074. RULEMAKING.**

Not later than 2 years after the date of enactment of this Act, the Commission shall issue regulations in an accessible format in accordance with subchapter II of chapter 5 of title 5, United States Code, to carry out this

subtitle. Such regulations shall provide examples of reasonable accommodations addressing known limitations related to pregnancy, childbirth, or related medical conditions.

**SEC. 1075. DEFINITIONS.**

As used in this subtitle—

(1) the term ''Commission'' means the Equal Employment Opportunity Commission;

(2) the term ''covered entity''—

(A) has the meaning given the term ''respondent'' in section 701(n) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(n)); and

(B) includes—

(i) an employer, which means a person engaged in industry affecting commerce who has 15 or more employees as defined in section 701(b) of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(ii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) and section 411(c) of title 3, United States Code;

(iii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); and

(iv) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(3) the term ''employee'' means—

(A) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(C) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code;

(D) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); or

(E) an employee (including an applicant) to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(4) the term ''person'' has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a));

(5) the term ''known limitation'' means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability specified in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(6) the term ''qualified employee'' means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if—

(A) any inability to perform an essential function is for a temporary period;

(B) the essential function could be performed in the near future; and

(C) the inability to perform the essential function can be reasonably accommodated; and

(7) the terms ''reasonable accommodation'' and ''undue hardship'' have the meanings given such terms in section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111) and shall be construed as such terms are construed under such Act and as set forth in the regulations required by this subtitle, including with regard to the interactive process that will typically be used to determine an appropriate reasonable accommodation.

**SEC. 1076. WAIVER OF STATE IMMUNITY.**

A State shall not be immune under the 11th Amendment to the Constitution from an action in a Federal or State court of competent jurisdiction for a violation of this subtitle. In any action against a State for a violation of this subtitle, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

**SEC. 1077. RELATIONSHIP TO OTHER LAWS.**

Nothing in this subtitle shall be construed—

(1) to invalidate or limit the powers, remedies, and procedures under any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for individuals affected by pregnancy, childbirth, or related medical conditions; or

(2) by regulation or otherwise, to require an employer-sponsored health plan to pay for or cover any particular item, procedure, or treatment or to affect any right or remedy available under any other Federal, State, or local law with respect to any such payment or coverage requirement.

**SEC. 1078. SEVERABILITY.**

If any provision of this subtitle or the application of that provision to particular persons or circumstances is held invalid or found to be unconstitutional, the remainder of this subtitle and the application of that provision to other persons or circumstances shall not be affected.

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**SA 4588.** 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 G of title X, add the following:

**SEC. 1064. REQUIREMENT OF DENTAL CLINIC OF DEPARTMENT OF VETERANS AFFAIRS IN EACH STATE.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that each State has a dental clinic of the Department of Veterans Affairs to service the needs of the veterans within that State.

(b) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

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**SA 4589.** 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 for any offense for which a violation of section 3 of the Rodchenkov Anti-Doping Act of 2019 (21 U.S.C. 2402) was the predicate offense, including under section 371, 1952, 1956, or 1957 or chapter 96 of title 18, United States Code.

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**SA 4590.** 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 NAVY PLAN TO ADDRESS ILLEGAL, UNREPORTED, AND UNREGULATED (IUU) FISHING IN EDUCATIONAL CURRICULUM.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the Department of the Navy's current and future plans for addressing illegal, unreported, and unregulated (IUU) fishing in educational curriculum, including a detailed description of the current and future inclusion of IUU fishing in the Navy's training and educational curricula throughout its schools, including the Naval War College and the United States Naval Academy.

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**SA 4591.** 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 DYNAMIC SCHEDULING AND MANAGEMENT OF SPECIAL ACTIVITY AIRSPACE.**

(a) SENSE OF CONGRESS ON SPECIAL ACTIVITY AIRSPACE SCHEDULING AND MANAGEMENT.—It is the sense of Congress that—

(1) where it does not conflict with safety, dynamic scheduling and management of special activity airspace (also referred to as ''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 dynamic 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 dynamic 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) DEFINITION OF SPECIAL ACTIVITY AIRSPACE.—In this section, the term ''special activity airspace'' means the following airspace with defined dimensions within the National Airspace System wherein limitations may be imposed upon aircraft operations:

(1) Restricted areas.

(2) Military operations areas.

(3) Air Traffic Control assigned airspace.

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**SA 4592.** 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 A of title VII, add the following:

**SEC. 704. IMPLEMENTATION OF INTEGRATED PRODUCT FOR MANAGEMENT OF POPULATION HEALTH ACROSS MILITARY HEALTH SYSTEM.**

(a) IN GENERAL.—The Secretary of Defense shall develop and implement an integrated product for the management of population health across the military health system, which shall be designed—

(1) to serve as a repository for the health care, demographic, and other relevant data of all covered beneficiaries, including with respect to data on health care services furnished to such beneficiaries through the purchased care and direct care components of the TRICARE program;

(2) to be compatible with the electronic health record system maintained by the Secretary of Defense for members of the Armed Forces;

(3) to enable the coordinated case management of covered beneficiaries with respect to health care services furnished to such beneficiaries at military medical treatment facilities and at private sector facilities through health care providers contracted by the Department of Defense;

(4) to enable the collection and stratification of data from multiple sources to measure population health goals, facilitate disease management programs of the Department, improve patient education, and integrate wellness services across the military health system; and

(5) to enable predictive modeling to improve health outcomes for patients and to facilitate the identification and correction of medical errors in the treatment of patients, issues regarding the quality of health care services provided, and gaps in health care coverage.

(b) DEFINITIONS.—In this section:

(1) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given such terms in section 1072 of title 10, United States Code.

(2) INTEGRATED PRODUCT.—The term ''integrated product'' means an electronic system of systems (or solutions or products) that provides for the integration and sharing of data to meet the needs of an end user in a timely and cost effective manner.

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**SA 4593.** Mrs. GILLIBRAND (for herself, Mr. RUBIO, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 in consultation with the 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) Consulting 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) Consulting 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 Secretary shall, in coordination with the Director, 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 Secretary, in coordination with the Director, 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 Secretary, in coordination with the Director, shall 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 Secretary and the Director 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, and with the recommendation of 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; and

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

(j) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than October 31, 2022, and annually thereafter until October 31, 2026, the Secretary in consultation with the Director, 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 Secretary and 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 members as follows:

(i) 20 members selected by the Secretary as follows:

(I) Three members selected from among individuals recommended by the Administrator of the National Astronautics and Space Administration.

(II) Two members selected from among individuals recommended by the Administrator of the Federal Aviation Administration.

(III) Two members selected from among individuals recommended by the President of the National Academies of Sciences.

(IV) Two members selected from among individuals recommended by the President of the National Academy of Engineering.

(V) One member selected from among individuals recommended by the President of the National Academy of Medicine.

(VI) Three members selected from among individuals recommended by the Director of the Galileo Project at Harvard University.

(VII) Two members selected from among individuals recommended by the Board of Directors of the Scientific Coalition for Unidentified Aerospace Phenomena Studies.

(VIII) Two members selected from among individuals recommended by the President of the American Institute of Astronautics and Aeronautics.

(IX) Two members selected from among individuals recommended by the Director of the Optical Technology Center at Montana State University.

(X) One member selected from among individuals recommended by the president of the American Society for Photogrammetry and Remote Sensing.

(ii) Up to five additional members, as the Secretary, in consultation with the Director, considers 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 shall, in coordination with the Director, 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 Secretary.

(B) The Director.

(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).

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**SA 4594.** Mr. BROWN (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 F of title XII, add the following:

**SEC. 1264. REPORT ON FACILITY SPACE NEEDS IN SUPPORT OF FOREIGN MILITARY SALES MISSION.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2022, the Secretary of the Air Force, in consultation with the Director of the Defense Security Cooperation Agency, shall submit to the appropriate committees of Congress a report on facility space needs in support of the foreign military sales mission.

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

(A) The Air Force requirements to meet the facility shortfalls for administrative space relating to the mission of the foreign military sales program authorized by chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.).

(B) A projection of the impact on the foreign military sales mission if such requirements are not met.

(C) An analysis of the feasibility and advisability of meeting such requirements through the following alternatives:

(i) New construction on a military installation.

(ii) Leasing or other privatized alternatives to obtain suitable facilities on or off a military installation.

(iii) Rehabilitation of existing facilities on a military installation.

(D) With respect to each alternative analyzed under subparagraph (C), an assessment of each of the following:

(i) Costs and benefits.

(ii) Advantages, disadvantages, and relevant factors to the foreign military sales mission and the Air Force.

(iii) Recommended legislative proposals to authorize the use of funds derived from charges for administrative services pursuant to section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A)) to meet the requirements identified under subparagraph (A).

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

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

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

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**SA 4595.** Mr. BROWN (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 II , insert the following:

**SEC. 220. IDENTIFICATION OF THE HYPERSONICS FACILITIES AND CAPABILITIES OF THE MAJOR RANGE AND TEST FACILITY BASE.**

(a) IDENTIFICATION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) identify each facility and capability of the Major Range and Test Facility Base that is primarily concerned with the ground-based simulation of hypersonic atmospheric flight conditions and the test and evaluation of hypersonic technology in open air flight;

(2) identify such facilities and capabilities that the Secretary would propose to designate, collectively, as the ''Hypersonics Facility Base''; and

(3) identify facilities and capabilities within the National Aeronautics and Space Administration to conduct research, development, test, evaluation and acceptance of hypersonic airbreathing propulsion systems that the Secretary would propose to use for the most efficient and effective utilization of limited national aerospace test resources.

(b) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ''Major

Range and Test Facility Base'' has the meaning given that term in section 196(i) of title 10, United States Code.

**SA 4596.** Mr. BROWN (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 appropriate place, insert the following:

**SEC. _____. IMPORTANCE OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS.**

(a) INCREASE.—Funds authorized to be appropriated in Research, Development, Test, and Evaluation, Defense-wide, PE 0601228D8Z, section 4201, for Basic Research, Historically Black Colleges and Universities/Minority Institutions, Line 7, are hereby increased by $20,000,000.

(b) OFFSET.—Funding in section 4301 for Operation and Maintenance, Afghanistan Security Forces Fund, Afghan Air Force, Line 090, is hereby reduced by $20,000,000.

**SA 4597.** 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 appropriate place in title II, insert the following:

**SEC. _____. ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.**

Section 2358c(e)(2) of title 10, United States Code, is amended by striking ''five'' and inserting ''ten''.

**SA 4598.** Ms. HASSAN (for herself and 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, add the following:

**DIVISION E—FEDERAL CYBERSECURITY WORKFORCE EXPANSION ACT**

**SEC. 5101. SHORT TITLE.**

This division may be cited as the ''Federal Cybersecurity Workforce Expansion Act''.

**SEC. 5102. DEFINITIONS.**

In this division:

(1) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(2) 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).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

**SEC. 5103. CYBERSECURITY APPRENTICESHIP PILOT PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term ''area career and technical education school'' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) COMMUNITY COLLEGE.—The term ''community college'' means a public institution of higher education at which the highest degree that is predominantly awarded to students is an associate's degree, including—

(A) a 2-year Tribal College or University, as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c); and

(B) a public 2-year State institution of higher education.

(3) COMPETITIVE SERVICE.—The term ''competitive service'' has the meaning given the term in section 2102 of title 5, 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) EARLY COLLEGE HIGH SCHOOL; EDUCATIONAL SERVICE AGENCY; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms ''early college high school'', ''educational service agency'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) EDUCATION AND TRAINING PROVIDER.—The term ''education and training provider'' means—

(A) an area career and technical education school;

(B) an early college high school;

(C) an educational service agency;

(D) a high school;

(E) a local educational agency or State educational agency;

(F) a Tribal educational agency (as defined in section 6132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7452)), Tribally controlled college or university (as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801(a)), or Tribally controlled postsecondary career and technical institution (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302));

(G) a postsecondary educational institution, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302);

(H) a minority-serving institution;

(I) a provider of adult education and literacy activities under the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.);

(J) a local agency administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741);

(K) a related instruction provider, including a qualified intermediary acting as a related instruction provider as approved by a registration agency;

(L) a Job Corps center, as defined in section 142 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3192), provided that the participation of the Job Corps center is consistent with the outcomes for Job Corps students described in section 141 of that Act (29 U.S.C. 3191);

(M) a YouthBuild program, as defined in section 171(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226(b)); or

(N) a consortium of entities described in any of subparagraphs (A) through (M).

(7) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a sponsor;

(B) a State workforce development board or State workforce agency, or a local workforce development board or local workforce development agency;

(C) an education and training provider;

(D) a State apprenticeship agency;

(E) an Indian Tribe or Tribal organization;

(F) an industry or sector partnership, a group of employers, a trade association, or a professional association that sponsors or participates in a program under the national apprenticeship system;

(G) a Governor of a State;

(H) a labor organization or joint labor-management organization; or

(I) a qualified intermediary.

(8) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given the term in section 2103 of title 5, United States Code.

(9) LOCAL WORKFORCE DEVELOPMENT BOARD.—The term ''local workforce development board'' has the meaning given the term ''local board'' in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(10) MINORITY-SERVING INSTITUTION.—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)).

(11) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(12) PROVIDER OF ADULT EDUCATION.—The term ''provider of adult education'' has the meaning given the term ''eligible provider'' in section 203 of the Adult Education and Family Literacy Act (29 U.S.C. 3272).

(13) QUALIFIED INTERMEDIARY.—

(A) IN GENERAL.—The term ''qualified intermediary'' means an entity that demonstrates expertise in building, connecting, sustaining, and measuring the performance of partnerships described in subparagraph (B) and serves program participants and employers by—

(i) connecting employers to programs under the national apprenticeship system;

(ii) assisting in the design and implementation of such programs, including curriculum development and delivery for related instruction;

(iii) supporting entities, sponsors, or program administrators in meeting the registration and reporting requirements of this division;

(iv) providing professional development activities such as training to mentors;

(v) supporting the recruitment, retention, and completion of potential program participants, including nontraditional apprenticeship populations and individuals with barriers to employment;

(vi) developing and providing personalized program participant supports, including by

partnering with organizations to provide access to or referrals for supportive services and financial advising;

(vii) providing services, resources, and supports for development, delivery, expansion, or improvement of programs under the national apprenticeship system; or

(viii) serving as a sponsor.

(B) PARTNERSHIPS.—The term ''partnerships described in subparagraph (B)'' means partnerships among entities involved in, or applying to participate in, programs under the national apprenticeship system, including—

(i) industry or sector partnerships;

(ii) partnerships among employers, joint labor-management organizations, labor organizations, community-based organizations, industry associations, State or local workforce development boards, education and training providers, social service organizations, economic development agencies, Indian Tribes or Tribal organizations, one-stop operators, one-stop partners, or veterans service organizations in the State workforce development system; or

(iii) partnerships among 1 or more of the entities described in clause (i) or (ii).

(14) RELATED INSTRUCTION.—The term ''related instruction'' means an organized and systematic form of instruction designed to provide an individual in an apprenticeship program with the knowledge of the technical subjects related to the intended occupation of the individual after completion of the program.

(15) SPONSOR.—The term ''sponsor'' means any person, association, committee, or organization operating an apprenticeship program and in whose name the program is, or is to be, registered or approved.

(16) STATE.—The term ''State'' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(17) STATE APPRENTICESHIP AGENCY.—The term ''State apprenticeship agency'' has the meaning given the term in section 29.2 of title 29, Code of Federal Regulations, or any corresponding similar regulation or ruling.

(18) STATE WORKFORCE DEVELOPMENT BOARD.—The term ''State workforce development board'' has the meaning given the term ''State board'' in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(19) WIOA TERMS.—The terms ''career planning'', ''career pathway'', ''community-based organization'', ''economic development agency'', ''industry or sector partnership'', ''on-the-job training'', ''one-stop operator'', ''one-stop partner'', ''recognized postsecondary credential'', and ''workplace learning advisor'' have the meanings given those terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(b) ESTABLISHMENT OF APPRENTICESHIP PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall establish an apprenticeship pilot program.

(2) REQUIREMENTS.—The apprenticeship pilot program established under paragraph (1) shall—

(A) employ pilot program participants in cyber workforce positions within the Department;

(B) employ not more than 25 new pilot program participants during each year during which the pilot program is carried out;

(C) be intended to lead to employment in a cyber workforce position within a Federal agency;

(D) focus on related learning necessary, as determined by the Secretary in consultation with the Director of the Office of Personnel Management and based upon the National Initiative for Cybersecurity Education Workforce Framework for Cybersecurity (NIST Special Publication 800–181, Revision 1), or successor framework, to meet the immediate and ongoing needs of cyber workforce positions within Federal agencies;

(E) be registered with and approved by the Office of Apprenticeship of the Department of Labor or a State apprenticeship agency pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 29 U.S.C. 50 et seq.);

(F) be approved by the Secretary of Veterans Affairs, pursuant to chapter 36 of title 38, United States Code, or other applicable provisions of law, as eligible for educational assistance to veterans; and

(G) be sponsored by the Department or an eligible entity receiving a contract, cooperative agreement, or grant under subsection (d).

(c) COORDINATION.—In the development of the apprenticeship pilot program under this section, the Secretary shall consult with the Secretary of Labor, the Director of the National Institute of Standards and Technology, the Secretary of Defense, the Director of the National Science Foundation, and the Director of the Office of Personnel Management to leverage existing resources, research, communities of practice, and frameworks for developing cybersecurity apprenticeship programs.

(d) OPTIONAL USE OF CONTRACTS, COOPERATIVE AGREEMENTS, OR GRANTS.—The apprenticeship pilot program under this section may include entering into a contract or cooperative agreement with or making a grant to an eligible entity if determined appropriate by the Secretary based on the eligible entity—

(1) demonstrating experience in implementing and providing career planning and career pathways toward apprenticeship programs;

(2) having knowledge of cybersecurity workforce development;

(3) being eligible to enter into a contract or cooperative agreement with or receive grant funds from the Department as described in this section;

(4) providing participants who complete the apprenticeship pilot program with 1 or more recognized postsecondary credentials;

(5) using related instruction that is specifically aligned with the needs of Federal agencies and utilizes workplace learning advisors and on-the-job training to the greatest extent possible; and

(6) demonstrating successful outcomes connecting participants in apprenticeship programs to careers relevant to the apprenticeship pilot program.

(e) APPLICATIONS.—If the Secretary enters into an arrangement as described in subsection (d), an eligible entity seeking a contract, cooperative agreement, or grant under the pilot program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(f) PRIORITY.—In selecting eligible entities to receive a contract, cooperative agreement, or grant under subsection (d), the Secretary may prioritize an eligible entity that—

(1) is a member of an industry or sector partnership that sponsors or participates in a program under the national apprenticeship system;

(2) provides related instruction for an apprenticeship program that was registered with the Department of Labor or a State apprenticeship agency before the date on which the eligible entity applies for the contract, cooperative agreement, or grant under subsection (e);

(3) works with the Secretary of Defense, the Secretary of Veterans Affairs, or veterans organizations to transition members of the Armed Forces and veterans to apprenticeship programs in a relevant sector; or

(4) plans to use the contract, cooperative agreement, or grant to carry out the apprenticeship pilot program under this section with an entity that receives State funding or is operated by a State agency;

(5) has successfully increased the representation in cybersecurity of women, underrepresented minorities, and individuals from other underrepresented communities; or

(6) focuses on recruiting women, underrepresented minorities, and individuals from other underrepresented communities.

(g) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible entities that receive a contract, cooperative agreement, or grant under subsection (d) to leverage the existing job training and education programs of the Department and other relevant programs at appropriate Federal agencies.

(h) SERVICE AGREEMENT FOR PILOT PROGRAM PARTICIPANTS.—

(1) IN GENERAL.—Participants in the apprenticeship pilot program under this section shall enter into an agreement to, after completion of the apprenticeship pilot program and if offered employment in a cyber workforce position within a Federal agency post-apprenticeship, accept and continue employment in such cyber workforce position for a period of obligated service equal to the length of service in a position under the apprenticeship pilot program by the participant.

(2) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—If a participant in the apprenticeship pilot program under this section fails to satisfy the requirements of the service agreement entered into under paragraph (1) for a reason other than involuntary separation, the participant shall repay the cost of any education and training provided to the participant as a part of the apprenticeship pilot program, reduced by the ratio of the period of obligated service completed divided by the total period of obligated service.

(3) EXCEPTION.—The Secretary may provide for the partial or total waiver or suspension of any service or payment obligation by an individual under this subsection if the Secretary determines that compliance by the individual with the obligation is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be unconscionable.

(i) APPRENTICESHIP HIRING AUTHORITY.—Participants in the apprenticeship pilot program under this section may be appointed to cybersecurity-specific positions in the excepted service as determined appropriate by the Secretary and authorized by section 2208 of the Homeland Security Act of 2002 (6 U.S.C. 658).

(j) POST-APPRENTICESHIP HIRING AUTHORITY.—Pursuant to subsection (b)(2)(B), a participant who successfully completes the apprenticeship pilot program under this section may be appointed to a cyber workforce position in the excepted service for which the participant is qualified.

(k) POST-APPRENTICESHIP TRIAL PERIOD.—Federal service following the apprenticeship shall be subject to completion of a trial period in accordance with any applicable law, Executive Order, rule, or regulation.

(l) REPORT.—

(1) SECRETARY.—Not later than 2 years after the date on which the apprenticeship pilot program is established under this section, and annually thereafter, the Secretary, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, shall submit to Congress a report on the pilot program, including—

(A) a description of—

(i) any activity carried out by the Department under this section;

(ii) any entity that enters into a contract or cooperative agreement with or receives a grant from the Department under subsection (d);

(iii) any activity carried out using a contract, cooperative agreement, or grant under this section as described in subsection (d); and

(iv) best practices used to leverage the investment of the Federal Government under this section; and

(B) an assessment of the results achieved by the pilot program, including—

(i) the rate of continued employment within a Federal agency for participants after completing the pilot program;

(ii) the demographics of participants in the pilot program, including representation of women, underrepresented minorities, and individuals from other underrepresented communities;

(iii) the completion rate for the pilot program, including if there are any identifiable patterns with respect to participants who do not complete the pilot program; and

(iv) the return on investment for the pilot program.

(2) COMPTROLLER GENERAL.—Not later than 4 years after the date on which the apprenticeship pilot program is established under this section, the Comptroller General of the United States shall submit to Congress a report on the pilot program, including the recommendation of the Comptroller General with respect to whether the pilot program should be extended.

(m) TERMINATION.—The authority to carry out the apprenticeship pilot program under this section shall terminate on the date that is 5 years after the date on which the Secretary establishes the apprenticeship pilot program under this section.

**SEC. 5104. PILOT PROGRAM ON CYBERSECURITY TRAINING FOR VETERANS AND MILITARY SPOUSES.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual who is—

(A) a veteran who is entitled to educational assistance under chapter 30, 32, 33, 34, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(B) a member of the active or a reserve component of the Armed Forces that the Secretary of Veterans Affairs determines will become an eligible individual under subparagraph (A) within 180 days of such determination, provided that if the individual does anything to make themselves ineligible during the 180-day period, the Secretary of Veterans Affairs may require the individual to repay any benefits received under this section; or

(C) an eligible spouse described in section 1784a(b) of title 10, United States Code.

(2) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ''recognized postsecondary credential'' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of title 38, United States Code.

