S7342
CONGRESSIONAL RECORD — SENATE
October 25, 2021

SA 3869. 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, supra; which was ordered to lie on the table.

SA 3870. 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, supra; which was ordered to lie on the table.

SA 3871. Ms. WARREN (for herself, Mr. DAINES, Mr. KING, 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, supra; which was ordered to lie on the table.

SA 3872. 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, supra; which was ordered to lie on the table.

SA 3873. 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, supra; which was ordered to lie on the table.

SA 3874. 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, supra; which was ordered to lie on the table.

SA 3875. 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, supra; which was ordered to lie on the table.

SA 3876. 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, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3868. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1—THRESHOLD FOR REPORTING ADDITIONS TO TOXICS RELEASE INVENTORY.

(a) In General.—Section 7321 of the PFAS Act of 2019 (15 U.S.C. 8921) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) by striking the subsection designation and heading and all that follows through "Subject" in the matter preceding subparagraph (A) of paragraph (1) and inserting the following:

"(b) IMMEDIATE INCLUSION.—Subject;

(C) in subparagraph (B), by striking "paragraph (A)" and inserting "paragraph (1)";

(D) in subparagraph (D), by striking "paragraph (C)" and inserting "paragraph (3)";

(E) in subparagraph (G), by striking "paragraph (F)" and inserting "paragraph (6)";

(F) by redesignating subparagraphs (A) through (G) in paragraphs (1) through (9), respectively, and indenting the paragraphs appropriately; and

(G) in paragraph (5) (as so redesignated)—

(i) by striking "class" and inserting "category";

(ii) by redesigning clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(iii) in subparagraph (B) (as so redesignated), by redesigning subclasses (I) and (II) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(2) in subsection (c)—

(A) by striking paragraph (2);

(B) in paragraph (1), by striking "class" each place it appears and inserting "category";

(C) by striking the subsection designation and heading and all that follows through "Subject" in the matter preceding clause (1) of paragraph (1)(A) and inserting the following:

"(c) INCLUSION FOLLOWING ASSESSMENT.—

(1) DATE OF INCLUSION.—Subject;

(D) by redesignating subparagraph (B) as paragraph (2);

(E) in paragraph (1) (as so designated)—

(i) in the matter preceding clause (1), by striking "subsection (b)(1)" and inserting "subsection (b)";

(ii) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately; and

(iii) in subparagraph (B) (as so redesignated), by redesigning subclasses (I) and (II) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and

(F) in paragraph (2) (as so redesignated), by striking "this paragraph" and inserting "this subsection";

(G) in paragraph (3) (as so redesignated), by striking "class" each place it appears and inserting "category"; and

(C) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by striking "subsection (b)(1)" and inserting "subsection (b)";

(ii) in subparagraph (A), by striking "subsection (b)(1)(F)" and inserting "subsection (b)(6)";

(iii) in subparagraph (A), by striking "paragraph (1), in the matter preceding subparagraph (A), by striking "subsection (b)(1)(C)" and inserting "subsection (b)(5)"; and

(B) by striking "class" each place it appears and inserting "category"; and

(5) by adding at the end the following:

"(g) REPORTING REQUIREMENTS.—

(1) THRESHOLD FOR REPORTING REQUIREMENTS.—

(A) In General.—

(i) THRESHOLD.—Subject to subparagraph (C), the threshold for reporting under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11048)."

(b) CONFORMING AMENDMENTS.—Section 313(c)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)(2)) is amended—

(1) by striking "sections (b)(1), (c)(1)" and inserting "sections (b)(1), (c)(1), or (d)(3)";

(2) by striking "2019" and inserting "2019 (15 U.S.C. 8923)".

SA 3869. 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.
2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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:

Subtitle—Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins

SEC. 1. SHORT TITLE.

This subtitle may be cited as the “Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2021.”

SEC. 2. PRESCRIPTION OF SERVICE CONNECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN PITS AND OTHER TOXINS.

(a) IN GENERAL.—Subchapter II of chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:

§ 1119. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 38, United States Code, is amended by inserting after the item relating to section 1118 the following new item:

“1119. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins.”

(d) CONFORMING AMENDMENT.—Section 1113 of such title is amended by striking “or 1119” each place it appears and inserting “1119, or 1119”.

SEC. 3. AGREEMENT WITH THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE CONCERNING THE EXPOSURE OF HUMANS TO BURN PITS AND OTHER TOXINS.

(a) AGREEMENT.—(1) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the “National Academies”) to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 60 days after the date of the enactment of this Act.

(b) REVIEWS UPON REQUEST.—(1) IN GENERAL.—The National Academies shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between the exposure of humans to covered toxins and each disease suspected to be associated with such exposure.

(2) REVIEWS UPON REQUEST.—Under an agreement between the Secretary and the National Academies under this section, the National Academies shall conduct a review described in paragraph (1) in response to each request made by the Secretary under section 1119(b)(1) of title 38, United States Code, as added by section 2(a).
(c) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—

(1) IN GENERAL.—For each disease reviewed under subsection (b), the National Academies shall—

(i) conduct as comprehensive a review as is practicable of the evidence referred to in subsection (b)(1) of this section, the National Academies shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the National Academies under the agreement;

(ii) any reference in this section, section 4, and section 1119 of title 38, United States Code, as added by section 2(a) of this Act, to the National Academies shall be treated as a reference to the other organization.

(iii) The National Academies may make recommendations it has for additional scientific studies to solve areas of continuing scientific uncertainty relating to the exposure of humans to covered toxins.

(vi) The National Academies shall submit an updated report on the activities of the National Academies under the agreement to the Secretary, the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate, in accordance with section 1119(e) of title 38, United States Code, as added by section 2(a) of this Act.

(vii) The Secretary, the Secretary shall seek to enter into such an agreement with another appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academies.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section, section 4, and section 1119 of title 38, United States Code, as added by section 2(a) of this Act, to the National Academies shall be treated as a reference to the other organization.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs such sums as may be necessary to carry out this section.

4. ACCESS OF THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE TO INFORMATION FROM FEDERAL AGENCIES.

(a) IN GENERAL.—Upon request by the Secretary of a military department at the time the Secretary determines, pursuant to an agreement entered into under paragraph (1), that an agency shall have available any information in the possession of the agency that the National Academies determine useful in conducting a review under section 2(b), the Federal agency shall—

(1) make available, either directly or through an appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academies;

(2) make arrangements for the National Academies to conduct the review; and

(3) make determinations and estimates on the feasibility of making the information available to the National Academies.

(b) FEDERAL AGENCY DEFINED.—In this section, the term "Federal agency" means any agency as that term is defined in section 551 of title 5, United States Code.

5. PRESUMPTION RELATING TO PERSONAL INJURY OF CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 8122 of title 5, United States Code, is amended by adding at the end the following:

"(c)(1) In this subsection, the term 'covered employee' means an employee of the Department of State, the Department of Defense, or an element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) who, on or after August 2, 1990, carried out the job responsibilities of the employee for not fewer than 30 total days in a country or territory while the United States was conducting a contingency operation (as defined in section 101 of title 10) in that country or territory.

(2) Disability or death from a disease described in paragraph (2) of such section suffered by a covered employee is deemed to have resulted from personal injury sustained in the performance of the covered employee's duties only if the covered employee, whether or not the covered employee was engaged in the course of employment when the disability or death occurred.

(3) This section shall be applied by the Secretary of the Treasury for payment under section 3001 of title 31.

2) Except as provided in paragraph (1), no claim for personal injury or death shall not be allowed unless the amount tendered is accepted by the claimant in full satisfaction.

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SA 3870. 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 the military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; and

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

SEC. 530C. AUTHORIZATION OF CLAIMS BY MEMBERS OF THE ARMED FORCES AGAINST THE UNITED STATES THAT ARISE FROM SEX-RELATED OFFENSES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 16 of title 10, United States Code, is amended by inserting after section 2733a the following new section:

"§ 2733b. Claims arising from sex-related offenses.

"(a) IN GENERAL.—Consistent with this section and any rules established by the Secretary of Defense under section 8122 of title 10, United States Code, a claim may be allowed, settled, and paid under section (a) only if—

(1) the claim is filed by the claimant who is the victim of the sex-related offense, or by an authorized representative on behalf of such claimant who is the victim of the sex-related offense, who is otherwise unable to file the claim due to incapacity;

(2) the claimant was a member of an armed force under the jurisdiction of the Secretary of a military department at the time of the sex-related offense;

(3) the claim is presented to the Department in writing within two years after the claim accrues;

(4) the claim is not allowed to be settled and paid under any other provision of law; and

(5) the claim is substantiated as prescribed in regulations prescribed by the Secretary of Defense under section (d).

(b) REQUIREMENT FOR CLAIMS.—A claim may be allowed, settled, and paid under subsection (a) only if—

(1) the claim is filed by the claimant; or by an authorized representative on behalf of such claimant; or by an appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academies;

(2) the claim is substantiated as prescribed in regulations prescribed by the Secretary of Defense under section (d); and

(3) the claim is presented to the Department in writing within two years after the claim accrues.

The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Subsection (c) of section 8122 of such title, as added by subsection (a), shall not apply to a contractor of a Federal department or agency.
than annually until 2026, the Secretary of
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than one year, or both.
be fined not more than $2,000, imprisoned not
any amount in excess of the amount allowed
cess of 20 percent of any claim paid pursuant
interim final rule, by prescribing a final
scribing such interim final rule and consid-
vasion of a claim, including an administrative appeals process, as the Secretary considers appropriate.
A process through which any claimant who files an administrative appeal of a claim will be provided with an opportunity to participate in a live hearing regarding such appeal, which may be attended by the claimant, a person or remotely through elec-
(C) Uniform standards consistent with
filed within three years after it accrues.
2733b(b)(2) of such title, as so added, if it is
 claimed under this section; and
be entitled by reason of such service to any
that clause.
ignate the date of discharge. The date of dis-
ition of the service of the individual so war-
"(3) The United States shall not be liable
"(2) Any attorney who charges, demands,
"(A) by prescribing an interim final rule;
and weighing public comments with respect to such
improvement expeditiously of the provisions of this section, the Secretary may prescribe the regulations under this
"(iii) requirements relating to proof of
duty, breach of duty, and causation resulting in compensable injury or loss, subject to such exclusions as may be established by the Secretary of Defense; and
(iv) calculation of damages, except that
(iii) until such personal injury or death of the claimant was caused by a negligent or wrongfull act or omission of a covered indi-
(ii) whether the personal injury or death of the claimant was caused by a negligent or wrongfull act or omission of a covered indi-
the filing, receipt, investigation, and evalua-
tion of a claim; and
(ii) the negotiation, settlement, and pay-
ment of a claim; and
(iii) such other matters relating to the
executing public comments with respect to such
section.
the negotiation, settlement, and payment of a claim and
involves an administrative appeal of a claim, in-
cluding an administrative appeals process, as the Secretary considers appropriate.
by prescribing a final
which was ordered to lie on the table;
"(v) calculation of damages, except that
any amount in excess of the amount allowed
under paragraph (1), if recovery be had, shall
be fined not more than $2,000, imprisoned not more than one year for each offense, and
the Secretary considers appropriate.
by prescribing an interim final rule; to
serve as a member of the United States Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on De-
cember 31, 1948, a discharge from such serv-
ice under honorable conditions if the Sec-
tary determines that such discharge is in the best interest of the service of the individual so war-
A discharge under clause (i) shall design-
e ignate the date of discharge. The date of dis-
charge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that clause.
(2) An individual who receives a discharge
under paragraph (1)(B) for service as a mem-
ber of the United States Cadet Nurse Corps shall be honored as a veteran but shall not be entitled by reason of such service to any benefit under a law administered by the Sec-
tary of Veterans Affairs, except as provided in paragraph (1)(A).
(3) The Secretary of Defense may design
and produce a service medal or other com-
memorative item, or marker, to honor individuals who receive a discharge under paragraph (1)(B)."
SA 3872. Ms. WARREN submitted an
amendment intended to be proposed to amend
SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropri-
ations for fiscal year 2022 for military activ-
ties of the Department of Defense, for military construction, and for defense activities of the Depart-
ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle B of title VIII, add the following:
SEC. 821. DIVERSITY AND INCLUSION REPORTING REQUIREMENTS FOR COVERED CON-
TRACTORS.
(a) IN GENERAL.—Subchapter V of chapter 42 of title 10, United States Code, is amend-
ed by inserting after section 4212 the follow-
ing new section:
"§ 42893. Diversity and inclusion reporting re-
quirements for covered contractors
"(a) COVERED CONTRACTORS.
(1) In general.—The Secretary of Defense shall require each covered contractor award-
ed a major contract to submit to the Sec-
tary of Defense by the last day of the
full fiscal year that occurs during the period
of performance of any major contract a report on diversity and inclusion.
(b) ELEMENTS.—Each report under para-
gle (1) shall include, for the fiscal year covered by the report—
"(A) a description of each major contract
under the fiscal year covered by the report, including the period of performance, expected total value, and
time value to date of each major contract;
"(B) the total value of payments received under all major contracts of each covered contractor during such fiscal
year;
"(C) the total number of participants in the board of directors of the covered contractor, nominees for the board of directors of the covered contractor, and the senior leaders of the covered contractor, disaggregated by demographic classifications;
"(D) with respect to employees of each cov-
ered contractor—
SA 3871. Ms. WARREN (for herself,
Mr. DAINES, Mr. KING, and Ms. COLLINS)
submitted an amendment intended to be pro-
posed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appro-
priations for fiscal year 2022 for mili-
tary activities of the Department of Defense, for military construction, and for defense activities of the Depart-
ment of Energy, to prescribe military personnel strengths for such fiscal
year, and for other purposes; which was ordered to lie on the table; as follows:
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TRACTORS.
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"§ 42893. Diversity and inclusion reporting re-
quirements for covered contractors
"(a) COVERED CONTRACTORS.
(1) In general.—The Secretary of Defense shall require each covered contractor award-
ed a major contract to submit to the Sec-
tary of Defense by the last day of the
full fiscal year that occurs during the period
of performance of any major contract a report on diversity and inclusion.
(b) ELEMENTS.—Each report under para-
gle (1) shall include, for the fiscal year covered by the report—
"(A) a description of each major contract
under the fiscal year covered by the report, including the period of performance, expected total value, and
time value to date of each major contract;
"(B) the total value of payments received under all major contracts of each covered contractor during such fiscal
year;
"(C) the total number of participants in the board of directors of the covered contractor, nominees for the board of directors of the covered contractor, and the senior leaders of the covered contractor, disaggregated by demographic classifications;
"(D) with respect to employees of each cov-
There may be more than one report under paragraph (1) shall include, for the fiscal year covered by the report—
"(A) a description of each major contract
under the fiscal year covered by the report, including the period of performance, expected total value, and
time value to date of each major contract;
"(B) the total value of payments received under all major contracts of each covered contractor during such fiscal
year;
"(C) the total number of participants in the board of directors of the covered contractor, nominees for the board of directors of the covered contractor, and the senior leaders of the covered contractor, disaggregated by demographic classifications;
“(i) the total number of such employees; and
(ii) the number of such employees (expressed as a numeral and as a percentage of the total number) identified by membership in demographic classification and major occupational group;
(E) the value of first-tier subcontracts under such major contract entered into during such fiscal year;
(F) with respect to employees of each covered subcontractor—
(i) the total number of such employees; and
(ii) the number of such employees (expressed as a numeral and as a percentage of the total number), identified by membership in demographic classification and major occupational group;
(G) whether the board of directors of the covered contractor has, as of the date on which the covered contractor submits a report under this section, adopted any policy, plan, or strategy to promote racial, ethnic, and gender diversity among the members of the board of directors of the covered contractor, nominees for the board of directors of the covered contractor, or the senior leaders of the covered contractor; and
(H) a description of participation by the contractor in diversity programs, to include hours spent, funds expended in support of, and the number of unique relationships established by each such diversity program.

‘‘(b) ANNUAL SUMMARY REPORT.—
‘‘(1) REPORT REQUIRED.—Not later than 60 days after the first day of each fiscal year, the Secretary shall submit to the congressional defense committees a report summarizing the reports submitted pursuant to subsection (a).

‘‘(2) ELEMENTS.—Each report under paragraph (1) shall include—
(A) an index of the reports submitted pursuant to subsection (a);
(B) a compilation of the data described in such subsection, disaggregated as described in such subsection;
(C) an aggregation of the data provided in such reports; and
(D) a narrative that analyzes the information disclosed in such reports and identifies any year-to-year trends in such information.

‘‘(c) DEFINITIONS.—In this section:
(A) COVERED CONTRACTOR.—The term ‘covered contractor’ means a contractor awarded a major contract.
(B) COVERED SUBCONTRACTOR.—The term ‘covered subcontractor’ means a subcontractor performing a subcontract that is one of the 10 highest aggregate value subcontracts under a major contract.
(C) DEMOGRAPHIC CLASSIFICATIONS.—The term ‘demographic classifications’ means classifications by race, gender, veteran status, or ethnicity.
(D) DIVERSITY PROGRAM.—The term ‘diversity program’ means—
(A) a program conducted under section 3090 of this title;
(B) a mentor-protégé relationship established under section 302 of the National Defense Authorization Act for Fiscal Year 1991; or
(C) a program conducted under section 250 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–238; 10 U.S.C. 2192a note); or
(D) any other program designated by the Secretary intended to increase the diversity of the workforce of the defense industrial base.

‘‘(d) MAJOR CONTRACT.—The term ‘major contract’ has the meaning given the term in section 2342 of this title.

‘‘(e) MAJOR OCCUPATIONAL GROUP.—The term ‘major occupational group’ means any of the major occupational groups as defined by the Bureau of Labor Statistics.

‘‘(f) SENIOR LEADER.—The term ‘senior leader’ means—
(A) the president of a covered contractor;
(B) any vice president in charge of a principal business unit, division, or function of a covered contractor;
(C) any other officer of a covered contractor who performs a policy-making function; or
(D) an individual responsible for the direct or indirect management of more than 200 individuals.”.

‘‘(g) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2022, and shall apply with respect to contracts entered into on or after July 1, 2022.

SA 3873. 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 D of title XXVIII, add the following:

SEC. 2825. TREATMENT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS UNDER MILITARY CONSTRUCTION LAWS.

Section 2801 of title 10, United States Code, is amended by adding at the end the following new subsection:

‘‘(e)(1) This chapter does not apply to real property, including facilities, leased to, furnished by, furnished or other contractual mechanism (through a base support agreement or other contractual mechanism) a federally funded research and development center that is sponsored by and supported by the Department of Defense for the performance of research, development, and rapid prototyping.

‘‘(2) On real property leased, conveyed, or made available to a federally funded research and development center from the Department of Defense, such center may use funds for research and development under a base support agreement or other contractual mechanism to construct new infrastructure and facilities, demolish leased facilities, and repair and refurbish leased facilities consistent with the requirements of such agreement or other contractual mechanism.”.

SA 3875. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle E of title III, add the following:

SEC. 376. MODIFICATION OF DEFINITION OF COMMUNITY INFRASTRUCTURE FOR PURPOSES OF MILITARY BASE REUSE STUDIES AND COMMUNITY PLANNING ASSISTANCE.

Clause (i) of section 2301(e)(4)(A) of title 10, United States Code, is amended to read as follows:

‘‘(i) location;
(ii) off of a military installation; or
(iii) on land under the jurisdiction of the Department of Defense under a long-term..."
SA 3876. 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 S. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FOR STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The term ‘State-owned National Guard facility’ means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense."

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2701(a)(1) of such title is amended, in the first sentence, by inserting “and at State-owned National Guard facilities” before the period.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:

"(D) Each State-owned National Guard facility being used for training at the time of actions leading to contamination by hazardous substances or pollutants or contaminants.”.

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Public Law 116–260, on behalf of the Republican Leader of the Senate, appoints the following individual as a member of the Smithsonian American Women’s History Museum Advisory Council: Bridget Bush of Kentucky.

ORDERS FOR TUESDAY, OCTOBER 26, 2021

Mr. SCHUMER. Finally, Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, October 26; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Cobb nomination; further, that if cloture is invoked on the Cobb nomination, the Senate immediately vote on cloture on the Williams and Giles nominations, in the order listed; and that the Senate recess following the cloture vote on the Giles nomination until 2:15 p.m. to allow for the weekly caucus meetings; further, that at 2:30 p.m., the Senate vote on the motions to invoke cloture on the Nachmanoff and Nagala nominations, in the order listed; and that if cloture is invoked on any of the nominations during Tuesday’s session, all postcloture time be considered expired and the confirmation votes be at a time to be determined by the majority leader in consultation with the Republican leader; finally, if any nominations are confirmed during Tuesday’s session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:23 p.m., stands adjourned until Tuesday, October 26, 2021, at 10 a.m. tomorrow.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 25, 2021:

DEPARTMENT OF LABOR

DOUGLAS L. PARKER, OF WEST VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

THE JUDICIARY

MYRNA PEREZ, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.
SA 3901. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3902. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3903. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3904. Mr. WARNOCK (for himself, Mrs. BLACKBURN, and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3905. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3906. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3907. 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 3908. Mr. WARNOCK (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3909. Mr. WARNOCK (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, supra; which was ordered to lie on the table.

SA 3910. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3911. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3912. Mr. SCHUMER (for Ms. ENSN) proposed an amendment to the bill S. 1872, to award a Congressional Gold Medal, collectively, to the United States Army Rangers Veterans of World War II in recognition of their extraordinary service during World War II.

SA 3913. 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.

TEXT OF AMENDMENTS

SA 3877. Mr. PORTMAN (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SEC. 1283. EXTENSION OF AUTHORITY OF AND HIRING AUTHORITY FOR THE GLOBAL ENGAGEMENT CENTER.

(a) Extension.—Section 1287(j) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended by striking “the date that is 8 years after the date of the enactment of this Act” and inserting “December 31, 2027”.

(b) Hiring Authority for Global Engagement Center.—Notwithstanding any other provision of law, the Secretary of State, during the fiscal year beginning on the date of the enactment of this Act and solely to carry out functions of the Global Engagement Center established by such section, may—

(1) appoint employees without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service; and

(2) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates.

SA 3878. Mr. PORTMAN (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1284. EXTENSION OF AUTHORITY OF AND HIRING AUTHORITY FOR THE GLOBAL ENGAGEMENT CENTER.

(a) Extension.—Section 1236(j) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended by striking “the date that is 8 years after the date of the enactment of this Act” and inserting “December 31, 2027”.

(b) Hiring Authority for Global Engagement Center.—Notwithstanding any other provision of law, the Secretary of State, during the five-year period beginning on the date of the enactment of this Act and solely to carry out functions of the Global Engagement Center established by such section, may—

(1) appoint employees without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service; and

(2) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates.

SA 3879. 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 subtitle G of title XII, add the following:

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, as well as the past 5 years of the 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 punished for consumption 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 been detained in 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 tortured 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 possessing, downloading, or viewing any information that permeates the private lives of all citizens of the United States, the people of North Korea have increased their desire for foreign media content, according to a survey of 200 defectors concluding that 84 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 “longstanding 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 “abridgment of the right to freedom of thought, conscience, and religion. . . and the rights to freedom of opinion, expression, and association, both online and offline, which is enforced through total control over organized social life, and arbitrary and unlawful state surveillance that permeates the private lives of all citizens.”

(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
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 communicating 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 best practices.

SEC. 1294. UNITED STATES STRATEGY TO COMBATE 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.

(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 surveillance and censorship by advancing internet freedom tools, technologies, and best practices.

(3) A detailed description of the agencies and other government entities and key officials in the United States that facilitate, assist, or aid North Korea's repressive censorship and surveillance state.

(4) A review of existing public-private partnerships that advance 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 that are in place to provide access to people of North Korea to a diverse range of fact-based information.


(7) A description of Department of State programs and funding levels for programs that promote freedom of expression in North Korea, including monitoring and evaluation efforts.

(8) A description of grants programs of the United States International Broadcasting Agency for Global Media in North Korea that facilitate circumvention tools and broadcasting, including monitoring and evaluation efforts.

(9) An 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. 6104) and expanded authority to transfer unobligated balances from expired accounts of the United States Agency for Global Media would enable the Agency to more quickly respond to crises 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 1297 will operate alongside and augment existing programs from the relevant Federal agencies and programs and funding levels for 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 paragraphs (2) and (3) of subsection (b) in a classified annex.

SEC. 1295. DESIGNATION OF PERSONS WITH RESPECT TO NORTH KOREA'S REPRESSIVE CENSORSHIP AND SURVEILLANCE STATE.

(a) In general.—The President may impose the following sanctions with respect to any foreign person that the President determines knowingly engaged in, facilitated, or was responsible for censorship by the Government of North Korea or the Workers' Party of Korea identified under paragraph (2) or (3) of section 1294(b).

(1) Blocking of property.—The President may exercise all of the powers granted by 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 any foreign person if such property and interests in property are in the United States, come within the United States, or are or were within the possession or control of a United States person.

(2) Ineligibility for visas, admission, or parole.—(A) Visas, admission, or parole. In the case of an alien, the President may—
(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. If the President finds that an alien in the United States is currently inadmissible or otherwise ineligible to receive a visa or other entry documentation to enter the United States, and that the alien is inadmissible or otherwise ineligible to receive a visa or other entry documentation, the President may order that the alien's current visa be revoked.

(c) National security waiver. —The President may make any such waiver in case of an alien, the alien may be—
(i) inadmissible to the United States;
(ii) ineligible to receive a visa or other documentation to enter the United States; and
(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(d) Exception relating to importation of goods.—(A) In general.—The authority or a requirement to impose the 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 manufactured substance, material, supply, manufactured product, including inspection and test equipment, and excluding technical data.

(e) Definitions.—In this section—
(1) Admission; admitted; alien;—The terms “admission,” “admitted,” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) Appropriate congressional committees.—The term “appropriate congressional committees” means—
(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and
(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Foreign person.—The term “foreign person” means any person 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;
(B) an entity organized under the laws of the United States or any jurisdiction within the United States; or
(C) any person in the United States.

SEC. 1296. 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 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.
SEC. 1297. PROTECTION 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 $15,000,000 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 bolster existing programming from the United States Agency for Global Media by
restoring the broadcasting capacity of damaged antennas caused by Typhoon Muifa in 2018.
(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), by striking “this paragraph” and inserting “the
information described in subsection (a) is used by Continuums of Care under section
5304 or 5305 of title 38.”;
(2) in clause (i), by inserting after “in receipt of such pay (or would be in receipt
of such pay)” the following: “due to the application of section 5304 or 5305 of title 38.”;
(3) in the matter following clause (i), by striking “(ii)” and inserting “(ii)”;
(4) in subsection (b) (B) of section 104(a)(7)(B), by striking “Broadcasting Board of
Governors” and inserting “Chief Executive Officer of the United States Agency for Global
Media”; and
(5) in subsection (b) (C), by inserting after “in receipt of such pay” the
following: “due to the application of section 5304 or 5305 of title 38.”;
(c) Effective Date.—The amendments made by this section shall take effect January
1, 2022.
SEC. 3881. Mr. PORTMAN (for himself and Ms. WARREN) submitted an amendment
intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be
proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military
activities of the Department of Defense, for military construction, and for defense activities of the
Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle A of title VII, add the following:
SEC. 704. TRICARE FOR MEMBERS OF THE RETIRED RESERVE.
(a) Adjustment of Eligibility.—Paragraph (2) of section 1074(b) of title 10, United States Code, is amended to read as follows:
“(2) In this paragraph (1) does not apply to a member or former member eligible for re-
tired pay for non-regular service under chap-
ter 1223 of this title who is under 60 years of age unless such member or former member is
in receipt of such pay (or would be in receipt of such pay but for section 5304 or 5305 of title 38) .”
(b) Tricare Retired Reserve.—Section 1076e(a) of title 10, United States Code, is amended—
(1) in paragraph (1), by striking “who is qualified for a non-retired retirement at age 60
under chapter 1223 of this title, but is not age 60,” and inserting “described in paragraph
(3)(B)”; and
(2) by adding at the end the following new paragraph:
“(3) A member of the Retired Reserve of a reserve component forces as described in
this paragraph if the member—
(A) is qualified for a non-retired retirement at age 60 under chapter 1223 of this title;
(B) is not age 60; and
(C) is not in receipt of retired pay under such chapter, unless the member is not in re-
ceipt of such retired pay (due to the application of section 5304 or 5305 of title 38).”;
(c) Effective Date.—The amendments made by this section shall take effect January
1, 2022.
SEC. 3882. Mr. PORTMAN (for himself and Ms. WARREN) submitted an amendment
intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be
proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military
activities of the Department of Defense, for military construction, and for defense activities of the
Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of title VI, add the following:
SEC. 1297. 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 $15,000,000 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 bolster existing programming from the United States Agency for Global Media by
restoring the broadcasting capacity of damaged antennas caused by Typhoon Muifa in 2018.
(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), by striking “this paragraph” and inserting “the
information described in subsection (a) is used by Continuums of Care under section
5304 or 5305 of title 38.”;
(2) in clause (i), by inserting after “in receipt of such pay (or would be in receipt
of such pay)” the following: “due to the application of section 5304 or 5305 of title 38.”;
(3) in the matter following clause (i), by striking “(ii)” and inserting “(ii)”;
(4) in subsection (b) (B) of section 104(a)(7)(B), by striking “Broadcasting Board of
Governors” and inserting “Chief Executive Officer of the United States Agency for Global
Media”; and
(5) in subsection (b) (C), by inserting after “in receipt of such pay” the
following: “due to the application of section 5304 or 5305 of title 38.”;
(c) Effective Date.—The amendments made by this section shall take effect January
1, 2022.
SEC. 607. FORGIVENESS OR OFFSET OF OVERPAYMENT OF RETIRED PAY PAID TO A JOINT ACCOUNT FOR A PERIOD AFTERTHE DEATH OF THE RETIRED MEMBER OF THE ARMED FORCES.