(4) WORK-BASED LEARNING.—The term ''work-based learning'' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(b) ESTABLISHMENT.—Not later than 3 years after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Veterans Affairs, shall establish a pilot program to provide cybersecurity training at no cost to eligible individuals.

(c) ELEMENTS.—The pilot program established under subsection (b) shall incorporate—

(1) coursework and training that, if applicable, qualifies for postsecondary credit toward an associate or baccalaureate degree at an institution of higher education;

(2) virtual learning opportunities;

(3) hands-on learning and performance-based assessments;

(4) Federal work-based learning opportunities and programs; and

(5) the provision of recognized postsecondary credentials to eligible individuals who complete the pilot program.

(d) ALIGNMENT WITH NICE WORKFORCE FRAMEWORK FOR CYBERSECURITY.—The pilot program established under subsection (b) shall align with the taxonomy, including work roles and competencies and the associated tasks, knowledge, and skills, from the National Initiative for Cybersecurity Education Workforce Framework for Cybersecurity (NIST Special Publication 800–181, Revision 1), or successor framework.

(e) COORDINATION.—

(1) TRAINING, PLATFORMS, AND FRAMEWORKS.—In developing the pilot program under subsection (b), the Secretary shall coordinate with the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Labor, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management to evaluate and, where possible, leverage existing training, platforms, and frameworks of the Federal Government for providing cybersecurity education and training to prevent duplication of efforts.

(2) EXISTING EDUCATIONAL ASSISTANCE.—In developing the pilot program under subsection (b), the Secretary shall coordinate with the Secretary of Veterans Affairs to ensure that, to the greatest extent possible, eligible individuals can utilize educational assistance under chapter 30, 32, 33, 34, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code, or other educational assistance available to eligible individuals, such as the high technology pilot program described in section 116 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (38 U.S.C. 3001 note), while participating in the program.

(3) FEDERAL WORK-BASED LEARNING OPPORTUNITIES AND PROGRAMS.—In developing the Federal work-based learning opportunities and programs required under subsection (c)(4), the Secretary shall coordinate with the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Labor, the Director of the Office of Personnel Management, and the heads of other appropriate Federal agencies to identify or create, as necessary, interagency opportunities that will enable the pilot program established under subsection (b) to—

(A) allow the participants to acquire and demonstrate competencies; and

(B) give participants the capabilities necessary to qualify for Federal employment.

(f) RESOURCES.—

(1) IN GENERAL.—In any case in which the pilot program established under subsection (b)—

(A) uses training, platforms, and frameworks described in subsection (e)(1), the Secretary, in coordination with the Secretary of Veterans Affairs, shall take such actions as may be necessary to ensure that the trainings, platforms, and frameworks are expanded and resourced to accommodate usage by eligible individuals participating in the pilot program; or

(B) does not use training, platforms, and frameworks described in subsection (e)(1), the Secretary, in coordination with the Secretary of Veterans Affairs, shall take such actions as may be necessary to develop or procure training, platforms, and frameworks necessary to carry out the requirements of subsection (c) and accommodate the usage by eligible individuals participating in the pilot program.

(2) ACTIONS.—Actions described in paragraph (1) may include providing additional funding, staff, or other resources to—

(A) recruit and retain women, underrepresented minorities, and individuals from other underrepresented communities;

(B) provide administrative support for basic functions of the pilot program;

(C) ensure the success and ongoing engagement of eligible individuals participating in the pilot program;

(D) connect participants who complete the pilot program to job opportunities within the Federal Government; and

(E) allocate dedicated positions for term employment to enable Federal work-based learning opportunities and programs, as required under subsection (c)(4), for participants to gain the competencies necessary to pursue permanent Federal employment.

(g) REPORTS.—

(1) SECRETARY.—Not later than 2 years after the date on which the pilot program is established under subsection (b), and annually thereafter, the Secretary shall submit to Congress a report on the pilot program, including—

(A) a description of—

(i) any activity carried out by the Department under this section; and

(ii) the existing training, platforms, and frameworks of the Federal Government leveraged in accordance with subsection (e)(1); and

(B) an assessment of the results achieved by the pilot program, including—

(i) the admittance rate into the pilot program;

(ii) the demographics of participants in the program, including representation of women, underrepresented minorities, and individuals from other underrepresented communities;

(iii) the completion rate for the pilot program, including if there are any identifiable patterns with respect to participants who do not complete the pilot program;

(iv) as applicable, the transfer rates to other academic or vocational programs, and certifications and licensure exam passage rates;

(v) the rate of continued employment within a Federal agency for participants after completing the pilot program;

(vi) the rate of continued employment for participants after completing the pilot program; and

(vii) the median annual salary of participants who completed the pilot program and were subsequently employed.

(2) COMPTROLLER GENERAL.—Not later than 4 years after the date on which the pilot program is established under subsection (b), the Comptroller General of the United States shall submit to Congress a report on the pilot program, including the recommendation of the Comptroller General with respect to whether the pilot program should be extended.

(h) TERMINATION.—The authority to carry out the pilot program under this section shall terminate on the date that is 5 years after the date on which the Secretary establishes the pilot program under this section.

**SEC. 5105. FEDERAL CYBERSECURITY WORKFORCE ASSESSMENT EXTENSION.**

Section 304(a) of the Federal Cybersecurity Workforce Assessment Act of 2015 (5 U.S.C. 301 note) is amended, in the matter preceding paragraph (1), by striking ''2022'' and inserting ''2025''.

**SA 4599.** Ms. HASSAN (for herself 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 appropriate place in title II, insert the following:

**SEC. 2___. APPLICATION OF PUBLIC-PRIVATE TALENT EXCHANGE PROGRAMS IN THE DEPARTMENT OF DEFENSE TO QUANTUM INFORMATION SCIENCES AND TECHNOLOGY RESEARCH.**

In carrying out section 1599g of title 10, United States Code, the Secretary of Defense may establish public-private exchange programs, each with up to 10 program participants, focused on private sector entities working on quantum information sciences and technology research applications.

**SEC. 2___. BRIEFING ON SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.**

Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall provide Congress with a briefing on participation and use of the program under section 2192a of title 10, United States Code, as amended by this subsection, with a particular focus on levels of interest from students engaged in studying quantum fields.

**SEC. 2___. IMPROVEMENTS TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.**

(a) FELLOWSHIP PROGRAM AUTHORIZED.—Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) FELLOWSHIPS.—

''(1) PROGRAM AUTHORIZED.—In carrying out the program required by subsection (a) and subject to the availability of appropriations to carry out this subsection, the Secretary may carry out a program of fellowships in quantum information science and technology research and development for individuals who have a graduate or post-graduate degree.

''(2) EQUAL ACCESS.—In carrying out the program under paragraph (1), the Secretary may establish procedures to ensure that minority, geographically diverse, and economically disadvantaged students have equal access to fellowship opportunities under such program.''.

(b) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—Such section is further amended—

(1) by redesignating subsection (g), as redesignated by subsection (a)(1), as subsection (h); and

(2) by inserting after subsection (f), as added by subsection (a)(2), the following new subsection (g):

''(g) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—In carrying out the program under subsection (a), the Secretary of Defense may develop partnerships with universities to enable students to engage in multidisciplinary courses of study.''.

(c) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF PROGRAM.—

(1) ASSESSMENT AND BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(A) commence an assessment of the program carried out under section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note), as amended by this section, with consideration of the report submitted under subsection (h) of such section (as redesignated by subsection (b)(2) of this section); and

(B) provide the congressional defense committees a briefing on the preliminary findings of the Comptroller General with respect to such program.

(2) FINAL REPORT.—At a date agreed to by the Comptroller General and the congressional defense committees at the briefing provided pursuant to paragraph (1)(B), the Comptroller General shall submit to the congressional defense committees a final report with the findings of the Comptroller General with respect to the assessment conducted under paragraph (1)(A).

**SEC. 2___. IMPROVEMENTS TO NATIONAL QUANTUM INITIATIVE PROGRAM.**

(a) INVOLVEMENT OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY IN NATIONAL QUANTUM INITIATIVE ADVISORY COMMITTEE.—

(1) QUALIFICATIONS.—Subsection (b) of section 104 of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8814) is amended by striking ''and Federal laboratories'' and inserting ''Federal laboratories, and defense and intelligence researchers''.

(2) INTEGRATION.—Such section is amended—

(A) by redesignating subsections (e) through (g) as subsection (f) through (h), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

''(e) INTEGRATION OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY.—The Advisory Committee shall take such actions as may be necessary, including by modifying policies and procedures of the Advisory Committee, to ensure the full integration of the Department of Defense and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) in activities of the Advisory Committee.''.

(b) CLARIFICATION OF PURPOSE OF MULTIDISCIPLINARY CENTERS FOR QUANTUM RESEARCH AND EDUCATION.—Section 302(c) of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8842(c)) is amended—

(1) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) encouraging workforce collaboration, both with private industry and among Federal entities, including national defense agencies and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).''.

(c) COORDINATION OF NATIONAL QUANTUM INFORMATION SCIENCE RESEARCH CENTERS.—Section 402(d) of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8852(d)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) other research entities of the Federal government, including research entities in the Department of Defense and research entities in the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));''.

(d) NATIONAL QUANTUM COORDINATION OFFICE, COLLABORATION WHEN REPORTING TO CONGRESS.—Section 102 of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8812) is amended—

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

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

''(c) COLLABORATION WHEN REPORTING TO CONGRESS.—The Coordination Office shall ensure that when participants in the National Quantum Initiative Program prepare and submit reports to Congress that they do so in collaboration with each other and as appropriate Federal civilian, defense, and intelligence research entities.''.

(e) REPORTING TO ADDITIONAL COMMITTEES OF CONGRESS.—Paragraph (2) of section 2 of such Act (15 U.S.C. 8801) is amended to read as follows:

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.''.

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**SA 4600.** Mr. LUJÁN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. AUTHORIZATION FOR NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES TO COVER CERTAIN TRAINING AND EDUCATION COSTS.**

(a) IN GENERAL.—Notwithstanding subsections (d) and (e) of section 31.205–44 of title 48, Code of Federal Regulations, on and after the date of the enactment of this Act, the director of a national security laboratory or nuclear weapons production facility may provide grants to educational and training institutions to cover the costs of educating employees (including other than bona fide employees) and prospective employees of the laboratory or facility for the development of a workforce that meets the needs of the laboratory or facility, including the costs of the donation of equipment, scholarships, and fellowships.

(b) REVISION TO FEDERAL ACQUISITION REGULATION.—As soon as practicable after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation to carry out subsection (a).

(c) DEFINITIONS.—In this section:

(1) BONA FIDE EMPLOYEE.—The term ''bona fide employee'' has the meaning given that term in section 52.203–5 of title 48, Code of Federal Regulations (or a successor regulation).

(2) NATIONAL SECURITY LABORATORY; NUCLEAR WEAPONS PRODUCTION FACILITY.—The terms ''national security laboratory'' and ''nuclear weapons production facility'' have the meanings given those terms in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)).

(3) PROSPECTIVE EMPLOYEE.—The term ''prospective employee'' means an individual who—

(A) has applied for a position of employment with a national security laboratory or nuclear weapons production facility; or

(B) may apply for such a position of employment during the 48-month period after receiving education or training under subsection (a).

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**SA 4601.** Mr. LUJÁN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. ASSESSMENT OF TRANSFER OF LAND NO LONGER NEEDED FOR OPERATIONS AND MISSIONS AT LOS ALAMOS NATIONAL LABORATORY.**

(a) SITE VISITS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall arrange for personnel of the National Nuclear Security Administration to conduct site visits with officials of Los Alamos County, New Mexico, and the Pueblo of San Ildefonso, of covered parcels of land to assess whether those parcels should be transferred to the County or Pueblo.

(2) ASSESSMENTS AND IDENTIFICATIONS.—After the site visits required by paragraph (1) are conducted, the Administrator shall—

(A) with respect to each covered parcel of land, assess—

(i) the remediation needs of the parcel;

(ii) the environmental and archeological impacts of transferring the parcel; and

(iii) the access Tribes have to traditional areas of cultural or religious importance; and

(B) identify whether all portions of the covered parcels of land within the technical areas specified in subsection (c)(2) are, or are anticipated to be, necessary to the operations and missions of the Administration at Los Alamos National Laboratory.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in consultation with officials of Los Alamos County, New Mexico, and the Pueblo of San Ildefonso, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) describing the findings of the site visits required by subsection (a);

(2) including the assessments and identification required by subsection (a)(2);

(3) assessing—

(A) the environmental costs of transferring covered parcels of land;

(B) the potential impacts of such transfers on endangered species in the area;

(C) the disturbance or encroachment on any archeological sites likely to result from such transfers;

(D) opportunities to improve any safety buffers around critical facilities; and

(E) whether such a transfer would—

(i) assist the National Nuclear Security Administration with recruitment at Los Alamos National Laboratory;

(ii) improve available housing for employees of that laboratory; and

(iii) increase the ability of a Tribal Government or Tribal members to access cultural resources and access or acquire lands of cultural significance; and

(4) including a safety and security determination with respect to each covered parcel of land, without regard to whether the parcel can be transferred.

(c) COVERED PARCEL OF LAND.—The term ''covered parcel of land''—

(1) means a parcel of land—

(A) located in Los Alamos County, New Mexico;

(B) owned by the Department of Energy; and

(C) that the Administrator determines is not needed for operations and missions at Los Alamos National Laboratory; and

(2) includes Technical Area–36, Technical Area–70, and Technical Area–71 at Los Alamos National Laboratory.

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**SA 4602.** Mr. LUJÁN (for himself, Mr. PADILLA, 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 E of title VIII, insert the following:

**SEC. 857. LIMITATION ON CONTRACT AUTHORITY TO IMPROVE REPRESENTATION IN CERTAIN MEDIA PROJECTS INVOLVING DEPARTMENT OF DEFENSE.**

(a) LIMITATION ON CONTRACT AUTHORITY.—Neither the Secretary of Defense, nor the Secretary of the Army, nor the Secretary of the Navy, nor the Secretary of the Air Force, may enter into a covered contract for any film or publishing project for entertainment-oriented media unless the covered contract includes a provision that requires consideration of diversity in carrying out the project, including consideration of the following:

(1) The composition of the community represented in the project and whether such community is inclusive of historically marginalized communities.

(2) The depiction of the community represented in the project and whether or not the project advances any inaccurate or harmful stereotypes as a result of such depiction.

(b) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing, with respect to the year covered by the report, the following information:

(1) The total number of projects for which the Secretary provided assistance pursuant to a covered contract.

(2) A summary of the projects specified in paragraph (1).

(3) A summary of the communities represented in such projects.

(4) A summary of the involvement of the Department of Defense with respect to such projects.

(c) DEFINITIONS.—In this section:

(1) The term ''covered contract'' means a contract or production assistance agreement entered into with a nongovernmental entertainment-oriented media producer or publisher.

(2) The term ''entertainment-oriented media'' includes books and other forms of print media that are entertainment-oriented.

(3) The term ''marginalized community'' means a community of individuals that is, or historically was, under-represented in the industry of film, television, or publishing, including—

(A) women;

(B) racial and ethnic minorities;

(C) individuals with disabilities; and

(D) members of the LGBTQ communities.

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**SA 4603.** 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) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State $1,000,000 for each of fiscal years 2022 through 2026 to carry out the pilot program under this section.

(f) SUNSET.—The authorities provided under this section shall expire on December 31, 2026.

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**SA 4604.** Mr. PORTMAN (for himself, Mr. BROWN, 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 end of title XII, add the following:

**Subtitle H—Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2021**

**SEC. 1291. SHORT TITLE.**

This subtitle may be cited as the ''Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2021''.

**SEC. 1292. FINDINGS; SENSE OF CONGRESS.**

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

(1) The information landscape in North Korea is the most repressive in the world, consistently ranking last or near-last in the annual World Press Freedom Index.

(2) Under the brutal rule of Kim Jung Un, the country's leader since 2012, the North Korean regime has tightened controls on access to information, as well as enacted harsh punishments for consumers of outside media, including sentencing to time in a concentration camp and a maximum penalty of death.

(3) Such repressive and unjust laws surrounding information in North Korea resulted in the death of 22-year-old United States citizen and university student Otto Warmbier, who had traveled to North Korea in December 2015 as part of a guided tour.

(4) Otto Warmbier was unjustly arrested, sentenced to 15 years of hard labor, and severely mistreated at the hands of North Korean officials. While in captivity, Otto Warmbier suffered a serious medical emergency that placed him into a comatose state. Otto Warmbier was comatose upon his release in June 2017 and died 6 days later.

(5) Despite increased penalties for possession and viewership of foreign media, the people of North Korean have increased their desire for foreign media content, according to a survey of 200 defectors concluding that 90 percent had watched South Korean or other foreign media before defecting.

(6) On March 23, 2021, in an annual resolution, the United Nations General Assembly condemned ''the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People's Republic of Korea'' and expressed grave concern at, among other things, ''the denial of the right to freedom of thought, conscience, and religion . . . and of the rights to freedom of opinion, expression, and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful state surveillance that permeates the private lives of all citizens''.

(7) In 2018, Typhoon Yutu caused extensive damage to 15 broadcast antennas used by the United States Agency for Global Media in Asia, resulting in reduced programming to North Korea. The United States Agency for Global Media has rebuilt 5 of the 15 antenna systems as of June 2021.

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

(1) in the event of a crisis situation, particularly where information pertaining to the crisis is being actively censored or a false narrative is being put forward, the United States should be able to quickly increase its broadcasting capability to deliver fact-based information to audiences, including those in North Korea; and

(2) the United States International Broadcasting Surge Capacity Fund is already authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216), and expanded authority to transfer unobligated balances from expired accounts of the United States Agency for Global Media would enable the Agency to more nimbly respond to crises.

**SEC. 1293. STATEMENT OF POLICY.**

It is the policy of the United States—

(1) to provide the people of North Korea with access to a diverse range of fact-based information;

(2) to develop and implement novel means of communication and information sharing that increase opportunities for audiences in North Korea to safely create, access, and share digital and non-digital news without fear of repressive censorship, surveillance, or penalties under law; and

(3) to foster and innovate new technologies to counter North Korea's state-sponsored repressive surveillance and censorship by advancing internet freedom tools, technologies, and new approaches.

**SEC. 1294. UNITED STATES STRATEGY TO COMBAT NORTH KOREA'S REPRESSIVE INFORMATION ENVIRONMENT.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall develop and submit to Congress a strategy on combating North Korea's repressive information environment.

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

(1) An assessment of the challenges to the free flow of information into North Korea created by the censorship and surveillance technology apparatus of the Government of North Korea.

(2) A detailed description of the agencies and other government entities, key officials, and security services responsible for the implementation of North Korea's repressive laws regarding foreign media consumption.

(3) A detailed description of the agencies and other government entities and key officials of foreign governments that assist, facilitate, or aid North Korea's repressive censorship and surveillance state.

(4) A review of existing public-private partnerships that provide circumvention technology and an assessment of the feasibility and utility of new tools to increase free expression, circumvent censorship, and obstruct repressive surveillance in North Korea.

(5) A description of and funding levels required for current United States Government programs and activities to provide access for the people of North Korea to a diverse range of fact-based information.

(6) An update of the plan required by section 104(a)(7)(A) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)(7)(A)).

(7) A description of Department of State programs and funding levels for programs that promote internet freedom in North Korea, including monitoring and evaluation efforts.

(8) A description of grantee programs of the United States Agency for Global Media in North Korea that facilitate circumvention tools and broadcasting, including monitoring and evaluation efforts.

(9) A detailed assessment of how the United States International Broadcasting Surge Capacity Fund authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216) has operated to respond to crisis situations in the past, and how authority to transfer unobligated balances from expired accounts would help the United States Agency for Global Media in crisis situations in the future.

(10) A detailed plan for how the authorization of appropriations under section 1296 will operate alongside and augment existing programming from the relevant Federal agencies and facilitate the development of new tools to assist that programming.

(c) FORM OF STRATEGY.—The strategy required by subsection (a) shall be submitted in unclassified form, but may include the matters required by subsection (b) in a classified annex.

**SEC. 1295. REPORT ON ENFORCEMENT OF SANCTIONS WITH RESPECT TO NORTH KOREA.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2024, the Secretary of State and the Secretary of the Treasury shall jointly submit to the appropriate congressional committees a report on sanctions-related activities and enforcement undertaken by the United States Government with respect to North Korea during the period described in subsection (b) that includes—

(1) an assessment of activities conducted by persons in North Korea or the Government of North Korea that would require mandatory designations pursuant to the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9201 et seq.); and

(2) sanctions-related enforcement or other sanctions-related actions undertaken by the United States Government pursuant to that Act.

(b) PERIOD DESCRIBED.—The period described in this subsection is—

(1) in the case of the first report required by subsection (a), the period beginning on January 1, 2021, and ending on the date on which the report is required to be submitted; and

(2) in the case of each subsequent report required by subsection (a), the one-year period preceding submission of the report.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—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. 1296. PROMOTING FREEDOM OF INFORMATION AND COUNTERING CENSORSHIP AND SURVEILLANCE IN NORTH KOREA.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Agency for Global Media $10,000,000 for each of fiscal years 2022 through 2026 to provide increased broadcasting and grants for the following purposes:

(1) To promote the development of internet freedom tools, technologies, and new approaches, including both digital and non-digital means of information sharing related to North Korea.

(2) To explore public-private partnerships to counter North Korea's repressive censorship and surveillance state.

(3) To develop new means to protect the privacy and identity of individuals receiving media from the United States Agency for Global Media and other outside media outlets from within North Korea.

(4) To bolster existing programming from the United States Agency for Global Media by restoring the broadcasting capacity of damaged antennas caused by Typhoon Yutu in 2018.

(b) ANNUAL REPORTS.—Section 104(a)(7)(B) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)(7)(B)) is amended—

(1) in the matter preceding clause (i)—

(A) by striking ''1 year after the date of the enactment of this paragraph'' and inserting ''September 30, 2022''; and

(B) by striking ''Broadcasting Board of Governors'' and inserting ''Chief Executive Officer of the United States Agency for Global Media''; and

(2) in clause (i), by inserting after ''this section'' the following: ''and sections 1294 and 1296 of the Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2021''.

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**SA 4605.** Mr. COONS (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 title XII, add the following:

**Subtitle H—Ending Wildlife Trafficking**

**SEC. 1291. SHORT TITLE.**

This subtitle may be cited as the ''Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorization and Improvements Act of 2021''.

**SEC. 1292. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the United States Government should continue to work with international partners, including nations, nongovernmental organizations, and the private sector, to identify long-standing and emerging areas of concern in wildlife poaching and trafficking related to global supply and demand; and

(2) the activities and required reporting of the Presidential Task Force on Wildlife Trafficking, established by Executive Order 13648 (78 Fed. Reg. 40621), and modified by sections 201 and 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621 and 7631) should be reauthorized to minimize the disruption of the work of such Task Force.

**SEC. 1293. DEFINITIONS.**

Section 2 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601) is amended—

(1) in paragraph (3), by inserting ''involving local communities'' after ''approach to conservation'';

(2) by amending paragraph to read as follows:

''(4) COUNTRY OF CONCERN.—The term 'country of concern' means a foreign country specially designated by the Secretary of State pursuant to section 201(b) as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which—

''(A) the government has actively engaged in, or knowingly profited from, the trafficking of protected species; or

''(B) the government facilitates such trafficking through conduct that may include a persistent failure to make serious and sustained efforts to prevent and prosecute such trafficking.''; and

(3) in paragraph (11), by striking ''section 201'' and inserting ''section 301''.

**SEC. 1294. FRAMEWORK FOR INTERAGENCY RESPONSE AND REPORTING.**

(a) REAUTHORIZATION OF REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES.—Section 201 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621) is amended—

(1) in subsection (a), by striking ''annually thereafter'' and inserting ''biennially thereafter by June 1 of each year in which a report is required''; and

(2) by amending subsection (c) to read as follows:

''(c) DESIGNATION.—A country may be designated as a country of concern under subsection (b) regardless of such country's status as a focus country.''.

(b) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING RESPONSIBILITIES.—Section 301(a) of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631(a)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) by redesignating paragraph (5) as paragraph (10); and

(3) by inserting after paragraph (4) the following:

''(5) pursue programs—

''(A) to expand the role of technology for anti-poaching and anti-trafficking efforts, in partnership with the private sector, foreign governments, academia, and nongovernmental organizations (including technology companies and the transportation and logistics sectors); and

''(B) to enable local governments to develop and use such technologies;

''(6) consider programs and initiatives that address the expansion of the illegal wildlife trade to digital platforms, including the use of digital currency and payment platforms for transactions by collaborating with the private sector, academia, and nongovernmental organizations, including social media, e-commerce, and search engine companies, as appropriate;

''(7)(A) establish and publish a procedure for removing from the list in the biennial report any country of concern that no longer meets the definition of country of concern under section 2(4);

''(B) include details about such procedure in the next report required under section 201;

''(8)(A) implement interventions to address the drivers of poaching, trafficking, and demand for illegal wildlife and wildlife products in focus countries and countries of concern;

''(B) set benchmarks for measuring the effectiveness of such interventions; and

''(C) consider alignment and coordination with indicators developed by the Task Force;

''(9) consider additional opportunities to increase coordination between law enforcement and financial institutions to identify trafficking activity; and''.

(c) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING STRATEGIC REVIEW.—Section 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631), as amended by subsection (b), is further amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''annually'' and inserting ''biennially'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) an analysis of the indicators developed by the Task Force, and recommended by the Government Accountability Office, to track and measure inputs, outputs, law enforcement outcomes, and the market for wildlife products for each focus country listed in the report, including baseline measures, as appropriate, for each indicator in each focus country to determine the effectiveness and appropriateness of such indicators to assess progress and whether additional or separate indicators, or adjustments to indicators, may be necessary for focus countries.''; and

(2) by striking subsection (e).

**SEC. 1295. FUNDING SAFEGUARDS.**

(a) PROCEDURES FOR OBTAINING CREDIBLE INFORMATION.—Section 620M(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d(d)) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) routinely request and obtain such information from the United States Agency for International Development, the United States Fish and Wildlife Service, and other relevant Federal agencies that partner with international nongovernmental conservation groups;''.

(b) REQUIRED IMPLEMENTATION.—The Secretary of State shall implement the procedures established pursuant to section 620M(d) of the Foreign Assistance Act of 1961, as amended by subsection (a), including vetting individuals and units, whenever the United States Agency for International Development, the United States Fish and Wildlife Service, or any other relevant Federal agency that partners with international nongovernmental conservation groups provides assistance to any unit of the security forces of a foreign country.

**SEC. 1296. ISSUANCE OF SUBPOENAS IN WILDLIFE TRAFFICKING CIVIL PENALTY ENFORCEMENT ACTIONS.**

(a) ENDANGERED SPECIES ACT OF 1973.—Section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)) is amended by adding at the end the following:

''(7) ISSUANCE OF SUBPOENAS.—

''(A) IN GENERAL.—For the purposes of any inspection or investigation relating to the import into, or the export from, the United States of any fish or wildlife or plants covered under this Act or relating to the delivery, receipt, carrying, transport, shipment, sale, or offer for sale in interstate or foreign commerce of any such fish or wildlife or plants imported into or exported from the United States, the Secretary, may issue subpoenas for the attendance and testimony of witnesses and the production of any papers, books, or other records relevant to the subject matter under investigation.

''(B) FEES AND MILEAGE FOR WITNESSES.—A witness summoned under subparagraph (A) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

''(C) REFUSAL TO OBEY SUBPOENAS.—

''(i) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this paragraph, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

''(ii) FAILURE TO OBEY.—Any failure to obey an order issued by a court under clause (i) may be punished by that court as a contempt of that court.''.

(b) LACEY ACT AMENDMENTS OF 1981.—Section 6 of the Lacey Act Amendments of 1981 (16 U.S.C. 3375) is amended by adding at the end the following:

''(e) ISSUANCE OF SUBPOENAS.—

''(1) IN GENERAL.—For the purposes of any inspection or investigation relating to the import into, or the export from, the United States of any fish or wildlife or plants covered under the Lacey Act of 1900 (16 U.S.C. 3371 et seq.) or relating to the transport, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any such fish or wildlife or plants imported into or exported from the United States, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of any papers, books, or other records relevant to the subject matter under investigation.

''(2) FEES AND MILEAGE FOR WITNESSES.—A witness summoned under paragraph (1) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

''(3) REFUSAL TO OBEY SUBPOENAS.—

''(A) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subsection, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

''(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished by that court as a contempt of that court.''.

(c) BALD AND GOLDEN EAGLE PROTECTION ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of the first section of the Act of June 8, 1940 (16 U.S.C. 668(b)) (commonly known as the ''Bald and Golden Eagle Protection Act''), is amended—

(A) by striking ''(b) Whoever, within the'' and inserting the following:

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Whoever, within the''; and

(B) by adding at the end the following:

''(2) HEARINGS; ISSUANCE OF SUBPOENAS.—

''(A) HEARINGS.—Hearings held during proceedings for the assessment of civil penalties under paragraph (1) shall be conducted in accordance with section 554 of title 5, United States Code.

''(B) ISSUANCE OF SUBPOENAS.—

''(i) IN GENERAL.—For purposes of any hearing held during proceedings for the assessment of civil penalties under paragraph (1), the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths.

''(ii) FEES AND MILEAGE FOR WITNESSES.—A witness summoned pursuant to clause (i) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

''(iii) REFUSAL TO OBEY SUBPOENAS.—

''(I) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subparagraph, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

''(II) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subclause (I) may be punished by that court as a contempt of that court.''.

(2) INVESTIGATORY SUBPOENAS.—Section 3 of the Act of June 8, 1940 (16 U.S.C. 668b) (commonly known as the ''Bald and Golden Eagle Protection Act''), is amended by adding at the end the following:

''(d) ISSUANCE OF SUBPOENAS.—

''(1) IN GENERAL.—For the purposes of any inspection or investigation relating to the import into or the export from the United States of any bald or golden eagles covered under this Act, or any parts, nests, or eggs of any such bald or golden eagles, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of any papers, books, or other records relevant to the subject matter under investigation.

''(2) FEES AND MILEAGE FOR WITNESSES.—A witness summoned under paragraph (1) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

''(3) REFUSAL TO OBEY SUBPOENAS.—

''(A) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subsection, the district court of the United States for any judicial district in which the person is found,

resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

''(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished by that court as a contempt of that court.''.

**SA 4606.** 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 in title XV, insert the following:

**SEC. _____. SEMIANNUAL NOTIFICATIONS REGARDING MISSILE DEFENSE TESTS AND COSTS.**

(a) SEMIANNUAL NOTIFICATIONS REQUIRED.—For each period described in subsection (b), the Director of the Missile Defense Agency shall submit to the congressional defense committees a notification of all—

(1) flight tests (intercept and non-intercept) planned to occur during the period covered by the notification based on the Integrated Master Test Plan the Director used to support the President's budget submission under section 1105 of title 31, United States Code, for the fiscal year of the period covered; and

(2) ground tests planned to occur during such period based on such plan.

(b) PERIODS COVERED.—For purposes of this section, the periods covered under this section are—

(1) the first 180-calendar-day period beginning on the date that is 90 days after the date of the enactment of this Act; and

(2) each subsequent, sequential 180-calendar-day period beginning thereafter until the date that is five years and 90 calendar days after the date of the enactment of this Act.

(c) TIMING OF NOTIFICATION SUBMITTAL.—Each notification submitted under subsection (a) for a period described in subsection (b) shall be submitted—

(1) not earlier than 30 calendar days before the last day of the period; and

(2) not later than the last day of the period.

(d) CONTENTS.—Each notification submitted under subsection (a) shall include the following:

(1) For the period covered by the notification:

(A) With respect to each flight test described in subsection (a)(1), the following:

(i) The entity responsible for leading the flight test (such as the Missile Defense Agency, the Army, or the Navy) and the classification level of the flight test.

(ii) The planned cost (the most recent flight test cost estimate, including interceptors and targets), the actual costs and expenditures to-date, and an estimate of any remaining costs and expenditures.

(iii) All funding (including any appropriated, transferred, or reprogrammed funding) the Agency has received to-date for the flight test.

(iv) All changes made to the scope and objectives of the flight test and an explanation for such changes.

(v) The status of the flight test, such as conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled.

(vi) In the event of a flight test status of conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons the flight test did not succeed or occur;

(II) in the event of a flight test status of failure or no-test, the plan and cost estimate to retest, if necessary, and any contractor liability, if appropriate;

(III) in the event of a flight test delay, the fiscal year and quarter the objectives were first planned to be met, the names of the flight tests the objectives have been moved to, the aggregate duration of the delay to-date, and, if applicable, any risks to the warfighter from the delay; and

(IV) in the event of a flight test cancellation, the fiscal year and quarter the objectives were first planned to be met, whether the objectives from the canceled test were met by other means, moved to a different flight test, or removed, a revised spend plan for the remaining funding the agency received for the flight test to-date, and, if applicable, any risks to the warfighter from the cancellation; and

(vii) the status of any decisions reached by failure review boards open or completed during the period covered by the notification.

(B) With respect to each ground test described in subsection (a)(2), the following:

(i) The planned cost (the most recent ground test cost estimate), the actual costs and expenditures to-date, and an estimate of any remaining costs and expenditures.

(ii) The designation of the ground test, whether developmental, operational, or both.

(iii) All changes made to the scope and objectives of the ground test and an explanation for such changes.

(iv) The status of the ground test, such as conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled.

(v) In the case of a ground test status of conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons the ground test did not succeed or occur; and

(II) if applicable, any risks to the warfighter from the ground test not succeeding or occurring;

(vi) The participating system and element models used for conducting ground tests and the accreditation status of the participating system and element models.

(vii) Identification of any cybersecurity tests conducted or planned to be conducted as part of the ground test.

(viii) For each cybersecurity test identified under subparagraph (G), the status of the cybersecurity test, such as conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled.

(ix) In the case of a cybersecurity test identified under subparagraph (G) with a status of conducted-objectives, not achieved, delayed, or canceled—

(I) the reasons for such status; and

(II) any risks, if applicable, to the warfighter from the cybersecurity test not succeeding or occurring.

(2) To the degree applicable and known, the matters covered by paragraph (1) but for the period subsequent to the covered period.

(e) ADDITIONAL MATTERS.—

(1) EVENTS SPANNING MULTIPLE NOTIFICATION PERIODS.—Events that span from one period described in subsection (b) into another described in such subsection, such as a the case of a failure review board convening in one period and reaching a decision in the following period, shall be covered by notifications under subsection (a) for both periods.

(2) FORM.—Each notification submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 4607.** 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:

Strike section 813 and insert the following:

**SEC. 813. LIMITATION ON AUTHORITY TO USE INTERGOVERNMENTAL SUPPORT AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.**

Section 2679(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Nothing in this subsection shall be construed as limiting the authority or applicability to any contract of section 8503(a) of title 41.''.

**SA 4608.** 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—

(i) the screening and vetting of parolees, refugees, and applicants for United States visas that have been in use at any time since January 1, 2016, particularly for individuals from countries with active terrorist organizations; and

(ii) the screening and vetting of parolees, refugees, and applicants for United States visas pursuant to any mass evacuation effort since 1975, particularly for individuals from countries with active terrorist organizations;

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

(3) 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.

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**SA 4609.** 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:

On page 126, between lines 6 and 7, insert the following:

''(5) Support research efforts relating to perfluoroalkyl substances or polyfluoroalkyl substances.

''(6) Establish practices to ensure the timely and complete dissemination of research findings and related data relating to perfluoroalkyl substanes or polyfluoroalkyl substances to the general public.

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) PUBLICATION OF INFORMATION.—Beginning not later than 180 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, excluding any proprietary information that is business confidential.

(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 and excluding any personally identifiable information.

(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.

(b) FORMAT.—The information published under subsection (a) shall be made available in a downloadable, machine-readable, open, and a user-friendly format.

(c) 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.

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**SA 4610.** 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:

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

**SEC. _____. SECRETARY OF DEFENSE CONSIDERATION OF POWERED EXOSKELETONS AND HUMAN CONTROLLED ROBOTS FOR HEAVY LIFT SUSTAINMENT TASKS.**

Whenever the Secretary of Defense evaluates the research and development of emerging war-fighting technologies, the Secretary shall consider the use of full-body, autonomously powered exoskeletons and semi-autonomous or tele-operated single or dual-armed, human controlled robots used for heavy lift sustainment tasks.

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**SA 4611.** Mr. LEE (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 appropriate place in title X, insert the following:

**SEC. _____. PORTABILITY OF PROFESSIONAL LICENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.**

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by inserting after section 705 (50 U.S.C. 4025) the following new section:

**"SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES.**

''(a) IN GENERAL.—In any case in which a servicemember has a professional license in good standing in a jurisdiction or the spouse of a servicemember has a professional license in good standing in a jurisdiction and such servicemember or spouse relocates his or her residency because of military orders for military service to a location that is not in such jurisdiction, the professional license or certification of such servicemember or spouse shall be considered valid at a similar scope of practice and in the discipline applied for in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

''(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located;

''(2) remains in good standing with the licensing authority that issued the license; and

''(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

''(b) INTERSTATE LICENSURE COMPACTS.—If a servicemember or spouse of a servicemember is licensed and able to operate in multiple jurisdictions through an interstate licensure compact, with respect to services provided in the jurisdiction of the interstate licensure compact by a licensee covered by such compact, the servicemember or spouse of a servicemember shall be subject to the requirements of the compact or the applicable provisions of law of the applicable State and not this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 705 the following new item:

''Sec. 705A. Portability of professional licenses of servicemembers and their spouses.''.

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**SA 4612.** Ms. CORTEZ MASTO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. LIMITATION OF EXTENSION OF PERIOD OF ACTIVE DUTY FOR A MEMBER WHO ACCEPTS A FELLOWSHIP, SCHOLARSHIP, OR GRANT.**

(a) IN GENERAL.—Subsection (b) of section 2603 of title 10, United States Code, is amended by adding at the end the following: ''No such period may exceed five years.''.

(b) RETROACTIVE EFFECT.—An agreement under such subsection, made by a member of the Armed Forces on or before the date of the enactment of this Act, may not require such member to serve on active duty for a period that exceeds five years.

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**SA 4613.** Ms. CORTEZ MASTO (for herself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. ACTIONS TO INCREASE AND STABILIZE THE SUPPLY OF MICROELECTRONICS FOR UNITED STATES COMPUTER NUMERICALLY CONTROLLED (CNC) MANUFACTURING BASE.**

The Secretary of Defense and the Secretary of Commerce shall—

(1) take immediate action to increase and stabilize the supply of microelectronics available to the United States computer numerically controlled (CNC) manufacturing base in order to sustain critical defense programs and the defense industrial base; and

(2) not later than 60 days after the date of the enactment of this Act, jointly provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on efforts to carry out paragraph (1).

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**SA 4614.** Mr. SCHATZ (for himself, Mrs. GILLIBRAND, 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 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) REVIEW OF DISCHARGE OF IMPACTED FORMER MEMBERS.—

(1) 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.

(2) 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 paragraph (1) 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.

(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).

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**SA 4615.** 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 Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives 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).

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**SA 4616.** 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. Support for and oversight of Unidentified Aerial Phenomena Task Force.
Sec. 345. Publication of unclassified appendices from reports on intelligence community participation in Vulnerabilities Equities Process.
Sec. 346. 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 covered insider threat 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. Periodic reports on technology strategy of intelligence community.
Sec. 602. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.
Sec. 603. 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. 604. Study on vulnerability of Global Positioning System to hostile actions.
Sec. 605. 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'' means—

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

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

(2) INTELLIGENCE COMMUNITY.—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).

## 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. 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. 345. 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. 346. 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 INTERAGENCY 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 COVERED INSIDER THREAT INFORMATION PERTAINING TO CONTRACTOR EMPLOYEES IN THE TRUSTED WORKFORCE.**

(a) DEFINITION OF COVERED INSIDER THREAT INFORMATION.—In this section, the term ''covered insider threat information''—

(1) means information that—

(A) is adjudicatively relevant;

(B) a Federal Government agency has vetted and verified; and

(C) according to Director of National Intelligence policy, is deemed relevant to a contractor's ability to protect against insider threats as required by section 117.7(d) of title 32, Code of Federal Regulations, or successor regulation; and

(2) includes pertinent information considered in the counter-threat assessment as allowed by a Federal statute or an Executive Order.

(b) POLICY REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Secretary of Defense, the Director of the Office of Management and Budget, and the Attorney General, issue a policy for the Federal Government on sharing covered insider threat information pertaining to contractor employees engaged by the Federal Government.

(c) CONSENT REQUIREMENT.—The policy issued under subsection (b) shall require, as a condition of obtaining and maintaining a security clearance with the Federal Government, that a contractor employee provide prior written consent for the Federal Government to share covered insider threat information with the insider threat program senior official of the contractor employer that employs the contractor employee. Such policy may include restrictions on the further disclosure of such information.

(d) CONSULTATION WITH CONGRESS.—The Director of National Intelligence shall establish a process for consulting on a quarterly basis with Congress and industry partners during development of the policy required under subsection (b).

(e) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date of the issuance of the policy required by subsection (b), the Director of National Intelligence and the Secretary of Defense shall jointly submit to Congress and make available to such industry partners as the Director and the Secretary consider appropriate a review of the policy issued under subsection (b).

(2) CONTENTS.—The review submitted under paragraph (1) shall include the following:

(A) An assessment of the utility and effectiveness of the policy issued under subsection (b).

(B) Such recommendations as the Director and the Secretary may have for legislative or administrative action relevant to such policy.

**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. PERIODIC REPORTS ON TECHNOLOGY STRATEGY OF INTELLIGENCE COMMUNITY.**

(a) PERIODIC REPORTS REQUIRED.—No later than 1 year after the date of the enactment of this Act and not less frequently than once every 4 years thereafter, the Director of National Intelligence shall, in coordination with the Director of the Office of Science and Technology Policy, the Secretary of Commerce, and the heads of such other agencies as the Director considers appropriate, submit to Congress a comprehensive report on the technology strategy of the intelligence community, which shall be designed to support maintaining United States leadership in critical and emerging technologies essential to United States national security.

(b) ELEMENTS.—Each report submitted under subsection (a) shall include the following:

(1) An assessment of technologies critical to United States national security, particularly those technologies with respect to which countries that are adversarial to the United States have or are poised to match or surpass the technology leadership of the United States.

(2) A review of existing technology policies of the intelligence community, including long-range goals.

(3) Identification of sectors and supply chains that the Director considers to be of the most strategic importance to national security.

(4) Identification of opportunities to protect the leadership of the United States and allies of the United States in critical technologies, including through targeted export controls, investment screening, and counterintelligence activities.

(5) Identification of research and development areas critical to national security, including areas in which the private sector does not focus.

(6) Recommendations for growing talent in key critical and emerging technologies and enhancing the ability of the intelligence community to recruit and retain individuals with critical skills.

(7) Identification of opportunities to improve United States leadership in critical technologies, including opportunities to develop international partnerships to reinforce domestic policy actions, build new markets, engage in collaborative research, and create an international environment that reflects United States values and protects United States interests.

(8) A technology annex, which may be classified, to establish an approach to the identification, prioritization, development, and fielding of emerging technologies critical to the mission of the intelligence community.

(9) Such other information as may be necessary to help inform Congress on matters relating to the technology strategy of the intelligence community and related implications for United States national security.

**SEC. 602. 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. 603. 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. 604. 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, the Committee on Homeland Security and Governmental Affairs, 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, the Committee on Homeland Security, 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. 605. 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''.

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**SA 4617.** 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. ___. ADMINISTRATIVE FALSE CLAIMS.**

(a) CHANGE IN SHORT TITLE.—

(1) IN GENERAL.—Subtitle B of title VI of the Omnibus Budget Reconciliation Act of 1986 (Public Law 99–509; 100 Stat. 1934) is amended—

(A) in the subtitle heading, by striking ''**Program Fraud Civil Remedies**'' and inserting ''**Administrative False Claims**''; and

(B) in section 6101 (31 U.S.C. 3801 note), by striking ''Program Fraud Civil Remedies Act of 1986'' and inserting ''Administrative False Claims Act''.

(2) REFERENCES.—Any reference to the Program Fraud Civil Remedies Act of 1986 in any provision of law, regulation, map, document, record, or other paper of the United States shall be deemed a reference to the Administrative False Claims Act.

(b) REVERSE FALSE CLAIMS.—Chapter 38 of title 31, United States Code, is amended—

(1) in section 3801(a)(3), by amending subparagraph (C) to read as follows:

''(C) made to an authority which has the effect of concealing or improperly avoiding or decreasing an obligation to pay or transmit property, services, or money to the authority,''; and

(2) in section 3802(a)(3)—

(A) by striking ''An assessment'' and inserting ''(A) Except as provided in subparagraph (B), an assessment''; and

(B) by adding at the end the following:

''(B) In the case of a claim described in section 3801(a)(3)(C), an assessment shall not be made under the second sentence of paragraph (1) in an amount that is more than double the value of the property, services, or money that was wrongfully withheld from the authority.''.

(c) INCREASING DOLLAR AMOUNT OF CLAIMS.—Section 3803(c) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking ''$150,000'' each place that term appears and inserting ''$1,000,000''; and

(2) by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—The maximum amount in paragraph (1) shall be adjusted for inflation in the same manner and to the same extent as civil monetary penalties under the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note).''.

(d) RECOVERY OF COSTS.—Section 3806(g)(1) of title 31, United States Code, is amended to read as follows:

''(1)(A) Except as provided in paragraph (2)—

''(i) any amount collected under this chapter shall be credited first to reimburse the authority or other Federal entity that expended costs in support of the investigation or prosecution of the action, including any court or hearing costs; and

''(ii) amounts reimbursed under clause (i) shall—

''(I) be deposited in—

''(aa) the appropriations account of the authority or other Federal entity from which the costs described in subparagraph (A) were obligated;

''(bb) a similar appropriations account of the authority or other Federal entity; or

''(cc) if the authority or other Federal entity expended nonappropriated funds, another appropriate account; and

''(II) remain available until expended.

''(B) Any amount remaining after reimbursements described in subparagraph (A) shall be deposited as miscellaneous receipts in the Treasury of the United States.''.