(a) WHEN PAYMENT DEPOSITED TO JOINT ACCOUNT.—Title 10, United States Code, is amended by adding at the end the following new subsection:

"(p) Forgiveness of overpayment.—Section 2771 of title 10, United States Code, may be applied by the Secretary of Defense to forgive an overpayment of retired pay to a joint account during the three-year period immediately preceding the date on which the amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 612. REPORT ON INCIDENTS OF ARBITRARY DETENTION, VIOLENCE, AND STATE-SANCTIONED HARASSMENT OF A UNITED STATES CITIZEN.

(a) IN GENERAL.—Not later than 180 days after receiving a credible allegation of the commission of a covered offense, including from a nongovernmental organization that monitors violations of human rights, the Attorney General, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on such allegation, including a determination as to whether the Attorney General will review or consider reviewing such allegation for potential criminal investigation, and a description of any challenges to prosecution.

(b) DEFINITION:

(1) APPROPRIATE COMMITTEE OF CONGRESS.—The term "appropriate committees of Congress" means—

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

(B) the Committee on the Judiciary, the Committee on Armed Services, and the Committee on Foreign Relations of the House of Representatives.

(2) COVERED OFFENSE.—The term "covered offense" means an offense under section 1715 of title 38, United States Code, committed in Libya by or at the order of personnel strengths for any fiscal year to the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SA 3886. Mr. DURBIN (for himself, Mr. GRASSLEY, 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:

SA 3887. Mr. DURBIN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1264. REPORT ON ALLEGATIONS OF WAR CRIMES AND TORTURE COMMITTED BY UNITED STATES CITIZENS IN LIBYA.

(a) IN GENERAL.—Not later than 180 days after receiving a credible allegation of the commission of a covered offense, including from a nongovernmental organization that monitors violations of human rights, the Attorney General, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on such allegation, including a determination as to whether the Attorney General will review or consider reviewing such allegation for potential criminal investigation, and a description of any challenges to prosecution.

(b) DEFINITION:

(1) APPROPRIATE COMMITTEE OF CONGRESS.—The term "appropriate committees of Congress" means—

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

(B) the Committee on the Judiciary, the Committee on Armed Services, and the Committee on Foreign Relations of the House of Representatives.

(2) COVERED OFFENSE.—The term "covered offense" means an offense under section 1715 of title 38, United States Code, committed in Libya by or at the order of personnel strengths for any fiscal year to the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1064. PROHIBITION ON SMOKING IN FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) PROHIBITION.—Section 1715 of title 38, United States Code, is amended to read as follows:

"1715. Prohibition on smoking in facilities of the Veterans Health Administration.

(a) PROHIBITION.—No person (including any veteran, patient, resident, employee of the Department, contractor, or visitor) may smoke on the premises of any facility of the Veterans Health Administration.

(b) DEFINITIONS.—In this section:

(1) The term ‘facility of the Veterans Health Administration’ means any land or
building (including any medical center, nursing home, domiciliary facility, outpatient clinic, or center that provides readjustment counseling) that is—

(1) pursuant to the jurisdiction of the Department of Veterans Affairs;

(2) under the control of the Veterans Health Administration; and

(3) not under the control of the General Services Administration.

(2) The term ‘smoke’ includes—

(A) the use of cigarettes, cigars, pipes, and other combustion or heating of tobacco; and

(B) the use of any electronic nicotine delivery system, including electronic or e-cigarette devices, and e-cigarettes;”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 17 of such title is amended by striking the item relating to section 1715 and inserting the following new item:

“1715. Prohibition on smoking in facilities of the Veterans Health Administration.”

(b) CONFORMING AMENDMENT.—Section 526 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1715 note) is repealed.

SA 3888. Mr. DURBIN (for himself, Mr. LEAHY, and Mr. OSSTOFF) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1236. TERMINATION OF AUTHORIZATIONS FOR THE USE OF MILITARY FORCE AND DECLARATIONS OF WAR.

(a) FUTURE AUTHORIZATIONS FOR THE USE OF MILITARY FORCE AND DECLARATIONS OF WAR.—Any authorization for the use of military force or declaration of war enacted into law after the date of enactment of this Act shall terminate on the date that is 10 years after the date of enactment of such authorization or declaration.

(b) EXISTING AUTHORIZATIONS FOR THE USE OF MILITARY FORCE AND DECLARATIONS OF WAR.—Any authorization for the use of military force or declaration of war enacted before the date of the enactment of this Act shall terminate on the date that is 6 months after the date of such enactment.

SA 3889. Mr. DURBIN (for himself, Mr. GRASSLEY, 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:

Strike section 1236 and insert the following:

SEC. 1236. SENSE OF SENATE ON PROVISION OF SECURITY ASSISTANCE TO BALTI C COUNTRIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Baltic countries are particularly vulnerable to continued aggression from the Russian Federation as a result of increased air provocations, military build up in the Baltic region, disinformation campaigns, cyberattacks, and other forms of intimidation.

(2) Since fiscal year 2018, the United States has allocated over $498,965,000 in Department of Defense partner capacity funding for the Baltic countries, including over $90,000,000 for the Baltic Security Initiative pursuant to sections 332 and 333 of title 10, United States Code, for security assistance to Baltic countries with respect to—

(A) air defense;

(B) maritime situational awareness;

(C) ammunition;

(D) command, control, communications, computers, intelligence, surveillance, and reconnaissance;

(E) anti-tank capability;

(F) special forces; and

(G) other defense capabilities.

(3) The Secretary of Defense has completed the comprehensive Baltic defense assessment required by section 1246 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1661) and has recommended continued robust, comprehensive investments in Baltic security efforts based on that assessment.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the security of the Baltic region is crucial to the security of the North Atlantic Treaty Organization alliance and the continued provision of security assistance to the Baltic countries is essential to ensuring deterrence against Russian aggression and bolstering the security of North Atlantic Treaty Organization allies; and

(2) the Senate strongly supports robust assistance to accomplish United States strategic objectives, including by providing assistance to the Baltic countries through the Baltic Security Initiative.

SA 3890. Mr. RUBIO (for himself, Mr. WARNER, Mr. BENNET, Mr. BLUNT, Mr. BURDEN, Mr. COTTON, Mrs. FEINSTEIN, Mrs. GILLBRAND, Mr. HENRICH, Mr. KING, Mr. RISCH, Mr. SASSE, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1238. LOCALITY PAY EQUITY.

(a) LIMITING THE NUMBER OF LOCAL WAGE AREA DEFINED WITHIN A GENERAL SCHEDULE PAY LOCALITY.—

(1) LOCAL WAGE AREA LIMITATION.—Section 5349(a) of title 5, United States Code, is amended—

(A) in paragraph (1)(B)(i), by striking “(but such) and all that follows through “are employed”; and

(B) in paragraph (4), by striking “and” after the semicolon;

(C) in paragraph (5), by striking the period after “Islands” and inserting “; and”;

(D) by adding at the end the following:

“(6) The Office of Personnel Management shall define not more than 1 local wage area within a pay locality, except that this paragraph shall not apply to the pay locality designated as ‘Rest of United States’.”;

(2) GENERAL SCHEDULE PAY LOCALITY DEFINED.—Section 5349(a) of title 5, United States Code, is amended—

(A) in paragraph (2)(C), by striking “and” after the semicolon;

(B) in paragraph (3), by striking the period after “employees” and inserting “; and”;

(C) by adding at the end the following:

“(4) ‘pay locality’ has the meaning given that term under section 5302.”;

(b) EXCLUSION FOR QUALIFIED MOVING EXPENSES.—Section 5322(c)(2) of the Internal Revenue Code of 1986 is amended by inserting “or an employee or new appointee of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) (other than a member of the Armed Forces of the United States) who is serving as a prevailing rate individual who is serving as a prevailing rate employee (as defined under section 5349(a)(2) of title 5, United States Code).”;

(c) APPLICABILITY.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SA 3891. Mr. CASEY (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1239. EXPANSION OF TREATMENT OF MOVING EXPENSES.

(a) PURPOSE.—The purpose of this section is to facilitate the movement of members of the intelligence community to meet mission critical needs and to reduce unintended tax burdens imposed on public servants in relocating duty stations.

(b) DEDUCTION.—Section 217(k) of the Internal Revenue Code of 1986 is amended by inserting “or an employee or new appointee of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) (other than a member of the Armed Forces of the United States) who is serving as a prevailing rate employee (as defined under section 5349(a)(2) of title 5, United States Code).”;

(c) APPLICABILITY.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SA 3892. Mrs. GILLIBRAND submitted an amendment intended to be
proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 356. STANDARDS FOR RESPONSE ACTIONS WITH RESPECT TO CONTAMINATION FROM PFAS.

(a) In General.—In conducting response actions to address PFAS contamination from activities of the Department of Defense or National Guard, the Secretary of Defense shall conduct such actions to achieve a level of PFAS in the environmental media that meets or exceeds the most stringent of the following standards for PFAS in any environmental media:

(1) The applicable State standard, in effect in that State, as described in clause (ii) of section 121(d)(2)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)).

(2) The applicable Federal standard as described in clause (i) of such section.

(b) Definition.—In this section:

(1) PFAS.—The term ‘‘PFAS’’ means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

(c) Response action.—The term ‘‘response action’’ means an action taken pursuant to section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604) to address contamination from PFAS.

(d) Savings clause.—Except with respect to the specific level required to be met under subsection (a), nothing in this section affects the application of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603 et seq.).

SA 3893. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 704. EXPANSION OF ELIGIBILITY FOR HEARING AIDS TO INCLUDE CHILDREN OF CERTAIN RETIRED MEMBERS OF THE UNIFORMED SERVICES.

Paragraph (16) of section 1077(a) of title 10, United States Code, is amended to read as follows:

‘‘(B) A dependent under subparagraph (D) or (I) of section 1072(2) of this title of a former member of the uniformed services who is entitled to retired or retainer pay, or equivalent pay.’’

SA 3894. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 704. EXPANSION OF ELIGIBILITY FOR HEARING AIDS TO INCLUDE CHILDREN OF CERTAIN RETIRED MEMBERS OF THE UNIFORMED SERVICES.

Paragraph (16) of section 1077(a) of title 10, United States Code, is amended to read as follows:

‘‘(B) Except as provided by subsection (g), a hearing aid, but only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries, and only for the following:

(A) A dependent of a member of the uniformed services on active duty.

(B) A dependent under subparagraph (D) or (I) of section 1072(2) of this title of a former member of the uniformed services who is entitled to retired or retainer pay, or equivalent pay.’’

SA 3895. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. GRANT PROGRAM FOR INCREASED COOPERATION ON POST-TRAUMATIC STRESS DISORDER RESEARCH BETWEEN UNITED STATES AND ISRAEL.

(a) FINDINGS AND SENSE OF CONGRESS.—

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

(A) The Department of Veterans Affairs reports that between 11 and 20 percent of veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom have post-traumatic stress disorder (in this paragraph referred to as ‘‘PTSD’’) in a given year.

(B) The Department of Veterans Affairs reports that among women veterans of the conflicts in Iraq and Afghanistan, almost 20 percent have PTSD.

(C) It is thought that 70 percent of individuals in the United States have experienced at least one traumatic event in their lifetime, and approximately 20 percent of those individuals have struggled or continue to struggle with symptoms of PTSD.

(D) Studies show that PTSD has links to homelessness and substance abuse in the United States. The Department of Veterans Affairs estimates that approximately 11 percent of the homeless population has PTSD. The National Center for Traumatic Stress and the Substance Abuse and Mental Health Services Administration estimates that about seven percent of veterans have a substance abuse disorder.

(E) Our ally Israel, under constant attack from terrorist groups, experiences similar issues with Israeli veterans facing symptoms of PTSD. The National Center for Traumatic Stress and Resilience at Tel Aviv University found that five to eight percent of combat soldiers experience some form of PTSD, and during wartime, that figure rises to 15 to 20 percent.

(F) Current treatment options in the United States focus on cognitive therapy, exposure therapy, or eye movement desensitization and reprocessing, but the United States must continue to look for more effective treatments. Several leading hospitals, academic institutions, and nonprofit organizations in Israel dedicate research and services to treating PTSD.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, acting through the Psychological Health and Traumatic Brain Injury Research Program, should seek to explore collaborative opportunities between academic institutions and nonprofit research entities in the United States and institutions in Israel with expertise in researching, diagnosing, and treating post-traumatic stress disorder.

(b) GRANT PROGRAM.—

(1) In general.—The Secretary of Defense shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(2) Grants.—The Secretary of Defense shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(c) Intentions.—The Secretary of Defense shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(d) Grants.—The Secretary of Defense shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(e) Authority.—The Secretary may establish:

(1) GRANT RECIPIENT.—The Secretary shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(f) Grants.—The Secretary shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(g) Authority.—The Secretary shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(h) Authority.—The Secretary shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(i) Authority.—The Secretary shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.
SA 3896. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for activities in Iraq and Afghanistan, al most 20 percent have been diagnosed with PTSD.

(B) The Department of Veterans Affairs reports that among women veterans of the conflicts in Iraq and Afghanistan, at least 12 percent of Gulf War veterans and up to 30 percent of Vietnam veterans.

(C) It is thought that 70 percent of individ uals in the United States have experienced at least one traumatic event in their lifetime, and approximately 20 percent of those individuals have struggled or continue to struggle with symptoms of PTSD.

(D) The Department of Veterans Affairs has links to homelessness and substance abuse in the United States. The Department of Veterans Affairs estimates that approximately 11 percent of homeless population are veterans and the Substance Abuse and Mental Health Services Administration estimates that about seven percent of veterans have a substance abuse disorder.

(E) Our ally Israel, under constant attack from terrorist groups, experiences similar issues with Israeli veterans facing symptoms of PTSD.

SEC. 744. GRANT PROGRAM FOR INCREASED CO-OPERATION ON POST-TRAUMATIC STRESS DISORDER RESEARCH BETWEEN UNITED STATES AND ISRAEL.

(a) FINDINGS AND SENSE OF CONGRESS.—(1) FINDINGS.—Congress makes the following findings:

(A) The Department of Veterans Affairs reports that between 11 and 20 percent of veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom have post-traumatic stress disorder (in this paragraph referred to as “PTSD”) in a given year. In addition, that figure amounts to about 12 percent of Gulf War veterans and up to 30 percent of Vietnam veterans.

(B) The Department of Veterans Affairs reports that among women veterans of the conflicts in Iraq and Afghanistan, at least 12 percent of Gulf War veterans and up to 30 percent of Vietnam veterans.

(C) It is thought that 70 percent of individuals in the United States have experienced at least one traumatic event in their lifetime, and approximately 20 percent of those individuals have struggled or continue to struggle with symptoms of PTSD.

(D) The Department of Veterans Affairs has links to homelessness and substance abuse in the United States. The Department of Veterans Affairs estimates that approximately 11 percent of homeless population are veterans and the Substance Abuse and Mental Health Services Administration estimates that about seven percent of veterans have a substance abuse disorder.

(E) Our ally Israel, under constant attack from terrorist groups, experiences similar issues with Israeli veterans facing symptoms of PTSD.

 SEC. 745. REPORTS.—(A) The Secretary of Defense shall carry out the research program that will—

(1) carry out a research project that—

(b) Grant Program.—(1) IN GENERAL.—The Secretary of Defense shall carry out the research program under this section in the United States-United States-Israel binational scientific foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an academic institution or a non-profit entity located in the United States.

(c) Award.—The Secretary shall award grants under this section to eligible entities that—

(1) carry out a research project that—

(a) FINDINGS AND SENSE OF CONGRESS.—

(b) APPLICABILITY.—To be eligible to receive a grant under this section, an eligible entity that—

(1) carry out a research project that—

SEC. 5. DEFENSE SUPPLY CHAIN RISK ASSESSMENT AND MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a framework, which may be included as part of a framework developed under section 2509 of title 10, United States Code, and pursuant to recommendations provided for in Executive Order 13698 (86 Fed. Reg. 11849, relating to America’s supply chains), to consolidate the information relating to risks to the defense supply chain that is collected by the elements of the Department of Defense to—

(1) enable Department-wide risk assessment and mitigation of the defense supply chain risk; and

(2) support the development of strategies to mitigate risks to the defense supply chain.

(b) FRAMEWORK REQUIREMENTS.—The framework established under subsection (a) shall—

(1) provide for the collection, management, and storage of data from the supply chain risk management processes of the Department of Defense;

(2) provide for the collection of reports on supply chain risk management from the military departments and Defense Agencies, and the dissemination of such reports to the components of the military departments and Defense Agencies involved in the management of supply chain risk;

(3) enable all elements of the Department to analyze the information collected by such framework to identify risks to the defense supply chain; and

(4) enable the Department to—

(A) assess the capabilities of foreign adversaries, as defined in section 802(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)) to affect the defense supply chain;

(B) analyze the ability of the industrial base of the United States to meet the needs of the defense supply chain;

(C) track global technology trends that could affect the defense supply chain, as determined by the Secretary of Defense; and

(D) assess the risks posed by emerging threats to the defense supply chain.

(b) Use of Covered Application Described in Subsection (c).—The covered application described in subsection (c) is available to the Secretary of Defense on the internet at www.defense.gov and is accessible to all elements of the Department of Defense.

(c) Enforcement of Identity Assurance and Secure Storage of Data.—The covered application described in subsection (c) is accessible to all elements of the Department of Defense.

(d) Provide for—

(1) a map of the supply chains for major end items that supports analysis, monitoring, and reporting with respect to high-risk subcontractors and risks to such supply chain; and

(2) the use of a covered application described in subsection (c) in the creation of such map to assess risks to the supply chain for major end items by business sector, vendor, program, part, or technology.

(e) Centralized Tracking of Technology Risk.—The covered application described in subsection (c) includes the following elements:

(1) A centralized database that consolidates multiple disparate data sources into a single repository to ensure the consistent availability of data.

(2) Scalable technology to support multiple users, access controls for security, and functionality designed for information-sharing and collaboration.
(d) GUIDANCE.—Not later than 180 days after the framework required under subsection (a) is established, and regularly thereafter, the Secretary of Defense shall issue guidance, including mitigating risks to the defense supply chain.

(e) REPORTS.—

(1) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of establishing the framework required under subsection (a).

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the framework established under subsection (a) and the organizational structure to manage and oversee the framework.

(f) DEFINITIONS.—In this section:

(1) COVERED APPLICATION.—The term ‘‘covered application’’ means a software-as-a-service application that utilizes decision science, commercial data, and machine learning techniques.

(2) DEFENSE AGENCY; MILITARY DEPARTMENT.—Terms ‘‘Defense Agency’’ and ‘‘military department’’ have the meanings given such terms in section 101 of title 10, United States Code.

(3) HIGH-RISK SUBCONTRACTORS.—The term ‘‘high-risk subcontractor’’ means a subcontractor at any tier that supplies major end items for the Department of Defense.

(4) ITEM.—The term ‘‘major end item’’ means an item subject to a unique item-level traceability requirement at any time in the life cycle of such item under Department of Defense Instruction 8520.04, titled ‘‘Item Unique Identification (IUID) Standards for Tangible Personal Property’’ and dated September 3, 2015, or any successor instruction.

SA 3898. 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 provide 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. 1291. REPORT ON ALL COMPREHENSIVE SANCTIONS IMPOSED ON FOREIGN GOVERNMENTS.

(a) In General.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary of State, the Secretary of the Treasury, and the head of any other relevant Federal department or agency that the Comptroller General determines necessary, shall submit to the appropriate congressional committees a report on all comprehensive sanctions imposed, under any provision of law, on—

(1) de jure or de facto governments of foreign countries; and

(2) non-state actors that exercise significant de facto governmental control over a foreign civilian population.

(b) Summary Report Required.—The report required by subsection (a) shall include—

(1) an assessment of the effect of sanctions imposed on each government described in paragraph (1); and

(2) a description of sanctions imposed on each non-state actor described in paragraph (2).

SEC. 1264. REPORT ON ALL COMPREHENSIVE STANDARDS FOR TANGIBLE PERSONAL PROPERTY'' ITEM UNIQUE IDENTIFICATION (IUID) REQUIREMENTS.

(a) COVERED APPLICATION.—The term ‘‘covered application’’ means a software-as-a-service application that utilizes decision science, commercial data, and machine learning techniques.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall be submitted in unclassified form, but may contain classified information.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain classified annexes. The unclassified portion of the report shall be made available on the public website of the Government of the United States.

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

(1) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Finance of the Senate.

SA 3899. 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 provide 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. 1291. REPORT ON ALL COMPREHENSIVE SANCTIONS IMPOSED ON FOREIGN GOVERNMENTS.

(a) In General.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary of State, the Secretary of the Treasury, and the head of any other relevant Federal department or agency that the Comptroller General determines necessary, shall submit to the appropriate congressional committees a report on all comprehensive sanctions imposed, under any provision of law, on—

(1) de jure or de facto governments of foreign countries; and

(2) non-state actors that exercise significant de facto governmental control over a foreign civilian population.

(b) Summary Report Required.—The report required by subsection (a) shall include—

(1) an assessment of the effect of sanctions imposed on each government described in paragraph (1); and

(2) a description of sanctions imposed on each non-state actor described in paragraph (2).

SEC. 857. PROTECTIONS FOR WHISTLEBLOWERS SEEKING TO ENUMERATE ACCOUNTABILITY AND OVERSIGHT OF COVID-19 PANDEMIC RESPONSE.

(a) DIVERSE CONTRACTS.—Section 2409 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

‘‘(1) A protected individual may not be discharged, demoted, harassed, blacklisted, prejudiced by any action or lack of action, or otherwise discriminated against for disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing) information under subsection (a), or disclosing, and including a disclosure made in the ordinary course of job duties) to a person or entity described in paragraph (2) information that the protected individual reasonably believes is evidence of—

‘‘(A)(i) gross mismanagement of a Department of Defense contract, subcontract, grant, or subgrant relating to covered funds;

‘‘(ii) a gross waste of Department funds or covered funds;

‘‘(iii) an abuse of authority related to a Department contract or grant or the distribution, implementation, or use of covered funds, including conflict of interest or partiality;

‘‘(iv) any violation of any statute, rule, or regulation related to a Department of Defense contract, subcontract (including the consideration for or negotiation of a contract or subcontract), grant, or subgrant, awarded or issued relating to covered funds; and

‘‘(v) conduct that violates, obstructs, or undermines any law, rule, or regulation related to any Federal contract (including the competition for or negotiation of a contract) or subcontract (including the consideration for or negotiation of a contract or subcontract), grant, or subgrant, or an abuse of authority relating to an Administration contract or grant, or a violation of law, rule, or regulation related to an Administration contract (including the competition for or negotiation of a contract), grant, subcontract, or subgrant; or

‘‘(vi) a substantial and specific danger to worker or public health or safety;’’;

(B) in paragraph (2)—

(i) by striking ‘‘contractor or subcontractor’’ and inserting ‘‘individual who believes that the protected individual’’;

(ii) by adding at the end of paragraph (2) the following new subparagraphs:

‘‘(H) The Pandemic Response Account Accountability Committee.

‘‘(I) An officer or representative of a labor organization.

‘‘(J) The head of an executive agency or a designated of such agency head.’’; and

(C) in paragraph (3)(A), by adding after subparagraph (G) the following new subparagraph:

‘‘(J) The head of an executive agency or a designated of such agency head.’’;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by adding ‘‘unlawful” after ‘‘contractor or subcontractor’’; and

(ii) by striking ‘‘solely as a result of’’ and inserting ‘‘solely as a result of’’;

(B) in paragraph (3), by striking ‘‘solely as a result of’’ and inserting ‘‘solely as a result of’’;

(C) in paragraph (4), by striking ‘‘solely as a result of’’ and inserting ‘‘solely as a result of’’.

SEC. 1239. DIVERSE CONTRACTORS.—Section 2409 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

‘‘(1) A protected individual may not be discharged, demoted, harassed, blacklisted, prejudiced by any action or lack of action, or otherwise discriminated against for disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing) information under subsection (a), or disclosing, and including a disclosure made in the ordinary course of job duties) to a person or entity described in paragraph (2) information that the protected individual reasonably believes is evidence of—

‘‘(A)(i) gross mismanagement of a Department of Defense contract, subcontract, grant, or subgrant relating to covered funds;

‘‘(ii) a gross waste of Department funds or covered funds;

‘‘(iii) an abuse of authority related to a Department contract or grant or the distribution, implementation, or use of covered funds, including conflict of interest or partiality;

‘‘(iv) any violation of any statute, rule, or regulation related to a Department of Defense contract, subcontract (including the consideration for or negotiation of a contract or subcontract), grant, or subgrant, awarded or issued relating to covered funds; and

‘‘(v) conduct that violates, obstructs, or undermines any law, rule, or regulation related to any Federal contract (including the competition for or negotiation of a contract) or subcontract (including the consideration for or negotiation of a contract or subcontract), grant, or subgrant, or an abuse of authority relating to an Administration contract or grant, or a violation of law, rule, or regulation related to an Administration contract (including the competition for or negotiation of a contract), grant, subcontract, or subgrant; or

‘‘(vi) a substantial and specific danger to worker or public health or safety;’’;

(B) in paragraph (2)—

(i) by striking ‘‘contractor or subcontractor’’ and inserting ‘‘individual who believes that the protected individual’’;

(ii) by adding at the end of paragraph (2) the following new subparagraphs:

‘‘(H) The Pandemic Response Account Accountability Committee.

‘‘(I) An officer or representative of a labor organization.