(e) SEMIANNUAL REPORTING.—Section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) information relating to cases under chapter 38 of title 31, United States, including—

''(A) the number of reports submitted by investigating officials to reviewing officials under section 3803(a)(1) of title 31, United States Code;

''(B) actions taken in response to reports described in subparagraph (A), which shall include statistical tables showing—

''(i) pending cases;

''(ii) resolved cases;

''(iii) the average length of time to resolve each case;

''(iv) the number of final agency decisions that were appealed to a district court of the United States or a higher court; and

''(v) if the total number of cases in a report is greater than 2—

''(I) the number of cases that were settled; and

''(II) the total penalty or assessment amount recovered in each case, including through a settlement or compromise; and

''(C) instances in which the reviewing official declined to proceed on a case reported by an investigating official; and''.

(f) INCREASING EFFICIENCY OF DOJ PROCESSING.—Title 31, United States Code, is amended—

(1) in section 3803(j)—

(A) by inserting ''(1)'' before ''The reviewing''; and

(B) by adding at the end the following:

''(2) A reviewing official shall notify the Attorney General in writing not later than 30 days before entering into any agreement to compromise or settle allegations of liability under section 3802 of this title and before the date on which the reviewing official is permitted to refer allegations of liability to a presiding officer under subsection (b).'';

(2) in the table of sections for chapter 38, by striking the item relating to section 3812 and inserting the following:

''3812. Delegation authority.''; and

(3) in section 3812—

(A) in the section heading, by striking ''**Prohibition against delegation**'' and inserting ''**Delegation authority**''; and

(B) by striking '', shall not be delegated to, or carried out by,'' and inserting ''may be delegated to''.

(g) REVISION OF DEFINITION OF HEARING OFFICIALS.—

(1) IN GENERAL.—Chapter 38 of title 31, United States Code, is amended—

(A) in section 3801(a)(7)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B)(vii), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(C) a member of the board of contract appeals pursuant to section 7105 of title 41, if the authority does not employ an available presiding officer under subparagraph (A);''; and

(B) in section 3803(d)(2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B)—

(I) by striking ''the presiding'' and inserting ''(i) in the case of a referral to a presiding officer described in subparagraph (A) or (B) of section 3801(a)(7), the presiding'';

(II) in clause (i), as so designated, by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(ii) in the case of a referral to a presiding officer described in subparagraph (C) of section 3801(a)(7)—

''(I) the reviewing official shall submit a copy of the notice required by under paragraph (1) and of the response of the person receiving such notice requesting a hearing—

''(aa) to the board of contract appeals that has jurisdiction over matters arising from the agency of the reviewing official pursuant to section 7105(e)(1) of title 41; or

''(bb) if the Chair of the board of contract appeals declines to accept the referral, to any other board of contract appeals; and

''(II) the reviewing official shall simultaneously mail, by registered or certified mail, or shall deliver, notice to the person alleged to be liable under section 3802 that the referral has been made to an agency board of contract appeals with an explanation as to where the person may obtain the relevant rules of procedure promulgated by the board; and''; and

(iii) by adding at the end the following:

''(C) in the case of a hearing conducted by a presiding officer described in subparagraph (C) of section 3801(a)(7)—

''(i) the presiding officer shall conduct the hearing according to the rules and procedures promulgated by the board of contract appeals; and

''(ii) the hearing shall not be subject to the provisions in subsection (g)(2), (h), or (i).''.

(2) AGENCY BOARDS.—Section 7105(e) of title 41, United States Code, is amended—

(A) in paragraph (1), by adding at the end the following:

''(E) ADMINISTRATIVE FALSE CLAIMS ACT.—

''(i) IN GENERAL.—The boards described in subparagraphs (B), (C), and (D) shall have jurisdiction to hear any case referred to a board of contract appeals under section 3803(d) of title 31.

''(ii) DECLINING REFERRAL.—If the Chair of a board described in subparagraph (B), (C), or (D) determines that accepting a case under clause (i) would prevent adequate consideration of other cases being handled by the board, the Chair may decline to accept the referral.''; and

(B) in paragraph (2), by inserting ''or, in the event that a case is filed under chapter 38 of title 31, any relief that would be available to a litigant under that chapter'' before the period at the end.

(3) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, each authority head, as defined in section 3801 of title 31, United States Code, and each board of contract appeals of a board described in subparagraphs (B), (C), and (D) of section 7105(e) of title 41, United States Code, shall amend procedures regarding proceedings as necessary to implement the amendments made by this subsection.

(h) REVISION OF LIMITATIONS.—Section 3808 of title 31, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) A notice to the person alleged to be liable with respect to a claim or statement shall be mailed or delivered in accordance with section 3803(d)(1) of this title not later than the later of—

''(1) 6 years after the date on which the violation of section 3802 of this title is committed; or

''(2) 3 years after the date on which facts material to the action are known or reasonably should have been known by the authority head, but in no event more than 10 years after the date on which the violation is committed.''.

(i) DEFINITIONS.—Section 3801 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(10) 'material' has the meaning given the term in section 3729(b) of this title; and

''(11) 'obligation' has the meaning given the term in section 3729(b) of this title.''; and

(2) by adding at the end the following:

''(d) For purposes of subsection (a)(10), materiality shall be determined in the same manner as under section 3729 of this title.''.

(j) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date of enactment of this Act, each authority head, as defined in section 3801 of title 31, United States Code, shall—

(1) promulgate regulations and procedures to carry out this section and the amendments made by this section; and

(2) review and update existing regulations and procedures of the authority to ensure compliance with this section and the amendments made by this section.

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**SA 4618.** 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 part II of subtitle B of title V, add the following:

**SEC. 520B. PROHIBITED EXTREMIST ACTIVITIES.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall amend Department of Defense Instruction (DoDI) 1325.06 to provide that military personnel may not actively engage in, threaten, or advocate—

(1) conduct that promotes illegal discrimination based on race, creed, color, sex, religion, ethnicity, or national origin; or

(2) conduct that threatens or advocate the use of force, violence, or criminal activity to achieve political or ideological objectives.

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**SA 4619.** 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 VACCINE MANDATES.**

(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.—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 vaccination requirements.

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**SA 4620.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. OPPOSITION TO PROVISION OF ASSISTANCE TO PEOPLE'S REPUBLIC OF CHINA BY MULTILATERAL DEVELOPMENT BANKS.**

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

(1) The People's Republic of China is the world's second largest economy and a major global lender.

(2) In February 2021, the foreign exchange reserves of the People's Republic of China totaled more than $3,200,000,000,000.

(3) The World Bank classifies the People's Republic of China as having an upper-middle-income economy.

(4) On February 25, 2021, President Xi Jinping announced ''complete victory'' over extreme poverty in the People's Republic of China.

(5) The Government of the People's Republic of China utilizes state resources to create and promote the Asian Infrastructure Investment Bank, the New Development Bank, and the Belt and Road Initiative.

(6) The People's Republic of China is the world's largest official creditor.

(7) Through a multilateral development bank, countries are eligible to borrow until they can manage long-term development and access to capital markets without financial resources from the bank.

(8) The World Bank reviews the graduation of a country from eligibility to borrow from the International Bank for Reconstruction and Development once the country reaches the graduation discussion income, which is equivalent to the gross national income. For fiscal year 2021, the graduation discussion income is a gross national income per capita exceeding $7,065.

(9) Many of the other multilateral development banks, such as the Asian Development Bank, use the gross national income per capita benchmark used by the International Bank for Reconstruction and Development to trigger the graduation process.

(10) The People's Republic of China exceeded the graduation discussion income threshold in 2016.

(11) Since 2016, the International Bank for Reconstruction and Development has approved projects totaling $8,930,000,000 to the People's Republic of China.

(12) Since 2016, the Asian Development Bank has continued to approve loans and technical assistance to the People's Republic of China totaling $7,600,000,000. The Bank has also approved non-sovereign commitments in the People's Republic of China totaling $1,800,000,000 since 2016.

(13) The World Bank calculates the People's Republic of China's most recent year (2019) gross national income per capita as $10,390.

(b) STATEMENT OF POLICY.—It is the policy of the United States to oppose any additional lending from the multilateral development banks, including the International Bank for Reconstruction and Development and the Asian Development Bank, to the People's Republic of China as a result of the People's Republic of China's successful graduation from the eligibility requirements for assistance from those banks.

(c) OPPOSITION TO LENDING TO PEOPLE'S REPUBLIC OF CHINA.—The Secretary of the Treasury shall instruct the United States Executive Director at each multilateral development bank to use the voice, vote, and influence of the United States—

(1) to oppose any loan or extension of financial or technical assistance by the bank to the People's Republic of China; and

(2) to end lending and assistance to countries that exceed the graduation discussion income of the bank.

(d) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that includes—

(1) an assessment of the status of borrowing by the People's Republic of China from each multilateral development bank;

(2) a description of voting power, shares, and representation by the People's Republic of China at each such bank;

(3) a list of countries that have exceeded the graduation discussion income at each such bank;

(4) a list of countries that have graduated from eligibility for assistance from each such bank; and

(5) a full description of the efforts taken by the United States to graduate countries from such eligibility once they exceed the graduation discussion income at each such bank.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' has the meaning given that term in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c)).

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**SA 4621.** 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 in title X, insert the following:

**Subtitle ____—Homeland Procurement Reform Act**

**SEC. ____01. SHORT TITLE.**

This subtitle may be cited as the ''Homeland Procurement Reform Act'' or the ''HOPR Act''.

**SEC. ____02. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS ACCORDING TO CERTAIN CRITERIA.**

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

**''SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS.**

''(a) DEFINITIONS.—In this section:

''(1) COVERED ITEM.—The term 'covered item' means any of the following:

''(A) Footwear provided as part of a uniform.

''(B) Uniforms.

''(C) Holsters and tactical pouches.

''(D) Patches, insignia, and embellishments.

''(E) Chemical, biological, radiological, and nuclear protective gear.

''(F) Body armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

''(i) Soft ballistic panels.

''(ii) Hard ballistic plates.

''(iii) Concealed armor carriers worn under a uniform.

''(iv) External armor carriers worn over a uniform.

''(G) Any other item as determined appropriate by the Secretary.

''(2) FRONTLINE OPERATIONAL COMPONENT.—The term 'frontline operational component' means any of the following organizations of the Department:

''(A) U.S. Customs and Border Protection.

''(B) U.S. Immigration and Customs Enforcement.

''(C) The United States Secret Service.

''(D) The Transportation Security Administration.

''(E) The Coast Guard.

''(F) The Federal Protective Service.

''(G) The Federal Emergency Management Agency.

''(H) The Federal Law Enforcement Training Centers.

''(I) The Cybersecurity and Infrastructure Security Agency.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall ensure that any procurement of a covered item for a frontline operational component meets the following criteria:

''(A) To the maximum extent possible, not less than one-third of funds obligated in a specific fiscal year for the procurement of such covered items shall be covered items that are manufactured or supplied in the United States by entities that qualify as small business concerns, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

''(B) Each contractor with respect to the procurement of such a covered item—

''(i) is an entity registered with the System for Award Management (or successor system) administered by the General Services Administration; and

''(ii) is in compliance with ISO 9001:2015 of the International Organization for Standardization (or successor standard) or a standard determined appropriate by the Secretary to ensure the quality of products and adherence to applicable statutory and regulatory requirements.

''(C) Each supplier of such a covered item with an insignia (such as any patch, badge, or emblem) and each supplier of such an insignia, if such covered item with such insignia or such insignia, as the case may be, is not produced, applied, or assembled in the United States, shall—

''(i) store such covered item with such insignia or such insignia in a locked area;

''(ii) report any pilferage or theft of such covered item with such insignia or such insignia occurring at any stage before delivery of such covered item with such insignia or such insignia; and

''(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after the creation of such records, of such destruction that include the date of such destruction, a description of the covered item with insignia or insignia destroyed, the quantity of the covered item with insignia or insignia destroyed, and the method of destruction.

''(2) WAIVER.—

''(A) IN GENERAL.—In the case of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) or a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may waive a requirement in subparagraph (A), (B) or (C) of paragraph (1) if the Secretary determines there is an insufficient supply of a covered item that meets the requirement.

''(B) NOTICE.—Not later than 60 days after the date on which the Secretary determines a waiver under subparagraph (A) is necessary, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives notice of such determination, which shall include—

''(i) identification of the national emergency or major disaster declared by the President;

''(ii) identification of the covered item for which the Secretary intends to issue the waiver; and

''(iii) a description of the demand for the covered item and corresponding lack of supply from contractors able to meet the criteria described in subparagraph (B) or (C) of paragraph (1).

''(c) PRICING.—The Secretary shall ensure that covered items are purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall provide to the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response to such instances.

''(e) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.''.

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security 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 study of the adequacy of uniform allowances provided to employees of frontline operational components (as defined in section 836 of the Homeland Security Act of 2002, as added by subsection (a)).

(2) REQUIREMENTS.—The study conducted under paragraph (1) shall—

(A) be informed by a Department-wide survey of employees from across the Department of Homeland Security who receive uniform allowances that seeks to ascertain what, if any, improvements could be made to the current uniform allowances and what, if any, impacts current allowances have had on employee morale and retention;

(B) assess the adequacy of the most recent increase made to the uniform allowance for first year employees; and

(C) consider increasing by 50 percent, at minimum, the annual allowance for all other employees.

(c) ADDITIONAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide a report with recommendations on how the Department of Homeland Security could procure additional items from domestic sources and bolster the domestic supply chain for items related to national security to—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a review of the compliance of the Department of Homeland Security with the requirements under section 604 of title VI of division A of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b) to buy certain items related to national security interests from sources in the United States; and

(B) an assessment of the capacity of the Department of Homeland Security to procure the following items from domestic sources:

(i) Personal protective equipment and other items necessary to respond to a pandemic such as that caused by COVID–19.

(ii) Helmets that provide ballistic protection and other head protection and components.

(iii) Rain gear, cold weather gear, and other environmental and flame resistant clothing.

(d) 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 835 the following:

''Sec. 836. Requirements to buy certain items related to national security interests.''.

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**SA 4622.** 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 A of title X, add the following:

**SEC. 1004. BRIEFING ASSESSING THE FEASIBILITY OF DELAYING DELIVERY OF BUDGET DETAILS FOR A CERTAIN SUBSET OF DEPARTMENT OF DEFENSE BUDGET.**

(a) IN GENERAL.—Not later than June 1, 2022, the Deputy Secretary of Defense shall deliver a briefing to the congressional defense committees regarding the feasibility of establishing a $50,000,000 to $150,000,000 line item in the Department of Defense budget for which programmatic and budgetary details would be delivered one to five months after the delivery of the president's annual budget to Congress.

(b) ELEMENTS.—The briefing required under subsection (a) should include—

(1) an assessment of potential changes needed to the Program Objective Memorandum (POM) process to implement the approach described in such subsection;

(2) recommended changes or improvements to the POM process needed to enable additional congressional oversight of such an approach; and

(3) a survey of projects that might have been included in the President's budget earlier than they otherwise were as a result of such an approach.

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**SA 4623.** 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 E of title VIII, add the following:

**SEC. 857. PILOT PROGRAM TO CREATE THREAT-RESPONSIVE ELECTRONIC WARFARE CAPABILITIES.**

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

(1) electronic warfare is an increasingly important function in modern conflict, with advances made possible by new microelectronics and software capabilities;

(2) the Department of Defense pursues Electronic Warfare capabilities mostly through investments in major defense acquisition programs aligned around platforms, including aircraft and ships, and the resulting capabilities are often defensive in nature, focused on protecting the host platform; and

(3) there is substantial opportunity and need to deliver electronic warfare capabilities focused on specific threats, and responsive to related changes and opportunities.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Under Secretary of Acquisition and Sustainment may establish a pilot program to create threat-responsive electronic warfare capabilities.

(2) FOCUS.—The pilot program established under paragraph (1) shall focus on the following objectives:

(A) Selection of specific threats, including those relevant to the Defense Advanced Research Project Agency's Assault Breaker II program.

(B) Offensive electronic warfare capabilities.

(C) Capabilities that cross multiple platforms, domains, or mission systems.

(D) Capabilities that may alter the conduct of existing platform missions or roles.

(3) ORGANIZATION.—The Under Secretary of Defense for Acquisition and Sustainment may organize the pilot program under its Platforms and Weapons Portfolio Manager function or other suitable function cognizance and oversight of Electronic warfare equities across the Department of Defense.

(4) ACQUISITION.—To the extent feasible, capabilities directed, coordinated, developed, or procured under this pilot shall be inserted into existing weapons systems in the sustainment phase of their lifecycle, reflecting a software-defined and threat-responsive approach.

(5) RECOMMENDATIONS.—The Under Secretary of Defense for Acquisition and Sustainment shall make recommendations on the utility of organizing the funding and activities currently aligned with hardware-centric program elements into one or more portfolios organized according to functional needs in accordance with objectives the pilot program.

(c) ANNUAL BRIEFING.—Not later than one year after the date on which a pilot program is established under subsection (b), and annually thereafter until the date that is five years after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a briefing on the pilot program.

(d) TERMINATION.—The pilot program shall terminate on the date that is 5 years after the date of the enactment of this Act.

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**SA 4624.** 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 301 for operation and maintenance is hereby decreased by $3,000,000, with the amount of the decrease to be taken from amounts available as specified in the funding table in section 4301 for the Afghanistan Security Forces Fund.

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**SA 4625.** 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 at least a monthly basis—

(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 facilitate the employment of spouses of members of the Foreign Service by—'' and inserting ''The Secretary shall implement such measures as the Secretary considers necessary to facilitate the employment of spouses and members of the Service. The measures may include—''; and

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) 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 (6);

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) The Secretary may 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.''; and

(4) by adding after paragraph (6), as redesignated by paragraph (2) of this subsection, the following new paragraph:

''(7) 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.''.

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**SA 4626.** 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 end of subtitle G of title XII, add the following:

**SEC. 1283. BUDGETARY TREATMENT OF EQUITY INVESTMENTS BY UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.**

(a) IN GENERAL.—Section 1421(c) of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9621(c)) is amended by adding at the end the following:

''(7) PRESENT VALUE OF EQUITY ACCOUNT.—There is established in the Treasury an account, to be known as the 'Present Value of Equity Account', to carry out this subsection.

''(8) BUDGETARY TREATMENT OF EQUITY INVESTMENTS.—

''(A) CALCULATION OF COSTS OF SUPPORT.—Subject to subparagraph (B), the cost of support provided under paragraph (1) shall be estimated on a present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

''(B) DETERMINATION OF COST.—

''(i) IN GENERAL.—The cost of support provided under paragraph (1) with respect to a project shall be the net present value, at the time when funds are disbursed to provide the support, of the following estimated cash flows:

''(I) The purchase price of the support.

''(II) Dividends, redemptions, and other shareholder distributions during the term of the support.

''(III) Proceeds received upon a sale, redemption, or other liquidation of the support.

''(IV) Foreign currency fluctuations, in the case of support denominated in foreign currencies.

''(V) Any other relevant cash flow.

''(ii) CHANGES IN TERMS INCLUDED.—The estimated cash flows described in subclauses (I) through (V) of clause (i) shall include the effects of changes in terms resulting from the exercise of options included in the agreement to provide the support.

''(iii) DISCOUNT RATE.—The discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to support provided under paragraph (1).

''(C) COORDINATION.—The Director of the Office of Management and Budget shall be responsible for coordinating the cost estimates required by this paragraph.

''(D) TRANSFER.—Upon approval by the Director of the Office of Management and Budget, and subject to the availability of appropriations, an amount equal to the cost of support determined under subparagraphs (A) and (B) shall be transferred from the Corporate Capital Account to the Present Value of Equity Account.

''(E) DIFFERENTIAL AMOUNT.—

''(i) APPROPRIATION.—For any fiscal year, upon the transfer of an amount pursuant to subparagraph (D), and contingent upon the enactment of a limitation establishing an aggregate differential amount in an appropriations Act for that fiscal year, an amount equal to the differential amount shall be appropriated, out of any money in the Treasury not otherwise appropriated, to the Present Value of Equity Account.

''(ii) TREATMENT AS DIRECT SPENDING.—An amount appropriated pursuant to clause (i) shall be recorded as direct spending (as defined by section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)).

''(iii) BUDGETARY EFFECTS.—The following shall apply to budget enforcement under the Congressional Budget Act of 1974 (2 U.S.C. 601 et seq.), the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), and the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.):

''(I) FUTURE APPROPRIATIONS.—Any amount appropriated pursuant to clause (i) shall not be recorded as budget authority or outlays for purposes of any estimate under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985.

''(II) STATUTORY PAYGO SCORECARDS.—The budgetary effects of any amounts appropriated pursuant to clause (i) shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010 (2 U.S.C. 933(d)).

''(III) SENATE PAYGO SCORECARDS.—The budgetary effects of any amounts appropriated pursuant to clause (i) shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

''(IV) ELIMINATION OF CREDIT FOR CANCELLATION OR RESCISSION OF DIFFERENTIAL.—If there is enacted into law an Act that rescinds or reduces an amount appropriated pursuant to clause (i), the amount of any such rescission or reduction shall not be—

''(aa) estimated as a reduction in direct spending under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(bb) entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010 or any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

''(iv) DIFFERENTIAL AMOUNT DEFINED.—In this subparagraph, the term 'differential amount' means—

''(I) except as provided in subclause (II), the difference between the cost of support provided under paragraph (1), as determined under subparagraphs (A) and (B), and the purchase price of the equity investment involved; or

''(II) if the cost of support is determined under subparagraph (B) to be zero, the purchase price of the equity investment involved.

''(F) PURCHASES OF EQUITY UNDER THIS SECTION.—Purchases of equity products by the Corporation under this subsection shall be made at the face value of the equity purchased, by combining the cost, as defined in subparagraph (B) and the differential amount (as defined in subparagraph (E)(iv)).

''(G) LIMITATION.—The budgetary treatment described in this paragraph applies only with respect to purchases of equity made pursuant to this subsection.

''(H) IMPLEMENTATION.—The Corporation shall submit to the appropriate congressional committees a notice of the effective date of this paragraph.

''(9) MISCELLANEOUS RECEIPTS FROM DIVIDENDS AND SALES OF EQUITY PURCHASES.—Any proceeds related to the purchase or sale equity investments under this subsection shall be deposited into the Treasury as miscellaneous receipts.''.

(b) CONFORMING AMENDMENTS.—Section 1434 of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9634) is amended—

(1) in subsection (b)(6), by inserting after ''guaranties'' the following: ''or any transactions and associated income recorded using the budgetary treatment described in section 1421(c)(8)'';

(2) in subsection (d)(2), by inserting ''and excluding investments equity and related income associated with purchases using the budgetary treatment described in section 1421(c)(8),'' after ''guaranties,''; and

(3) in subsection (h), by striking ''earnings collected related to equity investments,''.

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**SA 4627.** 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 end title VI, add the following:

**SEC. 607. ADDITIONAL SOURCES OF FUNDS AVAILABLE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE OF COMMISSARY STORES.**

Section 2484(h) of title 10, United States Code, is amended—

(1) in paragraph (5), by adding at the end the following new subparagraphs:

''(F) Contributions for any purpose set forth in paragraph (1) in connection with an agreement with a host nation.

''(G) Amounts appropriated for repair or reconstruction of a commissary store in response to a disaster or emergency.''; and

(2) by adding at the end the following new paragraph:

''(6) In addition to the revenues specified in paragraph (5) deposited into the account used for commissary store surcharge collections, amounts may be transferred to such account from the following sources and used for the purposes set forth in paragraphs (1), (2), and (3):

''(A) Balances in nonappropriated and appropriated fund accounts of the Department of Defense, including Defense Working Capital Fund accounts, derived from improved management practices implemented pursuant to sections 2481(c)(3), 2485(b), and 2487(c) of this title.

''(B) Balances in Defense Working Capital Fund commissary operations accounts derived from the variable pricing program implemented pursuant to subsection (i).''.

**SA 4628.** Mr. BENNET (for himself, Mr. HICKENLOOPER, 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 A of title XV, add the following:

**SEC. 1516. CONSORTIUM OF INSTITUTIONS OF HIGHER EDUCATION FOR SPACE TECHNOLOGY DEVELOPMENT.**

(a) ESTABLISHMENT OF CONSORTIUM.—Not later than 180 days after the date of the enactment of this Act, the Chief of Space Operations, in coordination with the Chief Technology and Innovation Office of the Space Force, shall establish a consortium, led by 1 or more institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for space technology development.

(b) SUPPORT.—The consortium established under subsection (a) shall support the research, development, and demonstration needs of the Space Force, including by addressing and facilitating the advancement of capabilities related to—

(1) space domain awareness;

(2) position, navigation, and timing;

(3) autonomy;

(4) data analytics;

(5) communications;

(6) space-based power generation; and

(7) space applications for cybersecurity.

(c) EDUCATION AND TRAINING.—The consortium established under subsection (a) shall—

(1) promote education and training for students in order to support the future national security space workforce of the United States; and

(2) explore opportunities for international collaboration.

(d) ADDITIONAL FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2022 by section 201 for the use of the Department of Defense for research, development, test, and evaluation, Space Force, and available for space technology, as specified in the funding table in section 4201, is hereby increased by $7,500,000.

(2) AVAILABILITY.—The amount available under paragraph (1) shall be available for the consortium established under subsection (a).

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**SA 4629.** Ms. DUCKWORTH (for herself, Mrs. GILLIBRAND, Mr. BENNET, Mr. HEINRICH, Mr. KING, Mr. MORAN, 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 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 Appropriations of the Senate;

(E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Permanent Select Committee on Intelligence of the House of Representatives; and

(H) the Committee on Appropriations 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 in the legislative branch an independent commission to be known as the Afghanistan War Commission (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 16 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;

(xii) 1 shall be appointed by the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives;

(xiii) 1 shall be appointed by the majority leader of the Senate;

(xiv) 1 shall be appointed by the minority leader of the Senate;

(xv) 1 shall be appointed by the Speaker of the House of Representatives; and

(xvi) 1 shall be appointed by the Minority Leader 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 in national security, such as 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) an academic or scholarly institution.

(C) PROHIBITIONS.—A member of the Commission appointed under subparagraph (A) may not—

(i) be a current member of Congress;

(ii) be a former member of Congress who served in Congress after January 3, 2001;

(iii) be a current or former registrant under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(iv) have previously investigated Afghanistan policy or the war in Afghanistan through employment in the office of a relevant inspector general;

(v) have been the sole owner or had a majority stake in a company that held any United States or coalition defense contract providing goods or services to activities by the United States Government or coalition in Afghanistan during the applicable period; or

(vi) have served, with direct involvement in actions by the United States Government in Afghanistan during the time the relevant official served, as—

(I) a cabinet secretary or national security adviser to the President; or

(II) a four-star flag officer, Under Secretary, or more senior official in the Department of Defense or the Department of State.

(D) DATE.—

(i) IN GENERAL.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(ii) FAILURE TO MAKE APPOINTMENT.—If an appointment under subparagraph (A) is not made by the appointment date specified in clause (i)—

(I) the authority to make such appointment shall expire; and

(II) the number of members of the Commission shall be reduced by the number equal to the number of appointments not made.

(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 Co-Chairpersons.

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

(5) CO-CHAIRPERSONS.—The Commission shall select, by a simple majority vote—

(A) 1 Co-Chairperson from the members of the Commission appointed by chairpersons of the appropriate congressional committees; and

(B) 1 Co-Chairperson from the members of the Commission appointed by the ranking members of the appropriate congressional committees.

(d) PURPOSE OF COMMISSION.— The purpose of the Commission is—

(1) to examine the key strategic, diplomatic, and operational decisions that pertain to the war in Afghanistan during the relevant period, including decisions, assessments, and events that preceded the war in Afghanistan; and

(2) to develop a series of lessons learned and recommendations for the way forward that will inform future decisions by Congress and policymakers throughout the United States Government.

(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 Afghanistan during the period beginning September 1, 1996, and ending August 30, 2021.

(B) MATTERS STUDIED.—The matters studied by the Commission shall include—

(i) for the time period specified under subparagraph (A)—

(I) the policy objectives of the United States Government, including—

(aa) military objectives;

(bb) diplomatic objectives;

(cc) development objectives; and

(dd) intelligence objectives;

(II) significant decisions made by the United States, including the development of options presented to policymakers;

(III) the efficacy of efforts by the United States Government in meeting the objectives described in clause (i), including an analysis of —

(aa) military efforts;

(bb) diplomatic efforts;

(cc) development efforts; and

(dd) intelligence efforts; and

(IV) the efficacy of counterterrorism efforts against al Qaeda, the Islamic State Khorasan Province, and other foreign terrorist organizations in degrading the will and capabilities of such organizations—

(aa) to mount external attacks against the United States mainland or its allies and partners; or

(bb) to threaten regional stability in Afghanistan and neighboring countries.

(ii) the efficacy of metrics, measures of effectiveness, and milestones used to assess progress of diplomatic, military, and intelligence efforts;

(iii) the efficacy of interagency planning and execution process by the United States Government;

(iv) factors that led to the collapse of the Afghan National Defense Security Forces in 2021, including—

(I) training;

(II) assessment methodologies;

(III) building indigenous forces on western models;

(IV) reliance on technology and logistics support; and

(V) reliance on warfighting enablers provided by the United States;

(v) the efficacy of counter-corruption efforts to include linkages to diplomatic lines of effort, linkages to foreign and security assistance, and assessment methodologies;

(vi) the efficacy of counter-narcotic efforts to include alternative livelihoods, eradication, interdiction, and education efforts;

(vii) the role of countries neighboring Afghanistan in contributing to the instability of Afghanistan; and

(viii) varying diplomatic approaches between Presidential administrations.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—

(i) ANNUAL REPORT.—

(I) IN GENERAL.—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 activities of the Commission as of the date of such report, including any findings, recommendations, or lessons learned endorsed by the Commission.

(II) ADDENDA.—Any member of the Commission may submit an addendum to a report required under subclause (I) setting forth the separate views of such member with respect to any matter considered by the Commission.

(III) BRIEFING.—On the date of the submission of the first annual report, the Commission shall brief Congress.

(ii) FINAL REPORT.—

(I) SUBMISSION.—Not later than 3 years after the date of the initial meeting of the Commission, the Commission shall submit to Congress a report that contains a detailed statement of the findings, recommendations, and lessons learned endorsed by the Commission.

(II) ADDENDA.—Any member of the Commission may submit an addendum to the report required under subclause (I) setting forth the separate views of such member with respect to any matter considered by the Commission.

(III) EXTENSION.—The Commission may submit the report required under subclause (I) at a date that is not more than 1 year later than the date specified in such clause if agreed to by the chairperson and ranking member of each of the appropriate congressional committees.

(B) FORM.—The report required by paragraph (1)(B) shall be submitted and publicly released on a Government website in unclassified form but may contain a classified annex.

(C) SUBSEQUENT REPORTS ON DECLASSIFICATION.—

(i) IN GENERAL.—Not later than 4 years after the date that the report required by subparagraph (A)(ii) is submitted, 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, take such testimony, and receive such evidence as the Commission considers necessary to carry out its purpose and functions under 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.—Upon receipt of a written request by the Co-Chairpersons of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(B) SPACE FOR COMMISSION.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator of General Services is not able to make such suitable excess space available within such 30-day period, the Commission may lease space to the extent that funds are available for such purpose.

(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, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing employees of the Senate and the House of Representatives.

(5) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App) or section 552b, United States Code (commonly known as the Government in the Sunshine Act).

(g) 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) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(B) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(C) PAY.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(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 Co-Chairpersons 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.

(h) 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).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the funds appropriated to the legislative branch, $3,000,000 from the Afghanistan Security Forces Fund may be made available to carry out the activities of the Commission.

(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 (h).

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**SA 4630.** Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. _____. OFFICE OF SUPPLY CHAIN RESILIENCY.**

(a) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Supply Chain Resiliency.

(2) CRITICAL PRODUCT.—The term ''critical product'' means a product that is critical to the national security, economic security, or public health of the United States.

(3) ELIGIBLE ENTITY.—The term ''eligible entity''—

(A) means a manufacturer that—

(i) produces not less than 1 good at a facility in the United States; and

(ii) is a small business concern; and

(B) may include a manufacturer that is not a small business concern if the Secretary determines that providing expansion support to the manufacturer under subsection (c) would be in the public interest.

(4) OFFICE.—The term ''Office'' means the Office of Supply Chain Resiliency.

(5) PROGRAM.—The term ''Program'' means the Supply Chain Monitoring and Resiliency Program established under subsection (c)(1).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(7) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) OFFICE OF SUPPLY CHAIN RESILIENCY.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Department of Commerce the Office of Supply Chain Resiliency.

(2) ASSISTANT SECRETARY.—The Office shall be headed by the Assistant Secretary of Commerce for Supply Chain Resiliency, who shall be appointed by the Secretary.

(3) RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary shall—

(A) administer the Supply Chain Monitoring and Resiliency Program;

(B) hire each employee of the Office; and

(C) issue regulations necessary to carry out this Act.

(c) SUPPLY CHAIN MONITORING AND RESILIENCY PROGRAM.—

(1) ESTABLISHMENT.—The Assistant Secretary shall establish within the Office the Supply Chain Resiliency Program.

(2) OBJECTIVES.—The objectives of the Program shall be to—

(A) monitor and research interstate commerce and supply chains in the United States to identify vulnerabilities in supply chains that—

(i) produce products that are critical to the national security, economic security, and public health of the United States; and

(ii) produce products in emerging technologies; and

(B) improve the supply in the United States of critical products in supply chains identified under subparagraph (A) by providing expansion support to eligible entities.

(3) SUPPLY CHAIN RESEARCH.—

(A) IN GENERAL.—Under the Program, the Assistant Secretary shall conduct research and analysis to identify supply chains that are—

(i) experiencing supply shortages; or

(ii) vulnerable to experiencing supply shortages.

(B) SUPPLY CHAIN VULNERABILITIES.—For the purpose of subparagraph (A), a supply chain that is experiencing a supply shortage or vulnerable to experiencing a supply shortage shall include a supply chain within which there is—

(i) a critical product—

(I) of which there is a supply shortage or price spike due to a limited supply of the critical product; or

(II) that is in danger of experiencing a supply shortage or price spike due to a limited supply of the product;

(ii) a manufacturer in the United States that is the sole supplier, or that is in danger of becoming the sole supplier, in the supply chain of a critical product;

(iii) a manufacturer in the United States of a critical product that cannot make investments in property, a plant, and equipment necessary to expand the production of the critical product due to a lack of access to low-cost, long-term capital;

(iv) a manufacturer in the United States that has reduced output of a critical product because—

(I) the necessary inputs to manufacture the critical product are unavailable due to a supply shortage or transportation disruption;

(II) the cost of necessary inputs to manufacture the critical product have increased because of a supply shortage; or

(III) the critical product cannot be delivered due to a transportation disruption; and

(v) any other supply chain disruption identified by the Assistant Secretary that results in, or could result in, increased prices and supply shortages for a critical product.

(C) METHODS.—In conducting the research and analysis required under subparagraph (A), the Assistant Secretary may—

(i) conduct surveys of industry;

(ii) analyze market data, including consumer price indices and the components of those indices; and

(iii) convene meetings with manufacturers, suppliers, consumers, retailers, labor organizations, and other constituents of supply chains in the United States.

(D) SUPPLY SHOCK STRESS TESTS.—The Assistant Secretary may conduct stress tests to simulate the impact of hypothetical supply chain shocks on—

(i) supply chains for critical products in the United States; and

(ii) manufacturers in the United States that comprise the supply chains described in clause (i) by—

(I) producing critical products;

(II) supplying inputs to critical products; or

(III) buying critical products as an input for the manufactured goods of the manufacturer.

(E) ELIGIBILITY FOR EXPANSION SUPPORT.—In identifying entities that may be eligible to receive expansion support under paragraph (4)(A), the Assistant Secretary—

(i) shall use data gathered from the research conducted under subparagraph (A); and

(ii) may use results of the stress tests conducted under subparagraph (D).

(4) SUPPLY CHAIN RESILIENCY EXPANSION SUPPORT.—

(A) IN GENERAL.—Under the Program, the Assistant Secretary shall provide expansion support to eligible entities in the form of—

(i) loans;

(ii) loan guaranties on private markets; and

(iii) grants.

(B) USE OF EXPANSION SUPPORT.—An eligible entity that receives expansion support under subparagraph (A) shall use the expansion support to expand production of a product that is part of a supply chain identified under paragraph (3)(A).

(C) TERMS AND CONDITIONS OF EXPANSION SUPPORT.—

(i) IN GENERAL.—An eligible entity that receives expansion support under subparagraph (A) shall agree to—

(I) maintain production of a critical product in the United States;

(II) comply with the labor standards required under clause (ii); and

(III) any other terms or conditions the Assistant Secretary may require in order to achieve the objectives of the Program.

(ii) LABOR-MANAGEMENT COOPERATION.—

(I) IN GENERAL.—Notwithstanding any other provision of law, including the National Labor Relations Act (29 U.S.C. 151 et seq.), this subparagraph shall apply with respect to any recipient of funding under this section who is an employer and any labor organization who represents or seeks to represent any employees or only those employees who perform or will perform work funded under this section.

(II) RECOGNITION.—Any employer receiving funds under this section shall recognize for purposes of collective bargaining a labor organization that demonstrates that a majority of the employees in a unit appropriate for such purposes and who perform or will perform work funded under this section have signed valid authorizations designating the labor organization as their collective bargaining representative and that no other labor organization is certified or recognized pursuant to section 9 of the National Labor Relations Act (29 U.S.C. 159) as the exclusive representative of any of the employees in the unit who perform or will perform such work. Upon such showing of majority status, the employer shall notify the labor organization and the National Labor Relations Board that the employer—

(aa) has determined that the labor organization represents a majority of the employees in such unit who perform or will perform such work; and

(bb) is recognizing the labor organization as the exclusive representative of the employees in such unit who perform or will perform such work for the purposes of collective bargaining pursuant to that section.

(III) DISPUTE RESOLUTION AND UNIT CERTIFICATION.—If a dispute over majority status or the appropriateness of the unit described in subclause (II) arise between the employer and the labor organization, either party may request that the National Labor Relations Board investigate and resolve the dispute. If the Board finds that a majority of the employees in a unit appropriate for purposes of collective bargaining who perform or will perform work funded under this section has signed valid authorizations designating the labor organization as their representative for such purposes and that no other individual or labor organization is certified or recognized as the exclusive representative of any of the employees in the unit who perform or will perform such work for such purposes, the Board shall not direct an election but shall certify the labor organization as the representative described in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)).

(IV) MEETINGS AND COLLECTIVE BARGAINING AGREEMENTS.—Not later than 10 days after an employer receiving funding under this subsection receives a written request for collective bargaining from a recognized or certified labor organization representing employees who perform or will perform work funded under this subsection, or within such period as the parties agree upon, the labor organization and employer shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

(V) MEDIATION AND CONCILIATION.—If, after the expiration of the 90-day period beginning on the date on which collective bargaining is commenced under subclause (IV), or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Federal Mediation and Conciliation Service (referred to in this clause as the ''Service'') of the existence of a dispute and request mediation. Whenever such a request is received, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

(VI) TRIPARTITE ARBITRATION.—

(aa) IN GENERAL.—If, after the expiration of the 30-day period beginning on the date on which the request for mediation is made under subclause (V), or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by mediation and conciliation, the Service shall refer the dispute to a tripartite arbitration panel established in accordance with such regulations as may be prescribed by the Service.

(bb) MEMBERS.—A tripartite arbitration panel established under this subclause with respect to a dispute shall be composed of 1 member selected by the labor organization, 1 member selected by the employer, and 1 neutral member mutually agreed to by the labor organization and the employer. Each such member shall be selected not later than 14 days after the expiration of the 30-day period described in item (aa) with respect to such dispute. Any member not so selected by the date that is 14 days after the expiration of such period shall be selected by the Service.

(cc) DECISIONS.—A majority of a tripartite arbitration panel established under this subclause with respect to a dispute shall render a decision settling the dispute as soon as practicable, and (absent extraordinary circumstances or by agreement or permission of the parties) not later than 120 days after the establishment of such panel. Such a decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written consent of the parties. Such decision shall be based on—

(AA) the financial status and prospects of the employer;

(BB) the size and type of the operations and business of the employer;

(CC) the cost of living of the employees;

(DD) the ability of the employees to sustain themselves, their families, and their dependents on the wages and benefits they earn from the employer; and

(EE) the wages and benefits other employers in the same business provide their employees.

(VII) CONTRACTORS AND SUBCONTRACTORS.—Any employer receiving funds under this subsection to procure goods or services shall require a contractor or subcontractor, whose employees perform or will perform work funded under this subsection, that contracts or subcontracts with the employer to comply with the requirements set forth in subclauses (I) through (VI).

(VIII) DEFINITIONS.—In this clause, the terms ''employee'', ''employer'', and ''labor organization'' have the meanings given the terms in section 2 of the National Labor Relations Act (29 U.S.C. 152).

(iii) LIMITATION OF FUNDS.—Funds appropriated to carry out this section shall not be used to assist, promote, or deter organizing of labor organizations.

(5) SUPPLY CHAIN RESILIENCY FUND.—

(A) ESTABLISHMENT.—There is established a Supply Chain Resiliency Fund for the purpose of funding loans, loan guaranties, and grants under the Program.

(B) FINANCIAL OPERATIONS OF THE SUPPLY CHAIN RESILIENCY FUND.—

(i) IN GENERAL.—The Assistant Secretary shall use the funds in the Supply Chain Resiliency Fund to finance loans, loan guaranties, and grants to eligible entities under the Program.

(ii) RESERVE RATIO.—The Assistant Secretary shall not lend in excess of 10 times the capital in reserve in the Supply Chain Resiliency Fund.

(iii) INTEREST RATE.—The Assistant Secretary shall establish interest rates for loans, loan guaranties, and other instruments as the Secretary considers appropriate, taking into account—

(I) the objectives of the Program described in section paragraph (2); and

(II) the cost of capital experienced by foreign competitors to the beneficiaries of the support provided under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Assistant Secretary $5,000,000,000 for each of fiscal years 2023 through 2027 to carry out the Program, of which $4,000,000,000 shall be deposited into the Supply Chain Resiliency Fund established under paragraph (5).

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**SA 4631.** 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, Australia, Bahrain, Georgia, Germany, Greece, India, Indonesia, Italy, Japan, Kosovo, Kuwait, New Zealand, North Macedonia, Norway, Mexico, Philippines, Qatar, Rwanda, Saudi Arabia, South Korea, 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.

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**SA 4632.** 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:

At the end of title X, add the following:

**Subtitle H—National Emergencies Act Reform**

**SEC. 1071. SHORT TITLE.**

This subtitle may be cited as the ''Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies Act'' or the ''ARTICLE ONE Act''.

**SEC. 1072. REQUIREMENTS RELATING TO DECLARATION AND RENEWAL OF NATIONAL EMERGENCIES.**

Section 201 of the National Emergencies Act (50 U.S.C. 1621) is amended to read as follows:

**''SEC. 201. DECLARATIONS AND RENEWALS OF NATIONAL EMERGENCIES.**

''(a) AUTHORITY TO DECLARE NATIONAL EMERGENCIES.—With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such a national emergency by proclamation. Such proclamation shall immediately be transmitted to Congress and published in the Federal Register.

''(b) SPECIFICATION OF PROVISIONS OF LAW TO BE EXERCISED.—

''(1) IN GENERAL.—No powers or authorities made available by statute for use during the period of a national emergency shall be exercised unless and until the President specifies the provisions of law under which the President proposes that the President or other officers will act in—

''(A) a proclamation declaring a national emergency under subsection (a); or

''(B) one or more Executive orders relating to the emergency published in the Federal Register and transmitted to Congress.

''(2) LIMITATIONS.—The President may—

''(A) specify under paragraph (1) only provisions of law that make available powers and authorities that relate to the nature of the national emergency; and

''(B) exercise such powers and authorities only to address the national emergency.

''(c) TEMPORARY EFFECTIVE PERIODS.—

''(1) IN GENERAL.—A declaration of a national emergency under subsection (a) may last for 30 days from the issuance of the proclamation (not counting the day on which the proclamation was issued) and shall terminate when that 30-day period expires unless there is enacted into law a joint resolution of approval under section 203 with respect to the proclamation.

''(2) EXERCISE OF POWERS AND AUTHORITIES.—Any power or authority made available under a provision of law described in subsection (a) and specified pursuant to subsection (b) may be exercised for 30 days from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority cannot be exercised once that 30-day period expires, unless there is enacted into law a joint resolution of approval under section 203 approving—

''(A) the proclamation of the national emergency or the Executive order; and

''(B) the exercise of the power or authority specified by the President in such proclamation or Executive order.

''(3) EXCEPTION IF CONGRESS IS UNABLE TO CONVENE.—If Congress is physically unable to convene as a result of an armed attack upon the United States or another national emergency, the 30-day periods described in paragraphs (1) and (2) shall begin on the first day Congress convenes for the first time after the attack or other emergency.

''(d) PROHIBITION ON SUBSEQUENT ACTIONS IF EMERGENCIES NOT APPROVED.—

''(1) SUBSEQUENT DECLARATIONS.—If a joint resolution of approval is not enacted under section 203 with respect to a national emergency before the expiration of the 30-day period described in subsection (c), or with respect to a national emergency proposed to be renewed under subsection (e), the President may not, during the remainder of the term of office of that President, declare a subsequent national emergency under subsection (a) with respect to the same circumstances.

''(2) EXERCISE OF AUTHORITIES.—If a joint resolution of approval is not enacted under section 203 with respect to a power or authority specified by the President in a proclamation under subsection (a) or an Executive order under subsection (b)(1)(B) with respect to a national emergency, the President may not, during the remainder of the term of office of that President, exercise that power or authority with respect to that emergency.

''(e) RENEWAL OF NATIONAL EMERGENCIES.—A national emergency declared by the President under subsection (a) or previously renewed under this subsection, and not already terminated pursuant to subsection (c) or section 202(a), shall terminate on a date that is not later than one year after the President transmitted to Congress the proclamation declaring the emergency under subsection (a) or Congress approved a previous renewal pursuant to this subsection, unless—

''(1) the President publishes in the Federal Register and transmits to Congress an Executive order renewing the emergency; and

''(2) there is enacted into law a joint resolution of approval renewing the emergency pursuant to section 203 before the termination of the emergency or previous renewal of the emergency.

''(f) EFFECT OF FUTURE LAWS.—No law enacted after the date of the enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.''.