‘‘(J) The head of an executive agency or a designated of such agency head.’’; and

(C) in paragraph (3)(A), by adding after subparagraph (G) the following new subparagraph:

‘‘(J) The head of an executive agency or a designated of such agency head.’’;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by adding ‘‘unlawful” after ‘‘contractor or subcontractor’’; and

(ii) by striking ‘‘solely as a result of’’ and inserting ‘‘solely as a result of’’;

(B) in paragraph (3), by striking ‘‘solely as a result of’’ and inserting ‘‘solely as a result of’’;

(C) in paragraph (4), by striking ‘‘solely as a result of’’ and inserting ‘‘solely as a result of’’. I
(ii) by striking “Space Administration,” and inserting “Space Administration, who shall review the complaint for investigation, and shall investigate the alleged misconduct disclosed by the person or employee, or the appropriate Inspector General as the case may be, if the contractor, subcontractor, grantee, grantee, subgrantee, or recipient, as the case may be, if the contractor, subcontractor, grantee, or subcontractor, grantee, subgrantee, or recipient is an employee; and

(C) by inserting after paragraph (10), as so redesignated, the following new paragraph:

“(11) in subsection (c)–

(A) by redesigning paragraphs (1), (2), (5), (6), and (7) as paragraphs (2), (9), (10), (1), and (8), respectively;

(B) by inserting after paragraph (1) as so redesignated, by striking “means the following” and all that follows through the period at the end and inserting the following: “means an arbitrary or capricious exercise of authority by a contracting officer or employee that adversely affects the rights of any individual, or that results in personal gain or advantage to the officer or employee or to preferred other individuals.”;

and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) the term ‘coronavirus pandemic-related program, project, or activity’–

(A) means a program, project, or activity of the executive branch of the Federal Government authorized under or carried out using amounts made available under An Act to respond to or to provide aid or assistance to address, relief from, or funding to address the outbreak of COVID-19 that is enacted before, on, or after the date of enactment of this paragraph; and

(B) includes any program, project, or activity of the executive branch of the Federal Government authorized under or carried out using amounts made available under

(i) the CARES Act (Public Law 116–139) or an amendment made by the Act;

(ii) the Families First Coronavirus Response Act (Public Law 116–127), or an amendment made by that Act;

(iii) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123), or an amendment made by the Act; or

(iv) division M or N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), or an amendment made by that division;

and

(C) is defined in section 501(a)(5) of title 10.”;

and

(D) by inserting after paragraph (10), as so redesignated, the following new paragraphs:

“(11) The term ‘non-Federal employer’—

(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer, including any individual working for an employer under a grant or contract with such employer (including a contractor, subcontractor, grantee, subgrantee, or agent of an employer); and

(B) does not include any Federal employee or member of the uniformed services (as those terms are defined in section 310(a)(5) of title 10).”;

and

(D) by inserting after paragraph (10), as so redesignated, the following new paragraphs:

“(11) The term ‘non-Federal employer’–

(A) includes any employer—

(i) with respect to covered funds—

(1) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, subcontractor, grantee, or recipient is an employee; and

(2) any professional membership organization certified under section 9901 of this title, any professional organization, any person acting directly or indirectly in the interest of an employer responsible for covered funds, or any professional organization, any person acting directly or indirectly in the interest of an employer responsible for covered funds received by the State or local government, the State or
local government receiving the funds and any contractor or subcontractor of the State or local government; and
(B) does not mean any department, agency, or any other organization of the Federal Government, except with respect to a personal services contractor.

(12) The term ‘protected individual’ means—
(A) a contractor, subcontractor, grantee, or subgrantee;
(B) an employee, applicant, or former employee of a contractor, subcontractor, grantee, or subgrantee; or
(C) a personal services contractor who engages in activity for which any discrimination is prohibited under subsection (a).

(13) The term ‘State or local government’ means—
(A) in each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States; and
(B) in any other case, the political subdivisions of the government listed in subparagraph (A).

(b) CIVILIAN CONTRACTS.—Section 712 of title 1, United States Code, is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

‘‘(1) in subsection (a)—

(1) the person;

(2) the contractor, subcontractor, grantee, or subgrantee;

(3) the employee;

(4) the head of the agency; and

(5) the congressional committees of jurisdiction.’’;

(B) by striking ‘‘in disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing, being perceived as assisting in disclosing, and including a disclosure made in the ordinary course of [job duties] to a person or body described in paragraph (2) information that the protected individual reasonably believes is evidence of misconduct that violates, obstructs, or undermines any law, rule, or regulation related to any Federal contract (including the competition for or negotiation of a contract) or grant, including any statute, rule, or regulation with respect to any Coronavirus pandemic-related program, project, or activity, and also including—

(A) a gross mismanagement of an agency contract, subcontract, grant, or subgrant relating to covered funds;

(B) a violation of any applicable law, rule, or regulation with respect to any covered funds, including conflict of interest or partiality; and

(C) in subparagraph (B), by striking ‘‘or a representative of a committee of Congress’’ and inserting ‘‘a representative of a committee of Congress, or a commission of Congress’’;

(D) in subparagraph (B), by striking ‘‘or any other organization of the Federal Government, except with respect to a personal services contractor established by law after ‘Inspector General’;’’;

(E) in paragraph (4), by striking ‘‘or a court of competent jurisdiction.’’;

and—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the Inspector General determines disclosure of which would impede a continuing investigation, if such information is disclosed once such disclosure would no longer impede such investigation, unless the Inspector General determines that disclosure of law enforcement techniques, procedures, or information could reasonably be expected to risk circumvention of the law or disclose the identity of a confidential source.’’;

(B) in paragraph (3), by redesignating the section—

(1) in subsection (a)—

(1) in paragraph (1), by striking ‘‘paragraph (3)’’ and inserting ‘‘paragraph (2)’’;

(2) by striking ‘‘the employee’’ and inserting ‘‘an employee’’;

(3) by striking ‘‘in disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing, being perceived as assisting in disclosing, or preparing to disclose (including assisting in disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing, being perceived as disclosing, or preparing to disclose (including assisting in disclosing, being perceived as disclosing, or 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(3) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING OR OVERHOLDING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(A) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under subparagraph (C), the rights and remedies provided for in this section may not be waived by any public or private actor in a form, or in a manner, of employment, including by any predispute arbitration agreement.

(B) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under subparagraph (C), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(C) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding subparagraphs (A) and (B), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(4) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any non-Federal employer receiving covered funds (and the head of the applicable agency in the case of a Federal personal services contract involving covered funds) shall prominently post notice on its website and to each employee of the rights and remedies provided under this section, in the predominant native languages of the workforce; and

(B) in subsection (g)—

(A) in paragraph (1) by striking ‘‘that is inconsistent with law and all that follows through the period at the end and inserting ‘by a contractor or employee that adversely affects the rights of any individual, or that results in personal gain or advantage to the officer or employee or to preferred other individuals.’’;

(B) by redesignating paragraph (2) as paragraph (5);

(C) by inserting after paragraph (1) the following new paragraphs:

(1) The term ‘‘employee’’—

(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer, including any individual employed under a grant or contract with such employer (including a contractor, subcontractor, grantee, subgrantee, or agent of an employer); and

(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10).’’;

(D) by inserting after paragraph (5), as redesignated by subparagraph (B), the following new paragraph:

(6) The term ‘‘Federal employer’’—

(A) means any employer—

(i) with respect to covered funds—

(1) the contractor, subcontractor, grantee, subgrantee, or recipient, as the case may be, if the contractor, subcontractor, grantee, subgrantee, or recipient is an employer; and

(2) any professional membership organization, certification or other professional body, any agent or licensee of the Federal Government, or any person acting directly or indirectly in the interest of an employer receiving covered funds;

(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor subcontractor of the State or local government; and

(B) does not mean any department, agency, or other entity of the Federal Government, except with respect to a personal services contractor.

(7) The term ‘‘protected individual’’ means—

(A) a contractor, subcontractor, grantee, or subgrantee;

(B) an employee, applicant or former employee of a contractor, subcontractor, grantee, or subgrantee;

(C) a personal services contractor who engages in activity for which any discrimination is prohibited under subsection (a).

(B) the term ‘‘State or local government’’ means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States;

(B) the government of any political subdivision of a government listed in subparagraph (A).

(c) COMPLAINT PORTAL.—The Special Inspector General for Pandemic Relief, the Pandemic Relief Accountability Committee, and the Congressional Oversight Commission shall each establish a public website where any individual who believes that the individual has been subjected to a reprisal prohibited under section 4712 of title 41, United States Code, or subsection (a) of section 712 of title 41, United States Code, as amended by this Act (as that term is defined in section 101(a)(5) of title 10), may submit a complaint regarding the reprisal. Any complaint so submitted shall be transmitted to the relevant office of Inspector General for enforcement in accordance with such section, including notice to the complainant of the referral and relevant procedures.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the requirements of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: SEC. 2901. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2022 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF ENERGY.

(A) IN GENERAL.—Of the $386.7 billion in adjusted discretionary funding for fiscal year 2022 for the Department of Defense for military construction and defense activities of the Department of Energy, to 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. ADVANCED BATTLE MANAGEMENT SYSTEM RESEARCH AND DEVELOPMENT.

(a) RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue research and development of the Advanced Battle Management System.

(2) ELEMENTS.—Research and development under paragraph (1) shall include the following:

(A) Identifying necessary associated air, craft, technological platforms, and necessary associated units.

(B) Identifying regional ecosystems with advantageous supporting base structures and associated units.

(C) Assessing the feasibility and advisability of establishing an Advanced Battle Management System center of excellence to ability of establishing an Advanced Battle advantage of Energy, to prescribe military

SEC. 376. MODIFICATION AND EXTENSION OF AUTHORIZATION OF USE OF WORKING CAPITAL FUNDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS RELATED TO REVITALIZATION AND RENOVATION OF DEFENSE INDUSTRIAL BASE FACILITIES.

Section 2208(u) of title 10, United States Code, is amended—

(1) in paragraph (2)(B), by striking "specified in subsection (a)(2)" and all that follows through the period at the end and inserting "shall be $20,000,000 instead of any dollar limitation specified in section 2205 of this title."; and

(2) by striking paragraph (4).

SA 3902. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. STUDY ON EMPLOYMENT OF MILITARY SPOUSES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study to identify employment barriers affecting military spouses.

(2) ELEMENTS.—The study conducted under paragraph (1) shall determine the following:

(A) any current hiring practices or restrictions that constrain workforce growth or retention;

(B) areas where partnership with State and local educational agencies focused on elementary or secondary education can boost workforce in an area, especially in rural schools and schools that receive funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(C) incentive and policy options to bring qualified individuals to the regions where the jobs are currently;

(D) authorities and programs at the Department of Labor that could be used to educate, retrain, or incentivize individuals to pursue these fields of study;

(E) options for scholarships and internships to grow a workforce pipeline; and

(F) determine—

(A) whether the cyberspace domain, software engineering, and information warfare mission requires a graduate-level professional military education college on par with and distinct from the war colleges for the Army, Navy, and Air Force in effect on the date before the date of the enactment of this Act;

(B) whether such a college should be joint; and

(C) where it should be located.

(b) REPORT REQUIRED.—Not later than November 1, 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 January 1, 2023, 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; and

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

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

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

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

(1) potential colleges, universities, and research institutions located in proximity to key military installations or with close ties to military installations who have programs focused on information warfare, software engineering, and cybersecurity;

(2) identify pathways to workforce growth, including—

(A) any current hiring practices or restrictions that constrain workforce growth or retention;

(B) areas where partnership with State and local educational agencies focused on elementary or secondary education can boost workforce in an area, especially in rural schools and schools that receive funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(C) incentive and policy options to bring qualified individuals to the regions where the jobs are currently;

(D) authorities and programs at the Department of Labor that could be used to educate, retrain, or incentivize individuals to pursue these fields of study;

(E) options for scholarships and internships to grow a workforce pipeline; and

(F) determine—

(A) whether the cyberspace domain, software engineering, and information warfare mission requires a graduate-level professional military education college on par with and distinct from the war colleges for the Army, Navy, and Air Force in effect on the date before the date of the enactment of this Act;

(B) whether such a college should be joint; and

(C) where it should be located.

(b) REPORT REQUIRED.—Not later than November 1, 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 January 1, 2023, 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; and

(3) such recommendations to the Committee as the Secretary may have for personnel needs in information warfare and the cyberspace domain; and
(A) The rate or prevalence of military spouses who are currently employed and whether such military spouses have children.
(B) The rate or prevalence of military spouses who are underemployed.
(C) In connection with subparagraph (B), whether a military spouse would have taken a different position of employment if the military spouse was not impacted by the spouse who is a member of the Armed Forces.
(D) The rate or prevalence of military spouses, due to military affiliation, have experienced discrimination by civilian employers, including loss of employment, denial of a promotion, and difficulty in being hired.
(E) Any other barriers of entry into the local workforce for military spouses, including:
   (i) state licensure requirements;
   (ii) availability of childcare;
   (iii) access to broadband;
   (iv) job availability in military communities; and
   (v) access to housing.
(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under this section, including any policy recommendations to employers to address employment barriers identified by the study.
(c) DEFINITIONS.—In this section:
(1) MILITARY SPOUSE.—The term "military spouse" means the spouse of a member of the Armed Forces serving on active duty.
(2) CONGRESSIONAL DEFENSE COMMITTEES.—The term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SA 3905. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 838. REQUIREMENT TO PROVIDE PHOTOVOLTAIC DEVICES FROM UNITED STATES SOURCES.

(a) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract includes a provision requiring that any photovoltaic device installed under the contract be manufactured in the United States, except from materials, or supplies mined, produced, or manufactured in the United States, unless the head of the department or independent establishment concerned determines, on a case-by-case basis, that the inclusion of such requirement is inconsistent with the public interest or involves unreasonable costs, subject to exceptions provided in the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.) or otherwise provided by law.

(b) DEFINITIONS.—In this section:
(1) COVERED CONTRACT.—The term "covered contract" means a contract awarded by the Secretary of Defense that includes the name of each chaplain, or other stone base to host the bronze plaque for purposes of this section, may, at no cost to the Federal Government, order to lie on the table; as follows:

SEC. 3907. Mr. WARNOCK (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 857. REPORT ON EFFECTS OF SEMICONDUCTOR CHIP SHORTAGE.

(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 appropriate congressional committees a report on the effects of the semiconductor chip shortage on the national and economic security of the United States, including the effects of the shortage on:
   (1) current defense acquisition programs; and
   (2) the ability of current and future defense acquisition programs to:
      (A) use state-of-the-art semiconductor capabilities; and
      (B) 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.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—
   (1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and
   (2) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives.

SA 3908. Mr. WARNOCK (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10 . PRESERVATION OF MEMORIALS TO CHAPLAINS ON CHAPLAINS HILL AT ARLINGTON NATIONAL CEMETERY.

(a) UPDATES TO MEMORIALS.—The National Conference on Ministry to the Armed Forces, or any successor organization recognized in law for purposes of this section, may, at no cost to the Federal Government, order inscriptions on the appropriate Confederate or Protestant chaplains located in Arlington National Cemetery, Virginia, with a granite, marble, or other stone base to host the bronze plaque of the memorial.

(b) ADDITIONAL MEMORIAL.—In addition to the memorial, the original memorial was placed; and

(c) MAKE SUCH OTHER UPDATES AND CORRECTIONS TO THE MEMORIAL AS FROM TIME TO TIME THE CONGRESS DEEMS NECESSARY IN LIGHT OF THE NATIONAL CONFERENCE ON MINISTRY TO THE ARMED FORCES OR SUCH SUCCESSOR ORGANIZATION; AND

(d) CARRY OUT OTHER APPROPRIATE ACTIONS TO CELEBRATE THE MEMORIAL TO CATHOLIC CHAPLAINS AND THE MEMORIAL TO JEWISH CHAPLAINS LOCATED IN ARLINGTON NATIONAL CEMETERY. AS MAY FROM TIME TO
to time be needed as determined by the National Conference on Ministry to the Armed Forces or such successor organization.

(b) VERIFICATION OF NAMES.—The National Conference on Ministry to the Armed Forces, or any successor organization recognized in law for purposes of this section, may verify with the assistance of the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, the Secretary of the Department of Homeland Security, or any successor organization, the names of chaplains for memorialization in Arlington National Cemetery as of the date of the enactment of this Act.

SA 3909. Mr. WARNOCK (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 1283. LIMITATION ON AVAILABILITY OF FUNDS TO IMPLEMENT THE ARMS TRADE TREATY.

(a) LIMITATION.—

(1) In general.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense may be obligated or expended to sustain a domestic prosecution based on any charge related to the Arms Trade Treaty, to make assessments payments for the Treaty’s Conference of States Parties or to meet in any other way expenses sustained by the Treaty Secretariat, to make voluntary contributions to any international organization or foreign nation for any purpose related to attendance at the Conference, or to implement the Treaty until the Senate approves a resolution advising and consenting to ratification of the Treaty and there is enacted legislation implementing the Treaty.

(2) EXCEPTIONS.—The limitation in paragraph (1) shall not apply to a United States delegation attending the Treaty’s Conference of States Parties, subsidiary bodies, or extraordinary meetings, or to the payment, to entities other than the Treaty Secretariat, of an attendance fee towards the cost of preparing and holding the Conference of States Parties, or subsidiary body meeting as applicable.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the Department of Defense from assisting foreign countries in bringing their laws, regulations, and practices related to export control up to United States standards.

SA 3912. Mr. SCHUMER (for Ms. ERNST) proposed an amendment to the bill S. 1872, to award a Congressional Gold Medal, collectively, to the United States Army Rangers Veterans of World War II in recognition of their extraordinary service during World War II; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE. This Act may be cited as the “United States Army Rangers Veterans of World War II Congressional Gold Medal Act.”

SEC. 2. DEFINITIONS. In this Act—

(1) the term “Secretary” means the Secretary of the Treasury; and

(2) the term “United States Army Rangers Veteran of World War II” means any individual who—

(A) served in the Armed Forces—

(i) honorably;

(ii) in an active duty status; and

(iii) at any time during the period beginning on June 19, 1942, and ending on September 2, 1945; and

(B) was assigned to a Ranger Battalion of the Army at any time during the period described in subparagraph (A)(iii).

SEC. 3. FINDINGS.

Congress finds the following:

(1) In World War II, the Army formed 6 Ranger Battalions and 1 provisional battalion. All members of the Ranger Battalions were volunteers. The initial concept of Ranger units drew from the British method of using highly trained “commando” units and the military tradition of the United States of employing light infantry for scouting and raiding operations.

(2) The Ranger Battalions of World War II consisted of—

(A) the 1st Ranger Infantry Battalion, which was activated on June 19, 1942, in Northern Ireland;

(B) the 2d Ranger Infantry Battalion, which was activated on April 1, 1943, at Camp Forrest, Tennessee;

(C) the 3d Ranger Infantry Battalion, which was—

(i) activated as provisional on May 21, 1943, in North Africa; and

(ii) constituted on July 21, 1943, and concurrently consolidated with the provisional unit described in clause (i);

(D) the 4th Ranger Infantry Battalion, which was—

(i) activated as provisional on May 29, 1943, in North Africa; and

(ii) constituted on July 21, 1943, and concurrently consolidated with the provisional unit described in clause (i);

(E) the 5th Ranger Infantry Battalion, which was activated on September 1, 1943, at Camp Forrest, Tennessee;

(F) the 6th Ranger Infantry Battalion, which was—

(i) originally activated on January 20, 1941, at Fort Lewis, Washington, as the 98th Field Artillery Battalion; and

(ii) converted and redesignated on September 26, 1944, as the 6th Ranger Infantry Battalion; and

(G) the 29th Ranger Infantry Battalion, a provisional Army National Guard unit that was—

(i) activated on December 20, 1942, at Tidworth Barracks, England; and

(ii) disbanded on October 18, 1943.

(3) The first combat operations of Army Rangers occurred on August 19, 1942, when 50 Rangers took part in the British-Canadian raid on the French coastal town of Dieppe.

(4) The 1st Ranger Battalion, under the leadership of Major William O. Darby, was the most successful Ranger unit described in paragraph (3), and was—the term “United States Army Rangers Veterans of World War II” means any individual who—

(A) served in the Armed Forces—

(i) honorably;

(ii) in an active duty status; and

(iii) at any time during the period beginning on June 19, 1942, and ending on September 2, 1945; and

(B) was assigned to a Ranger Battalion of the Army at any time during the period described in subparagraph (A)(iii).

(5) During the North African campaign, the 1st Ranger Battalion earned battle honors for its actions in Tunisia. On March 20, 1943, the Battalion penetrated enemy
(11) During June, July, and August of 1944, the 2d and 5th Ranger Battalions were engaged in the campaign in Brest, which included close-range fighting in hedgerows and numerous night attacks. Later, in operations in Western Germany, the Battalions were frequently used to attack in darkness and gain vital positions to pave the way for the main Army attacks. (12) During the final drive into Germany in late February and early March 1945, the 5th Ranger Battalion was cited for battle honors for clearing the river Elbe and the area to the north of Züllichau. The 2d and 5th Battalions, while supporting the 3d Armored Division, were transferred to other units.

(6) The 29th provisional Ranger Battalion was formed from volunteers drawn from the 29th Infantry Division stationed in England in the fall of 1942. The Battalion was activated on December 20, 1942, and accompanied British commandos on 3 small-scale raids in Norway. Nineteen members of the 29th Ranger Battalion conducted a raid on a German radar site in France on the night of September 3, 1943. After that raid, the 29th Ranger Battalion was disbanded because new Ranger units, the 1st and 5th Battalions, were being formed.

(7) During the summer and fall of 1943, the 1st, 3d, and 4th Ranger Battalions were heavily involved in the campaign in Sicily and the landing of the U.S. 3d Division. The 1st and 4th Ranger Battalions conducted a night amphibious landing in Sicily and secured the landing beach for the main force. The 3d Battalion landed separately at Licata, Sicily, and was able to silence gun positions on an 82-foot cliff overlooking the invasion beaches.

(8) During the invasion of Italy, the 1st and 4th Ranger Battalions landed at Maiori with the mission of seizing the high ground and protecting the flank of the remainder of the main force by the United States Army. Enemy forces in the area were estimated to outnumber the Rangers by approximately 8 to 1. Despite these odds, the Rangers took the position and repelled 7 enemy counterattacks.

(9) After the invasion of Italy, Rangers continued to be used, often in night attacks, to seize key terrain ahead of the advancing Allied forces. At the Anzio beachhead, the majority of the 1st, 3d, and 4th Ranger Battalions sustained heavy casualties after being cut off behind German lines. The Rangers had failed to infiltrate German positions under the cover of darkness and make a dawn attack on a critical road junction but were pinned down by enemy tanks and an elite German parachute unit. After 12 hours of desperate fighting and a failed relief attempt, the majority of the Ranger force was killed, wounded, or captured. Only 6 Rangers from the 1st, 3d, and 4th Battalions, out of more than 767 men, returned to friendly lines. The 4th Battalion, which had been in reserve, also suffered 60 killed and 120 wounded out of 550 men. These 3 Battalions were inactivated and the survivors were transferred to other units.

(10) In the United States, and later in Scotland, Ranger Battalions were formed to undertake operations in Western Europe. Those Battalions were engaged on D-Day, assaulting German positions at the Pointe du Hoc. The 3d Ranger Battalion, heavy in combat through September of 1944. Specifically, Rangers in the 2d Battalion, under the command of Lieutenant Colonel James E. Rudder, were charged with heavy German efforts to retake the position.

(A) overcame mines, machine gun fire, and enemy artillery while scaling the 100-foot high cliffs at Pointe du Hoc;
(B) charged into German positions, heavy in combat through September of 1944. Specifically, Rangers in the 2d Battalion, under the command of Lieutenant Colonel James E. Rudder, were charged with heavy German efforts to retake the position;
(C) after reaching the top of the cliffs, moved inland roughly 1 mile and sustained heavy casualties while searching for and ultimately destroying, a German heavy artillery battery.

(12) During June, July, and August of 1944, the 2d and 5th Ranger Battalions were engaged in the campaign in Brest, which included close-range fighting in hedgerows and numerous night attacks. Later, in operations in Western Germany, the Battalions were frequently used to attack in darkness and gain vital positions to pave the way for the main Army attacks.

(12) During the final drive into Germany in late February and early March 1945, the 5th Ranger Battalion was cited for battle honors for clearing the river Elbe and the area to the north of Züllichau. The 2d and 5th Battalions, while supporting the 3d Armored Division, were transferred to other units.

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(7) During the summer and fall of 1943, the 1st, 3d, and 4th Ranger Battalions were heavily involved in the campaign in Sicily and the landing of the U.S. 3d Division. The 1st and 4th Ranger Battalions conducted a night amphibious landing in Sicily and secured the landing beach for the main force. The 3d Battalion landed separately at Licata, Sicily, and was able to silence gun positions on an 82-foot cliff overlooking the invasion beaches.

(8) During the invasion of Italy, the 1st and 4th Ranger Battalions landed at Maiori with the mission of seizing the high ground and protecting the flank of the remainder of the main force by the United States Army. Enemy forces in the area were estimated to outnumber the Rangers by approximately 8 to 1. Despite these odds, the Rangers took the position and repelled 7 enemy counterattacks.

(9) After the invasion of Italy, Rangers continued to be used, often in night attacks, to seize key terrain ahead of the advancing Allied forces. At the Anzio beachhead, the majority of the 1st, 3d, and 4th Ranger Battalions sustained heavy casualties after being cut off behind German lines. The Rangers had failed to infiltrate German positions under the cover of darkness and make a dawn attack on a critical road junction but were pinned down by enemy tanks and an elite German parachute unit. After 12 hours of desperate fighting and a failed relief attempt, the majority of the Ranger force was killed, wounded, or captured. Only 6 Rangers from the 1st, 3d, and 4th Battalions, out of more than 767 men, returned to friendly lines. The 4th Battalion, which had been in reserve, also suffered 60 killed and 120 wounded out of 550 men. These 3 Battalions were inactivated and the survivors were transferred to other units.

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(C) after reaching the top of the cliffs, moved inland roughly 1 mile and sustained heavy casualties while searching for and ultimately destroying, a German heavy artillery battery.
SA 3913. Mr. CASEY submitted an amendment intended to be proposed to amendments filed 3967 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. NATIONAL CRITICAL CAPABILITIES REVIEWS.**

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end of such section the following:

"(B) National critical capabilities review.—The Committee shall, as necessary, submit a national critical capabilities review to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the joint subcommittee of the Committees on Appropriations of the Senate and House of Representatives responsible for defense appropriations, to report to the Congress on the national critical capabilities of the United States, including the military, national security, and economic critical infrastructures, the sectors in which those critical capabilities are concentrated, and the vulnerabilities and threats to those critical capabilities. The national critical capabilities review shall be submitted with the first annual report required under section 3108 of this title."

(b) AUTHORITY TO DEVELOP CRITICAL INFRASTRUCTURE ANALYSIS.—The committee may, as necessary, submit to the Congress a national critical capabilities review under subsection (a) that is in draft form and request the Senate Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on the Budget, the Committee on Homeland Security, and the Committee on Appropriations of the Senate, the Committee on Oversight and Governmental Reform, the Committee on Education and the Workforce, and the Committee on Agriculture, to provide, as necessary, written comments on the draft national critical capabilities review or any portion thereof. The committee shall consider those comments in determining the content of the final national critical capabilities review submitted under subsection (a).
The Committee may initiate a review under paragraph (1) of a covered transaction if the chairperson and the ranking member of the Committee or the appropriate congressional committees jointly request the Committee to review the transaction.

(c) TREATMENT OF BUSINESS CONFIDENTIAL INFORMATION.—In a form that omits business confidential information and is appropriate for the Committee to review, the Committee shall—

SEC. 1004. ACTION BY THE PRESIDENT.

(a) IN GENERAL.—The President shall make a determination with respect to a covered transaction not later than 15 days after the date on which the Secretary of Defense, the Attorney General, or the Secretary of Commerce submits the appropriate materials required under paragraph (2) of subsection (a) to the Committee.

(b) ANNOUNCEMENT BY THE PRESIDENT.—The President shall make a determination with respect to a covered transaction not later than 15 days after the date on which the Secretary of Defense, the Attorney General, or the Secretary of Commerce submits the appropriate materials required under paragraph (2) of subsection (a) to the Committee.

(c) TREATMENT OF BUSINESS CONFIDENTIAL INFORMATION.—In a form that omits business confidential information and is appropriate for the Committee to review, the Committee shall—

(d) FACTORS TO BE CONSIDERED.—For purposes of determining whether to take action under subsection (a), the President shall consider, among other factors, each of the factors described in section 1005, as appropriate.

SEC. 1005. FACTORS CONSIDERED.

The Committee, in reviewing and making a determination with respect to a covered transaction under section 1003, and the President, in determining whether to take action under section 1004 with respect to a covered transaction, shall consider any factors relating to national critical capabilities that the Committee or the President considers relevant, including—

(i) the long-term strategic economic, national security, and crisis preparedness interests of the United States; and

(ii) the history of distortive or predatory trade practices in each country in which a foreign person that is a party to the transaction resides.

SEC. 1006. APPLY CHAIN SENSITIVITIES.

The Committee shall determine the sensitivities and risks for sourcing of articles described in section 1001(a)(11)(B)(i), in accordance with the following:

(i) The sourcing of least concern shall be articles the supply chains for which are housed wholly or in part in countries that are allies of the United States.

(ii) The sourcing of greater concern shall be articles the supply chains for which are housed wholly or in part in countries of concern or from an entity of concern but for which substitute production is available elsewhere at required scale.

(a) IN GENERAL.—The Committee should prescribe regulations to identify additional articles, supply chains, and services to recommend for inclusion in the definition of 'national critical capabilities' under section 1001(a)(11).

(b) REVIEW OF INDUSTRIES.—

(i) IN GENERAL.—In identifying under subsection (a) additional articles, supply chains, and services, and to recommend for inclusion in the definition of 'national critical capabilities' under section 1001(a)(11), the Committee shall conduct a review of industries identified by the Federal Emergency Management Agency as carrying out emergency support functions, including the following industries:

(A) Energy.

(B) Medical.

(C) Communications, including electronic and communications components.

(D) Defense.

(E) Transportation.

(F) Aerospace, including space launch.

(G) Robotics.

(H) Artificial intelligence.

(I) Semiconductors.

(J) Shipbuilding.

(K) Water, including water purification.

(II) QUANTIFICATION.—In conducting a review of industries under paragraph (i), the Committee shall submit to the appropriate congressional committees a report.

(A) On the determination under section 1006 with respect to sensitivities and risks for sourcing of articles described in section 1001(a)(11)(B)(i), a report on national critical capabilities.

(B) ANNUAL REPORT TO CONGRESS.—

(a) ANNUAL REPORT TO CONGRESS.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, and annually thereafter, the Committee shall provide to the appropriate congressional committees a report.

(ii) THE REPORT.—The report submitted under section (a) of section 1003 and reviews conducted pursuant to such notifications; and

(iii) reviewing during which the Committee determines no action was required; and

(iv) reviews conducted pursuant to such notifications; and

(v) The review shall be conducted pursuant to such notifications; and

(C) describing, for the year preceding submission of the report—

(i) the notifications received under subsection (a) of section 1003 and reviews conducted pursuant to such notifications; and

(ii) reviews initiated under paragraph (2) of (b) of that section; and

(iii) the industries under section 1005 prescribed to identify additional national critical capabilities under section 1001(a)(11).

(ii) The Committee shall—

(i) the notifications received under subsection (a) of section 1003 and reviews conducted pursuant to such notifications; and

(ii) the industries under section 1005 prescribed to identify additional national critical capabilities under section 1001(a)(11).

SEC. 1007. IDENTIFICATION OF ADDITIONAL NATIONAL CRITICAL CAPABILITIES.

(a) IN GENERAL.—The Committee should prescribe regulations to identify additional articles, supply chains, and services to recommend for inclusion in the definition of 'national critical capabilities' under section 1001(a)(11).

(b) REVIEW OF INDUSTRIES.—

(i) IN GENERAL.—In identifying under subsection (a) additional articles, supply chains, and services, and to recommend for inclusion in the definition of 'national critical capabilities' under section 1001(a)(11), the Committee shall—

(A) Energy.

(B) Medical.

(C) Communications, including electronic and communications components.

(D) Defense.

(E) Transportation.

(F) Aerospace, including space launch.

(G) Robotics.

(H) Artificial intelligence.

(I) Semiconductors.

(J) Shipbuilding.

(K) Water, including water purification.

(L) The Department of Labor.

(M) The Department of Health and Human Services.

(N) The National Institutes of Health.

(O) The Department of Agriculture.


(Q) The Department of Commerce.

(R) The Department of Transportation.

(S) The United States Trade Representative.

(T) The Director of the Office of Management and Budget.

(U) The Secretary of Defense.

(V) The Attorney General.

(W) The Secretary of Commerce.

(X) The Chairperson of the Federal Communications Commission.

(Y) The Director of the National Institute of Standards and Technology.

(Z) The Director of the Centers for Disease Control and Prevention.


(bb) The Department of Health and Human Services.

(cc) The Department of Housing and Urban Development.

(dd) The Department of the Treasury.

(ee) The Department of Labor.

(ff) The National Science Foundation.

(gg) The National Aeronautics and Space Administration.

(hh) The National Institute of Standards and Technology.

(ii) The National Institute of Allergy and Infectious Diseases.

(jj) The National Institute of Justice.

(kk) The National Institute on Drug Abuse.

(ll) The National Institute of Environmental Health Sciences.

(mm) The National Institute of Mental Health.

(nn) The National Institutes of Health.

(oo) The National Institutes of Health.

(pp) The National Institutes of Health.

(qq) The National Institutes of Health.

(rr) The National Institutes of Health.

(ss) The National Institutes of Health.

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(vv) The National Institutes of Health.

(ww) The National Institutes of Health.

(xx) The National Institutes of Health.

(yy) The National Institutes of Health.

(zz) The National Institutes of Health.
with those governments to establish information-sharing regimes.

SEC. 1012. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, including to provide outreach to industry and persons affected by this title.

**SEC. 1013. RULE OF CONSTRUCTION WITH RESPECT TO FREE AND FAIR COMMERCE.**

“Nothing in this title may be construed as prohibiting the free and fair flow of commerce outside of the United States that does not pose an unacceptable risk to a national critical capability.”

(b) Clerical Amendment—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

**TITLE X—NATIONAL CRITICAL CAPABILITIES REVIEWS**

- Sec. 1001. Definitions.
- Sec. 1002. Committee on National Critical Capabilities.
- Sec. 1003. Review of covered transactions.
- Sec. 1004. Action by the President.
- Sec. 1005. Factors to be considered.
- Sec. 1006. Supply chain sensitivities.
- Sec. 1007. Identification of additional national critical capabilities.
- Sec. 1008. Reporting requirements.
- Sec. 1009. Requirement for regulations.
- Sec. 1010. Requirement related to government procurement.
- Sec. 1011. Multilateral engagement and coordination.
- Sec. 1012. Authorization of appropriations.
- Sec. 1013. Rule of construction with respect to free and fair commerce.”

AUTHORITY FOR COMMITTEES TO MEET

Mr. COONS. Mr. President, I have 8 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

**COMMITTEE ON ARMED SERVICES**

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 9:30 a.m., to conduct a hearing.

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 10 a.m., to conduct a hearing on nominations.

**COMMITTEE ON FINANCE**

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 9:30 a.m., to conduct a hearing on nominations.

**COMMITTEE ON FOREIGN RELATIONS**

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 10 a.m., to conduct a hearing on nominations.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 10 a.m., to conduct a hearing on nominations.

**COMMITTEE ON RULES AND ADMINISTRATION**

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 2:30 p.m., to conduct a hearing.

**COMMITTEE ON INTELLIGENCE**

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 2:30 p.m., to conduct a closed briefing.

**SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND DATA SECURITY**

The Subcommittee on Consumer Protection, Product Safety, and Data Security of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 10 a.m., to conduct a hearing.

ENSURING COMPLIANCE AGAINST DRUG DIVERSION ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 1899 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1899) was ordered to a second reading, was read the second time, and passed.
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 3935. Mr. HYDE-SMITH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3936. Ms. MOORE (for herself, Ms. CORLINGS, Mr. YOUNG, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3937. Ms. SINES (for herself 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, supra; which was ordered to lie on the table.

SA 3938. Ms. SINES (for herself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3940. Mr. DURBIN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3941. Mr. HOEVEN 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 V, insert the following:

SEC. 501. CONCURRENT USE OF DEPARTMENT OF DEFENSE TUITION ASSISTANCE AND MONTGOMERY GI BILL-RELATED BENEFITS.

(a) In General.—Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(k)(1) In the case of an individual entitled to educational assistance under this chapter who is pursuing education or training described in subsection (a) or (c) of section 2007 of this title, the Secretary shall, to the extent feasible, provide educational assistance under this chapter or provide educational training as if the individual were not also eligible to receive or in receipt of educational assistance under section 2007 of this title for pursuit of such education or training as if the individual were not also eligible to receive or in receipt of educational assistance under section 2007 of this title for pursuit of such education or training.

"(2) Concurrent receipt of educational assistance under section 2007 of this title and educational assistance under this chapter shall not be considered a duplication of benefits for the individual if the individual is enrolled in a program of education on a half-time or more basis.

"(b) Authorization.—Section 2007(d) of such title is amended—

"(1) in paragraph (1), by inserting "or chapter 38" after "chapter 37"; and

"(2) in paragraph (2), by inserting "section 2007 of such title is amended—

"(1) in paragraph (1), by inserting "or chapter 38" after "chapter 37"; and

"(2) in paragraph (2), by inserting "section 2007 of such title is amended—

"(A) by adding at the end of section 2007(d) of such title the following:

"(A) By redesignating the second subsection

"(B) by redesigning paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

"(ii) by adding after paragraph (1) the following:

"The identification of countries in which there were gross violations of internationally recognized human rights committed against journalists—

"(2) the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

"(2) the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

"(2) LISTING OF PERSONS WHO HAVE COMMITTED GROSS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS. 

"(A) IN GENERAL.—Except as provided in subparagraph (C), the President shall impose the sanctions described in paragraph (3) on each foreign person who the President determines, based on credible information, has perpetrated, ordered, or otherwise directed the extrajudicial killing of, or other gross violation of internationally recognized human rights committed against, a journalist or other person who performs, or provides administrative support to, the dissemination of print, broadcast, internet-based, or social media intended to report newsworthy activities or information, or communicate facts or fact-based opinions.

"(2) PUBLICATION OF LIST.—Except as provided in subparagraph (C), the Secretary of State shall annually publish, on a publicly available website of the Department of State, a list of the name and official capacity of each foreign person determined pursuant to subparagraph (A) to have perpetrated, ordered, or otherwise directed an act described in such subparagraph.

"(C) EXCEPTION.—The President may waive or terminate the imposition of sanctions otherwise required under subparagraph (A) if the Secretary of State determines that such a foreign person is not in the national interest of the United States; or

"(1) a citizen or national of the United States; or

"(2) an alien lawfully admitted for permanent residence to the United States; and

"(A) the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

"the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

"the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

"(A) the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

"the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

"the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

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"the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

"the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

"(A) the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;

"the identification of countries in which there were gross violations of internationally recognized human rights committed against journalists;"}
human rights organizations with respect to the acts described in subparagraph (A); and

(ii) submits to such congressional committees an unclassified description of the factual basis supporting the certification, which may contain a classified annex.

(3) SANCTIONS DESCRIBED.—The sanctions described in this paragraph are the following:

(A) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit the transactions in property and interests in property of a foreign person identified in the list required under paragraph (2)(B) if such property and interests in property are in the United States, or come within the possession or control of a United States person.

(B) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—A foreign person described in paragraph (2)(A) is—

(1) inadmissible to the United States;

(2) ineligible to receive a visa or other documentation to enter the United States; and

(3) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—In General.—The visa or other entry documentation of a foreign person described in paragraph (2)(A) is subject to revocation regarding the acts described in paragraph (2)(A) with respect to such foreign person and any other valid visa or entry documentation that is in the foreign person's possession shall be automatically canceled.

(C) EXCEPTIONS.—

(i) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—The sanctions described in this paragraph shall not apply to any activity subject to the reporting requirements under title V of section 3091 of the Arms Export Control Act (22 U.S.C. 2751 et seq.) or any other applicable international obligations.

(ii) EXCEPTION TO COMPLY WITH INTER- NA TIONAL LAW.—The sanctions described in this paragraph shall not apply with respect to an alien who is a member of the Department of Defense, for military construction, and for military activities of the Department of Defense, for military construction, and for military activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 728. MANDATORY TRAINING ON TREATMENT OF EATING DISORDERS.

(a) IN GENERAL.—The Secretary of Defense shall furnish to each medical professional who provides direct care services under the military health system a mandatory training, consistent with generally accepted standards of care, on—

(1) how to screen for the severe mental illness of an eating disorder;

(2) how to intervene with respect to such illness; and

(3) how to refer patients to treatment for such illness.

(b) ANNUAL UPDATES TO TRAINING.—Not later than 180 days after the date of the enactment of this Act, and not less frequently thereafter, the Secretary of Defense shall evaluate the training furnished under subsection (a) to determine if updates are warranted to ensure continued consistency of training with generally accepted standards of care.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in conjunction with the Secretary of Health and Human Services and the Secretary of Veterans Affairs, shall submit to Congress a report on the current practices of the Department of Defense regarding training described in subsection (a).

SA 3916. Ms. KLOBUCHAR (for herself 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. 4330, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 727. REVIEW AND REPORT ON ECONOMIC SANCTIONS ON RUSSIA.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of State and the Director of National Intelligence has certified to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representa tives, and the Committees of the House of Representatives that such waiver is warranted; and

(b) The district attorney for the United States District Court for the Eastern District of Pennsylvania has described to the Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives detailing any un dertaken in accordance with the direction community (as defined in section 3 of the NA Tional Security Act of 1947 (50 U.S.C. 3003)) has regarding the perpetrators of the acts described in paragraph (1), which shall be submitted in unclassified form, but may contain a classified annex.

SA 3917. Ms. KLOBUCHAR (for herself 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. 4330, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 729. BAN ON VETERANS AFFAIRS OUTSOURCING.

(a) IN GENERAL.—The Secretary of Veterans Affairs, shall submit to the Committees of Congress, and the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committees of the House of Representatives that such waiver is warranted; and

(b) The district attorney for the United States District Court for the Eastern District of Pennsylvania has described to the Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives detailing any un dertaken in accordance with the direction community (as defined in section 3 of the NA Tional Security Act of 1947 (50 U.S.C. 3003)) has regarding the perpetrators of the acts described in paragraph (1), which shall be submitted in unclassified form, but may contain a classified annex.
year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. EXPANSION OF MEMBERSHIP OF THE ADVISORY COMMITTEE ON MILITARY VETERANS TO INCLUDE VETERANS WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, GENDER DIVERSE, GENDER NON-CONFORMING, INTERSEX, OR QUEER.

(a) EXPANSION OF MEMBERSHIP. —Subsection (a)(2)(A) of section 544 of title 38, United States Code, is amended—

(1) in clause (iv), by striking “and” at the end;

(2) in clause (v), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (v) the following new clause:

“(vi) veterans who are lesbian, gay, bisexual, transgender, gender diverse, gender non-conforming, intersex, or queer.”

(b) EFFECTIVE DATE. —Clause (vi) of section 544(a)(2)(A) of title 38, United States Code, shall apply to appointments made on or after the date of the enactment of this Act.

SA 3918. Ms. KLOBUCHAR (for herself and Mr. CRAPCHILD) submitted an amendment intended to be proposed to amendment SA 3917, submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Energy, to 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. 10. REPORT ON MATERIAL READINESS OF VIRGINIA CLASS SUBMARINES OF THE NAVY.

(a) IN GENERAL. —Not later than 120 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 material readiness of the Virginia class submarines.

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

(1) An assessment of the number of components and parts that have required replacement prior to the end of their estimated useful life or scheduled replacement timeline, including efforts to increase the reliability of “life of ship” components.

(2) An assessment of the extent to which part and material shortages have impacted deployment and maintenance availability schedules, including an estimate of the number of active part cannibalizations or other actions taken to mitigate those impacts.

(3) An identification of the planned lead time to obtain key material for Virginia class submarines from shipbuilders and vendors.

(4) An identification of the actual lead time to obtain such material from shipbuilders and vendors.

(5) An identification of the cost increases of key components and parts for new construction and maintenance availability above planned procurement.

(6) An assessment of potential courses of action to improve the material readiness of the Virginia class submarines, including efforts to align new construction shipyards with maintenance shipyards and Naval Sea Systems Command to increase predictability of materials and purchasing power.

(7) Such recessions the Secretary may have for legislative changes, authorities, realignments, and administrative actions, including reforms of the Federal Acquisition Regulation, to improve the material readiness of the Virginia class submarines.

Such other elements as the Secretary considers appropriate.

SA 3920. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3919, submitted by Ms. HIRONO, to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Energy, to 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. 10. MICROLOAN PROGRAM DEFINITIONS. Section 7(m)(1) of the Small Business Act (15 U.S.C. 636(m)(1)) is amended—

(1) in subparagraph (A), by striking the period at the end and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon;

(3) by adding at the end the following:

“(E) the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the States of Alaska, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.”

SA 3921. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. DEFINITION OF STATE. Section 901(a)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251(a)(2)) is amended by striking “Northern Mariana Islands” and all that follows through “Commonwealth of the Northern Mariana Islands.” and inserting “Northern Mariana Islands”;

SA 3922. Ms. HIRONO (for herself, Mrs. SHAHEEN, Mr. Cramer, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3921, submitted by Ms. HIRONO, to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 E of title III, add the following:

SEC. 10. IMPROVED OVERSIGHT FOR IMPLEMENTATION OF SHIPYARD INFRASTRUCTURE OPTIMIZATION PROGRAM OF THE NAVY.

(a) UPDATED PLAN. —

(1) IN GENERAL. —Not later than September 30, 2022, the Secretary of the Navy shall submit to the congressional defense committees an update of the plan for implementation of the Shipyard Infrastructure Optimization Program of the Department of Energy, with the objective of providing increased transparency for the actual costs and schedules associated with infrastructure optimizations for shipyards covered by such program.

(2) UPDATED COST ESTIMATES. —The updated plan required under paragraph (1) shall include updated cost estimates covering the most recent costs of capital improvement projects for each of the four public shipyards covered by the Shipyard Infrastructure Optimization Program.

(b) BRIEFING REQUIREMENT. —

(1) IN GENERAL. —Before the start of physical construction with respect to a covered project, the Secretary of the Navy shall —

(A) submit to the congressional defense committees an update of the plan for implementation of the Shipyard Infrastructure Optimization Program of the Department of Energy, with the objective of providing increased transparency for the actual costs and schedules associated with infrastructure optimizations for shipyards covered by such program;

(2) WRITTEN INFORMATION. —Before conducting a briefing under paragraph (1) with respect to a covered project, the Secretary of the Navy shall —

(A) submit to the congressional defense committees an update of the plan for implementation of the Shipyard Infrastructure Optimization Program of the Department of Energy, with the objective of providing increased transparency for the actual costs and schedules associated with infrastructure optimizations for shipyards covered by such program;

(B) A schedule for such project that is comprehensive, well-constructed, credible, and

(C) An estimate of the likelihood that programed and planned funds for such project will be sufficient for the completion of the project.

(3) COVERED PROJECT DEFINED.—In this subsection, the term ‘‘covered project’’ means a shipyard project under the Shipyard Infrastructure Optimization Program.

(A) with a contract awarded on or after October 1, 2024; and

(B) valued at $250,000,000 or more.

(4) INITIAL BRIEFING.—At least 30 days prior to the date of the initial briefing under this section, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the Comptroller General in implementing the Shipyard Infrastructure Optimization Program, including—

(a) the progress of the Secretary in completing the first annual report required under such program; and

(b) the cost and schedule estimates for full implementation of such program.

(5) COST—ANALYSIS.—Each report required by paragraph (1) shall include updated cost and schedule estimates—

(A) for the plan to implement the Shipyard Infrastructure Optimization Program, including any update to such plan under subsection (a); and

(B) for each dry dock, major facility, and infrastructure project valued at $250,000,000 or more under such program.

(6) COMPTROLLER GENERAL REPORT.—

(A) IN GENERAL.—Not later than May 1, 2023, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the Secretary of the Navy in implementing the Shipyard Infrastructure Optimization Program, including—

(I) the progress of the Secretary in completing the first annual report required under such program; and

(ii) the cost and schedule estimates for full implementation of such program.

(B) in paragraph (4)—

(i) by inserting ‘‘in which’’ before ‘‘5,000’’;

(ii) by striking ‘‘or’’ at the end;

(iii) by inserting ‘‘in which’’ before ‘‘1,000’’;

(iv) by striking ‘‘in which’’ before ‘‘1,000’’; and

(v) by striking ‘‘or’’ after the semicolon;

(C) in subparagraph (B)—

(i) by inserting ‘‘in which’’ before ‘‘1,000’’; and

(ii) by inserting ‘‘or’’ after the semicolon;

(D) that is a significant source of illicit drugs; and

(E) by adding at the end the following:

‘‘(D) that is a significant source of illicit synthetic opioids significantly affecting the United States;’’;

(2) INITIAL BRIEFING.—Not later than April 1, 2023, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the preliminary findings of the report under paragraph (1).

SA 3923. Mr. WARNOCK (for himself, Mr. BENNET, and Mr. HICKENLOOPER) submitted an amendment intended to be proposed to amendment SA 3967 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to describe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2831 and insert the following:

SEC. 2831. CONSIDERATION OF PUBLIC EDUCATION WHEN MAKING BALANCING DECISIONS.

(A) In general.—Section 2831 of the William M. Mac Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(i) by redesigning subsections (e) through (j) as subsections (f) through (k), respectively; and

(ii) by inserting after subsection (d) the following new subsection (e):—

‘‘(e) Education.—

(I) In general.—With regard to a military housing area in which an installation subject to a basing decision covered by section (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which high-quality public education is available and accessible to dependents of members of the Armed Forces in the military housing area by comparing progress of students served by relevant local educational agencies described in paragraph (4) under the statewide program described in section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) as compared to the progress of all students in such state under such section.

(II) Initial briefing.—Not later than April 1, 2023, the Secretary of the military department concerned shall report to the Committees on Armed Services of the House of Representatives and the Senate on the progress of the Secretary in implementing the Shipyard Infrastructure Optimization Program, including—

(I) the progress of the Secretary in completing the initial analysis of the plan to implement the Shipyard Infrastructure Optimization Program required under such paragraph;

(ii) the progress of the Secretary in completing the first annual report required under such program; and

(iii) the cost and schedule estimates for full implementation of such program.

(B) Effect on other provisions.—

(i) An assessment of the extent to which high-quality public education is available and accessible to dependents of members of the Armed Forces in the State in which the military housing area is located; and

(ii) the date to such plan under subsection (a).

(C) Effective dates.—

(i) The date to such plan under subsection (a).

(ii) The date to such plan under subsection (a).

SEC. 1013. BLOCKING DEADLY FENTANYL IMPORTS.

(a) SHORT TITLE.—This section may be cited as the ‘‘Blocking Deadfentyl Import Act’’.

(b) DEFINITIONS.—Section 481(e) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ‘‘in which’’;

(B) in subparagraph (A), by inserting ‘‘in which’’ before ‘‘1,000’’;

(C) in subparagraph (B)—

(i) by inserting ‘‘in which’’ before ‘‘1,000’’; and

(ii) by striking ‘‘or’’ after the semicolon;

(D) that is a significant source of illicit synthetic opioids significantly affecting the United States;’’;

(2) in paragraph (4)—

(A) in subparagraph (C)—

(i) by inserting ‘‘in which’’ before ‘‘5,000’’;

(ii) by inserting ‘‘or’’ after the semicolon;

(B) That assistance that furthers the objectives set forth in paragraphs (1) through (4) of section 664(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291n–2(b));

(E) assistance that furthers the objectives set forth in paragraphs (1) through (4) of section 664(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291n–2(b));

(F) assistance to combat trafficking authorites under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 et seq.); and

(c) NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h–1) is amended by adding at the end the following:

"(10) A separate section that contains the following:

"(A) Identification of the countries, to the extent feasible, that are the most significant sources of licit fentanyl and fentanyl analogues significantly affecting the United States during the preceding calendar year.

"(B) A description of the extent to which each country identified pursuant to subparagraph (A) has cooperated with the United States with respect to articles or chemicals described in subparagraph (A) from being exported from such country to the United States.

"(C) A description of whether each country identified pursuant to subparagraph (A) has adopted and utilizes scheduling or other procedures for illicit drugs that are similar in effect to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;

"(D) A description of whether each country identified pursuant to subparagraph (A) is following the registration of tableting machines and encapsulating machines or other procedures similar in effect to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations, and has made good faith efforts, in the opinion of the Secretary, to improve regulation of tableting machines and encapsulating machines;"

"(E) WITHHOLDING OF BILATERAL AND MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h–1(a)) is amended—

(i) by redesignating subparagraph (B) as subparagraph (C);

(ii) by striking "or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act" and inserting "or major drug-transit country, country identified pursuant to section 489(a)(8)(A), or country thrice identified during a 5-year period pursuant to section 489(a)(8)(A)"; and

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

"(C) designate each country, if any, identified pursuant to clause (1) or (ii) of section 489(a)(8)(A) of this Act and thrice identified during a 5-year period pursuant to section 489(a)(8)(A)");

(2) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT SCHEDULING PROCEDURES.—Section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291h–1(3)) is amended by adding at the end the following:

"(A) by redesignating subparagraph (B) as subparagraph (F); and

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

"(C) Designate each country, if any, identified under section 489(a)(10)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h–1(a)(10)) that has not taken significant steps to prosecute individual involved in the illicit manufacture or distribution of controlled substances as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)); and

(D) Notwithstanding paragraph (2), to develop and implement a regional strategy for the manufacture or distribution of controlled substances as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)); and..."
between and among Israel, Arab states, and the Palestinians to enhance the prospects for peace, respect for human rights, transparent governance, and for cooperation to address water scarcity, improved healthcare, sustainable development, and other areas that result in benefits for residents of those countries and regions;

(3) Implement a regional security strategy that recognizes the shared threat posed by Iran and violent extremist organizations, ensures sufficient United States resources to address the region, builds partner capacity to address shared threats, and explores multilateral security arrangements built with appropriate partners;

(4) To support and encourage government-to-government and grassroots initiatives aimed at normalizing ties with the state of Israel and promoting people-to-people contact between Israelis, Arabs, and residents of other relevant countries and regions, including by expanding and enhancing the Abraham Accords;

(5) To support a negotiated solution to the Israeli-Palestinian conflict resulting in two states living side by side in peace, security, and prosperity, while recognizing the right of the Palestinian people to self-determination, including through an independent, democratic Palestinian state, in accordance with international law, the relevant UN Security Council Resolutions, the Madrid Principles, the Roadmap for Peace in the Middle East, the Oslo Accords, and relevant bilateral agreements, negotiations, and the will of the Palestinian people;

(6) To implement the Nita M. Lowey Middle East Partnership for Peace Act (title VIII of division K of Public Law 119–208), which will support development and peacebuilding efforts among Arabs and Israelis, in a manner which encourages regional allies to become international donors to the Palestinian Authority and the State of Palestine;

(7) To oppose efforts to delegitimize the state of Israel on the government-to-government and people-to-people levels, including efforts to characterize Israel as an Apartheid state or an illegitimate territory, and to support the reintegration of Israel into the international community and the United Nations, including by supporting the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People; and

(8) To work to combat anti-Semitism and support normalization with Israel, including by countering anti-Semitic narratives on social media and press, and supporting curricula reform in education.

SEC. 1295. UNITED STATES STRATEGY TO STRENGTHEN AND EXPAND ABRAHAM ACCORDS AND OTHER RELATED NORMALIZATION AGREEMENTS WITH ISRAEL.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a strategy on expanding and strengthening the Abraham Accords.

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) An assessment of future staffing and resourcing requirements of entities within the Department of State, the United States Agency for International Development, and other appropriate Federal departments and agencies with responsibility to coordinate United States efforts to expand and strengthen the Abraham Accords.

(2) An assessment of opportunities to further promote bilateral and multilateral cooperation between Israel, Arab states, and other relevant countries and regions in the economic, social, cultural, scientific, technical, educational, and health fields and an assessment of roadblocks to increased cooperation.

(3) A bilateral assessment of the potential for increased security cooperation between Israel, the United States, Arab states, and other relevant countries and regions, including an assessment of potential roadblocks to increased security cooperation, interoperability, and information sharing.

(4) An assessment of the likelihood of additional Arab and other relevant countries and regions to normalize relations with Israel.

(5) An assessment of opportunities created by normalization agreements with Israel to advance prospects for peace between Israel and Palestinians.

(6) A detailed description of how the United States Government will leverage diplomatic lines of effort and resources from other stakeholders (including from foreign governments (including multilateral institutions) to encourage normalization, economic development, and people-to-people programming.

(7) A description of existing investment funds that support Israel-Arab state cooperation and recommendations for how such funds could support regional economic growth and increase prosperity for all relevant stakeholders.

(8) A proposal for how the United States Government and others can utilize the scholar and Arabic language resources of the United States Holocaust Museum to counter Holocaust denial and anti-Semitism.

(9) An assessment for creating an Abraham Center for Pluralism to prepare educational materials, convene international seminars, promote tolerance and pluralism, and build lines of effort and resources from global communities to promote religious tolerance and countering political and religious extremism.

(10) Recommendations to improve Department of State assistance for Arab-Israeli normalization, particularly between the Special Envoy to Monitor Anti-Semitism and the Ambassador at Large for International Religious Freedom, and any other efforts to address religious persecution, discrimination, and extrajudicial punishments by the United States, Arab states, and other countries and regions.