**SEC. 1073. TERMINATION OF NATIONAL EMERGENCIES.**

Section 202 of the National Emergencies Act (50 U.S.C. 1622) is amended to read as follows:

**''SEC. 202. TERMINATION OF NATIONAL EMERGENCIES.**

''(a) IN GENERAL.—Any national emergency declared by the President under section 201(a) shall terminate on the earliest of—

''(1) the date provided for in section 201(c);

''(2) the date on which Congress, by statute, terminates the emergency;

''(3) the date on which the President issues a proclamation terminating the emergency; or

''(4) the date provided for in section 201(e).

''(b) 5-YEAR LIMITATION.—Under no circumstances may a national emergency declared by the President under section 201(a) continue on or after the date that is 5 years after the date on which the national emergency was first declared.

''(c) EFFECT OF TERMINATION.—

''(1) IN GENERAL.—Effective on the date of the termination of a national emergency under subsection (a) or (b)—

''(A) except as provided by paragraph (2), any powers or authorities exercised by reason of the emergency shall cease to be exercised;

''(B) any amounts reprogrammed or transferred under any provision of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

''(C) any contracts entered into under any provision of law relating to the emergency shall be terminated.

''(2) SAVINGS PROVISION.—The termination of a national emergency shall not moot—

''(A) any legal action taken or pending legal proceeding not finally concluded or determined on the date of the termination under subsection (a) or (b); or

''(B) any legal action or legal proceeding based on any act committed prior to that date.''.

**SEC. 1074. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.**

Title II of the National Emergencies Act (50 U.S.C. 1621 et seq.) is amended by adding at the end the following:

**''SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.**

''(a) JOINT RESOLUTIONS OF APPROVAL AND OF TERMINATION.—

''(1) DEFINITIONS.—In this section:

''(A) JOINT RESOLUTION OF APPROVAL.—The term 'joint resolution of approval' means a joint resolution that contains only the following provisions after its resolving clause:

''(i) A provision approving—

''(I) a proclamation of a national emergency made under section 201(a);

''(II) an Executive order issued under section 201(b)(1)(B); or

''(III) an Executive order issued under section 201(e).

''(ii) A provision approving a list of all or a portion of the provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.

''(B) JOINT RESOLUTION OF TERMINATION.—The term 'joint resolution of termination' means a joint resolution terminating—

''(i) a national emergency declared under section 201(a); or

''(ii) the exercise of any powers or authorities pursuant to that emergency.

''(2) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS OF APPROVAL.—

''(A) INTRODUCTION.—After the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order renewing an emergency under section 201(e) or specifying emergency powers or authorities under section 201(b)(1)(B), a joint resolution of approval or a joint resolution of termination may be introduced in either House of Congress by any member of that House.

''(B) REQUESTS TO CONVENE CONGRESS DURING RECESSES.—If, when the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order renewing an emergency under section 201(e) or specifying emergency powers or authorities under section 201(b)(1)(B), Congress has adjourned sine die or has adjourned for any period in excess of 3 calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least one-third of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the proclamation or Executive order and take appropriate action pursuant to this section.

''(C) COMMITTEE REFERRAL.—A joint resolution of approval or a joint resolution of termination shall be referred in each House of Congress to the committee or committees having jurisdiction over the emergency authorities invoked pursuant to the national emergency that is the subject of the joint resolution.

''(D) CONSIDERATION IN SENATE.—In the Senate, the following rules shall apply:

''(i) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval or a joint resolution of termination has been referred has not reported it at the end of 10 calendar days after its introduction, that committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar.

''(ii) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee to which a joint resolution of approval or a joint resolution of termination is referred has reported the resolution, or when that committee is discharged under clause (i) from further consideration of the resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution to be made, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is subject to 4 hours of debate divided equally between those favoring and those opposing the joint resolution of approval or the joint resolution of termination. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business.

''(iii) FLOOR CONSIDERATION.—A joint resolution of approval or a joint resolution of termination shall be subject to 10 hours of debate, to be divided evenly between the proponents and opponents of the resolution.

''(iv) AMENDMENTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), no amendments shall be in order with respect to a joint resolution of approval or a joint resolution of termination.

''(II) AMENDMENTS TO STRIKE OR ADD SPECIFIED PROVISIONS OF LAW.—Subclause (I) shall not apply with respect to any amendment to a joint resolution of approval to strike from or add to the list required by paragraph (1)(A)(ii) a provision or provisions of law specified by the President under section 201(b) in the proclamation or Executive order.

''(v) MOTION TO RECONSIDER FINAL VOTE.—A motion to reconsider a vote on final passage of a joint resolution of approval or of a joint resolution of termination shall not be in order.

''(vi) APPEALS.—Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

''(E) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—In the House of Representatives, if any committee to which a joint resolution of approval or a joint resolution of termination has been referred has not reported it to the House at the end of 10 calendar days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On Thursdays it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 3 calendar days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken on or before the close of the tenth calendar day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution, such vote shall be taken on that day.

''(F) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a joint resolution of approval or a joint resolution of termination, one House receives from the other House a joint resolution of approval or a joint resolution of termination—

''(i) the joint resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day it is received; and

''(ii) the procedures set forth in subparagraph (D) or (E), as applicable, shall apply in the receiving House to the joint resolution received from the other House to the same extent as such procedures apply to a joint resolution of the receiving House.

''(G) RULE OF CONSTRUCTION.—The enactment of a joint resolution of approval or of a joint resolution of termination under this subsection shall not be interpreted to serve as a grant or modification by Congress of statutory authority for the emergency powers of the President.

''(b) RULES OF THE HOUSE AND THE SENATE.—Subsection (a) is enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of joint resolutions of approval, and supersede other rules only to the extent that it is inconsistent with such other rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

**SEC. 1075. REPORTING REQUIREMENTS.**

Section 401 of the National Emergencies Act (50 U.S.C. 1641) is amended by adding at the end the following:

''(d) REPORT ON EMERGENCIES.—The President shall transmit to Congress, with any proclamation declaring a national emergency under section 201(a), or Executive order renewing an emergency under section 201(e) or specifying emergency powers or authorities under section 201(b)(1)(B), a report, in writing, that includes the following:

''(1) A description of the circumstances necessitating the declaration of a national emergency, the renewal of such an emergency, or the use of a new emergency authority specified in the Executive order, as the case may be.

''(2) The estimated duration of the national emergency.

''(3) A summary of the actions the President or other officers intend to take, including any reprogramming or transfer of funds,

and the statutory authorities the President and such officers expect to rely on in addressing the national emergency.

''(4) In the case of a renewal of a national emergency, a summary of the actions the President or other officers have taken in the preceding one-year period, including any reprogramming or transfer of funds, to address the emergency.

''(e) PROVISION OF INFORMATION TO CONGRESS.—The President shall provide to Congress such other information as Congress may request in connection with any national emergency in effect under title II.

''(f) PERIODIC REPORTS ON STATUS OF EMERGENCIES.—If the President declares a national emergency under section 201(a), the President shall, not less frequently than every 180 days for the duration of the emergency, report to Congress on the status of the emergency and the actions the President or other officers have taken and authorities the President and such officers have relied on in addressing the emergency.

''(g) FINAL REPORT ON ACTIVITIES DURING NATIONAL EMERGENCY.—Not later than 90 days after the termination under section 202 of a national emergency declared under section 201(a), the President shall transmit to Congress a final report describing—

''(1) the actions that the President or other officers took to address the emergency; and

''(2) the powers and authorities the President and such officers relied on to take such actions.

''(h) PUBLIC DISCLOSURE.—Each report required by this section shall be transmitted in unclassified form and be made public at the same time the report is transmitted to Congress, although a classified annex may be provided to Congress, if necessary.''.

**SEC. 1076. CONFORMING AMENDMENTS.**

(a) NATIONAL EMERGENCIES ACT.—Title III of the National Emergencies Act (50 U.S.C. 1631) is repealed.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 207 of the International Emergency Economic Powers Act (50 U.S.C. 1706) is amended—

(1) in subsection (b), by striking ''if the national emergency'' and all that follows through ''under this section.'' and inserting the following: ''if—

''(1) the national emergency is terminated pursuant to section 202(a)(2) of the National Emergencies Act; or

''(2) a joint resolution of approval is not enacted as required by section 203 of that Act to approve—

''(A) the national emergency; or

''(B) the exercise of such authorities.''; and

(2) in subsection (c)(1), by striking ''paragraphs (A), (B), and (C) of section 202(a)'' and inserting ''section 202(c)(2)''.

**SEC. 1077. APPLICABILITY.**

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) APPLICATION TO NATIONAL EMERGENCIES PREVIOUSLY DECLARED.—A national emergency declared under section 201 of the National Emergencies Act before the date of the enactment of this Act shall be unaffected by the amendments made by this subtitle, except that such an emergency shall terminate on the date that is not later than one year after such date of enactment unless the emergency is renewed under subsection (e) of such section 201, as amended by section 1072 of this Act.

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**SA 4633.** Mr. CASEY (for Mr. TOOMEY (for himself and Mr. CASEY)) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 II, add the following:

**SEC. 246. BRIEFING ON ADDITIVE MANUFACTURING CAPABILITIES.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Army Combat Capabilities Development Command shall brief the congressional defense committees on—

(1) current research and development activities to leverage robotics, autonomy, and artificial intelligence to enhance additive manufacturing capabilities in forward-deployed, expeditionary bases; and

(2) courses of action being considered to successfully transition additive manufacturing capabilities into sustained operational capabilities.

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

(1) A summary of research advances and innovations in expeditionary manufacturing enabled by past investments combining artificial intelligence and additive manufacturing.

(2) A summary of plans and ongoing activities to engage with operational programs and programs of record to ensure that such advances and innovations can be successfully transitioned and supported to maximize mission readiness and force resiliency.

(3) An assessment of the feasibility of initiating pilot programs between institutions of higher education, the defense industrial base, and the Army Combat Capabilities Development Command related to experimentation and demonstrations of expeditionary manufacturing techniques.

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**SA 4634.** Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. STUDY ON BIOREMEDIATION OF PFAS USING MYCOLOGICAL ORGANIC MATTER.**

(a) STUDY.—Commencing not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the Assistant Secretary of Defense for Energy, Installations, and Environment, the Secretary of Agriculture, acting through the Administrator of the Agricultural Research Service, and the Administrator of the Environmental Protection Agency shall jointly carry out a study on the bioremediation of PFAS using mycological organic matter.

(b) STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.—The Assistant Secretary of Defense for Energy, Installations, and Environment shall carry out the responsibilities of the Secretary of Defense for the study under subsection (a) through the Strategic Environmental Research and Development Program.

(c) REPORT.—Not later than one year after the commencement of the study under subsection (a), the Secretary of Defense, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall jointly submit to the appropriate committees of Congress a report on the study.

(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 Agriculture, Nutrition, and Forestry, and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Armed Services, the Committee on Agriculture, and the Committee on Energy and Commerce of the House of Representatives.

(2) PFAS.—The term ''PFAS'' means perfluoroalkyl substances and polyfluoroalkyl substances.

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**SA 4635.** 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 title VI, add the following:

**SEC. 607. SAFETY STANDARDS FOR CONSUMER PRODUCTS INTENDED FOR INFANT SLEEP SOLD AT COMMISSARY STORES AND MWR RETAIL FACILITIES.**

(a) IN GENERAL.—The Secretary of Defense shall ensure that any consumer product intended for infant sleep and sold at a commissary store or MWR retail facility complies with applicable consumer product safety rules and voluntary consumer product safety standards established by the Consumer Product Safety Commission.

(b) DEFINITIONS.—In this section:

(1) CONSUMER PRODUCT.—The term ''consumer product'' has the meaning given that term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052).

(2) INTENDED FOR INFANT SLEEP.—The term ''intended for infant sleep'', with respect to a consumer product, includes inclined sleepers, crib bumpers, and nests.

(3) MWR RETAIL FACILITY.—The term ''MWR retail facility'' has the meaning given that term in section 1063 of title 10, United States Code.

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**SA 4636.** 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 B of title III, add the following:

**SEC. 318. INCREASE IN RENEWABLE ENERGY GOALS TO MEET FACILITY ENERGY NEEDS OF DEPARTMENT OF DEFENSE.**

Section 2911(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by amending subparagraph (A) to read as follows:

''(A) to produce or procure from renewable energy sources—

''(i) by fiscal year 2025, not less than 50 percent of the total quantity of facility energy it consumes within its facilities; and

''(ii) by fiscal year 2030, not less than 100 percent of the total quantity of facility energy it consumes within its facilities; and'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

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**SA 4637.** 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 X, add the following:

**SEC. 1064. THINK TANK CYBERSECURITY STANDARDS.**

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall develop and promulgate regulations—

(A) requiring covered think tanks and research organizations to develop cybersecurity standards plans and submit them to the Under Secretary of State for Management; and

(B) requiring the Bureau of Diplomatic Security, in coordination with other competent authorities as necessary, to certify whether the plans required pursuant to subparagraph (A) meet minimum cybersecurity standards for the protection of sensitive data and information.

(2) COVERED THINK TANKS AND RESEARCH ORGANIZATIONS.—For purposes of this section, the term ''covered think tanks and research organizations'' means United States think tanks and research organizations that—

(A) receive or plan to apply for funding from the Department of State;

(B) participate or intend to participate in more than three Department-hosted events in a calendar year; or

(C) meet, correspond, or otherwise engage with Department of State personnel more than three times in a calendar year.

(3) SCOPE OF PLAN.—The cybersecurity plan required under paragraph (1) shall include—

(A) a description of the cybersecurity standards, training requirements, and other procedures;

(B) a description of how the organization intends to safeguard sensitive data and report and remediate any breaches or theft to the Department of State and relevant law enforcement; and

(C) a description of any other factors the Department deems necessary to bolstering the cybersecurity of think tanks and research organizations.

(b) REPORT.—Not later than 60 days after the effective date of the regulations promulgated under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees describing—

(1) the progress of the Department of State in implementation of the cybersecurity plan requirement mandated pursuant to subsection (a);

(2) the officials and offices within the Department responsible for implementing the regulations required under subsection (a);

(3) any challenges or obstacles to implementation; and

(4) any recommendations to improve upon the regulations described required under subsection (a) or overcome challenges to implementation.

(c) 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.

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**SA 4638.** Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of 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 and insert the following:

**SEC. 143. MODIFICATION TO PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT AND MINIMUM INVENTORY REQUIREMENT FOR A–10 AIRCRAFT.**

(a) PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT.—Subsection (a) of section 134 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2037) is amended—

(1) by inserting ''or any fiscal year thereafter'' after ''fiscal year 2017''; and

(2) by inserting ''that reduces the total aircraft inventory of A–10 aircraft below 218 A–10 aircraft'' after ''any A–10 aircraft''.

(b) MINIMUM INVENTORY REQUIREMENT.—Subsection (d) of such section is amended by striking ''171'' and inserting ''141''.

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**SA 4639.** 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 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 in order to administer the security assistance being provided to the country;

(14) the United States should continue to support Ukraine's NATO aspirations, including through work towards a Membership Action Plan;

(15) 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

(16) 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 and Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations 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 and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations 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, 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.

**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, 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.

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**SA 4640.** 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 X, add the following:

**SEC. 1064. REQUIREMENT FOR THINK TANKS TO DISCLOSE FOREIGN FUNDING.**

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall develop and promulgate regulations requiring covered think tanks and research organizations to submit an annual disclosure to the Under Secretary of State for Management detailing the sources of funding specified in paragraph (3).

(2) COVERED THINK TANKS AND RESEARCH ORGANIZATIONS.—For purposes of this section, the term ''covered think tanks and research organizations'' means United States think tanks and research organizations that—

(A) receive or plan to apply for funding from the Department of State;

(B) participate or intend to participate in more than three Department-hosted events in a calendar year; or

(C) meet, correspond, or otherwise engage with Department of State personnel more than three times in a calendar year.

(3) COVERED SOURCES OF FUNDING.—

(A) IN GENERAL.—The sources of funding referred to in paragraph (1) are—

(i) governments, political parties, state-owned research or academic institutions, and state-owned enterprises from the countries specified in subparagraph (B);

(ii) Persons from the countries specified in such subparagraph; and

(iii) United States and foreign persons, government, institutions, and companies advocating on behalf of the interests of the countries specified in such subparagraph with regard to energy, infrastructure, telecommunications, information technology, defense, or foreign policy.

(B) SPECIFIED COUNTRIES.—The countries referred to in subparagraph (A) are—

(i) the Russian Federation;

(ii) the People's Republic of China; and

(iii) any other country the Secretary of State determines should be subject to the disclosure requirements of this section.

(b) REPORT.—Not later than 60 days after the effective date of the regulations promulgated under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees describing—

(1) the progress of the Department of State in implementation of the disclosure requirement mandated pursuant to subsection (a);

(2) the officials and offices within the Department responsible for implementing the regulations required under subsection (a);

(3) any challenges or obstacles to implementation; and

(4) any recommendations to improve upon the regulations described required under subsection (a) or overcome challenges to implementation.

(c) 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.

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**SA 4641.** 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 long-standing 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.

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**SA 4642.** 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. LIMITATION ON FUNDING FOR PEACEKEEPING TRAINING EXERCISES WITH THE PEOPLE'S REPUBLIC OF CHINA.**

Section 552 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a) is amended by adding at the end the following new subsection:

''(e) LIMITATION ON FUNDING FOR PEACEKEEPING TRAINING EXERCISES WITH THE PEOPLE'S REPUBLIC OF CHINA.—None of the funds authorized to be appropriated or otherwise made available to carry out this chapter, including for the Global Peace Operations Initiative of the Department of State, may be used to train or support foreign military forces that participate in peacekeeping training exercises hosted by the Government of the People's Republic of China or the People's Liberation Army unless, by not later than October 1 of each year, the Secretary of State certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such training or support is important to the national security interests of the United States.''.

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**SA 4643.** 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:

Beginning on page 566, strike line 10 and all that follows through page 570, line 6, and insert the following:

(2) NATO remains the strongest and most successful political-military alliance in the world, founded on a commitment by its members to uphold the principles of democracy, individual liberty, and the rule of law;

(3) NATO's contributions to collective defense are indispensable to the security, prosperity, and freedom of its members;

(4) the United States reaffirms its ironclad commitment to NATO as the foundation of transatlantic security and to upholding its obligations under the North Atlantic Treaty, including Article 5;

(5) NATO is meant to be an alliance of countries with shared democratic values and the United States reaffirms its commitment to Article 2 of the North Atlantic Treaty, which states the following: ''The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.'';

(6) the commitment of NATO allies during 18 years of security, humanitarian, and stabilization operations in Afghanistan has been invaluable, and the sacrifices of NATO allies deserve the highest order of respect and gratitude;

(7) the United States remains focused on long-term strategic competition with Russia, and a strong NATO alliance plays an essential role in addressing such competition and mitigating shared security concerns;

(8) the United States should—

(A) deepen defense cooperation with non-NATO European partners, bilaterally and as part of the NATO alliance; and

(B) encourage security sector cooperation between NATO and non-NATO defense partners that complements and strengthens collective defense, interoperability, and allies' commitment to Article 3 of the North Atlantic Treaty;

(9) bolstering NATO cooperation and enhancing security relationships with non-NATO European partners to counter Russian aggression, including Russia's use of hybrid warfare tactics and its willingness to use military power to alter the status quo, strengthens the United States security interests for long-term strategic competition;

(10) the European Deterrence Initiative, through investments to increase United States military presence, bolster exercises and training, enhance pre-positioning of equipment, improve infrastructure, and build partner capacity, and investments toward such efforts by NATO allies and other allies and partners, remain critical to ensuring collective defense in the future;

(11) the United States should—

(A) continue to support efforts by NATO allies to replace Soviet-era military systems and equipment with systems that are interoperable among NATO members; and

(B) work with NATO allies and other allies and partners to build permanent mechanisms to strengthen supply chains, enhance supply chain security, and fill supply chain gaps, including in critical sectors such as defense, energy, and health;

(12) the United States and NATO allies should—

(A) continue—

(i) to carry out key initiatives to enhance readiness, military mobility, and national resilience in support of NATO's ongoing COVID–19 pandemic response efforts;

(ii) to collaborate on ways to enhance collective security, with a focus on emerging and revolutionary technologies such as quantum computing, artificial intelligence, fifth generation telecommunications networks, and machine learning; and

(iii) to build on recent progress in achieving defense spending goals agreed to at the 2014 Wales Summit and reaffirmed at the 2016 Warsaw Summit and the 2021 Brussels Summit, and to build consensus to invest in the full range of defense capabilities necessary to deter and defend against potential adversaries; and

(B) expand cooperation efforts on cybersecurity issues to prevent adversaries and criminals from compromising critical systems and infrastructure; and

(13) [the United States should] encourage the development of a new NATO strategic concept that addresses the threats to NATO that have emerged since NATO's last strategic concept was published in 2010, including—

(A) a militarily resurgent Russia Federation, which is engaged in conflicts in Eastern Europe, the Caucasus, and the Middle East;

(B) the expansionist ambitions of the People's Republic of China, which increasingly threaten the economic and political integrity and physical security of NATO members; and

(C) transnational threats from rogue entities, such as extremist terrorist groups and criminal hacker groups.

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**SA 4644.** 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, nongovernmental 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.

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**SA 4645.** Mr. SCHATZ (for himself, Ms. MURKOWSKI, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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—REAUTHORIZATION OF NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2021''.

**SEC. 5002. CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.**

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.—

''(1) IN GENERAL.—In the case of a recipient of grant amounts under this Act that is carrying out a project that qualifies as an affordable housing activity under section 202, if the recipient is using 1 or more additional sources of Federal funds to carry out the project, and the grant amounts received under this Act constitute the largest single source of Federal funds that the recipient reasonably expects to commit to the project at the time of environmental review, the Indian tribe of the recipient may assume, in addition to all of the responsibilities for environmental review, decision making, and action under subsection (a), all of the additional responsibilities for environmental review, decision making, and action under provisions of law that would apply to each Federal agency providing additional funding were the Federal agency to carry out the project as a Federal project.

''(2) DISCHARGE.—The assumption by the Indian tribe of the additional responsibilities for environmental review, decision making, and action under paragraph (1) with respect to a project shall be deemed to discharge the responsibility of the applicable Federal agency for environmental review, decision making, and action with respect to the project.

''(3) CERTIFICATION.—An Indian tribe that assumes the additional responsibilities under paragraph (1), shall certify, in addition to the requirements under subsection (c)—

''(A) the additional responsibilities that the Indian tribe has fully carried out under this subsection; and

''(B) that the certifying officer consents to assume the status of a responsible Federal official under the provisions of law that would apply to each Federal agency providing additional funding under paragraph (1).

''(4) LIABILITY.—

''(A) IN GENERAL.—An Indian tribe that completes an environmental review under this subsection shall assume sole liability for the content and quality of the review.

''(B) REMEDIES AND SANCTIONS.—Except as provided in subparagraph (C), if the Secretary approves a certification and release of funds to an Indian tribe for a project in accordance with subsection (b), but the Secretary or the head of another Federal agency providing funding for the project subsequently learns that the Indian tribe failed to carry out the responsibilities of the Indian tribe as described in subsection (a) or paragraph (1), as applicable, the Secretary or

other head, as applicable, may impose appropriate remedies and sanctions in accordance with—

''(i) the regulations issued pursuant to section 106; or

''(ii) such regulations as are issued by the other head.