(11) An assessment on the value and feasibility of Federal support for inter-parliamentary exchange programs for Members of Congress, Knesset, and parliamentarians from Arab and other relevant countries and regions, including through existing Federal programs that support such exchanges.

(c) FORM.—The report required under subsection (a) shall be in unclassified form but may contain a classified annex.

SEC. 1296. BREAKING DOWN BARRIERS TO NORMALIZATION WITH ISRAEL.

(a) SHORT TITLE.—This section may be cited as the ‘‘Supporting Arab Initiatives Taken Against the Normalization of Relations with Israel Act of 2021’’.

(b) BREAKING DOWN BARRIERS—Congress makes the following findings:

(1) The Arab League, an organization comprising 22 Middle Eastern and African countries and nations, has used an official boycott of Israeli companies and Israeli-made goods since the founding of Israel in 1948.

(2) Longstanding United States policy has encouraged Arab League states to normalize their relations with Israel and has long prioritized funding cooperative programs to help promote Arab-Israeli normalization.

(3) The status of ‘‘anti-normalization laws’’ in countries comprising the Arab League, including efforts within each country to sharpen existing laws, enact new or additional ‘‘anti-normalization legislation’’, or repeal such laws.

(4) Instances of the use of state-owned or state-operated media outlets to promote anti-Semitic propaganda, the prosecution of citizens or residents of Arab countries for calling for peace with Israel, visiting the state of Israel, or engaging Israeli citizens in anti-Semitic propaganda, the prosecution of citizens or residents of Arab countries for calling for peace with Israel, visiting the state of Israel, or engaging Israeli citizens in anti-Semitic propaganda.

(5) Instances of discrimination against and harassment of citizens or residents of Arab countries, including the revocation of citizenship, the imposition of imprisonment, or the revocation of citizenship.

(6) Instances of extrajudicial retribution.

(7) Despite the risk of retaliatory action, a rising tide of Arab civic actors advocate direct engagement with Israeli citizens and residents. These include the Arab Council for the Promotion of Government to Government (G2G) Cooperation between and among Israel, Arab states, and other relevant countries and regions, including through existing Federal programs that support such exchanges.

(8) On February 11, 2020, a delegation of the Arab Council to the French National Assembly in Paris testified to the harmful effects of these laws and resolutions in the United States Congress to enact a law instructing the relevant French authorities to issue an annual report on instances of Arab government retaliation for those Arab citizens or residents who call for peace with Israel or engage in direct civil relations with Israeli citizens, and requested democratic legislatures to help defend the region’s civil peacemakers.

(9) On May 11, 2020, 85 leaders in France published an endorsement of the Arab Council to the French National Assembly to enact a law instructing the relevant French authorities to issue an annual report on instances of Arab government retaliation for those Arab citizens or residents who call for peace with Israel or engage in direct civil relations with Israeli citizens.

(10) Arab-Israeli normalization agreements created significant symbiotic benefit to the security and economic prosperity of the region.

(11) An assessment of opportunities created by normalization agreements with Israel to advance prospects for peace between Israel and Palestinians.

(12) An annual report on instances of Arab government retaliation for those Arab citizens or residents who call for peace with Israel or engage in direct civil relations with Israeli citizens.
SA 3927. 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 G of title X, add the following:

SEC. 1064. NOTIFICATIONS AND REPORTS REGARDING REPORTED CASES OF BURN PIT EXPOSURE.

(a) QUARTERLY NOTIFICATIONS.—

(1) IN GENERAL.—On a quarterly basis, the Secretary of Veterans Affairs shall submit to the appropriate congressional committees a report on each reported case of burn pit exposure by a covered veteran reported during the previous quarter.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include, with respect to each reported case of burn pit exposure of a covered veteran included in the report,

(A) Notice of the case, including the medical facility at which the case was reported.

(B) Notice of, as available—

(i) the enrollment status of the covered veteran with respect to the patient enrollment system of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code;

(ii) a summary of all health care visits by the covered veteran at the medical facility at which the case was reported that are related to the case;

(iii) the demographics of the covered veteran, including age, sex, and race;

(iv) any non-Department of Veterans Affairs health care benefits that the covered veteran receives;

(v) the Armed Force in which the covered veteran served and the rank of the covered veteran;

(vi) the period in which the covered veteran served;

(vii) each location of an open burn pit from which the covered veteran was exposed to toxic airborne chemicals and fumes during such period;

(viii) the medical diagnoses of the covered veteran as a result of the treatment provided to the veteran; and

(ix) whether the covered veteran is registered in the Airborne Hazards and Open Burn Pit Registry.

(b) PROTECTION OF INFORMATION.—The Secretary shall ensure that the reports submitted under paragraph (1) do not include the identity of covered veterans or contain other personally identifiable data.

(c) ANNUAL REPORT ON CASES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall submit to the appropriate congressional committees a report detailing the following:

(A) The total number of covered veterans.

(B) The total number of claims for disability benefits under chapter 31 of title 38, United States Code, approved and the total number denied by the Secretary of Veterans Affairs with respect to a covered veteran for each such denial, the rationales of the denial.

(C) A comprehensive list of—

(i) the conditions for which covered veterans seek treatment; and

(ii) the locations of the open burn pits from which the covered veterans were exposed to toxic airborne chemicals and fumes.

(D) Identification of any illnesses relating to exposure to open burn pits that formed the basis for the Secretary to award benefits, including claims denied as not being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits at any time while serving in the Armed Forces.

(E) The total number of covered veterans who died after seeking care for an illness relating to exposure to open burn pits.

(F) Any updates or trends with respect to the information described in subparagraphs (A), (B), (C), (D), and (E) that the Secretary determines appropriate.

(2) MATTERS INCLUDED IN FIRST REPORT.—The Secretary shall include in the first report under paragraph (1) information specified in subsection (a)(2) with respect to reported cases of burn pit exposure made during the period beginning January 1, 1990, and ending on the day before the date of the enactment of this Act.

(b) PROVISION OF INFORMATION REGARDING OPEN BURN PIT REGISTRY.—Section 201(a) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note) is amended by adding at the end the following new paragraphs:

(3) INCLUSION OF INFORMATION REGARDING DEATH AND PROVISION OF INFORMATION REGARDING OPEN BURN PIT REGISTRY.—Section 201(a) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note) is amended by adding at the end the following new paragraphs:

(4) INFORMATION REGARDING REGISTRY.—The Secretary of Veterans Affairs shall permit a survivor of a deceased veteran to report to the registry under paragraph (1) the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pit, even if such veteran was not included in the registry before their death.

(5) INFORMATION REGARDING REGISTRY.—

(A) NOTICE.—The Secretary of Veterans Affairs shall ensure that a medical professional of the Department of Veterans Affairs informs a veteran of the registry under paragraph (1) if the veteran presents at a medical facility of the Department for treatment that the veteran describes as being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits.

(B) DISPLAY.—In making information public, the Secretary shall, unless prohibited by law, display—

(i) the Memorial of the President of the United States when it passed the Military Peace Establishment Act without reference to the grade of the United States'' as the commander of the Army of the United States (5th Congress, Session I, Chap. 48, Section 9).

(ii) the report of the Board of Appraisers of the United States when it passed the Military Peace Establishment Act without reference to the grade of ''Lieutenant-General of the Army of the United States'' (6th Congress, Session III, Chap. 48, Section 9).

(iii) the report of the Secretary of War when the Board of Appraisers of the United States dissolved the grade of General of the Armies of the United States (5th Congress, Session I, Chap. 48, Section 9).

(iv) the report of the Secretary of War when the Military Peace Establishment Act provided for the grade of ''General of the Armies of the United States'' (6th Congress, Session III, Chap. 48, Section 9).

(v) the report of the Secretary of War when the Military Peace Establishment Act without reference to the grade of the United States'' as the commander of the Army of the United States when it passed the Military Peace Establishment Act without reference to the grade of General of the Armies of the United States (5th Congress, Session I, Chap. 48, Section 9).

(vi) the report of the Board of Appraisers of the United States when it passed the Military Peace Establishment Act without reference to the grade of General of the Armies of the United States (5th Congress, Session I, Chap. 48, Section 9).

(6) COMPTROLLER GENERAL REPORT.—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 congressional committees a report containing an assessment of the effectiveness of any memorandum of understanding or memorandum of agreement entered into by the Secretary of Veterans Affairs with respect to—

(A) the processing of reported cases of burn pit exposure; and

(B) the coordination of care and provision of health care services at medical facilities of the Department of Veterans Affairs and at non-Department facilities.

(7) DEFINITIONS.—In this section:

(A) The term "Airborne Hazards and Open Burn Pit Registry" means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

(B) The term "appropriate congressional committees" means—

(A) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(B) The Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

The term "covered veteran" means a veteran who presents at a medical facility of the Department of Veterans Affairs (or in a non-Department facility pursuant to section 1703 or 1703A of title 38, United States Code) for treatment that the veteran describes as being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits at any time while serving in the Armed Forces.

(c) NOTIFICATIONS.—The term "open burn pit" has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

The term "reported case of burn pit exposure" means each instance in which a veteran presents at a medical facility of the Department of Veterans Affairs (or in a non-Department facility pursuant to section 1703 or 1703A of title 38, United States Code) for treatment that the veteran describes as being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits at any time while serving in the Armed Forces.

SA 3929. Mr. BROWN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. APPOINTMENT OF ULYSSES S. GRANT TO GRADE OF GENERAL OF THE ARMIES OF THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) On March 3, 1799, Congress created the grade of "General of the Armies of the United States" as the commander of the Army of the United States (5th Congress, Session I, Chap. 48, Section 9).

(2) On March 16, 1802, Congress effectively dissolved the grade of General of the Armies of the United States when it passed the Military Peace Establishment Act without reference to the grade (7th Congress, Session I, Chap. 9, Sec. 3).

(3) On July 1, 1843, Ulysses S. Grant graduated from the United States Military Academy at West Point, and, on July 31, 1854, Grant resigned from the Army at the grade of Captain.

(4) Following President Abraham Lincoln's April 15, 1861, proclamation calling for 75,000 volunteers to suppress Confederate forces, Ulysses S. Grant rejoin the Army and helped recruit and train volunteer soldiers for the Union.

(5) Over the course of the American Civil War, Ulysses S. Grant commanded a cumulative total of more than 600,000 Union soldiers and achieved major victories including Fort Henry (February 1862), Fort Donelson (February 1862), Shiloh (April 1862), the Vicksburg Campaign (June 1863), Chattanooga (November 1863), the Wilderness Campaign (May 1864–June 1864), the Petersburg Campaign (June 8–April 1865), and the Appomattox Campaign (April 1865).

(6) On February 29, 1864, Congress reestablished the grade of "Lieutenant-General of the
the United States Army’’ and authorized the President to appoint, by and with the advice and consent of the Senate, an officer who was ‘‘most distinguished for courage, skill, and capacity’’ (39th Congress, Session I, Chap. 232). Sullens and Grant were appointed to the grade of Lieutenant-General in 1864, and made clear that this grade has ‘‘precedence over all other grades of the Army, past or present’’.

(b) PURPOSE.—The purpose of this section is to—
(1) honor Ulysses S. Grant for his efforts and leadership in defending the union of the United States of America;
(2) recognize that the military victories achieved under the command of Ulysses S. Grant were integral to the preservation of the United States of America; and
(3) affirm that Ulysses S. Grant is among the most influential military commanders in the history of the United States of America.

(c) APPOINTMENT.—The President is authorized and requested to appoint Ulysses S. Grant posthumously to the grade of General of the Army, a position previously held by only George Washington, Andrew Jackson, and Winfield Scott, although Scott’s promotion was a brief appointment.

On July 25, 1866, Congress established the grade of ‘‘General of the Army of the United States’’ (39th Congress, Session I, Chap. 232), and Ulysses S. Grant was appointed, by and with the advice and consent of the Senate, to General of the Army of the United States for his role in commanding the Union armies during the Civil War.

On March 4, 1869, Ulysses S. Grant was sworn in as the 18th President of the United States.

(10) Throughout his two terms as President, Ulysses S. Grant secured the ratification of the 15th Amendment to the Constitution, the creation of the Department of Justice, and the passage and implementation of the Civil Rights Act of 1875.

On October 27, 1876, Congress enacted Public Law 94–479, which re-established the grade of ‘‘General of the Armies of the United States’’ to posthumously request the appointment of George Washington to General of the Armies of the United States and make clear that this grade has ‘‘precedence over all other grades of the Army, past or present’’.

On page 127, line 17, insert ‘‘installation or facility’’ and insert ‘‘installation, facility, or area’’.

On page 127, between lines 23 and 24, insert the following:

(3) whether the release of a perfluoroalkyl substance or polyfluoroalkyl substance from the installation or facility has resulted in the release of a perfluoroalkyl substance or polyfluoroalkyl substance in groundwater that is part of a sole-source aquifer at a concentration that presents a risk of exposure to a quantity that exceeds the minimal risk level for that substance established by the Agency for Toxic Substances and Disease Registry.

On page 127, between lines 10 and 11, insert the following:

(e) FINAL BASIS FOR REMEDIAL ACTION FOR ASSESSMENT AND TESTING BEFORE ENACTMENT.—If preliminary assessment and site inspection testing required by subsection (a) has been completed for an installation, facilities, or area, the status of the selection by the Department of Defense for a remedial action for each installation, facilities, or area covered by such testing.

On page 128, line 18, insert ‘‘installation or facility’’ and insert ‘‘installation, facility, or area’’.

On page 128, line 20, strike ‘‘installation or facility’’ and insert ‘‘installation, facility, or area’’.

On page 128, line 23, strike ‘‘installations or facilities’’ and insert ‘‘installations, facilities, or areas’’.

On page 129, beginning on line 1, strike ‘installation or facilities’ and insert ‘‘installations, facilities, or areas’’.

On page 129, line 3, strike ‘‘the actions’’ and insert ‘‘the remedial actions’’.

On page 129, beginning on line 4, strike ‘‘actions, for installation or facility’’ and insert ‘‘remedial actions, for each installation, facility, or area’’.

On page 129, line 13, insert after the period the following:

((f) REMEDIAL ACTION DEFINED.—The term ‘‘remedial action’’ has the meaning given it by section 101(24) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(24)).

On page 129, line 18, strike ‘locations’ and insert ‘installations or facilities, including nearby areas surrounding such installations or facilities’.

On page 137, between lines 18 and 19, insert the following:

(g) Wright Patterson Air Force Base.

SA 3929. 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.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a pilot program to assess the feasibility and advisability of providing the module described in subsection (b) and the services described in subsection (c) as part of the Transition Assistance Program for members of the Armed Forces participating in the Transition Assistance Program for members of the Armed Forces participating in the Transition Assistance Program.

(b) MODULE.—The module described in this subsection is a three-hour module for the Transition Assistance Program for each member of the Armed Forces participating in the pilot program that includes the following:

(1) An in-person meeting between the cohort of the member and a social worker or mental health provider in which the social worker or mental health provider—

(A) counsels the cohort on specific potential risks confronting members after discharge or release from the Armed Forces, including losses of combat system, isolation from family, friends, or society, identity crisis in the transition from military to civilian life, vulnerability viewed as lack of mental health care, substance use, self-medication and addiction, importance of sleep and exercise, homelessness, and reasons why veterans attempt and complete suicide;

(B) in coordination with the InTransition program of the Department of Defense, counsels members of the cohort who have been diagnosed with physical, psychological, or neurological issues, such as post-traumatic stress disorder, traumatic brain injury, adverse childhood experiences, depression, and bipolar disorder, on—

(i) the potential risks for such members from such issues after discharge or release;

(ii) the resources and treatment options afforded to members for such issues through the Department of Veterans Affairs, the Department of Defense, and non-profit organizations; and

(C) counsels the cohort about the resources afforded to victims of military sexual trauma through the Department of Veterans Affairs; and

(D) counsels the cohort about the manner in which members might experience grief during the transition from military to civilian life, and the resources afforded to them for grieving through the Department of Veterans Affairs.

(2) In coordination with the Solid Start program of the Department of Veterans Affairs, the provision to each cohort member of contact information for a counseling or other appropriate facility of the Department of Veterans Affairs in the locality in which such member intends to reside after discharge or release.

(3) The submittal by cohort members to the Department of Veterans Affairs (including both the Veterans Health Administration and the Veterans Benefits Administration) of their medical records in connection with such issues; or through the VA or the Army. Other or not such members intend to file a claim with the Department for benefits with respect to any service-connected disability.

(g) SERVICES.—The services described in this subsection in connection with the Transition Assistance Program for each member of the Armed Forces participating in the pilot program are the services described in subsection (c) as part of the Transition Assistance Program for members of the Armed Forces participating in the Transition Assistance Program.

(1) Not later than 90 days after the discharge or release of the member from the
Armed Forces, a contact of the member by a provider at the facility applicable to the member under subsection (b)(1); and (B) the development of a medical treatment plan for the member, including treatment to include identified pursuant to the assessment under subparagraph (A).

(d) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out not fewer than 10 Transition Assistance Centers of the Department of Defense that serve not fewer than 300 members of the Armed Forces annually that are jointly selected by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of the pilot program.

(2) MEMBERS SERVED.—The centers selected under paragraph (1) shall, to the extent practicable, be centers that, whether individually or in aggregate, serve all the Armed Forces and both the regular and reserve components of the Armed Forces.

(e) SELECTION AND COMMENCEMENT.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly select the locations of the pilot program under subsection (d)(1) and commence carrying out activities under the pilot program by not later than 120 days after the date of the enactment of this Act.

(f) DURATION.—

(1) IN GENERAL.—The duration of the pilot program shall be five years.

(2) CONTINUATION.—If the Secretary of Defense and the Secretary of Veterans Affairs do not report under subsection (g) that the pilot program be extended beyond the date otherwise provided by paragraph (1), the Secretaries may jointly continue the pilot program for such period beyond the date otherwise provided by this section as the Secretaries jointly consider appropriate.

(g) REPORTS.—

(1) GENERAL.—Not later than one year after the date of the enactment of this Act, and every 180 days thereafter during the duration of the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the activities under the pilot program.

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

(A) A description of the members of the Armed Forces who participated in the pilot program during the preceding 30-day period ending on the date of such report, disaggregated by the following:

(i) Sex.

(ii) Branch of the Armed Forces in which served.

(iii) Diagnosis of, or other symptoms consistent with, military sexual trauma, post-traumatic stress disorder, traumatic brain injury, depression, or bipolar disorder in connection with service in the Armed Forces.

(B) A description of the activities under the pilot program during such period.

(C) An assessment of the benefits of the activities under the pilot program during such period to veterans and family members of veterans.

(D) An assessment of whether the activities under the pilot program as of the date of such report have reduced the incidence of suicide among members who participated in the pilot program within one year of discharge or release from the Armed Forces.

(E) Such other information as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate regarding expansion of the pilot program, extension of the pilot program, and both (h) TRANSITION ASSISTANCE PROGRAM DEFINED.—In this section, the term “Transition Assistance Program” means the program of assistance under this subsection carried out pursuant to section 1144 of title 10, United States Code.

SA 3931. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle F of title X, add the following:

SEC. 1054. STUDY AND REPORT ON HOUSING AND SERVICE NEEDS OF SURVIVORS OF TRAFFICKING AND INDIVIDUALS AT RISK FOR TRAFFICKING.

(a) DEFINITIONS.—

(1) IN GENERAL.—In this section:

(A) SURVIVOR OF A SEVERE FORM OF TRAFFICKING.—The term “survivor of a severe form of trafficking” has the meaning given the term “victim of a severe form of trafficking” in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(B) SURVIVOR OF TRAFFICKING.—The term “survivor of trafficking” has the meaning given the term “victim of trafficking” in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(B) TECHNICAL AMENDMENTS.—Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended—

(A) in paragraph (16), by striking “paragraph (11)” and inserting “paragraph (11) and paragraph (12)”; and

(B) in paragraph (17), by striking “paragraph (9) or (10)” and inserting “paragraph (9)”.

(b) STUDY.—

(1) IN GENERAL.—The United States Interagency Council on Homelessness (referred to in this section as the “Council”) shall conduct a study assessing the availability and accessibility of housing and services for individuals experiencing homelessness or housing instability who are survivors of trafficking, including trauma responsive approaches specific to labor and sex trafficking survivors; and

(C) an evaluation of the effectiveness of, and infrastructure considerations for, housing and service-delivery models that are specific to survivors of trafficking, including survivors of severe forms of trafficking, including emergency rental assistance models.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Council shall—

(1) submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains the information described in subsection (b)(3); and

(2) make the report submitted under paragraph (1) publicly available.

SA 3932. Ms. HASSAN (for herself, Ms. ERNST, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States; (ii) survivors of trafficking; (iii) direct service providers, including—

(i) organizations serving runaway and homeless youth; (ii) organizations serving survivors of trafficking through community-based programs; and

(iii) organizations providing housing services to survivors of trafficking; and

(iv) homeless and homelessness assistance providers, including recipients of grants under—

(i) the continuum of care program authorized by subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.); and

(ii) the Emergency Solutions Grants Program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.).

(3) CONSENTS.—The study required under paragraph (1) shall include—

(A) with respect to the individuals described in such paragraph—

(i) an evaluation of formal assessments and outreach methods used to identify and assess the housing and service needs of such individuals, including outreach methods to ensure effective communication with individuals with disabilities; and

(ii) to reach individuals with limited English proficiency;

(B) a review of the availability and accessibility of homelessness or housing services for such individuals, including the family members of such individuals who are minors involved in foster care systems, that identifies the disability-related needs of such individuals, including the need for housing with accessibility features;

(C) the effect of any policies and procedures of mainstream homelessness or housing services that facilitate or limit the availability of such services and access to such services; and

(D) any steps taken by the Department of Labor to provide outreach and direct service to survivors of trafficking who are members of a protected class under the Fair Housing Act (42 U.S.C. 3601 et seq.);

(B) an assessment of the ability of mainstream homelessness or housing services to meet the specialized needs of survivors of trafficking, including trauma responsive approaches specific to labor and sex trafficking survivors; and

(C) an evaluation of the effectiveness of, and infrastructure considerations for, housing and service-delivery models that are specific to survivors of trafficking, including survivors of severe forms of trafficking, including emergency rental assistance models.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Council shall—

(1) submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains the information described in subsection (b)(3); and

(2) make the report submitted under paragraph (1) publicly available.

SA 3932. Ms. HASSAN (for herself, Ms. ERNST, 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, 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. MODIFICATIONS TO MILITARY SERVICE UNIFORM REQUIREMENTS AND PROCEDURES.

(a) Establishment of consistent criteria.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and in coordination with the Secretaries concerned with respect to the Armed Forces under their jurisdiction, shall establish consistent criteria for determining which uniform or clothing items across the services are considered uniquely military for purposes of calculating the standard cloth, clothing and equipment, and clothing replacement allowances, in part to reduce differences in out-of-pocket costs incurred by enlisted members of the Armed Forces across the military services and by genders within the military service.

(2) Review.—The Under Secretary shall review the criteria established under paragraph (1) every 5 years thereafter and recommend to Congress adjustments as appropriate.

(b) Additional reviews.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and in coordination with the Secretaries of the military departments, shall—

(1) periodically review all uniform clothing plans of the military services to identify data and requirements needed to facilitate cost discussions and to recommend adjustments as appropriate;

(2) periodically review items in the military services’ calculations of the enlisted standard cloth, clothing and equipment, and clothing replacement allowances if they are insufficient to pay for uniquely military items.

(c) Sense of Congress.—It is the sense of Congress that unique military items between genders should be the same for members of the Armed Forces.

(d) Report.—Not later than December 31, 2022, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the cost differences that warrant being addressed.

SA 3933. Ms. ROSEN (for herself, Ms. COLLINS, Mr. YOUNG, and Mr. WHITE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. TERMINATION OF TELEPHONE, MULTICHANNEL VIDEO PROGRAMMING, AND INTERNET ACCESS SERVICE CONTRACTS BY SERVICEMEMBERS WHO ENTER INTO CONTRACTS AFTER RECEIVING MILITARY ORDERS FOR PERMANENT CHANGE OF STATION BUT THEN RECEIVE STOP MOVEMENT ORDERS DUE TO AN EMERGENCY SITUATION.

(a) In general.—Section 305A(a)(1) of the Servicemembers Civil Relief Act (50 U.S.C. 3956) is amended—

(1) by striking “after the date the servicemember receives military orders to relocate for a period of not less than 60 days to a location that does not support the contract.”; and

(2) by adding at the end the following new subparagraphs:

(A) the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract; or

(B) the servicemember, while in military service, receives military orders (as defined in section 305(i)) for a permanent change of station (as defined in section 305(i)), enters into a contract, and then after entering into the contract receives a stop movement order issued by the Secretary of Defense in response to a local, national, or global emergency, effective for an indefinite period or for a period of not less than 30 days, which prevents the servicemember from using the services provided under the contract.

(b) Retroactive application.—The amendments made by this section shall apply to any stop movement order issued on or after March 1, 2020.

SA 3934. Mrs. HYDE-SMITH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 594. ARMY CORPS OF ENGINEERS: OTHER TRANSACTIONS TO SUPPORT NON-MILITARY MISSION.

(a) In general.—Chapter 763 of part IV of title 15, United States Code, is amended by adding at the end the following:

"§7545. Army Corps of Engineers: other transactions to support non-military missions.

(1) In general.—The Secretary of the Army shall grant authority to the Corps of Engineers to use authority under section 287b to enter into transactions (other than contracts, grants and cooperative agreements) to carry out prototype projects, including full-scale pilot demonstrations and demonstration activities, to enhance the effectiveness of the non-military mission of the Corps of Engineers in support of Federal agencies, State and local governments, industry, and foreign governments.

(b) Requirements.—The Secretary of the Army shall ensure that any requirement of the Secretary of Defense relating to reports to Congress or education and training of personnel with respect to the use of other transaction authority shall apply to the authority granted to the Corps of Engineers under subsection (a).

(c) Report to Congress.—Not later than 5 years after the date of enactment of this section, the Secretary of the Army shall submit to Congress a report on the use of the authority granted to the Corps of Engineers under subsection (a)."

SA 3935. Ms. ROSEN (for herself, Ms. COLLINS, Mr. YOUNG, and Mr. WHITE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. UNITED STATES-ISRAEL CYBERSECURITY COOPERATION ENHANCEMENT.

(a) Title. —The amendment may be cited as the “United States-Israel Cybersecurity Cooperation Enhancement Act of 2021”.

(b) Definitions.—In this section:

(1) the term “cybersecurity research” means research, including social science research, into ways to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(2) the term “cybersecurity technology” means technology intended to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(3) the term “cybersecurity threat” has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);

(4) the term “Department” means the Department of Homeland Security;

(5) the term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15881); and

(6) the term “Secretary” means the Secretary of Homeland Security.
The local availability of supplemental services for infant and early childhood mental health such as Infant and Early Childhood Mental Health (IECMH) consultation by trained professionals who are also certified or endorsed in IECMH.

(4) The ease of access for individuals with identified infant and early childhood mental health needs who need to receive intensive educational services, such as the length of time on waiting lists.

**REVIEW OF BEST PRACTICES.—**In preparing the assessment under subsection (a), the Secretary of Defense shall conduct a review of best practices of providing infant and early childhood mental health services including an assessment of Federal and State early education and mental health services for infant and early childhood mental health in each State, with an emphasis on locations where members of the Armed Forces and their dependent children reside. The Secretary of Defense shall conduct the review in coordination with the Secretary of Education.

**DEMONSTRATION PROJECTS.—**

(1) PROJECTS AUTHORIZED.—The Secretary of Defense may conduct demonstration projects to evaluate improved approaches to the provision of covered educational and infant and early childhood mental health services to children of members of the Armed Forces for the purpose of evaluating and the efficacy of infant and early childhood mental health consultation models to improve social-emotional development outcomes for military children enrolled in child development centers, reducing incidence of behavioral issues and or need for intensive treatment, and early identification of needs requiring non-medical intervention as considered appropriate by the Secretary.

**INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION.—**

(1) CONSULTATION.—The Secretary of Defense may develop a comprehensive professional development curriculum for use in training non-medical counselors in infant and early childhood mental health consultation and conduct field development centers, and to allow for the training of Department of Defense-contracted child and youth behavioral-military mental health consultation models designed to enhance culturally sensitive, relationship-focused practice within the framework of infant and early childhood mental health consultation services such as the Alliance for the Advancement of Infant Mental Health for purposes of certification or endorsement as an IECMH practitioner.

**PERSONNEL.—**The Secretary of Defense may utilize purposes for the demonstration projects personnel who are professionals with recognized by relevant agencies such as the Alliance for the Advancement of Infant Mental Health for purposes of certification or endorsement as an IECMH practitioner.

(1) To develop and monitor promotion, prevention, and non-medical intervention plans.
for military children within child development centers who are participating in the demonstration projects;
(ii) to provide appropriate training in the provision of covered services to participating children;
(iii) to provide non-medical counseling services to children and their primary caregivers at the child development center as required;
(iv) to coordinate with other established installation and community resources to coordinate and collaborate regarding needed services, such as New Parent Support Program, Behavioral Health, Tricare mental health services, and early behavioral intervention services; and
(v) to be endorsed, or work toward becoming endorsed, by a recognized infant and early childhood mental health organization such as the Alliance for the Advancement of Infant Mental Health.

(3) EVALUATIONS OF OUTCOMES.—The Secretary of Defense may authorize an evaluation of outcomes from any demonstration project to determine the value of infant and early childhood mental health consultation within child development centers.

(4) SERVICES UNDER CORPORATE SERVICES PROVIDER MODEL.—In carrying out the demonstration projects, the Secretary of Defense may contract with a corporation for services provider model. Employees of a provider under such a model shall include personnel who implement special educational and behavioral interventions for the children of members of the Armed Forces that are developed, reviewed, and maintained by supervisory level providers approved by the Secretary. In authorizing such a model, the Secretary shall establish—
(A) minimum education, training, and experience required to be met by employees who provide services to children;
(B) requirements for IECMH consultation personnel and supervision, including requirements for infant and early childhood mental health credentials and for the frequency and intensity of supervision; and
(C) such other requirements as the Secretary considers appropriate to ensure the safety and protection of children who receive services from such employees under the demonstration projects.

(5) TEMPORARY.—If the Secretary of Defense determines to conduct demonstration projects under this subsection, the Secretary shall commence such demonstration projects not later than the date of enactment of this Act. The demonstration projects shall be conducted for not less than 2 years.

(6) EVALUATION.—The Secretary of Defense shall conduct an evaluation of each demonstration project conducted under this section. The evaluation shall include the following:
(A) An assessment of the extent to which the activities under the demonstration project contributed to positive outcomes for children of members of the Armed Forces.
(B) An assessment of the extent to which the activities under the demonstration project led to improvements in services and continuity for such children.
(C) An assessment of the extent to which the activities under the demonstration project improved military family readiness and enhanced military retention.
(D) RELATIONSHIP TO OTHER BENEFITS.—Nothing in this section precludes the eligibility of members of the Armed Forces and their dependents under covered services provider model. The term ‘covered educational services’ means provision of quality early childhood education that promotes healthy social and emotional development and provides supports for children experiencing mental health challenges and supportive services that include assessment, coaching for educators and parents, and when warranted, referral to appropriately licensed and specialized infant and early childhood mental health services for diagnosis, therapeutic treatment, and early intervention.

(7) CIVILIAN EMPLOYEES.—The term “covered educational services” means provision of quality early childhood education that promotes healthy social and emotional development and provides supports for children experiencing mental health challenges and supportive services that include assessment, coaching for educators and parents, and when warranted, referral to appropriately licensed and specialized infant and early childhood mental health services for diagnosis, therapeutic treatment, and early intervention.

(8) EVALUATION.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the demonstration project. The report shall include a description of plans for the further provision of services for children of members of the Armed Forces under the project.

(9) NOTIFICATION AND APPROVAL REQUIREMENTS.—
(1) IN GENERAL.—The notification and approval requirements under section 2805(b) of the United States Code shall remain in effect for construction projects carried out under the program under this section.

(2) PROCEDURES.—The Secretary shall establish procedures and approval of requests from the Secretaries of military departments to carry out construction projects under the program under this section.

(d) REPORT REQUIRED.—
(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the program under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include a list and description of the construction projects carried out under the program under this section, including the location and cost of each project.

(3) EXPIRATION OF AUTHORITY.—The authority to carry out a minor military construction project under the program under this section expires on September 30, 2022.

(f) DEFINITIONS.—In this section—
(1) CHILD DEVELOPMENT CENTER.—The term ‘child development center’ includes a facility, and the utilities to support such facility, the function of which is to support the daily care of children aged six weeks old through 12 years old for full-day, part-day, and hourly service.

(2) CONGRESSIONAL DEFENSE COMMITTEES.—The term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SA 3938. Ms. SINEMA (for herself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 583. NON-MEDICAL COUNSELING SERVICES FOR MILITARY FAMILIES.

Section 2805 of title 10, United States Code, is amended by adding at the end of the following new subsection:

“(d) NON-MEDICAL COUNSELING SERVICES.—
(1) IN GENERAL.—For carrying out its duties under subsection (b), the Office may coordinate programs and activities for the provision of non-medical counseling services to military families through the Department of Defense Military and Family Life Counseling Program.

(2) Notwithstanding any other provision of law, a mental health professional described in paragraph (3) may provide non-medical counseling services to any location in the United States, the District of Columbia, or a territory or possession of the United States, without regard to where the provider or recipient of such services is located, if the provider is authorized Federal duties of the provider.
“(3) A mental health professional described in this subsection is a person who is—

“(A) a currently licensed or certified mental health care provider who holds an unrestricted licensure or certification that—

“(i) is issued by a State, the District of Columbia, or a territory or possession of the United States; and

“(ii) recognized by the Secretary of Defense;

“(B) a member of the uniformed services, a civilian employee of the Department of Defense, or a contractor designated by the Secretary; and

“(C) performing authorized duties for the Department of Defense under a program or activity referred to in paragraph (1).

“(4) In this subsection, the term ‘non-medical counseling services’ means mental health care services that are non-clinical, short-term, and solution-focused, and address topics related to personal growth, development, and positive functioning.”.

SA 3939. Mr. DURBIN (for himself and 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, insert the following:


(1) in subsection (b), by striking “and paragraph (3)’’;

(B) by striking paragraph (3); and

(C) by redesigning 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) subsection (c), by striking “, except with respect to allegations described in subsection (b)(3), “.

SA 3940. Mr. DURBIN (for himself, Mr. GRASSLEY, 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:

Strike section 1236 and insert the following:

SEC. 1236. SENSE OF SENATE ON CONTINUING SUPPORT FOR ESTONIA, LATVIA, AND LITHUANIA.

It is the sense of the Senate that—

(1) the security of the Baltic region is crucial to the security of the North Atlantic Treaty Organization alliance, and the United States should continue to prioritize support for efforts by the Baltic states of Estonia, Latvia, and Lithuania to build and invest in critical national security areas, as such efforts are important to achieving United States national security objectives, including deterrence of Russian aggression and bolstering the security of North Atlantic Treaty Organization allies;

(2) robust support to accomplish United States strategic objectives, including by providing assistance to the Baltic countries through security cooperation referred to as the Baltic Security Initiative pursuant to sections 332 and 333 of title 10, United States Code, should be prioritized in the years to come;

(3) Estonia, Latvia, and Lithuania play a crucial role in strategic efforts—

(A) to deter the Russian Federation; and

(B) to maintain the collective security of the North Atlantic Treaty Organization alliance;

(4) the United States should continue to pursue efforts consistent with the comprehensive, multilateral assessment of the military requirements of Estonia, Latvia, and Lithuania provided to Congress in December 2020;

(5) the Baltic security cooperation roadmap has proven to be a successful model to enhance intra-Baltic planning and cooperation, particularly with respect to longer-term regional capability projects, including—

(A) integrated air defense;

(B) maritime domain awareness;

(C) command, control, communications, computers, intelligence, surveillance, and reconnaissance; and

(D) Special Operations Forces development;

(E) Estonia, Latvia, and Lithuania are to be commended for their efforts to pursue joint procurement of select defense capabilities and should explore additional areas for joint collaboration; and

(7) the Department of Defense should—

(A) continue robust, comprehensive investment in Baltic security efforts consistent with the assessment described in paragraph (4);

(B) continue efforts to enhance interoperability among Estonia, Latvia, and Lithuania and frameworks of North Atlantic Treaty Organization efforts;

(C) encourage infrastructure and other host-country support improvements that will enhance United States and allied military mobility across the region;

(D) invest in efforts to improve resilience to cyber threats and cyber defenses in Estonia, Latvia, and Lithuania; and

(E) support planning and budgeting efforts of Estonia, Latvia, and Lithuania that are regionally synchronized.

AUTHORITY FOR COMMITTEES TO MEET

Mr. WHITEHOUSE. Mr. President, I have 11 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders. Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Wednesday, October 27, 2021, at 10 a.m., to conduct a nomination hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, October 27, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, October 27, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, October 27, 2021, at 2:30 p.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, October 27, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, October 27, 2021, at 2:30 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, October 27, 2021, at 3 p.m., to conduct a hearing.

SUBCOMMITTEE ON EUROPE AND REGIONAL SECURITY COOPERATION

The Subcommittee on Europe and Regional Security Cooperation of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, October 27, 2021, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND BORDER MANAGEMENT

The Subcommittee on Government Operations and Border Management of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, October 27, 2021, at 2:30 p.m., to conduct a hearing.

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Mr. BROWN. Mr. President, I ask unanimous consent that the Senate
SA 4064. 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.

SA 4065. 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 4066. 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 3943. Mr. HEINRICH (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of 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 145.

SA 3944. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: Strike section 511.

TEXT OF AMENDMENTS
SA 3941. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2703. PROHIBITION ON CLOSING OR REALIGNMENT OF MARINE CORPS RECRUIT DEPOT LOCATED AT PARRIS ISLAND, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The Marine Corps Recruit Depot located at Parris Island, South Carolina (in this subsection referred to as “Parris Island”), has served the United States as a home to the Marine Corps since 1891.

(2) Parris Island was the first facility to integrate women in boot camp training for the Marine Corps in the United States.

(3) Female recruits have trained at Parris Island since 1949.

(4) The first integrated company of male and female recruits graduated from Parris Island in 1993.

(5) Parris Island has cultivated a legacy of excellence and faithful service to the United States.

(6) Parris Island is and shall remain the physical home of the Eastern Recruiting Region for the Marine Corps.

(b) PROHIBITION.—No Federal funds may be used to close or realign Marine Corps Recruit Depot, Parris Island, South Carolina, or to conduct any planning or other activity related to such closure or realignment.

SA 3942. Mr. GRAHAM (for himself, Mr. TUBERVILLE, Mr. LEAHY, Mr. SCOTT of South Carolina, Ms. BALDWIN, Mr. WYDEN, Mr. YOUNG, Mr. THUNE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3943 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SA 3945. Mr. DURBIN (for himself, Mr. GRASSLEY, 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:

SEC. 806. CHIEF DIGITAL RECRUITING OFFICER.

(a) In general.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall designate a chief digital recruiting officer within the office of the Under Secretary of Defense for Personnel and Readiness to carry out the responsibilities set forth in subsection (b).

(b) Responsibilities.—The chief digital recruiting officer shall be responsible for—

(1) identifying Department of Defense needs for, and skills gaps in, specific types of civilian digital talent;

(2) recruiting individuals with the skills that meet the needs and skills gaps identified under paragraph (1), in partnership with the military departments and the components of the Department of Defense in hiring by attending conferences and career fairs and actively recruiting on university campuses and from the private sector;

(3) ensuring Federal scholarships and recruitment and referral bonuses are incorporated into civilian recruiting strategies;

(4) when appropriate and within authority granted under Federal law, offering recruitment and referral bonuses; and

(5) partnering with human resource teams in the military departments and the components of the Department of Defense to help train all Department of Defense human resources staff on the available hiring flexibility to accelerate the hiring of individuals with the skills that fill the needs and skills gaps identified under paragraph (1).

(c) Resources.—The Secretary of Defense shall ensure that the chief digital recruiting officer is provided with personnel and resources sufficient to carry out the duties set forth in subsection (b).

(d) Role of Chief Human Capital Officer.—

(1) In General.—The chief digital recruiting officer shall report directly to the Chief Human Capital Officer of the Department of Defense.

(2) Incorporation.—The Chief Human Capital Officer shall ensure that the chief digital recruiting officer is incorporated into the human capital operating plan and recruitment strategy of the Department of Defense.

SA 3946. Mr. YOUNG, Mr. SCOTT of South Carolina, Mr. INHOFE, Mr. GRASSLEY, 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: Strike section 3126 and insert the following:

SEC. 1256. SENSE OF SENATE ON CONTINUING SUPPORT FOR ESTONIA, LATVIA, AND LITHUANIA.

It is the sense of the Senate that—

(1) the security of the Baltic region is crucial to the security of the North Atlantic Treaty Organization alliance, and the United States should continue to prioritize support for efforts by the Baltic states of Estonia, Latvia, and Lithuania to build and invest in critical security areas, as such efforts are important to achieving United States national security objectives, including deterring Russian aggression and bolstering the security of North Atlantic Treaty Organization allies;

(2) robust support to accomplish United States strategic objectives, including by providing assistance to the Baltic countries through security cooperation referred to as the Baltic Security Initiative pursuant to sections 322 and 333 of title 10, United States Code, should be prioritized in the years to come;

(3) Estonia, Latvia, and Lithuania play a crucial role in strategic efforts—

(A) to deter the Russian Federation; and

(B) to maintain the collective security of the North Atlantic Treaty Organization alliance;

(4) the United States should continue to pursue efforts consistent with the comprehensive, multilateral assessment of the military requirements of Estonia, Latvia, and Lithuania provided to Congress in December 2020;

(5) the Baltic security cooperation roadmap has proven to be a successful model to enhance intraregional Baltic planning and cooperation, particularly with respect to longer-term regional capability projects, including—

(A) integrated air defense;

(B) maritime domain awareness;

(C) command, control, communications, computers, intelligence, surveillance, and reconnaissance; and

(D) Special Operations Forces development;

(6) Estonia, Latvia, and Lithuania are to be commended for their efforts to pursue joint procurement of joint capability and should explore additional areas for joint collaboration; and

SA 3947. Mr. ROGERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: Strike section 511.
SA 3946. Mr. CARDIN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 10. DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM ON USE OF ALTERNATIVE CREDIT SCORING INFORMATION OR CREDIT SCORING MODELS.

(a) PILOT PROGRAM REQUIRED.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program that will assess the feasibility and advisability of—

(A) using alternative credit scoring information or credit scoring models using alternative credit scoring methodology for an individual described in section 37 of title 38, United States Code; and

(B) in consultation with such entities as the Secretary considers appropriate, establishing criteria for acceptable commercially available credit scoring models to be used by lenders, the findings of the Secretary to determine the creditworthiness of such an individual; and

(ii) to increase the number of such individuals with a loan guaranteed or insured under chapter 37 of title 38, United States Code; and

(b) in consultation with such entities as the Secretary considers appropriate, establishing criteria for acceptable commercially available credit scoring models to be used by lenders, the findings of the Secretary to determine the creditworthiness of such an individual; and

(iii) to increase the number of such individuals with a loan guaranteed or insured under chapter 37 of title 38, United States Code; and

(3) Effect on loans and applications.—The Secretary may, in consultation with such entities as the Secretary considers appropriate, give credit to a loan application in which the individual does not have a credit record in which the individual does not have a credit record with one of the national credit reporting agencies or such credit record contains insufficient credit information to assess creditworthiness.

(i) The rate of participation in the pilot program.

(ii) An assessment of whether participants in the pilot program benefited from such participation.

(iii) An assessment of the effect of the pilot program on the subsidy rate for loans guaranteed or insured by the Secretary under chapter 37 of title 38, United States Code.

(4) Reporting requirements.—The Secretary shall submit to Congress a report setting forth the reasons for establishing such limitation.

(i) The rate of participation in the pilot program.

(ii) An assessment of whether participants in the pilot program benefited from such participation.

(iii) An assessment of the effect of the pilot program on the subsidy rate for loans guaranteed or insured by the Secretary under chapter 37 of title 38, United States Code.

(5) Insufficient credit history defined.—In this section, the term "insufficient credit history" has the same meaning as in section 37 of title 38, United States Code.

(b) REAUTHORIZED SBIR AND STTR PROGRAMS.

(1) In general.—The Secretary may establish a limitation on the number of individuals and lenders that may participate in the pilot program.

(2) Notice of participation.—Subject to paragraph (3), any lender who participates in the pilot program shall—

(A) notify each individual described in subsection (a)(2) who, during the pilot program, applies for a loan under section 37 of title 38, United States Code, from such lender, of the lender’s participation in the pilot program; and

(B) offer such individual the opportunity to participate in the pilot program.

(3) Limitation.—

(A) In general.—The Secretary may establish a limitation on the number of individuals and lenders that may participate in the pilot program.

(B) Report.—If the Secretary limits participation in the pilot program under paragraph (a), the Secretary shall, not later than 15 days after establishing such limitation, submit to Congress a report setting forth the reasons for establishing such limitation.

(c) Approval of credit scoring models.—

(1) In general.—A lender participating in the pilot program shall choose a credit scoring model under subsection (a)(1)(A) until the Secretary has reviewed and approved such credit scoring model for purposes of the pilot program.

(2) Publication of criteria.—The Secretary shall publish in the Federal Register any criteria established under subsection (a)(1) that are in effect for acceptable commercially available credit scoring models that use alternative credit scoring information described in subsection (a)(2)(A) to be used for purposes of the pilot program.

(d) Considerations; approval of certain models.—In selecting credit scoring models to approve under this subsection, the Secretary shall—

(A) consider the criteria for credit score assessments under section 1254.7 of title 12, Code of Federal Regulations; and

(B) approve any commercially available credit scoring model that has been approved pursuant to section 302(b)(7) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1711(b)(7) or section 305(d) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(d)).

(e) Outreach.—To the extent practicable, the Secretary shall conduct outreach to lenders and individuals described in subsection (a)(2) to inform such persons of the pilot program.

(f) Report.—

(1) In general.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program.

(2) Contents.—The report submitted under paragraph (1) shall include the following:

(A) The findings of the Secretary with respect to the feasibility and advisability of using alternative credit scoring information or credit scoring models using alternative credit scoring information or credit scoring models as described in subsection (a)(2) and

(B) A description of the efforts of the Secretary to determine the feasibility and advisability of using alternative credit scoring information or credit scoring models as described in subsection (a)(2).
EDUCATION.—Not later than one year after the date of the enactment of this Act, the Administrator shall establish a program to support participation by covered entities in meetings and proceedings of standards development organizations in the development of voluntary standards.

(c) ACTIVITIES.—In carrying out the program established under subsection (b), the Administrator shall—

(1) review and approve the list of covered entities;

(2) provide seed funding to covered entities to carry out standards development activities;

(3) provide support in the assessment of technological standards and industry needs;

(4) make awards to covered entities to support participation in meetings and proceedings of standards development organizations, including—

(1) regularly attending meetings;

(2) contributing to research;

(3) proposing new work items; and

(4) volunteering for leadership roles such as a convener or editor.

(d) AWARD.—The Administrator may only provide a grant under this section to a covered entity that—

(1) demonstrates deep technical expertise in key emerging technologies and technical standards, including artificial intelligence and related technologies;

(2) commits personnel with such expertise to regulate international bodies responsible for developing standards for such technologies over the period of the grant; and

(3) agrees to participate in efforts to coordinate between the Federal Government and industry to ensure protection of national security interests in the setting of international standards.

(e) NO MATCHING CONTRIBUTION.—A recipient of an award under this section shall not be required to provide a matching contribution.

(f) EVALUATION.—In making awards under this section, the Administrator shall coordinate with the National Institute of Standards and Technology, who shall provide support in the assessment of technical expertise in emerging technologies and standards setting needs.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2022 and each fiscal year thereafter, $1,000,000 to carry out the program established under this section.

SA 3949. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military construction, and for defense activities of the Department of Energy, to 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. 10. SUPPORT FOR INDUSTRY PARTICIPATION IN INTERNATIONAL STANDARDS ORGANIZATIONS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Administrator of the Small Business Administration.

(2) ARTIFICIAL INTELLIGENCE.—The term ‘‘artificial intelligence’’ has the meaning given in the section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 238 note).

(3) COVERED ENTITY.—The term ‘‘covered entity’’ means a small business concern that is incorporated and maintains a primary place of business in the United States.

(4) SMALL BUSINESS CONCERN.—The term ‘‘small business concern’’ has the meaning given in the section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a program to support participation by covered entities in meetings and proceedings of standards development organizations in the development of voluntary standards.

(c) ACTIVITIES.—In carrying out the program established under subsection (b), the Administrator shall—

(1) review and approve the list of covered entities;

(2) provide seed funding to covered entities to carry out standards development activities;

(3) provide support in the assessment of technological standards and industry needs;

(4) make awards to covered entities to support participation in meetings and proceedings of standards development organizations, including—

(1) regularly attending meetings;

(2) contributing to research;

(3) proposing new work items; and

(4) volunteering for leadership roles such as a convener or editor.

(d) AWARD.—The Administrator may only provide a grant under this section to a covered entity that—

(1) demonstrates deep technical expertise in key emerging technologies and technical standards, including artificial intelligence and related technologies;

(2) commits personnel with such expertise to regulate international bodies responsible for developing standards for such technologies over the period of the grant; and

(3) agrees to participate in efforts to coordinate between the Federal Government and industry to ensure protection of national security interests in the setting of international standards.

(e) NO MATCHING CONTRIBUTION.—A recipient of an award under this section shall not be required to provide a matching contribution.

(f) EVALUATION.—In making awards under this section, the Administrator shall coordinate with the National Institute of Standards and Technology, who shall provide support in the assessment of technical expertise in emerging technologies and standards setting needs.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2022 and each fiscal year thereafter, $1,000,000 to carry out the program established under this section.

SA 3950. Mr. WICKER (for himself, Mr. WARNOCK, Ms. DUCKWORTH, Mr. TOOMEY, Mrs. CAPITO, Mr. SCOTT of South Carolina, Mr. CASEY, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. WILLIAM T. COLEMAN, JR., FEDERAL BUILDING DESIGNATION.

(a) IN GENERAL.—The headquarters building of the Federal Aviation Administration, hereafter referred to as the ‘‘Federal Building’’, located at 1200 New Jersey Avenue, SE, in Washington, DC, shall be known and designated as the ‘‘William T. Coleman, Jr., Federal Building’’.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in paragraph (a) shall be deemed to be a reference to the ‘‘William T. Coleman, Jr., Federal Building’’.

SA 3951. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military construction, and for defense activities of the Department of 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 853 and insert the following:

SEC. 853. DETERMINATION WITH RESPECT TO OPTICAL FIBER OR OPTICAL FIBER CABLE OF DEFENSE PURPOSES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review access, and provide matching contributions where applicable, to such optical fiber or optical fiber cable deployed after such determination.

(b) NOTIFICATION REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall notify the congressional defense committees of the findings of the review and determinations required under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term ‘‘access’’ means optical fiber and optical fiber cable that connects subscribers (residential and business) and radio sites to a service provider.

(2) The term ‘‘long haul’’ means optical fiber and optical fiber cable that connects cities and metropolitan areas.

(3) The term ‘‘metro’’ means optical fiber and optical fiber cable that connects business districts and central city and suburban areas.

(4) The term ‘‘passive’’ means unpowered optical fiber and optical fiber cable.

SA 3952. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) PROHIBITION ON AGENCY OPERATION OR PROCUREMENT.—Except as provided in subsection (b) and subsection (c)(3), the Secretary of Defense and the Secretary of Homeland Security may not authorize, fund, or procure defense articles, defense services, or defense assistance to any country, or enter into or renew a contract for the procurement of—
(1) an unmanned aircraft system (referred to in this section as "UAS") that—
(A) is manufactured in a covered foreign country or by a corporation domiciled in a covered foreign country;
(B) uses flight controllers, radios, data transmission devices, cameras, or gimbal manufactured in a covered foreign country or by a corporation domiciled in a covered foreign country;
(C) uses a ground control system or operating software developed in a covered foreign country or by a corporation domiciled in a covered foreign country;
(D) uses network connectivity or data storage located in a covered foreign country or administered by a corporate entity located in a covered foreign country;
(E) is a software operating system associated with a UAS that system is manufactured in a covered foreign country or by a corporation domiciled in a covered foreign country;
(F) contains a transmission device, camera, or gimbal that was manufactured in a covered foreign country;
(G) contains operating software developed in a covered foreign country;
(H) contains data storage located in a covered foreign country;
(I) contains any component described in paragraphs (A) through (I) of subsection (b);
(J) contains any component described in paragraph (1) of subsection (a); or
(K) contains any component described in paragraph (A) through (I) of subsection (b).

(b) Waiver.—

(1) IN GENERAL.—The Secretary of Defense or the Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary submits a written certification described in paragraph (2) to—

(A) if the Secretary of Defense, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives;
(B) if the Secretary of Homeland Security, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives;

(2) CONTENTS.—A certification described in this paragraph shall certify that a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS from a covered foreign countryposes, and the results of such analysis.

(b)(1)(A) The number of UAS, software operating systems associated with a UAS, or systems for the detection or identification of a UAS from a covered foreign country in operation by the Department of Defense or Department of Homeland Security, as the case may be, including any component system or component subsystem used by the FAA or office of the Department at issue, as of such date.

(b)(1)(B) The extent to which information gathered by any National Intelligence, a software operating system associated with a UAS, or a system for the detection or identification of a UAS from a covered foreign country could be employed to harm the national or economic security of the United States.

(b)(2) COMMITTEES DESCRIBED.—The congressional committees described in this paragraph are—

(A) in the case of the Secretary of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and
(B) in the case of the Secretary of Homeland Security, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(c) DEFINITIONS.—In this section:

(1) COVERED FOREIGN COUNTRY.—The term "covered foreign country" means a country—

(A) The extent to which the Department of Defense or Department of Homeland Security, as the case may be, has previously analyzed the threat that a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS from a covered foreign countryoperating in the United States poses, and the results of such analysis.

(c)(2)(A) The intelligence community has identified as a foreign adversary in its most recent Annual Threat Assessment;

(c)(2)(B) the Secretary of Homeland Security, in coordination with the Director of National Intelligence, has identified as a foreign adversary that has included in such Annual Threat Assessment.

(2) 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)).

(3) UNMANNED AIRCRAFT SYSTEM; UAS.—The terms "unmanned aircraft system" and "UAS" have the meaning given the term "unmanned aircraft system" in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 44802 note).

SA 3953. 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. 4330, to authorize appropriations for fiscal year 2022 for military activities of the Department of Energy, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1064. PROHIBITION ON THE USE OF THE DIGITAL YUAN.—

(a) DEFINITIONS.—In this section—

(1) the term "digital yuan" means the digital currency of the People's Bank of China, or any successor digital currency of the People's Republic of China;

(b) the term "executive agency" has the meaning given that term in section 133 of title 44, United States Code; and

(c) the term "information technology" has the meaning given that term in section 1101 of title 40, United States Code.

(b) PROHIBITION ON THE USE OF DIGITAL YUAN.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 44 of title 44, United States Code, shall develop standards and guidelines for executive agencies requiring the removal of any digital yuan from information technology.

(c) NATIONAL SECURITY AND RESEARCH EXCEPTIONS.—The standards and guidelines developed under paragraph (1) shall include—

(1) EXCEPTIONS.—The exceptions for law enforcement activities, national security activities, and activities, and security researchers; and

(2) FOR ANY AUTHORIZED USE OF DIGITAL YUAN UNDER AN EXCEPTION, REQUIREMENTS FOR AGENCIES TO DEVELOP AND DOCUMENT RISK MITIGATION ACTIONS FOR SUCH USE.
the Department of Energy National Laboratories to accelerate development and delivery of advanced tools and techniques to defend critical infrastructure against cyber intrusions and enable resilient operations during a cyber attack.

(2) Evaluation of potential pilot programs in research, innovation transfer, academic partnerships, and public-private partnerships to enhance critical infrastructure protection research.

(3) Identification of and assessment of near-term actions, and cost estimates, necessary for the Department to establish and maintain an certified and effective at a broad scale expeditiously.

(c) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report on the findings of the Secretary with respect to the study conducted under subsection (a).

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

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—

(A) Committee on Armed Services, the Committee Energy and Natural Resources, and the Committee on Homeland Security and Government Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Homeland Security of the House of Representatives.

SA 3955. 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 title E of title XXXI, add the following:

SEC. 3157. LIMITATION ON USE OF FUNDS FOR NUCLEAR SECURITY ADMINISTRATION FACILITY-DIRECTED RESEARCH AND DEVELOPMENT.