''(C) STATUTORY VIOLATION WAIVERS.—If the Secretary waives the requirements under this section in accordance with subsection (d) with respect to a project for which an Indian tribe assumes additional responsibilities under paragraph (1), the waiver shall prohibit any other Federal agency providing additional funding for the project from imposing remedies or sanctions for failure to comply with requirements for environmental review, decision making, and action under provisions of law that would apply to the Federal agency.''.

**SEC. 5003. AUTHORIZATION OF APPROPRIATIONS.**

Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended, in the first sentence, by striking ''2009 through 2013'' and inserting ''2022 through 2029''.

**SEC. 5004. STUDENT HOUSING ASSISTANCE.**

Section 202(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting ''including education-related stipends, college housing assistance, and other education-related assistance for low-income college students,'' after ''self-sufficiency and other services,''.

**SEC. 5005. APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR OPERATED BY INDIAN TRIBE OR TRIBALLY DESIGNATED HOUSING ENTITY.**

Section 203(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)(2)) is amended by inserting ''owned or operated by a recipient and'' after ''residing in a dwelling unit''.

**SEC. 5006. PROGRAM REQUIREMENTS.**

Section 203(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)) (as amended by section 5) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

''(2) APPLICATION OF TRIBAL POLICIES.—Paragraph (3) shall not apply if—

''(A) the recipient has a written policy governing rents and homebuyer payments charged for dwelling units; and

''(B) that policy includes a provision governing maximum rents or homebuyer payments, including tenant protections.''; and

(4) in paragraph (3) (as so redesignated), by striking ''In the case of'' and inserting ''In the absence of a written policy governing rents and homebuyer payments, in the case of''.

**SEC. 5007. DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.**

Section 203(g) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(g)) is amended by striking ''$5,000'' and inserting ''$10,000''.

**SEC. 5008. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.**

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''and'' at the end; and

(B) by adding at the end the following:

''(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current rental family for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and''; and

(2) in subsection (c)—

(A) by striking ''The provisions'' and inserting the following:

''(1) IN GENERAL.—The provisions''; and

(B) by adding at the end the following:

''(2) APPLICABILITY TO IMPROVEMENTS.—The provisions of subsection (a)(2) regarding binding commitments for the remaining useful life of property shall not apply to improvements of privately owned homes if the cost of the improvements do not exceed 10 percent of the maximum total development cost for the home.''.

**SEC. 5009. LEASE REQUIREMENTS AND TENANT SELECTION.**

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137) is amended by adding at the end the following:

''(c) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to projects and programs funded in part by amounts authorized under this Act.''.

**SEC. 5010. INDIAN HEALTH SERVICE.**

(a) IN GENERAL.—Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding at the end the following:

**''SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.**

''Notwithstanding any other provision of law, the Director of the Indian Health Service, or a recipient receiving funding for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities under that project.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104–330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

''Sec. 211. IHS sanitation facilities construction.''.

**SEC. 5011. STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN EMERGENCIES.**

Section 401(a)(4) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)(4)) is amended—

(1) in subparagraph (A), by striking ''may take an action described in paragraph (1)(C)'' and inserting ''may immediately take an action described in paragraph (1)(C)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) PROCEDURAL REQUIREMENTS.—

''(i) IN GENERAL.—If the Secretary takes an action described in subparagraph (A), the Secretary shall provide notice to the recipient at the time that the Secretary takes that action.

''(ii) NOTICE REQUIREMENTS.—The notice under clause (i) shall inform the recipient that the recipient may request a hearing by not later than 30 days after the date on which the Secretary provides the notice.

''(iii) HEARING REQUIREMENTS.—A hearing requested under clause (ii) shall be conducted—

''(I) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations); and

''(II) to the maximum extent practicable, on an expedited basis.

''(iv) FAILURE TO CONDUCT A HEARING.—If a hearing requested under clause (ii) is not completed by the date that is 180 days after the date on which the recipient requests the hearing, the action of the Secretary to limit the availability of payments shall no longer be effective.''.

**SEC. 5012. REPORTS TO CONGRESS.**

Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking ''Congress'' and inserting ''Committee on Indian Affairs and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives''; and

(2) by adding at the end the following:

''(c) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.''.

**SEC. 5013. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.**

Section 702 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in the section heading, by striking ''**50-YEAR**'' and inserting ''**99-YEAR**'';

(2) in subsection (b), by striking ''50 years'' and inserting ''99 years''; and

(3) in subsection (c)(2), by striking ''50 years'' and inserting ''99 years''.

**SEC. 5014. AMENDMENTS FOR BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.**

Section 802(e) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4222(e)) is amended by—

(1) by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director''; and

(2) by adding at the end the following:

''(2) SUBAWARDS.—Notwithstanding any other provision of law, including provisions of State law requiring competitive procurement, the Director may make subawards to subrecipients, except for for-profit entities, using amounts provided under this title to carry out affordable housing activities upon a determination by the Director that such subrecipients have adequate capacity to carry out activities in accordance with this Act.''.

**SEC. 5015. REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP PROVISIONS.**

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking ''such sums as may be necessary'' and all that follows through the period at the end and inserting ''such sums as may be necessary for each of fiscal years 2022 through 2029.''.

**SEC. 5016. TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST.**

Affordable housing (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that is developed, acquired, or assisted under the block grant program established under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) shall not exceed by more than 20 percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

**SEC. 5017. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.**

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

''(i) INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES AS COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.—

''(1) DEFINITION.—In this subsection, the term 'tribally designated housing entity' has

the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(2) QUALIFICATION.—An Indian tribe, a tribally designated housing entity, or a tribal organization shall qualify as a community-based development organization for purposes of carrying out new housing construction under this subsection under a grant made under section 106(a)(1).''.

**SEC. 5018. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING COUNSELING GRANTS.**

Section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' and inserting a comma; and

(B) by inserting before the period at the end the following: '', Indian tribes, and tribally designated housing entities'';

(2) in subparagraph (B), by inserting '', Indian tribes, and tribally designated housing entities'' after ''organizations)'';

(3) by redesignating subparagraph (F) as subparagraph (G); and

(4) by inserting after subparagraph (E) the following:

''(F) DEFINITIONS.—In this paragraph, the terms 'Indian tribe' and 'tribally designated housing entity' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).''.

**SEC. 5019. SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM.**

(a) IN GENERAL.—Section 184(b)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(4)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(2) by striking ''The loan'' and inserting the following:

''(A) IN GENERAL.—The loan'';

(3) in subparagraph (A), as so designated, by adding at the end the following:

''(v) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).''; and

(4) by adding at the end the following:

''(B) DIRECT GUARANTEE PROCESS.—

''(i) AUTHORIZATION.—The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving loans under this section.

''(ii) INDEMNIFICATION.—

''(I) IN GENERAL.—If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this subparagraph was not originated in accordance with the requirements established by the Secretary, the Secretary may require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

''(II) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

''(C) REVIEW OF MORTGAGEES.—

''(i) IN GENERAL.—The Secretary may periodically review the mortgagees originating, underwriting, or servicing single family mortgage loans under this section.

''(ii) REQUIREMENTS.—In conducting a review under clause (i), the Secretary—

''(I) shall compare the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing based on the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;

''(II) may compare the mortgagee with such other mortgagees based on underwriting quality, geographic area served, or any commonly used factors the Secretary determines necessary for comparing mortgage default risk, provided that the comparison is of factors that the Secretary would expect to affect the default risk of mortgage loans guaranteed by the Secretary;

''(iii) shall implement such comparisons by regulation, notice, or mortgagee letter; and

''(I) may terminate the approval of a mortgagee to originate, underwrite, or service loan guarantees for housing under this section if the Secretary determines that the mortgage loans originated, underwritten, or serviced by the mortgagee present an unacceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (i)—

''(aa) based on a comparison of any of the factors set forth in this subparagraph; or

''(bb) by a determination that the mortgagee engaged in fraud or misrepresentation.''.

(b) LOAN GUARANTEES FOR INDIAN HOUSING.—Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is amended—

(1) in subparagraph (B), by inserting after the first sentence the following: ''There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2022 through 2029.''; and

(2) in subparagraph (C), by striking ''2008 through 2012'' and inserting ''2022 through 2029''.

**SEC. 5020. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.**

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

(1) in subsection (c)(4)(B)—

(A) by redesignating clause (iv) as clause (v); and

(B) by inserting after clause (iii) the following:

''(iv) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).''; and

(2) in subsection (j)(5)(B), by inserting after the first sentence the following: ''There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2022 through 2029.''.

**SEC. 5021. DRUG ELIMINATION PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) CONTROLLED SUBSTANCE.—The term ''controlled substance'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) DRUG-RELATED CRIME.—The term ''drug-related crime'' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) RECIPIENT.—The term ''recipient''—

(A) has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103); and

(B) includes a recipient of funds under title VIII of that Act (25 U.S.C. 4221 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(b) ESTABLISHMENT.—The Secretary may make grants under this section to recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-related and violent crime.

(c) ELIGIBLE ACTIVITIES.—Grants under this section may be used for—

(1) the employment of security personnel;

(2) reimbursement of State, local, Tribal, or Bureau of Indian Affairs law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of 1 or more individuals—

(A) to investigate drug-related or violent crime in and around the real property comprising housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs in and around housing communities funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), including drug-abuse prevention, intervention, referral, and treatment programs;

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents;

(8) sports programs and sports activities that serve primarily youths from housing communities funded through and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around those communities; and

(9) other programs for youth in school settings that address drug prevention and positive alternatives for youth, including education and activities related to science, technology, engineering, and math.

(d) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant under this subsection, an eligible applicant shall submit an application to the Secretary, at such time, in such manner, and accompanied by—

(A) a plan for addressing the problem of drug-related or violent crime in and around of the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary may reasonably require.

(2) CRITERIA.—The Secretary shall approve applications submitted under paragraph (1) on the basis of thresholds or criteria such as—

(A) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;

(B) the quality of the plan to address the crime problem in the housing or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(C) the capability of the applicant to carry out the plan; and

(D) the extent to which tenants, the Tribal government, and the Tribal community support and participate in the design and implementation of the activities proposed to be funded under the application.

(e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—In evaluating the extent of the

drug-related crime problem pursuant to subsection (d)(2), the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(b)).

(f) REPORTS.—

(1) GRANTEE REPORTS.—The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in subsection (d)(1)(A), and any change in the incidence of drug-related crime in projects assisted under section.

(2) HUD REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute funding to grantees under this section, which shall include descriptions of—

(A) the methodology used to distribute amounts made available under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under section are not used to fund baseline local government services, as described in subsection (h)(2).

(g) NOTICE OF FUNDING AWARDS.—The Secretary shall publish on the website of the Department a notice of all grant awards made pursuant to section, which shall identify the grantees and the amount of the grants.

(h) MONITORING.—

(1) IN GENERAL.—The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of section.

(2) PROHIBITION OF FUNDING BASELINE SERVICES.—

(A) IN GENERAL.—Amounts provided under this section may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperative agreement pursuant under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or any provision of an annual contributions contract for payments in lieu of taxation with the Bureau of Indian Affairs.

(B) DESCRIPTION.—Each grantee under this section shall describe, in the report under subsection (f)(1), such baseline of services for the unit of Tribal government in which the jurisdiction of the grantee is located.

(3) ENFORCEMENT.—The Secretary shall provide for the effective enforcement of this section, as specified in the program requirements published in a notice by the Secretary, which may include—

(A) the use of on-site monitoring, independent public audit requirements, certification by Tribal or Federal law enforcement or Tribal government officials regarding the performance of baseline services referred to in paragraph (2);

(B) entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section; and

(C) adopting enforcement authority that is substantially similar to the authority provided to the Secretary under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.)

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal years 2022 through 2029 to carry out this section.

**SEC. 5022. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.**

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

''(E) INDIAN VETERANS HOUSING RENTAL ASSISTANCE PROGRAM.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ELIGIBLE INDIAN VETERAN.—The term 'eligible Indian veteran' means an Indian veteran who is—

''(aa) homeless or at risk of homelessness; and

''(bb) living—

''(AA) on or near a reservation; or

''(BB) in or near any other Indian area.

''(II) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

''(III) INDIAN; INDIAN AREA.—The terms 'Indian' and 'Indian area' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(IV) INDIAN VETERAN.—The term 'Indian veteran' means an Indian who is a veteran.

''(V) PROGRAM.—The term 'Program' means the Tribal HUD–VASH program carried out under clause (ii).

''(VI) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(ii) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a rental assistance and supported housing program, to be known as the 'Tribal HUD–VASH program', in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

''(iii) MODEL.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

''(II) EXCEPTIONS.—

''(aa) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(bb) SECRETARY OF VETERANS AFFAIRS.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

''(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

''(I) need;

''(II) administrative capacity; and

''(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

''(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—

''(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

''(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

''(vii) CONSULTATION.—

''(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

''(II) INDIAN HEALTH SERVICE.—The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

''(viii) WAIVER.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

''(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

''(ix) RENEWAL GRANTS.—The Secretary may—

''(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

''(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

''(x) REPORTING.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

''(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

''(bb) submit a report describing the results of the review under item (aa) to—

''(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans' Affairs, and the Committee on Appropriations of the Senate; and

''(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans' Affairs, and the Committee on Appropriations of the House of Representatives.

''(II) ANALYSIS OF HOUSING STOCK LIMITATION.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

''(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

''(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

''(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.''.

**SEC. 5023. LEVERAGING.**

All funds provided under a grant made pursuant to this division or the amendments made by this division may be used for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program, provided that such grants made pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.

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**SA 4646.** Mr. LUJÁN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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, insert the following:

**SEC. 821. USE OF DOMESTICALLY SOURCED COMPONENTS IN DEPARTMENT OF DEFENSE SATELLITES.**

(a) IN GENERAL.—Subchapter II of chapter 385 of title 10, United States Code, is amended by inserting after section 4864 the following new section:

**''§ 4865. Domestic source requirement for certain satellite components**

''(a) IN GENERAL.—The Secretary of Defense may not acquire a covered component for a Department of Defense satellite unless the covered component is manufactured in the United States.

''(b) WAIVER.—The Secretary may waive the prohibition under subsection (a) with respect to the acquisition of a covered component if the Secretary—

''(1) determines that—

''(A) no significant national security concerns regarding counterfeiting, quality, or unauthorized access would be created by waiving the prohibition;

''(B) the acquisition of the covered component is required to support national security; and

''(C) the covered component is not available from a source inside the United States of satisfactory quality, in sufficient quantity, in the required form, and at reasonable cost; and

''(2) submits to the congressional defense committees a report on the determination under paragraph (1).

''(c) APPLICABILITY.—This section applies respect to contracts entered into on or after October 1, 2022.

''(d) DEFINITIONS.—In this section:

''(1) COVERED COMPONENT.—The term 'covered component' means a space-qualified solar cell, cell-interconnect-coverglass (CIC) assembly, solar panel, or solar array.

''(2) DEPARTMENT OF DEFENSE SATELLITE.—The term 'Department of Defense satellite' means a satellite the principal purpose of which is to support the needs of the Department of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 385 of such title is amended by inserting after the item relating to section 4864 the following new item:

''4865. Domestic source requirement for certain satellite components.''.

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

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**SA 4647.** Mr. PETERS (for himself, Mr. PORTMAN, Mr. WARNER, 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, 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, privacy, disclosure, and sharing of information;'';

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

''(vi) in consultation with the National Cyber Director and the Director of the Cybersecurity and Infrastructure Security Agency, security of information; and''; and

(B) in subsection (g), by striking paragraph (1) and inserting the following:

''(1) develop, and in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies; and'';

(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) in paragraph (4), by striking ''diagnose and improve'' and inserting ''integrate, deliver, diagnose, and improve'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6), by striking the period at the end and inserting a semi colon; and

(D) by adding at the end the following:

''(7) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency;

''(8) recognize that each agency does not have the same resources to secure agency systems, and an agency should not be expected to have the capability to secure the systems of the agency from advanced adversaries alone; and

''(9) recognize that a holistic Federal cybersecurity model is necessary to account for differences between the missions and capabilities of agencies.'';

(2) in section 3553—

(A) 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 consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director,'' before ''overseeing'';

(ii) in paragraph (5), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(8) promoting, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency 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 cyber threat intelligence;

''(8) data on agency compliance with standards issued under section 11331 of title 40;

''(9) agency system risk assessments performed under section 3554(a)(1)(A); and

''(10) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant.''; 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 consultation 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 majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, the appropriate authorization and appropriations committees of Congress, the National Cyber Director, and the Comptroller General of the United States a report that—

''(A) summarizes the agency system risk assessment performed under subsection (a)(1)(A);

''(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risks identified in the agency system risk assessment performed under subsection (a)(1)(A), including an analysis of the agency's cybersecurity and incident response capabilities using the metrics established

under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c));

''(C) summarizes the evaluation and implementation plans described in subparagraphs (F) and (G) of subsection (a)(1) and whether those evaluation and implementation plans call for the use of additional cybersecurity procedures determined to be appropriate by the agency; and

''(D) summarizes the status of remedial actions identified by inspector general of the agency, the Comptroller General of the United States, and any other source determined appropriate by the head of the agency.

''(2) UNCLASSIFIED REPORTS.—Each report submitted under paragraph (1)—

''(A) shall be, to the greatest extent practicable, in an unclassified and otherwise uncontrolled form; and

''(B) may include a classified annex.

''(3) ACCESS TO INFORMATION.—The head of an agency shall ensure that, to the greatest extent practicable, information is included in the unclassified form of the report submitted by the agency under paragraph (2)(A).

''(4) BRIEFINGS.—During each year during which a report is not required to be submitted under paragraph (1), the Director shall provide to the congressional committees described in paragraph (1) a briefing summarizing current agency and Federal risk postures.''; and

(iii) in paragraph (5), as so redesignated, by 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) 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''.

(b) 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''.

(c) 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''.

(d) 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), 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 cyber 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 in consultation with the National Cyber Director, shall issue guidance to agencies on sharing relevant information in a consistent, automated, and machine readable manner with the 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 cyber threat intelligence, incident data, and tactics, techniques, procedures, and capabilities of cyber threats; and

(B) that allocates resources based on the risks identified and prioritized under subparagraph (A).

**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) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(3) INFORMATION SYSTEM; RANSOM PAYMENT; RANSOMWARE ATTACK; SECURITY VULNERABILITY.—The terms ''information system'', ''ransom payment'', ''ransomware attack'', and ''security vulnerability'' have the meanings given those terms in section 2200 of the Homeland Security Act of 2002, as added by section 6203 of this division.

### 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 or subcontract at any tier, grant, cooperative agreement, or other transaction agreement, unless that entity 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 section 2232(a) and 2233 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 briefings required under subsection (c);

''(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 National Cyber Director, in consultation with the Director and the Director of the Office of Management and Budget—

''(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, the Department of Justice, and other Federal agencies, shall publish in the Federal Register a notice of proposed rulemaking to implement subsection (a).

''(2) FINAL RULE.—Not later than 18 months after publication of the notice of proposed rulemaking under paragraph (1), the Director shall issue a final rule to implement subsection (a).

''(3) SUBSEQUENT RULEMAKINGS.—

''(A) IN GENERAL.—The Director is authorized to issue regulations to amend or revise the final rule issued pursuant to paragraph (2).

''(B) PROCEDURES.—Any subsequent rules issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, including the issuance of a notice of proposed rulemaking under section 553 of such title.

''(c) ELEMENTS.—The final rule issued pursuant to subsection (b) shall be composed of the following elements:

''(1) A clear description of the types of entities that constitute covered entities, based on—

''(A) the consequences that disruption to or compromise of such an entity could cause to national security, economic security, or public health and safety;

''(B) the likelihood that such an entity may be targeted by a malicious cyber actor, including a foreign country; and

''(C) the extent to which damage, disruption, or unauthorized access to such an entity, including the accessing of sensitive cybersecurity vulnerability information or penetration testing tools or techniques, will likely enable the disruption of the reliable operation of critical infrastructure.

''(2) A clear description of the types of substantial cyber incidents that constitute covered cyber incidents, which shall—

''(A) at a minimum, require the occurrence of—

''(i) 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 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 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 that is a Federal contractor 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.

''(5) AUTHENTICATION.—

''(A) IN GENERAL.—Any subpoena issued electronically pursuant to this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Agency, or other comparable successor technology, that allows the Agency to demonstrate that such subpoena was issued by the Agency and has not been altered or modified since such issuance.

''(B) INVALID IF NOT AUTHENTICATED.—Any subpoena issued electronically pursuant to this subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of such subpoena.

''(d) ACTIONS BY ATTORNEY GENERAL AND FEDERAL REGULATORY AGENCIES.—

''(1) IN GENERAL.—Notwithstanding section 2235(a) and subsection (b)(2) of this section, if the Attorney General or the appropriate Federal regulatory agency 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 Federal regulatory agency 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); or

''(3) referred a matter to the Attorney General for a civil action pursuant to subsection (c)(2).

''(h) PUBLICATION OF THE ANNUAL REPORT.—The Director shall publish a version of the annual report required under subsection (g) on the website of the Agency, which shall include, at a minimum, the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b); or

''(2) issued a subpoena pursuant to subsection (c).

''(i) ANONYMIZATION OF REPORTS.—The Director shall ensure any victim information contained in a report required to be published under subsection (h) be anonymized before the report is published.

**''SEC. 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 or 2233 may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

''(A) a cybersecurity purpose;

''(B) the purpose of identifying—

''(i) a cyber threat, including the source of the cyber threat; or

''(ii) a security vulnerability;

''(C) the purpose of responding to, or otherwise preventing or mitigating, a specific threat of death, a specific threat of serious bodily harm, or a specific threat of serious economic harm, including a terrorist act or use of a weapon of mass destruction;

''(D) the purpose of responding to, investigating, prosecuting, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

''(E) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a cyber incident reported pursuant to section 2232 or 2233 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 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, including any independent establishment (as defined in section 104 of title 5, United States Code), that receives a report from an entity of a cyber incident, including a ransomware attack, shall provide the report to the 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. The Director shall share and coordinate each report pursuant to section 2231(b) of the Homeland Security Act of 2002, as added by section 6103 of this title.

(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, the Attorney General, 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 Attorney General, 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, the Attorney General, 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 paragraph (11), by striking ''and'' at the end;

(2) in the first paragraph (12)—

(A) by striking ''section 2215'' and inserting ''section 2217''; and

(B) by striking ''and'' at the end; and

(3) 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 use or threat of use of unauthorized or malicious code on an information system, or the use or threat of use of another digital mechanism such as a denial of service attack, to interrupt or disrupt the operations of an information system or compromise the confidentiality, availability, or integrity of electronic data stored on, processed by, or transiting an information system to extort a demand for a ransom payment; and

''(B) does not include any such event where the demand for payment is 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 CONTROL.—The term 'security control' means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

''(25) 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.

''(26) SHARING.—The term 'sharing' (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).

''(27) SUPPLY CHAIN COMPROMISE.—The term 'supply chain compromise' means a cyber incident within the supply chain of an information system that an adversary can leverage to jeopardize 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.

''(28) 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.

''(29) 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)—

(i) in subparagraph (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))''; and

(ii) in subparagraph (B)(ii), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(D) in subsection (d), as so redesignated—

(i) in the matter preceding paragraph (1), by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(ii) in paragraph (1)(E)(ii)(II), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(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) in subsection (d)(2), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations''; and

(B) 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.'';

(11) in section 2218(c)(4)(A), as so redesignated, by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations''; 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 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.''.