(a) In General.—Subtitle B of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2791 et seq.) is amended by adding at the end the following new section:

"SEC. 4815. LIMITATION ON USE OF FUNDS FOR NUCLEAR SECURITY ADMINISTRATION FACILITY-DIRECTED RESEARCH AND DEVELOPMENT.

"(a) AUTHORITY.—The Administrator may authorize the director of each covered nuclear weapons production facility to allocate not more than 5 percent of amounts made available to the facility for a fiscal year pursuant to a DOE national security authorization (as defined in section 4701) to engage in research, development, and demonstration activities in order to maintain and enhance the engineering and manufacturing capabilities at the facility.

"(b) DEFINITION.—In this section, the term 'covered nuclear weapons production facility' means the following:

"(1) The Kansas City National Security Campus, Kansas City, Missouri, as well as related satellite locations.


"(3) The Pantex Plant, Amarillo, Texas.

"(4) The Savannah River Site, Aiken, South Carolina.''

(b) CEREMONIAL AMENDMENT.—The table of contents in chapter 1 of Parts 4801-4829 of title 10, Code of Federal Regulations, as in effect on the date of enactment of this Act, is amended by inserting after the term relating to section 4814 the following new item:

"§ 4815. Limitation on use of funds for nuclear security administration facility-directed research and development.''

SA 3956. Mr. BENNET (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 V, insert the following:

"SEC. 3157. LIMITATION ON USE OF FUNDS FOR NUCLEAR SECURITY ADMINISTRATION FACILITY-DIRECTED RESEARCH AND DEVELOPMENT."

"(a) AUTHORITY.—The Administrator may authorize the director of each covered nuclear weapons production facility to allocate not more than 5 percent of amounts made available to the facility for a fiscal year pursuant to a DOE national security authorization (as defined in section 4701) to engage in research, development, and demonstration activities in order to maintain and enhance the engineering and manufacturing capabilities at the facility.

"(b) DEFINITION.—In this section, the term 'covered nuclear weapons production facility' means the following:

"(1) The Kansas City National Security Campus, Kansas City, Missouri, as well as related satellite locations.


"(3) The Pantex Plant, Amarillo, Texas.

"(4) The Savannah River Site, Aiken, South Carolina.''

(b) CEREMONIAL AMENDMENT.—The table of contents in chapter 1 of Parts 4801-4829 of title 10, Code of Federal Regulations, as in effect on the date of enactment of this Act, is amended by inserting after the term relating to section 4814 the following new item:

"§ 4815. Limitation on use of funds for nuclear security administration facility-directed research and development.''

SA 3957. Mr. CARPER (for himself, Mr. MERKLEY, and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

"Subtitle B—PLUM Act

SEC. 1121. SHORR ACT.

This subtitle may be cited as the ‘Periodically Listing Updates to Management Act' or the ‘PLUM Act'.

SEC. 1122. ESTABLISHMENT OF PUBLIC WEBSITE ON GOVERNMENT POLICY AND SUPPORTING POSITIONS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3330f. Government policy and supporting positions.

"(a) DEFINITIONS.—In this section:

"(1) AGENCY.—The term 'agency' means—

"(A) any Executive agency, the United States Postal Service, and the Postal Regulatory Commission;

"(B) the Architect of the Capitol, the Government Accountability Office, the Government Publishing Office, and the Library of Congress; and

"(C) the Executive Office of the President and any component within such Office (including any successor component), including—

"(i) the Council of Economic Advisors; (ii) the Council on Environmental Quality; (iii) the National Security Council; (iv) the Office of the Vice President; (v) the Office of Policy Development; (vi) the Office of Administration; (vii) the Office of Management and Budget; (viii) the Office of the United States Trade Representative; (ix) the Office of Science and Technology Policy; (x) the Office of National Drug Control Policy; and

"(xii) the White House Office, including the White House Office of Presidential Personnel.

"(2) APPOINTEE.—The term ‘appointee'—

"(A) means an individual serving in a policy and supporting position; and

"(B) includes an individual serving in such a position temporarily in an acting capacity in accordance with—

"(i) sections 3345 through 3349d (commonly referred to as the ‘Federal Vacancies Reform Act of 1998');

"(ii) any other statutory provision described in section 3347(a)(1); or

"(iii) a Presidential appointment described in section 3347(a)(2).

"(3) COVERED WEBSITE.—The term ‘covered website' means the website established and maintained by the Director on subsection (b).

"(4) DIRECTOR.—The term ‘Director' means the Director of the Office of Personnel Management.

"(5) POLICY AND SUPPORTING POSITION.—The term ‘policy and supporting position' means—

"(A) a position that requires appointment by the President, by and with the advice and consent of the Senate;

"(B) a position that requires or permits appointment by the President or Vice President, without the advice and consent of the Senate;

"(C) a position occupied by a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3304(a); or

"(D) a position of confidential or policy-determining character under schedule C of part 213 of title 5, Code of Federal Regulations, or any successor regulation.

"(E) a position in the Senior Foreign Service;

"(F) any career position at an agency that, for this section and section 1122(b)(3) of the PLUM Act, would be included in the publication entitled ‘United States Government Policy and Supporting Positions', commonly referred to as the ‘Plum Book'; and

"(G) any other position classified at or above level GS–14 of the General Schedule (or equivalent) that is excepted from the competitive service by law because of the confidential or policy-determining nature of the position duties.

"(B) ESTABLISHMENT OF WEBSITE.—Not later than 1 year after the date of enactment of this Act, the Director shall establish and maintain a public website containing the following information for the President and for each subsequent President:

"(1) each policy and supporting position in the Federal Government, including any such position that is vacant.
Title of each individual who—

(A) is serving in a position described in paragraph (1); or

(B) previously served in a position described in such paragraph under the applicable President.

Information on—

(A) any Government-wide or agency-wide limited appointment positions, or

(B) the total number of positions occupied in the Senior Executive Service as provided in section 3131 or 3132 or the total number of positions under schedule C of part 215 of title 5, Code of Federal Regulations; and

(B) the total number of individuals occupying such position (if any);

(d) the geographic location of the position, including the city, State or province, and country;

(e) the pay system under which the position is paid;

(f) the level, grade, or rate of pay;

(g) the term or duration of the appointment (if any);

(h) the expiration date, in the case of a term appointment;

(i) a unique identifier for each appointee to enable tracking such appointee across positions;

(j) whether the position is vacant;

(1) for any position that is vacant—

(A) for a position for which appointment is required to be made by the President by and with the advice and consent of the Senate, the name of the acting official; and

(B) for other positions, the name of the official performing the duties of the vacant position.

(d) CURRENT DATA.—For each agency, the Director shall indicate in the information on the covered website the date that the agency last updated the data.

(e) FORMAT.—The Director shall make the data on the covered website available to the public under the Internet in a searchable, sortable, downloadable, and machine-readable format so that the data qualifies as an open Government data asset, as defined in section 3502 of title 44.

(f) AUTHORITY OF DIRECTOR.—

(1) INFORMATION REQUIRED.—Each agency shall provide to the Director any information that the Director determines necessary to establish and maintain the covered website, including the information uploaded under paragraph (4).

(2) REQUIREMENTS FOR AGENCIES.—Not later than 1 year after the date of enactment of the PLUM Act, the Director shall issue regulations establishing any data standards, quality assurance methods, and time frames for reporting data to the Director.

(3) ENSURING COMPLETENESS, ACCURACY, AND RELIABILITY.—With respect to any submission of information described in paragraph (1), the Director may provide the instructions and guidance issued by the Director to carry out this section, and, upon request of the Director, shall provide assistance to the Director to ensure the successful operation of the covered website in the manner and within the timeframe specified by the Director under subsection (f)(2).

(4) AUTHORITY OF DIRECTOR.—In carrying out paragraph (4), the Director may—

(A) request additional information from an agency; and

(B) use any additional information provided to the Director or the White House Office of Presidential Personnel for purposes of verifying accuracy of the information on the covered website.

(5) DURATION.—Not less frequently than semiannually, the Director shall consult with the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives regarding reports published under this subsection and the information in such reports to determine whether the information is being fulfilled and if additional information or other changes are needed for such reports.

EXCLUSION OF CAREER POSITIONS.—For purposes of applying the term ‘appointee’ in this subsection, such term does not include any individual appointed to a position described in subsection (c).

(2) CLERICAL AMENDMENT.—The table of sections for chapter I of title 5, United States Code, is amended by adding at the end the following:

1. General.—As soon as practicable after a transitional inauguration day (as defined in section 3349b), the Director, in consultation with the Archivist of the United States, shall archiving the information on the covered website for the preceding presidential administration.

Public availability.—The Director shall make the information described in paragraph (1) publicly available over the Internet—

(A) on, or through a link on, the covered website;

(B) at no cost; and

(C) in a searchable, sortable, downloadable, and machine-readable format.

(j) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date the covered website is established, and every year thereafter, the Director, in coordination with the White House Office of Presidential Personnel, shall publish a report on the covered website that—

(A) contains summary level information on the demographics of each appointee;

(B) provide the information in a structured data format that—

(i) is searchable, sortable, and downloadable;

(ii) makes use of common identifiers whenever possible; and

(iii) contains current and historical data regarding such information.

(2) CONTENTS.—

(A) IN GENERAL.—Each report published under paragraph (1) shall—

(i) include self-identified data with respect to each type of appointee on race, ethnicity, tribal affiliation, gender, disability, sexual orientation, veteran status, and whether the appointee is over the age of 40; and

(ii) allow for users of the covered website to view the type of appointee by agency or component, along with the data described in clause (i), alone and in combination, to the greatest extent feasible.

(B) OPTION TO NOT SPECIFY.—When collecting each category of data described in subparagraph (A)(i), each appointee shall be allowed an option to not specify with respect to any such category.

(3) REPORTS.—The Director shall consult with the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives regarding reports published under this subsection and the information in such reports to determine whether the information is being fulfilled and if additional information or other changes are needed for such reports.

23301. Government policy and supporting position data.

(b) OTHER MATTERS.—

(1) DEFINITIONS.—In this subsection, the terms ‘agency’, ‘covered website’, ‘Director’, and ‘policy and supporting position’ have the meanings given those terms in section 33301 (b) of title 5, United States Code, as amended by section (a).

(2) GAO REVIEW AND REPORT.—Not later than 1 year after the date on which the Director establishes the covered website, the Comptroller General shall conduct a review,
and issue a briefing or report, on the implementation of this subtitle and the amendments made by this subtitle, which shall include—

(A) the quality of data required to be collected and whether the data is complete, accurate, timely, and reliable;

(B) any challenges experienced by agencies in implementing this subtitle and the amendments made by this subtitle, including best practices for agencies to follow;

(C) any suggestions or modifications to enhance compliance with this subtitle and the amendments made by this subtitle, including best practices for agencies to follow.

Sunrise of Plumb Book.—Beginning on January 1, 2022

(A) the covered website shall serve as the public directory for policy and supporting positions in the Government; and

(B) the publication entitled “United States Government Policy and Supporting Positions”, commonly referred to as the “Plumb Book”, shall no longer be issued or published.

SA 3958. Mr. PORTMAN (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to a bill H.R. 4350 to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

The amendment is the following:

SEC. 1064. NATIONAL COLD WAR CENTER.

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


(2) The National Cold War Center, located on the Blytheville-Eaker Air Force Base, will be recognized as a major tourist attraction in Arkansas that will provide an immersive and authoritative experience in informing, interesting, and honoring the legacy of the Cold War.

(3) The Blytheville-Eaker Air Force Base has the only intact, publicly accessible Alert Facility and Weapons Storage Facility in the United States.

(4) There is an urgent need to preserve the stories, artifacts, and heroic achievements of the Cold War.

(5) The United States has a need to preserve forever the knowledge and history of the United States’ achievements in the Cold War and to portray to history to citizens, visitors, and school children for centuries to come.

(6) The National Cold War Center seeks to educate a diverse group of audiences through its collection of artifacts, photographs, and firsthand personal accounts of the participants in the war on the home front.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize references to the museum located at Blytheville-Eaker Air Force Base in Blytheville, Arkansas, including its future and expanded exhibits, collections, and educational programs, as the “National Cold War Center”;

(2) to ensure the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the Center;

(3) to enhance the knowledge of the American people of the experience of the United States during the Cold War years;

(4) to provide visitors with access to the National Cold War Center facility for the public display of the artifacts, photographs, and personal histories of the Cold War years; and

(5) to ensure that all future generations understand the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(c) REFERENCE TO AMERICA’S COLD WAR CENTER.—The museum located at Blytheville-Eaker Air Force Base in Blytheville, Arkansas, is hereby authorized to be referred to as the “National Cold War Center”.

SA 3961. Mr. BOOZMAN submitted an amendment intended to be proposed to a bill H.R. 4350 to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 7464. NATIONAL COLD WAR CENTER.

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


(2) The National Cold War Center, located on the Blytheville-Eaker Air Force Base, will be recognized as a major tourist attraction in Arkansas that will provide an immersive and authoritative experience in informing, interesting, and honoring the legacy of the Cold War.

(3) The Blytheville-Eaker Air Force Base has the only intact, publicly accessible Alert Facility and Weapons Storage Facility in the United States.

(4) There is an urgent need to preserve the stories, artifacts, and heroic achievements of the Cold War.

(5) The United States has a need to preserve forever the knowledge and history of the United States’ achievements in the Cold War and to portray to history to citizens, visitors, and school children for centuries to come.

(6) The National Cold War Center seeks to educate a diverse group of audiences through its collection of artifacts, photographs, and firsthand personal accounts of the participants in the war on the home front.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize references to the museum located at Blytheville-Eaker Air Force Base in Blytheville, Arkansas, including its future and expanded exhibits, collections, and educational programs, as the “National Cold War Center”;

(2) to ensure the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the Center;

(3) to enhance the knowledge of the American people of the experience of the United States during the Cold War years;

(4) to provide visitors with access to the National Cold War Center facility for the public display of the artifacts, photographs, and personal histories of the Cold War years; and

(5) to ensure that all future generations understand the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(c) REFERENCE TO AMERICA’S COLD WAR CENTER.—The museum located at Blytheville-Eaker Air Force Base in Blytheville, Arkansas, is hereby authorized to be referred to as the “National Cold War Center”.

SA 3961. Mr. BOOZMAN submitted an amendment intended to be proposed to a bill H.R. 4350 to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 2815. APPLICABILITY OF WINDOW FALL PREVENTION REQUIREMENTS TO ALL MILITARY FAMILY HOUSING, WHETHER PRIVATIZED OR GOVERNMENT-OWNED AND GOVERNMENT-CONTROLLED.

(a) TRANSFER OF WINDOW FALL PREVENTION SECTION TO MILITARY FAMILY HOUSING ADMINISTRATION SUBCHAPTER.—

(1) IN GENERAL.—Section 2857 of title 10, United States Code, as transferred and redesignated by subsection (c) of section 2879 of title 10, United States Code, as transferred and redesignated by subsection (a)(1) and amended by section 2865 of such title, and

(b) APPLICABILITY OF SECTION TO ALL MILITARY FAMILY HOUSING.—Section 2857 of title 10, United States Code, as transferred and redesignated by subsection (a)(1), is amended—

(1) in subsection (a), by striking "acquired or constructed under this chapter";

(2) in subsection (b)(1), by striking "acquired or constructed under this chapter";

(3) by adding at the end the following new subsection:

"(c) APPLICABILITY TO ALL MILITARY FAMILY HOUSING.—This section applies to military family housing under the jurisdiction of the Department of Defense and military family housing acquired or constructed under subsection (a) of this section."
At the end of subtitle B of title III, add the following new section:

SEC. 318. INSPECTION OF PIPING AND SUPPORT INFRASTRUCTURE AT JOINT BASE PEARL HARBOR–HICKAM IN HAWAII, INCLUDING RED HILL BULK FUEL STORAGE FACILITY.

(a) SENSE OF CONGRESS.—In order to fully effectuate national security, assure the maximum safe utilization of the Red Hill Bulk Fuel Storage Facility, and fully address concerns as to potential impacts of the facility on public health, it is the sense of Congress that the Secretary of the Navy and the Director of the Defense Logistics Agency should—

(1) operate and maintain the Red Hill Bulk Fuel Storage Facility to the highest standard possible; and

(2) require safety inspections to be conducted more frequently based on the corrosion rate of the piping and overall condition of the pipeline system and support equipment at the facility.

(b) INSPECTION REQUIREMENT.—

(1) INSPECTION REQUIRED.—The Secretary of the Navy shall direct the Naval Facilities Engineering Command to conduct an inspection of the pipeline system, supporting infrastructure, and appurtenances, including valves and corrosion protection equipment, for the fuel system at Joint Base Pearl Harbor–Hickam, Hawaii, including at the Red Hill Bulk Fuel Storage Facility.

(2) INSPECTION AGENCY: STANDARDS.—The inspection required by paragraph (1) shall be performed—

(A) by an independent inspector certified by the American Petroleum Institute who will present findings of the inspection and options to the Secretary of the Navy for improving the integrity of the fuel system at Joint Base Pearl Harbor–Hickam, including Red Hill Bulk Fuel Storage Facility and its appurtenances; and

(B) in accordance with the Unified Facilities Criteria (UPC-3-460-00) and American Petroleum Institute 570 inspection standards.

(c) LIFE-CYCLE SUSTAINMENT PLAN.—In conjunction with the inspection required by subsection (b), the Naval Facilities Engineering Command shall prepare a life-cycle sustainment plan for the Red Hill Bulk Fuel Storage Facility, which shall consider the current condition and service life of the tanks, pipeline system, and support equipment.

(d) TRANSMISSION OF RESULTS AND PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) the results of the inspection conducted under subsection (b);

(2) the life-cycle sustainment plan prepared under subsection (c); and

(3) options on improving the security and maintenance of the Red Hill Bulk Fuel Storage Facility.

SA 3965. Ms. HIRONO (for herself and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 3965. Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for the Department of Energy, to 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 III, add the following new section:

SEC. 530C. INVESTIGATIONS OF SEXUAL HARASSMENT.

(a) GENERAL.—Section 1561 of title 10, United States Code, is amended to read as follows:

(1) the independent assessment required by section 2817(b) of the Military Construction Authorization Act of 2018 (division B of Public Law 115–91; 131 Stat. 1852) has been initiated and completed; and

(2) the Secretary expects the report containing the results of that assessment to be submitted to the congressional defense committees by September 1, 2022.

(1) INSPECTION REQUIRED.—The Secretary of the Department of Defense, for military activities of the Department of Defense, for military construction, and for the Department of Energy, to 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 III, add the following new section:

SEC. 318. INSPECTION OF PIPING AND SUPPORT INFRASTRUCTURE AT JOINT BASE PEARL HARBOR–HICKAM IN HAWAII, INCLUDING RED HILL BULK FUEL STORAGE FACILITY.

(a) SENSE OF CONGRESS.—In order to fully effectuate national security, assure the maximum safe utilization of the Red Hill Bulk Fuel Storage Facility, and fully address concerns as to potential impacts of the facility on public health, it is the sense of Congress that the Secretary of the Navy and the Director of the Defense Logistics Agency should—

(1) operate and maintain the Red Hill Bulk Fuel Storage Facility to the highest standard possible; and

(2) require safety inspections to be conducted more frequently based on the corrosion rate of the piping and overall condition of the pipeline system and support equipment at the facility.

(b) INSPECTION REQUIREMENT.—

(1) INSPECTION REQUIRED.—The Secretary of the Navy shall direct the Naval Facilities Engineering Command to conduct an inspection of the pipeline system, supporting infrastructure, and appurtenances, including valves and corrosion protection equipment, for the fuel system at Joint Base Pearl Harbor–Hickam, Hawaii, including at the Red Hill Bulk Fuel Storage Facility.

(2) INSPECTION AGENCY: STANDARDS.—The inspection required by paragraph (1) shall be performed—

(A) by an independent inspector certified by the American Petroleum Institute who will present findings of the inspection and options to the Secretary of the Navy for improving the integrity of the fuel system at Joint Base Pearl Harbor–Hickam, including Red Hill Bulk Fuel Storage Facility and its appurtenances; and

(B) in accordance with the Unified Facilities Criteria (UPC-3-460-00) and American Petroleum Institute 570 inspection standards.

(c) LIFE-CYCLE SUSTAINMENT PLAN.—In conjunction with the inspection required by subsection (b), the Naval Facilities Engineering Command shall prepare a life-cycle sustainment plan for the Red Hill Bulk Fuel Storage Facility, which shall consider the current condition and service life of the tanks, pipeline system, and support equipment.

(d) TRANSMISSION OF RESULTS AND PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) the results of the inspection conducted under subsection (b);

(2) the life-cycle sustainment plan prepared under subsection (c); and

(3) options on improving the security and maintenance of the Red Hill Bulk Fuel Storage Facility.

SA 3966. Ms. HIRONO (for herself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10.—EXEMPTION FROM IMMIGRANT VISA LIMIT FOR CHILDREN OF CERTAIN FILIPINO WORLD WAR II VETERANS.

Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(P) Aliens who—

(1) are eligible for a visa under paragraph (1) or (3) of section 203(a); and

(2) have a parent (regardless of whether the parent is living or dead) who was naturalized pursuant to—

(B) is trained in the investigation of sexual harassment; and

(B) is trained in the investigation of sexual harassment; and

(C) DURATION OF INVESTIGATION.—To the extent practicable, an independent investigator shall commence an investigation of a complaint alleging sexual harassment not later than 72 hours after—

(1) receiving a formal complaint of sexual harassment forwarded by a commanding officer or officer in charge under subsection (a); or

(2) receiving a formal complaint of sexual harassment directly from a member of the armed forces; and

(D) REPORT ON INVESTIGATION.—(1) If the investigation cannot be completed not later than 14 days after the date on which the investigation commences.

"(d) REPORT ON INVESTIGATION.—(1) If the investigation cannot be completed not later than 14 days after the date on which the investigation commences, and every 14 days thereafter until the investigation is complete, the independent investigator shall submit to the officer described in subsection (a) a report on the progress made in completing the investigation.

"(e) Definitions.—In this section:

"(1) the term 'formal complaint' means a complaint that an individual files in writing and attests to the accuracy of the information contained in the complaint.

"(2) the term 'independent investigator' means a member of the armed forces or employee of the Department of Defense who—

(A) is outside the chain of command of the complainant and the subject of the investigation; and

(B) is trained in the investigation of sexual harassment, as determined by—

(i) the Secretary concerned in the case of a member of the armed forces; or

(ii) the Secretary of the Navy, in the case of a civilian employee of the Department of Defense.

"(3) The term 'sexual harassment' has the meaning given that term in section 9202(b) of this title (article 120d of the Uniform Code of Military Justice).

"(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of title 10, United States Code, is amended by striking the item relating to section 1561 and inserting the following new item:

"1561. Complaints of sexual harassment: independent investigation.'"
SEC. 530C. PETITION FOR DNA TESTING UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) In General.—Subchapter IX of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 873a (as added by the National Defense Authorization Act for Fiscal Year 2022) the following new section:

"§ 873a. Art 73a. Petition for DNA testing.

"(a) In General.—Upon a written petition by an accused sentenced to imprisonment or death by a military court, the Judge Advocate General may order DNA testing of evidence in the possession of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 V, add the following:

"SEC. 530C. PETITION FOR DNA TESTING UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) In General.—Subchapter IX of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 873a (as added by the National Defense Authorization Act for Fiscal Year 2022) the following new section:

"§ 873a. Art 73a. Petition for DNA testing.

"(a) In General.—Upon a written petition by an accused sentenced to imprisonment or death by a military court, the Judge Advocate General may order DNA testing of evidence in the possession of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 V, add the following:

"SEC. 530C. PETITION FOR DNA TESTING UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) In General.—Subchapter IX of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 873a (as added by the National Defense Authorization Act for Fiscal Year 2022) the following new section:

"§ 873a. Art 73a. Petition for DNA testing.

"(a) In General.—Upon a written petition by an accused sentenced to imprisonment or death by a military court, the Judge Advocate General may order DNA testing of evidence in the possession of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 V, add the following:
(1) Synchronize all of the training activities, land holdings, and operations of the Armed Forces for the most efficient use and stewardship of land in Hawai‘i.

(2) Promote a partnership between the Department of Defense and Hawai‘i, mutually advantageous and based on the following principles:

(A) Respect for the land, people, and culture of Hawai‘i.

(B) Commitment to building strong, resilient communities.

(C) Maximum joint use of land holdings of the Department.

(D) Optimization of existing training, operational, and administrative facilities of the Armed Forces.

(E) Synchronized communication from United States Indo-Pacific Command across all military components with State government, State agencies, county governments, communities, and Federal agencies on critical land and environmental topics.

(2) PLAN UPDATE REQUIRED.—Not later than December 31, 2025, and every five years thereafter through December 31, 2045, the Deputy Assistant Secretary of Defense for Real Property shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Armed Services of the Senate and the Committee on Energy and Natural Resources of the House of Representatives the updated Hawaii Land Use Master Plan, which was first produced by the Department of Defense in 1995 and updated in 2002 and 2021.

(3) ELEMENTS.—In updating the Hawaii Land Use Master Plan under paragraph (1), the Deputy Assistant Secretary of Defense shall consider, address, and include the following:

(A) The priorities of each individual Armed Force and joint priorities within the State of Hawai‘i.

(B) The historical background of the use of land in Hawai‘i by the Armed Forces and Department of Defense and the cultural significance of land holdings.

(C) A summary of all leases and easements held by the Department.

(D) An overview of assets of the Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, Hawai‘i National Guard, and Hawai‘i Air National Guard in the State, including the following for each asset:

(i) The location and size of facilities.

(ii) Any tenant commands.

(iii) Training lands.

(iv) Purpose of the asset.

(v) Summary of the asset for the next five years, including any planned divestitures and expansions.

(E) A summary of encroachment planning efforts.

(F) A summary of efforts to synchronize the inter-service use of training lands and ranges.

(3) COOPERATION.—The Deputy Assistant Secretary of Defense for Real Property shall carry out this subsection in conjunction with the Commander of United States Indo-Pacific Command.

(c) SUBMISSION OF UPDATED PLAN.—Not later than 30 days after the date of completion of an update to the Hawaii Land Use Master Plan under subsection (b), the Deputy Assistant Secretary of Defense for Real Property shall submit to the Committees on Armed Services of the Senate and the House of Representatives the updated master plan.

SA 3970. Ms. HIRONO (for herself, Mr. MENENDEZ, and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; and updated in 2021.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Department of Energy (referred to in this section as the “Secretary”) shall submit to the Committee on Energy and Natural Resources and the Committees on Natural Resources and Energy and Commerce of the House of Representatives a report prepared by independent experts not employed by the Federal Government that describes—

(1) the impacts of climate change on the Runit Dome nuclear waste disposal site in Eniwetok Atoll in the Republic of the Marshall Islands; and

(2) other environmental hazards in the vicinity of the Runit Dome.

(b) The report submitted under subsection (a) shall include—

(1) a detailed scientific analysis of any threats to the environment and to the health and safety of Eniwetok Atoll residents from:

(A) the Runit Dome nuclear waste disposal site;

(B) site-specific radionuclides and other toxins on Eniwetok Atoll;

(C) radionuclides and other toxins in the lagoon of Eniwetok Atoll, including areas in the lagoon at which nuclear waste was dumped;

(D) radionuclides and other toxins, including byrllium, which may be present on the islands of Eniwetok Atoll as a result of nuclear tests and other activities of the Federal Government,

(ii) testing of chemical and biological warfare agents;

(iii) rocket tests;

(iv) contaminated aircraft landing on Eniwetok Island; and

(v) nuclear clean-up activities;

(vi) radionuclides and other toxins that may be present in—

(A) the drinking water on Eniwetok Atoll;

(B) the water source for the desalinization plant for Eniwetok Atoll; and

(F) radionuclides and other toxins that may be present in the groundwater under, and in the vicinity of, the Runit Dome nuclear waste disposal site;

(2) a detailed scientific analysis of the extent to which rising sea levels, severe weather events, and other effects of climate change might exacerbate any of the threats identified under paragraph (1); and

(3) a detailed analysis, including the costs of implementing the plan, to relocate to a safe, secure facility to be constructed in an uninhabited, uninorporated territory of the United States all of the nuclear waste and other toxic waste contained in—

(A) the Runit Dome nuclear waste disposal site;

(B) each of the crenches on Eniwetok Atoll containing nuclear waste; and

(C) the 3 dumping areas in the lagoon of Eniwetok Atoll.