(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 paragraphs (16) and (17) and inserting the following:

''(16) SECURITY CONTROL.—The term 'security control' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(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(b) (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 (6 U.S.C. 1524)—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 2213'' and inserting ''section 2200'';

(ii) in paragraph (2), by striking ''section 102'' and inserting ''section 2200 of the Homeland Security Act of 2002'';

(iii) in paragraph (4), by striking ''section 2210(b)(1)'' and inserting ''section 2210(a)(1)''; and

(iv) 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(b) of the Homeland Security Act of 2002 (6 U.S.C. 660(b))''.

(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)'' and inserting ''section 2200''; 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 2208 of the Homeland Security Act of 2002 (6 U.S.C. 658)''.

(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) of the Homeland Security Act of 2002 (6 U.S.C. 659(m))'' and inserting ''section 2209(l) of the Homeland Security Act of 2002 (6 U.S.C. 659(l))''.

(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''.

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**SA 4648.** 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. _____. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON SECURE ACCESS DOORS AND SECURE FACILITIES IN GOVERNMENT PROPERTIES.**

(a) STUDY AND REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) complete a study on secure access doors and secure facilities in Government owned and leased properties; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the study completed under paragraph (1).

(b) ELEMENTS.—The study completed under subsection (a)(1) shall cover the following:

(1) Identification of the number of secure-access doors, including those designated as sensitive compartmented information facility rooms, at Federal national security-charged Government agencies with secure locations, including military installations-in both domestic and international locations.

(2) Assessing existing accessibility deficiencies for secure facilities in Government owned and leased properties.

(3) Describing Federal agency efforts to implement secure accessibility compliance to meet the most current Director of National Intelligence technical specifications.

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**SA 4649.** 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 appropriate place, insert the following:

**SEC. _____. TELECOMMUNICATIONS WORKFORCE TRAINING GRANT PROGRAM.**

(a) SHORT TITLE.—This section may be cited as the ''Improving Minority Participation And Careers in Telecommunications Act'' or the ''IMPACT Act''.

(b) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(2) COVERED GRANT.—The term ''covered grant'' means a grant awarded under subsection (c).

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means a historically Black college or university, Tribal College or University, or minority-serving institution, or a consortium of such entities, that forms a partnership with 1 or more of the following entities to carry out a training program:

(A) A member of the telecommunications industry, such as a company or industry association.

(B) A labor or labor-management organization with experience working in the telecommunications industry or a similar industry.

(C) The Telecommunications Industry Registered Apprenticeship Program.

(D) A nonprofit organization dedicated to helping individuals gain employment in the telecommunications industry.

(E) A community or technical college with experience in providing workforce development for individuals seeking employment in the telecommunications industry or a similar industry.

(F) A Federal agency laboratory specializing in telecommunications technology.

(4) FUND.—The term ''Fund'' means the Telecommunications Workforce Training Grant Program Fund established under subsection (d)(1).

(5) GRANT PROGRAM.—The term ''Grant Program'' means the Telecommunications Workforce Training Grant Program established under subsection (c).

(6) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or 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) INDUSTRY FIELD ACTIVITIES.—The term ''industry field activities'' means activities at active telecommunications, cable, and broadband network worksites, such as towers, construction sites, and network management hubs.

(8) INDUSTRY PARTNER.—The term ''industry partner'' means an entity described in subparagraphs (A) through (F) of paragraph (3) with which an eligible entity forms a partnership to carry out a training program.

(9) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(10) TRAINING PROGRAM.—The term ''training program'' means a credit or non-credit program developed by an eligible entity, in partnership with an industry partner, that—

(A) is designed to educate and train students to participate in the telecommunications workforce; and

(B) includes a curriculum and apprenticeship or internship opportunities that can also be paired with—

(i) a degree program; or

(ii) stacked credentialing toward a degree.

(11) TRIBAL COLLEGE OR UNIVERSITY.—The term ''Tribal College or University'' has the meaning given the term in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

(c) PROGRAM.—The Assistant Secretary, acting through the Office of Minority Broadband Initiatives established under section 902(b)(1) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), shall establish a program, to be known as the ''Telecommunications Workforce Training Grant Program'', under which the Assistant Secretary awards grants to eligible entities to develop training programs.

(d) FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Telecommunications Workforce Training Grant Program Fund''.

(2) AVAILABILITY.—Amounts in the Fund shall be available to the Assistant Secretary to carry out the Grant Program.

(e) APPLICATION.—

(1) IN GENERAL.—An eligible entity desiring a covered grant shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(2) CONTENTS.—An eligible entity shall include in an application under paragraph (1)—

(A) a commitment from the industry partner of the eligible entity to collaborate with the eligible entity to develop a training program, including curricula and internships or apprenticeships;

(B) a description of how the eligible entity plans to use the covered grant, including the type of training program the eligible entity plans to develop;

(C) a plan for recruitment of students and potential students to participate in the training program;

(D) a plan to increase female student participation in the training program of the eligible entity; and

(E) a description of potential jobs to be secured through the training program, including jobs in the communities surrounding the eligible entity.

(f) USE OF FUNDS.—An eligible entity may use a covered grant, with respect to the training program of the eligible entity, to—

(1) hire faculty members to teach courses in the training program;

(2) train faculty members to prepare students for employment in jobs related to the deployment of next-generation wired and wireless communications networks, including 5G networks, hybrid fiber-coaxial networks, and fiber infrastructure, particularly in—

(A) broadband and wireless network engineering;

(B) network deployment and maintenance;

(C) industry field activities; and

(D) cybersecurity;

(3) design and develop curricula and other components necessary for degrees, courses, or programs of study, including certificate programs and credentialing programs, that comprise the training program;

(4) pay for costs associated with instruction under the training program, including the costs of equipment, telecommunications training towers, laboratory space, classroom space, and instructional field activities;

(5) fund scholarships, student internships, apprenticeships, and pre-apprenticeship opportunities;

(6) recruit students for the training program; and

(7) support the enrollment in the training program of individuals working in the telecommunications industry in order to advance professionally in the industry.

(g) GRANT AWARDS.—

(1) DEADLINE.—Not later than 2 years after the date on which amounts are appropriated to the Fund pursuant to subsection (m), the Assistant Secretary shall award all covered grants.

(2) MINIMUM ALLOCATION TO CERTAIN ENTITIES.—The Assistant Secretary shall award not less than—

(A) 30 percent of covered grant amounts to historically Black colleges or universities; and

(B) 30 percent of covered grant amounts to Tribal Colleges or Universities.

(3) EVALUATION CRITERIA.—As part of the final rules issued under subsection (h), the Assistant Secretary shall develop criteria for evaluating applications for covered grants.

(4) COORDINATION.—The Assistant Secretary shall ensure that grant amounts awarded under paragraph (2) are coordinated with grant amounts provided under section 902 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(5) CONSTRUCTION.—In awarding covered grants for training or education relating to construction, the Assistant Secretary may prioritize applicants that partner with—

(A) apprenticeship programs;

(B) pre-apprenticeship programs; or

(C) public 2-year community or technical colleges that have a written agreement with 1 or more apprenticeship programs.

(h) RULES.—Not later than 180 days after the date of enactment of this Act, after providing public notice and an opportunity to comment, the Assistant Secretary, in consultation with the Secretary of Labor and the Secretary of Education, shall issue final rules governing the Grant Program.

(i) TERM.—The Assistant Secretary shall establish the term of a covered grant, which may not be less than 5 years.

(j) GRANTEE REPORTS.—During the term of a covered grant received by an eligible entity, the eligible entity shall submit to the Assistant Secretary a semiannual report that, with respect to the preceding 6-month period—

(1) describes how the eligible entity used the covered grant amounts;

(2) describes the progress the eligible entity made in developing and executing the training program of the eligible entity;

(3) describes the number of faculty and students participating in the training program of the eligible entity;

(4) describes the partnership with the industry partner of the eligible entity, including—

(A) the commitments and in-kind contributions made by the industry partner; and

(B) the role of the industry partner in curriculum development, the degree program, and internships and apprenticeships; and

(5) includes data on internship, apprenticeship, and employment opportunities and placements.

(k) OVERSIGHT.—

(1) AUDITS.—The Inspector General of the Department of Commerce shall audit the Grant Program in order to—

(A) ensure that eligible entities use covered grant amounts in accordance with—

(i) the requirements of this section; and

(ii) the overall purpose of the Grant Program, as described in subsection (c); and

(B) prevent waste, fraud, and abuse in the operation of the Grant Program.

(2) REVOCATION OF FUNDS.—The Assistant Secretary shall revoke a grant awarded to an eligible entity that is not in compliance with

the requirements of this section or the overall purpose of the Grant Program, as described in subsection (c).

(l) ANNUAL REPORT TO CONGRESS.—Each year, until all covered grants have expired, the Assistant Secretary shall submit to Congress a report that—

(1) identifies each eligible entity that received a covered grant and the amount of the covered grant;

(2) describes the progress each eligible entity described in paragraph (1) has made toward accomplishing the overall purpose of the Grant Program, as described in subsection (c);

(3) summarizes the job placement status or apprenticeship opportunities of students who have participated in the training program of the eligible entity; and

(4) includes the findings of any audits conducted by the Inspector General of the Department of Commerce under subsection (k)(1) that were not included in the previous report submitted under this subsection.

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Fund a total of $100,000,000 for fiscal years 2022 through 2027, to remain available until expended.

(2) ADMINISTRATION.—The Assistant Secretary may use not more than 2 percent of the amounts appropriated to the Fund for the administration of the Grant Program.

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**SA 4650.** 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.**

Section 4812A of the Atomic Energy Defense Act (50 U.S.C. 2793) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

''(b) PLANT-DIRECTED RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The report required by subsection (a) shall include, with respect to plant-directed research and development, the following:

''(A) A financial accounting of expenditures for such research and development, disaggregated by nuclear weapons production facility.

''(B) A breakdown of the percentage of research and development conducted by each such facility that is plant-directed research and development.

''(C) An explanation of how each such facility plans to increase the availability and utilization of funds for plant-directed research and development.

''(2) PLANT-DIRECTED RESEARCH AND DEVELOPMENT DEFINED.—In this subsection, the term 'plant-directed research and development' means research and development selected by the director of a nuclear weapons production facility.''.

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**SA 4651.** 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. LIMITATION ON USE OF FUNDS FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITY PLANT-DIRECTED RESEARCH AND DEVELOPMENT.**

Section 4811(c) of the Atomic Energy Defense Act (50 U.S.C. 2791(c)) is amended—

(1) by striking ''Of the funds'' and inserting the following:

''(1) NATIONAL SECURITY LABORATORIES.— Of the funds''; and

(2) adding at the end the following:

''(2) NUCLEAR WEAPONS PRODUCTION FACILITIES.—Of the funds provided by the Department of Energy to a nuclear weapons production facility, the Secretary may authorize a specific amount not to exceed 5 percent of such funds, to be used by the director of the facility for plant-directed research and development.''.

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**SA 4652.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3951 submitted by Mrs. BLACKBURN and intended to be proposed to the amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of 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 2, line 1, strike ''controlled'' and insert ''partially owned''.

On page 2, line 18, insert after ''subsection (a)'' the following: '', publish the determination in the Federal Register, and submit that determination to the relevant Federal agencies, including the Department of Commerce and the Federal Communications Commission''.

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**SA 4653.** 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 A of title XXVIII, add the following:

**SEC. 2803. NAVY AND COAST GUARD SHIPYARD INFRASTRUCTURE IMPROVEMENT.**

(a) APPROPRIATION.—

(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated, as an additional amount for ''Defense Infrastructure Fund'', $25,350,000,000, to remain available until expended, to improve, in accordance with subsection (b), the Navy and Coast Guard shipyard infrastructure of the United States.

(2) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated under paragraph (1) shall supplement and not supplant other amounts appropriated or otherwise made available for the purpose described in paragraph (1).

(3) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated by Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)).

(b) USE OF FUNDS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall make the amounts appropriated under subsection (a) directly available to the Secretary of the Navy and the Secretary of Homeland Security for obligation and expenditure in accordance with paragraph (2).

(2) ALLOCATION OF FUNDS.—The amounts appropriated under subsection (a) shall be allocated as follows:

(A) $21,000,000,000 for Navy public shipyard facilities, dock, dry dock, capital equipment improvements, and dredging efforts needed by such shipyards.

(B) $2,000,000,000 for Navy private new construction shipyard facilities, dock, dry dock, capital equipment improvements, and dredging efforts needed by such shipyards.

(C) $2,000,000,000 for Navy private repair shipyard facilities, dock, dry dock, capital equipment improvements, and dredging efforts needed by such shipyards.

(D) $350,000,000, which shall be transferred to the Department of Homeland Security, for Coast Guard Yard facilities, dock, dry dock, capital equipment improvements, and dredging efforts needed by the shipyard.

(3) PROJECTS IN ADDITION TO OTHER CONSTRUCTION PROJECTS.—Construction projects undertaken using amounts appropriated under subsection (a) shall be in addition to and separate from any military construction program authorized by any Act to authorize appropriations for a fiscal year for military activities of the Department of Defense and for military construction.

(c) DEFINITIONS.—In this section:

(1) COAST GUARD YARD.—The term ''Coast Guard Yard'' means the Coast Guard Yard in Baltimore, Maryland.

(2) NAVY PUBLIC SHIPYARD.—The term ''Navy public shipyard'' means the following:

(A) The Norfolk Naval Shipyard, Virginia.

(B) The Pearl Harbor Naval Shipyard, Hawaii.

(C) The Portsmouth Naval Shipyard, Maine.

(D) The Puget Sound Naval Shipyard, Washington.

(3) NAVY PRIVATE NEW CONSTRUCTION SHIPYARD.—The term ''Navy private new construction shipyard''—

(A) means any shipyard in which one or more combatant or support vessels included in the most recent plan submitted under section 231 of title 10, United States Code, are being built or are planned to be built; and

(B) includes vendors and suppliers of the shipyard building or planning to build a combatant or support vessel.

(4) NAVY PRIVATE REPAIR SHIPYARD.—The term ''Navy private repair shipyard''—

(A) means any shipyard that performs or is planned to perform maintenance or modernization work on a combatant or support vessel included in the most recent plan submitted under section 231 of title 10, United States Code; and

(B) includes vendors and suppliers of the shipyard performing or planning to perform maintenance or modernization work on a combatant or support vessel.

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**SA 4654.** 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 TOTAL AUTHORIZED FUNDS.**

The total amount authorized to be appropriated by this Act is hereby reduced by $24,972,120,000.

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**SA 4655.** Mr. CRUZ (for himself, Mr. HAGERTY, Mr. BARRASSO, and Mr. MARSHALL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 ANSARALLAH.**

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall—

(1) designate Ansarallah as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(2) impose, with respect to Ansarallah and any foreign person the President determines is an official, agent, or affiliate of Ansarallah, the sanctions applicable with respect to a foreign person pursuant to 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).

(b) DETERMINATION REQUIRED.—Not later than 30 days after the President makes the designation required by paragraph (1) of subsection (a) and imposes the sanctions required by paragraph (2) of that subsection, the President shall submit to the Committees on Armed Services of the Senate the House of Representatives a determination regarding whether the following foreign persons are officials, agents, or affiliates of Ansarallah:

(1) Abdul Malik al-Houthi.

(2) Abd al-Khaliq Badr al-Din al-Houthi.

(3) Abdullah Yahya al-Hakim.

(c) ANSARALLAH DEFINED.—In this section, the term ''Ansarallah'' means the movement known as Ansarallah, the Houthi movement, or any other alias.

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**SA 4656.** Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4133 submitted by Mr. KAINE and intended to be proposed to the amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of 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 2, between lines 12 and 13, insert the following:

(3) Article II of the United States Constitution empowers the President, as Commander-in-Chief, to direct the use of military force to protect the Nation from an attack or threat of imminent attack and to protect important national interests, and the recent presidential administration held that Article II authorizes ''the President to use force against forces of Iran, a state responsible for conducting and directing attacks against United States forces in the [Middle East] region'' and for actions the purpose of which are ''to end Iran's strategic escalation of attacks on, and threats to United States interests,'' so the 2002 AUMF is not independently required to authorize any such activities.

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**SA 4657.** Mr. WARNOCK (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 end of subtitle E of title VIII, insert the following:

**SEC. 857. REPORT ON EFFECTS OF SEMICONDUCTOR CHIP SHORTAGE ON DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Commerce, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effects of the semiconductor chip shortage on the Department of Defense, including the effects of the shortage on—

(1) current defense acquisition programs; and

(2) the ability of current and future defense acquisition programs—

(A) to use state-of the-art semiconductor capabilities; and

(B) to incorporate state-of-the-art artificial intelligence capabilities.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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**SA 4658.** Mr. WARNOCK (for himself and 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 in title II, insert the following:

**SEC. _____. ADVANCED BATTLE MANAGEMENT SYSTEM RESEARCH AND DEVELOPMENT.**

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

(1) continue development and fielding of the Advanced Battle Management System (ABMS) and ground moving target indication (GMTI) capability; and

(2) increase the ability of the Air Force to develop and sustain air battle managers capable of conducting remote battlefield command and control missions in support of the National Defense Strategy.

(b) RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of the Air Force shall carry out research and development activities relating to Advanced Battle Management System to sustain and enhance ground moving target indication and air battle management capabilities.

(2) ELEMENTS.—Research and development activities carried out under paragraph (1) shall include the following:

(A) Identifying necessary associated aircraft, technological platforms, personnel, functions, and necessary associated units to enable remote command and control by air battle managers.

(B) Identifying regional ecosystems with advantageous supporting base structures and academic institutions that would complement a central location for developing and sustaining that air battle manager capability.

(C) Assessing the feasibility and advisability of establishing an air battle manager center of excellence to be the processing, exploitation, and dissemination hub of development for the Advanced Battle Management System and associated platforms, systems, aircraft, and functions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the Advanced Battle Management System.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A timeline defining the breadth of the Advanced Battle Management System program.

(B) An assessment of the feasibility and advisability of establishing of an air battle manager center of excellence as described in subsection (b)(2)(C).

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**SA 4659.** Mr. HICKENLOOPER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. IDENTIFICATION OF ORGANIC INDUSTRIAL BASE GAPS AND VULNERABILITIES RELATED TO CLIMATE CHANGE AND DEFENSIVE CYBERSECURITY CAPABILITIES.**

Section 2504(a)(3)(B) of title 10, United States Code, is amended—

(1) by redesignating clauses (i), (ii), and (iii) as clauses (ii), (iii), and (iv), respectively; and

(2) by inserting before clause (ii), as redesignated by paragraph (1), the following new clause:

''(i) gaps and vulnerabilities related to—

''(I) current and projected impacts of climate change; and

''(II) defensive cybersecurity capabilities;''.

## FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2021

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Angela Merkle: | | | | | | | | | |
| France | Euro | | 1,009.00 | | | | | | 1,009.00 |
| Germany | Euro | | 541.66 | | | | | | 541.66 |
| Italy | Euro | | 1,666.54 | | | | | | 1,666.54 |
| Delegation Expenses:* | | | | | | | | | |
| France | Euro | | | | | | 1,815.45 | | 1,815.45 |
| Germany | Euro | | | | | | 1,479.84 | | 1,479.84 |
| Italy | Euro | | | | | | 634.10 | | 634.10 |
| Total | | | 3,217.20 | | | | 3,929.39 | | 7,146.59 |

*Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR DEBBIE STABENOW,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Oct. 28, 2021.

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2021

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator John Hoeven: | | | | | | | | | |
| Mexico | MXN | | 339.39 | | | | | | 339.39 |
| Ecuador | Dollar | | 196.34 | | | | | | 196.34 |
| Colombia | Peso | | 293.39 | | | | | | 293.39 |
| Guatemala | Quetzal | | 293.73 | | | | | | 293.73 |
| Anthony Eberhard: | | | | | | | | | |
| Mexico | MXN | | 289.44 | | | | | | 289.44 |
| Ecuador | Dollar | | 171.39 | | | | | | 171.39 |
| Colombia | Peso | | 267.44 | | | | | | 267.44 |
| Guatemala | Quetzal | | 436.75 | | | | | | 436.75 |
| Senator Jerry Moran: | | | | | | | | | |
| Italy | Euro | | 1,666.54 | | | | | | 1,666.54 |
| France | Euro | | 718.00 | | | | | | 718.00 |
| Germany | Euro | | 208.92 | | | | | | 208.92 |
| James Kelly: | | | | | | | | | |
| Italy | Euro | | 1,666.54 | | | | | | 1,666.54 |
| France | Euro | | 718.00 | | | | | | 718.00 |
| Germany | Euro | | 208.92 | | | | | | 208.92 |
| Senator Roy Blunt: | | | | | | | | | |
| Italy | Euro | | 1,666.54 | | | | | | 1,666.54 |
| Germany | Euro | | 208.92 | | | | | | 208.92 |
| Katie Boyd: | | | | | | | | | |
| Italy | Euro | | 1,666.54 | | | | | | 1,666.54 |
| France | Euro | | 717.00 | | | | | | 717.00 |
| Germany | Euro | | 208.92 | | | | | | 208.92 |
| Senator Susan Collins: | | | | | | | | | |
| Italy | Euro | | 1,666.54 | | | | | | 1,666.54 |
| France | Euro | | 942.00 | | | | | | 942.00 |
| Germany | Euro | | 208.92 | | | | | | 208.92 |
| Elizabeth McDonnell: | | | | | | | | | |
| Italy | Euro | | 1,666.54 | | | | | | 1,666.54 |
| France | Euro | | 717.00 | | | | | | 717.00 |
| Germany | Euro | | 208.92 | | | | | | 208.92 |
| Senator Richard Shelby: | | | | | | | | | |
| Romania | Leu | | 691.00 | | | | | | 691.00 |
| Bulgaria | Lev | | 541.33 | | | | | | 541.33 |
| Slovenia | Euro | | 1,036.81 | | | | | | 1,036.81 |
| Croatia | Kuna | | 623.74 | | | | | | 623.74 |
| Bosnia | Mark | | 279.91 | | | | | | 279.91 |
| Shannon Hines: | | | | | | | | | |
| Romania | Leu | | 691.00 | | | | | | 691.00 |
| Bulgaria | Lev | | 541.33 | | | | | | 541.33 |
| Slovenia | Euro | | 1,036.81 | | | | | | 1,036.81 |
| Croatia | Kuna | | 623.74 | | | | | | 623.74 |
| Bosnia | Mark | | 279.90 | | | | | | 279.90 |
| Anne Caldwell: | | | | | | | | | |
| Romania | Leu | | 691.00 | | | | | | 691.00 |
| Bulgaria | Lev | | 541.33 | | | | | | 541.33 |
| Slovenia | Euro | | 1,036.81 | | | | | | 1,036.81 |
| Croatia | Kuna | | 623.74 | | | | | | 623.74 |
| Bosnia | Mark | | 279.80 | | | | | | 279.90 |
| Senator John Kennedy: | | | | | | | | | |
| Romania | Leu | | 691.00 | | | | | | 691.00 |
| Bulgaria | Lev | | 541.33 | | | | | | 541.33 |
| Slovenia | Euro | | 1,036.81 | | | | | | 1,036.81 |
| United States | Dollar | | | | 5,155.95 | | 240.00 | | 5,395.95 |
| Kristin Sapperstein: | | | | | | | | | |
| Romania | Leu | | 691.00 | | | | | | 691.00 |