(c) PARTICIPATION BY THE REPUBLIC OF THE MARSHALL ISLANDS.—The Secretary shall allow scientists or other experts selected by the Government of the Republic of the Marshall Islands to participate in the preparation of the report required under subsection (a), including—

(1) developing the plan under subsection (b)(3);

(2) identifying questions;

(3) conducting research; and

(4) interpreting and presenting data.

(d) PUBLICATION.—The report required under subsection (a) shall be published in the Federal Register for public comment for a period of not less than 60 days.

SA 3971. 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 personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; and updated in 2021.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out this Act.

(b) AUTHORIZATION OF APPROPRIATIONS FOR RUNIT DOME MONITORING ACTIVITIES.—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the requirements of section 101(b)(1)(B) of the Nuclear Waste Policy Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)(B)).

SA 3972. 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 personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; and updated in 2021.

(a) EFFECT OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the requirements of section 101(b)(1)(B) of the Nuclear Waste Policy Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)(B)).
proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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, insert the following:

**Subtitle H—War Powers Resolution Reform**

SEC. 1292. JOINT RESOLUTIONS AND BILLS AUTHORIZING, LIMITING, OR REPEALING USE OF MILITARY FORCE.

The War Powers Resolution (50 U.S.C. 1541 et seq.) is amended by inserting after section 5 the following new section:

"JOINT RESOLUTIONS AND BILLS AUTHORIZING, NARROWING, OR REPEALING USE OF MILITARY FORCE."

"Sec. 5A. (a) A joint resolution or bill introduced after the date of the enactment of this Act, or a joint resolution or bill specified in that section shall be eligible for expedited consideration in accordance with section 6(a) if the joint resolution or bill is introduced during the following:

"(1) The specific strategic objective of the military force authorized for use by the joint resolution or bill.

"(2) A specification that the military force authorized for use by the joint resolution or bill is necessary, appropriate, and proportional to the purpose of the joint resolution or bill.

"(3) A specific naming of the nations, organizations, or forces engaged in active hostilities against the United States, its territories or possessions, or United States Armed Forces against which use of military force is authorized by the joint resolution or bill, which may not vest in or delegate to any official in the Executive Branch authority to specify any other nation, organization, or force against which use of military force is authorized by the joint resolution or bill.

"(4) A specification of the country or countries, or subdivision of a country or subdivisions of countries, in which military force is authorized by the joint resolution or bill, which may not vest in or delegate to any official in the Executive Branch authority to specify any other country or subdivision of a country in which use of military force is authorized by the joint resolution or bill.

"(5) A specification to a date certain of the duration of the authorization for use of military force in the joint resolution or bill, which may not exceed two years from the date of the enactment of the joint resolution or bill.

"(b) A joint resolution or bill introduced after the date of the enactment of this Act shall be eligible for expedited consideration in accordance with section 5(a) if the joint resolution or bill sets forth only a narrowing or other limitation of the Joint Resolution or Act as follows:

"(1) To narrow the specific strategic objective of the military force authorized by the Joint Resolution or Act.

"(2) To strike one or more named nations, organizations, or forces against which use of military force is authorized by the Joint Resolution or Act, and to specify a date certain for the effective date of such strike.

"(3) To strike one or more countries or subdivisions of a country in which military force is authorized for use by the Joint Resolution or Act, and to specify a date certain for the effective date of such strike.

"(4) To reduce the duration of the authorization for use of military force in the Joint Resolution or Act to an earlier date certain specified in the joint resolution or bill.

"(c) A joint resolution or bill introduced after the date of the enactment of this section only to repeal one or more Joint Resolutions or Acts authorizing use of military force that is or are in effect on the date of the introduction of the joint resolution or bill shall be eligible for expedited consideration in accordance with section 6(a).

"(d) A joint resolution or bill introduced as described in subsection (a) or (b) may also repeal any Joint Resolution or Act authorizing use of military force that is in effect on the date of the introduction of the joint resolution or bill without losing eligibility for expedited consideration in accordance with section 6(a) as otherwise provided in such subsection."

SEC. 1293. EXPEDITED PROCEDURES FOR JOINT RESOLUTIONS AND BILLS AUTHORIZING, LIMITING, OR REPEALING USE OF MILITARY FORCE.

Section 6 of the War Powers Resolution (50 U.S.C. 1545(a)(5)) is amended—

"(1) by inserting "(1)" after "(a);"

"(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking "introduced pursuant to subsection (b)(5) at least thirty calendar days before the expiration of the sixty-day period specified in such section" and inserting "introduced pursuant to subsection (b)(5) for purposes of section 5A(a) at least thirty calendar days before the expiration of the sixty-day period specified in section (b)"; and

"(3) by adding at the end the following new paragraph:

"(2)(A) Any joint resolution or bill introduced pursuant to subsection (b) or (c) of section 5A shall be referred to the committee provided for in paragraph (1), and such committee shall report one such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the thirty-day period beginning on the date of the introduction of such joint resolution or bill, unless such committee shall otherwise determine by the yeas and nays.

"(B) In the case of any joint resolution or bill described in subparagraph (A), any reference in this section to the thirty-day period specified in section (b) shall be deemed to refer instead to the thirty-day period beginning on the introduction of such joint resolution or bill.

"SEC. 1294. LIMITATION ON USE OF FUNDS IN CONTRAVENTION OF THE WAR POWERS RESOLUTION OR OTHER APPLICABLE RESOLUTIONS AUTHORIZING USE OF MILITARY FORCE.

The War Powers Resolution (50 U.S.C. 1541 et seq.) is amended—

"(1) by redesigning sections 9 and 10 as sections 10 and 11, respectively; and

"(2) by inserting after section 8 the following new section 9:

"LIMITATION ON USE OF FUNDS."

"Sec. 9. Appropriated funds may not be obligated or expended for the introduction or use of United States Armed Forces into or in hostilities, or situations where imminent involvement in hostilities is clearly indicated by the circumstances in contravention of the provisions of this Act, any other applicable Joint Resolution or Act authorizing such introduction or use (if applicable)."

SEC. 1295. JUSTIFICATION IN REQUESTS FOR AUTHORIZATIONS USE OF MILITARY FORCE AND IN REPORTS ON USE OF MILITARY FORCE.

Section 4 of the War Powers Resolution (50 U.S.C. 1545) is amended by adding at the end the following new subsection:

"(4) In submitting a report under subsection (a) or in connection with an introduction of the United States Armed Forces as described in that subsection the President also submits to Congress a request for an authorization for use of the United States Armed Forces in the hostilities or situation concerned, the President with respect to such request a comprehensive justification for such request, including a justification for—

"(A) the nations, organizations, and forces covered by such request;

"(B) the countries and subdivisions of countries covered by such request; and

"(C) the duration of the request.

"(5) Each report under subsection (c) on the status of hostilities or a situation shall include a current comprehensive justification for use of the United States Armed Forces in the hostilities or situation, including a justification for—

"(A) the continuing use of the United States Armed Forces in the hostilities or situation;

"(B) the continuing use of the United States Armed Forces in the particular country, countries, or subdivisions of countries concerned; and

"(C) the currently anticipated duration of the use of the United States Armed Forces in the hostilities or situation.

"(5A) Except as provided in subparagraph (B), any justification submitted pursuant to this subsection shall be in unclassified form to the greatest extent practicable, including (a) in the specification of the countries or subdivisions of countries concerned and in the duration or anticipated duration concerned, but may include a classified annex (and then only to the extent required to protect the national security interests of the United States).

"(6) A request described in paragraph (1) shall list or specify the names of the nations, organizations, and forces covered by such request in unclassified form.

SEC. 1296. RESOLUTIONS AUTHORIZATIONS FOR USE OF MILITARY FORCE.

(a) AUTHORIZATION FOR USE OF MILITARY FORCE.—Effective on the date that is one year after the date of the enactment of this Act, the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) is repealed.

(b) AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.—Effective on the date that is one year after the date of the enactment of this Act, the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note) is repealed.

SA 3973. 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 the appropriations for fiscal year 2022 for military constructions, and for defense activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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:
SA 3974. 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 Energy, to 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. 5. MODIFICATIONS TO TRICARE OPERATIONS MANUAL WITH RESPECT TO AUTISM THERAPY.

(a) In General.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall modify the operations manual under the TRICARE program, or successor manual of the Department of Defense, with respect to coverage of autism therapy as follows:

(1) To allow a covered beneficiary one year to obtain a confirmatory diagnosis of autism spectrum disorder.

(2) To require that the person completing the Pervasive Developmental Disorder Behavior Inventory Teacher Form meet the criteria in the Pervasive Developmental Disorder Behavior Inventory Manual regarding frequency and duration of contact with the client.

(3) To require that the services provided for autism spectrum disorder focus primarily on measures outcomes for the covered beneficiary as the primary recipient of services.

(4) To eliminate the prohibition on billing for services provided outside of the home, clinic, or facility via telehealth.

(5) To require that medically necessary services authorized in a school setting be delivered by a trained behavioral provider as determined by the applied behavior analysis supervisor.

(b) Definitions.—In this section, the terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

SA 3975. Mrs. GILLIBRAND (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After the date of the execution of the agreement, shall—

(1) submit to the congressional defense committees a report on the findings of the National Academies with respect to the analysis conducted and recommendations developed under subsection (b); and

(2) make such report available on a public website in unclassified form.

SEC. 3. TRICARE PROGRAM DEFINED.—In this section, the term “TRICARE program” has the meaning given that term in section 1072(b) of title 10, United States Code.

SA 3976. Ms. DUCKWORTH (for herself, Mr. GILLIBRAND, and Mr. 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 end of subtitle C of title VIII, add the following:

SEC. 3. ENHANCED DOMESTIC CONTENT REQUIREMENT FOR DEFENSE ACQUISITION PROGRAMS.

(a) Assessment Required.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the domestic source content of any procurement carried out in connection with a major defense acquisition program.

(2) Information Repository.—The Secretary of Defense shall establish an information repository for the collection and analysis of information related to domestic source content that can be used for continuous data analysis and program management activities.

(b) Enhanced Domestic Content Requirement.—

(1) In general.—Except as provided in paragraph (2), for purposes of chapter 83 of title 41, United States Code, manufactured articles, materials, or supplies procured in connection with a major defense acquisition program are manufactured substantially all in the United States if the cost of such component articles, materials, or supplies—

(A) supplied not later than the date of the enactment of this Act, exceeds 60 percent of the cost of the manufactured articles, materials, or supplies procured;

(B) supplied during the period beginning January 1, 2023, and ending December 31, 2027, exceeds 60 percent of the cost of the manufactured articles, materials, or supplies; and

(C) supplied on or after January 1, 2029, exceeds 60 percent of the cost of the manufactured articles, materials, or supplies.

(2) Exclusion for Certain Manufactured Articles.—Paragraph (1) shall not apply to manufactured articles that consist wholly or predominantly of iron, steel, or a combination of iron and steel.

(3) Rulemaking.—

(A) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue rules to determine the treatment of the lowest price offered for a foreign country component article which 55 percent or more of the component articles, materials, or supplies of such foreign end
product are manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States if—
(i) the application paragraph (1) results in an unreasonable cost; or
(ii) no offers are submitted to supply manufactured articles, materials, or supplies substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.
(B) TERMINATION.—Rules issued under this paragraph shall cease to have force or effect on January 1, 2030.
(4) APPLICABILITY.—The requirements of this subsection shall apply to contracts entered into after the date of the enactment of this Act.
(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—The term ‘major defense acquisition program’ means the meaning given in section 2430 of title 10, section 1453 of title 36, and section 902 of title 10, United States Code, as amended by the National Defense Authorization Act for Fiscal Year 2020.

SA 3977. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4350, to authorize appropriations for year 2022 for military activities of the Department of Defense; for military construction, and for defense activities of the Department of Energy, to 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. 10. LIMITATION ON PROCUREMENT OF WELDED SHIPBOARD ANCHOR AND MOORING CHAIN FOR NAVAL VESSELS.

Section 2534(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

‘‘(F) Welded shipboard anchor and mooring chain.”

SA 3978. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense; for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. DESIGNATION OF OLYMPIC NATIONAL FOREST WILDERNESS AREAS, WILD AND SCENIC RIVER DESIGNATIONS.

(a) DESIGNATION OF OLYMPIC NATIONAL FOREST WILDERNESS AREAS.

(1) BY NAME.—In furtherance of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the Olympic National Forest in the State of Washington comprising approximately 126,554 acres, as generally depicted on the map entitled “Proposed Wild Olympics Wilderness and Wild and Scenic Rivers Act” and dated April 8, 2019 (referred to in this subsection as the “map”), is designated as wilderness and as components of the National Wilderness Preservation System:

(L) Option 1—Wilderness.

(i) Colonel Bob Wilderness Additions.—Certain Federal land managed by the Forest Service, comprising approximately 10,887 acres, as generally depicted on the map, which shall be known as the “Colonel Bob Wilderness”.

(ii) Quinault Ridge Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 8,933 acres, as generally depicted on the map, which shall be known as the “Quinault Ridge Wilderness”.

(iii) Mount Skokomish Wilderness Additions.—Certain Federal land managed by the Forest Service, comprising approximately 396 acres, as generally depicted on the map, which shall be known as the “Mount Skokomish Wilderness”.

(iv) Mount Trails Wilderness Additions.—Certain Federal land managed by the Forest Service, comprising approximately 1,378 acres, as generally depicted on the map, which shall be known as the “Mount Trails Wilderness”.

(b) WILD AND SCENIC RIVER DESIGNATIONS.

(1) AT LARGE WILDERNESS AREAS—Certain Federal land managed by the Forest Service, comprising approximately 5,956 acres, as generally depicted on the map, which shall be known as the “Rugged Ridge Wilderness”.

(C) Alckee Creek Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 1,787 acres, as generally depicted on the map, which shall be known as the “Alckee Creek Wilderness”.

(D) Green Mountain Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 5,612 acres, as generally depicted on the map, which shall be known as the “Green Mountain Wilderness”.

(E) Elwha Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 21,965 acres, as generally depicted on the map, which shall be known as the “Alckee Creek Wilderness”.

(F) Green Mountain Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 4,790 acres, as generally depicted on the map, which shall be known as the “Green Mountain Wilderness”.

(G) The Brothers Wilderness Additions.—Certain Federal land managed by the Forest Service, comprising approximately 8,625 acres, as generally depicted on the map, which shall be known as the “The Brothers Wilderness”.

(H) Mount Skokomish Wilderness Additions.—Certain Federal land managed by the Forest Service, comprising approximately 3,914 acres, as generally depicted on the map, which shall be known as the “Mount Skokomish Wilderness”.

(I) Mount Trails Wilderness Additions.—Certain Federal land managed by the Forest Service, comprising approximately 1,378 acres, as generally depicted on the map, which shall be known as the “Mount Trails Wilderness”.

(K) South Quinault Ridge Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 8,933 acres, as generally depicted on the map, which shall be known as the “South Quinault Ridge Wilderness”.

(N) Alckee Creek Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 1,787 acres, as generally depicted on the map, which shall be known as the “Alckee Creek Wilderness”.

(P) Rugged Ridge Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 5,956 acres, as generally depicted on the map, which shall be known as the “Rugged Ridge Wilderness”.

(b) EXCEPT.—A section, except that any reference in that section as the “Secretary”, in accordance with the Wildlife Act (16 U.S.C. 1131 et seq.) by section 902 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

‘‘(I) Committee on Natural Resources of the House of Representatives; and’’.

(ii) the Committee on Energy and Natural Resources of the Senate.

(ii) EFFECT.—Each map and legal description filed under clause (i) shall have the same force and effect as if included in this section, except that the Secretary may correct minor errors in the map and legal description.

(iii) PUBLIC AVAILABILITY.—Each map and legal description filed under clause (i) shall be filed and made available for public inspection in the appropriate office of the Forest Service.

(3) POTENTIAL WILDERNESS.—

(A) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.) by section 902 of title 10, United States Code, the Secretary may take such measures as are necessary to control fire, insects, and diseases, in the wilderness areas designated by subparagraph (A) have termi

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the adjacent wilderness area.

(4) ADJACENT MANAGEMENT.—

(A) NO PROTECTIVE PERIMETERS OR BUFFER ZONES.—The designations in this subsection shall not create a protective perimeter or buffer zone around any wilderness area.

(B) NONCONFORMING USES PERMITTED OUTSIDE BOUNDARIES OF WILDERNESS AREAS.—Any activity or use outside of the boundary of any wilderness area designated under this subsection shall be permitted even if the activity or use would be seen or heard within the boundary of the wilderness area.

(D) FISH, INSECTS, AND DISEASES.—The Secretary may take such measures as are necessary to control fire, insects, and diseases, in the wilderness areas designated by this subsection, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and subject to such terms and conditions as the Secretary determines to be appropriate.

(E) (231) Dunraven River, Washington.—The segment of the Dunraven River from the mouth of the Dungeness River to the boundary of the State of Washington as a wild river.
mainstem and major tributary the Gray Wolf River, in the following classes:

(A) The approximately 5.8-mile segment of the Dungeness River from the headwaters to the wild river.

(B) The approximately 2.1-mile segment of the Dungeness River from the 2870 Bridge to Silver Creek, as a scenic river.

The segment of the Dungeness River from Sleepy Hollow Creek to as a wild river.

(D) The approximately 6.3-mile segment of the Dungeness River from the headwaters to Silver Creek to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture, as provided in section 10(e).

(E) The approximately 16.1-mile segment of the Gray Wolf River from the headwaters to the 2870 Bridge, as a wild river.

(F) The approximately 1.1-mile segment of the Gray Wolf River from the headwaters to the Buckhorn Wilderness boundary, as a scenic river.

The segment of the Big Quilcene River from the headwaters to Church Creek, as a recreational river.

(A) The approximately 4.4-mile segment from the headwaters to the Buckhorn Wilderness boundary, as a wild river.

(B) The approximately 5.3-mile segment from the Buckhorn Wilderness boundary to the City of Port Townsend water intake facility, to be administered by the Secretary of Agriculture, in the following classes:

(C) Section 7(a), with respect to the licensing of dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works, shall apply to the approximately 5-mile segment from the City of Port Townsend water intake facility to the Olympic National Forest boundary.

The segment of the Dosewallips River from the headwaters to the private land in T. 28 N., R. 3 W., to be administered by the Secretary of Agriculture, as a scenic river.

The segment of the Dosewallips River from Station Creek to the private land in T. 28 N., R. 3 W., to be a scenic river.

The segment of the Duckabush River from the private land in T. 25 N., R. 3 W., to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:

(A) The approximately 19.0-mile segment from the headwaters to the Brothers Wilderness boundary, as a wild river.

(B) The approximately 1.9-mile segment from the Brothers Wilderness boundary to the private land in T. 25 N., R. 3 W., to be a scenic river.

The segment of the Hamma Hamma River from the headwaters to the eastern edge of the N. 1/4 sec. 32, T. 25 N., R. 3 W., to be administered by the Secretary of Agriculture, in the following classes:

(A) The approximately 3.1-mile segment from the headwaters to the Mt. Skokomish Wilderness boundary, as a wild river.

(B) The approximately 5.8-mile segment from the headwaters to the Olympic National Forest boundary to Lena Creek, as a scenic river.

(C) The approximately 6.8-mile segment from Lena Creek to the eastern edge of the N. 1/4 sec. 32, T. 25 N., R. 3 W., to be administered by the Secretary of Agriculture, as a scenic river.

The segment of the South Fork Skokomish River from the headwaters to the Olympic National Forest boundary to be administered by the Secretary of Agriculture, in the following classes:

(A) The approximately 6.7-mile segment from the headwaters to Church Creek, as a wild river.

(B) The approximately 8.3-mile segment from Church Creek to Lena Creek, as a scenic river.

(C) The approximately 4.0-mile segment from Lena Creek to upper end of gorge in the NW¼ sec. C22, T. 22 N., R. 5 W., as a recreational river.

The approximately 6.0-mile segment from the upper end of the gorge to the Olympic National Forest boundary, as a scenic river.

The segment of the Middle Fork Satsop River from the headwaters to the Olympic National Forest boundary, to be administered by the Secretary of Agriculture, as a scenic river.

The approximately 2.1-mile segment of the Middle Fork Satsop River from the headwaters to the Olympic National Forest boundary, to be administered by the Secretary of Agriculture, as a scenic river.

The segment of the West Fork Satsop River from the headwaters to the Olympic National Forest boundary, to be administered by the Secretary of Agriculture, as a scenic river.

The segment of the West Fork Satsop River from the headwaters to the Olympic National Forest boundary to be administered by the Secretary of Agriculture, as a scenic river.

The segment of the Wyonochee River from the headwaters to the Wyonochee Reservoir to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:

(A) The approximately 2.5-mile segment from the headwaters to the boundary of the Wyonochee Reservoir to be administered by the Secretary of the Interior, in the following classes:

(B) The approximately 7.4-mile segment from the boundary of the Wyonochee Reservoir to be administered by the Secretary of the Interior, in the following classes:

(C) The approximately 9.4-mile segment from the headwaters to the mouth of the Wyonochee Reservoir to be administered by the Secretary of Agriculture, as a scenic river.

The segment of the East Fork Humpitals River from the headwaters to the Olympic National Forest boundary to be administered by the Secretary of Agriculture, as a scenic river.

The approximately 10.3-mile segment from the Moonlight Dome Wilderness boundary to the Olympic National Forest boundary, as a scenic river.

The segment of the West Fork Humpitals River from the headwaters to the Wild Horse Wilderness boundary, as a wild river.

The approximately 2.9-mile segment from the Wild Horse Wilderness boundary to the Olympic National Forest boundary, as a scenic river.

The approximately 28.6-mile segment from the headwaters to the confluence with Sams River, as a wild river.

The approximately 16.0-mile segment of the Queets River from the confluence with Sams River to the Olympic National Park boundary, as a scenic river.

The approximately 15.7-mile segment of the Queets River from the confluence with Sams River to the Olympic National Park boundary, as a scenic river.

The approximately 17.7-mile segment of the Queets River from the confluence with Sams River to the Olympic National Park boundary, as a scenic river.

The approximately 20.7-mile segment of the Queets River from the confluence with Sams River, as a wild river.

The approximately 6.0-mile segment of the Queets River from the confluence with Sams River, as a wild river.

The approximately 15.7-mile segment of the Quinault River from the Olympic National Park boundary, as a scenic river.

The approximately 13.8-mile segment of the Quinault River from the Olympic National Park boundary, as a scenic river.

The approximately 4.6-mile segment of the Quinault River from the Olympic National Park boundary to the Washington State boundary, as a scenic river.

The approximately 25.6-mile segment of the Bogachiel River from the source to the Olympic National Park boundary, to be administered by the Secretary of Agriculture, as a wild river.

The approximately 24.7-mile segment of the South Fork Calawah River from the source to the Olympic National Park boundary, to be administered by the Secretary of Agriculture, as a wild river.

The approximately 22.7-mile segment of the South Fork Calawah River from the headwaters to the Sitkum River, as a wild river.
section 12(b) of the Wild and Scenic Rivers Act

 quirere.—Updated management plans of the Sitkum River from the rugged ridge wilderness boundary, as a scenic river.

 (D) The approximately 11.9-mile segment of the Sitkum River from the headwaters to the confluence with the Sol Duc River, as a scenic river.

 (E) The approximately 8.0-mile segment of the Sitkum River from the headwaters to the confluence with the Sol Duc River, as a scenic river.

 (2) EFFECT.—The amendment made by paragraph (1) does not affect valid existing water rights.

 (3) UPDATES TO LAND AND RESOURCE MANAGEMENT PLANS.—

 (A) IN GENERAL.—Except as provided in subparagraph (B), not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture shall, with respect to the designations made under paragraph (1), incorporate such designations into updated management plans for units of the National Forest System in accordance with applicable laws (including regulations).

 (B) EXCEPTION.—The date specified in subparagraph (A) may be extended by the Secretary, for good cause shown, for not more than 2 years after the date of enactment of this Act if the Secretary determines that the Secretary is unable to carry out the requirements of subparagraph (A) by that date.

 (C) EXISTING RIGHTS AND WITHDRAWAL.—

 (1) IN GENERAL.—In accordance with section 12(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(b), nothing in this section or the amendment made by subsection (b)(1) affects or abrogates existing rights, privileges, or contracts held by private parties, nor does this section modify or pertain to management, acquisition, or disposition of land managed by the Washington Department of Natural Resources on behalf of the State of Washington.

 (2) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundary of the segments designated by this section and the amendment made by subsection (b)(1) is withdrawn from all forms of mineral and geothermal leasing or mineral materials.

 (d) TREATY RIGHTS.—Nothing in this section alters, modifies, diminishes, or extinguishes the reserved treaty rights of any Indian Tribe with hunting, fishing, gathering, and cultural or religious rights as protected by a treaty.

 SA 3979. Mrs. MURRAY submitted an amendment intended to be proposed to an amendment to SA 3979 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military activities of the Department of the Interior under the jurisdiction of the Committee on the Interior, and to 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 VII, add the following: 

 **Subtitle D—Reproductive and Fertility Preservation Assistance**

 SEC. 751. DEFINITIONS.

 In this subtitle:

 (1) ACTIVE DUTY.—The term “active duty” has the meaning given that term in section 101(d)(1) of title 10, United States Code.

 (2) ARMED FORCES.—The term “armed forces” means the armed forces of the United States as defined in section 101(a)(2) of title 10, United States Code.

 (3) CRYOPRESERVATION.—The term “cryopreservation” means the process of freezing biological material for storage for a designated period of time to preserve the biological material.

 (4) FERTILITY.—The term “fertility” means the capacity of the human body to produce gametes.

 (5) FERTILITY PRESERVATION.—The term “fertility preservation” means a procedure or series of procedures used to prevent or alleviate infertility.

 (6) GAMETES.—Gametes retrieved from a member of the Armed Forces under subsection (a) in a facility of the Department of Defense in cases in which the fertility of such member is potentially jeopardized as a result of an injury or illness incurred or aggravated while serving on active duty in the Armed Forces in order to preserve the medical options of such member.

 (7) HOSPITAL.—The term “hospital” means a medical facility of the Department of Defense.

 (8) MEMBERS OF THE ARMED FORCES.—The term “members of the Armed Forces” means members of the uniformed services.

 (9) RECRUITMENT.—The term “recruitment” means the act of soliciting individuals to enter the Armed Forces.

 (10) SERVICE.—The term “service” means a period of active duty in the Armed Forces with the specific consent of the member.

 (11) TREATMENT.—The term “treatment” means a health care intervention provided by a health care professional.

 SEC. 752. ESTABLISHMENT OF FERTILITY PRESERVATION PROCEDURES AFTER AN INJURY OR ILLNESS.

 (a) IN GENERAL.—(1) The Secretary of Defense, acting through the Assistant Secretary of Defense for Health Affairs, shall establish procedures for the retrieval of gametes, as soon as feasible, from a member of the Armed Forces in cases in which the fertility of such member is potentially jeopardized as a result of an injury or illness incurred or aggravated while serving on active duty in the Armed Forces in order to preserve the medical options of such member.

 (2) If the Secretary determines that the procedures established under paragraph (1) are not feasible, the Secretary may authorize procedures for the retrieval of gametes under paragraph (1) in a facility of the Department of Defense that is designated in accordance with section 101(a)(4) of title 10, United States Code, as a facility that is capable of providing fertility preservation.

 (b) CONSENT FOR USE OF RETRIEVED GAMETES.—Gametes retrieved under paragraph (1) may be used only—

 (1) with the specific consent of the member; or

 (2) if the member lost the ability to consent permanently, as determined by a medical professional; and

 (3) if the member does not specify the use of their gametes in an advance directive or testamentary instrument executed by the member.

 (c) DISPOSAL OF GAMETES.—In accordance with regulations prescribed by the Secretary for purpose of this subsection, the Secretary shall dispose of gametes retrieved from a member of the Armed Forces under subsection (a) only—

 (1) with the specific consent of the member; or

 (2) if the member—

 (A) has lost the ability to consent permanently, as determined by a medical professional; and

 (B) has not specified the use of their gametes in an advance directive or testamentary instrument executed by the member.

 SEC. 753. CRYOPRESERVATION AND STORAGE OF GAMETES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

 (a) IN GENERAL.—The Secretary of Defense shall include members of the Armed Forces on active duty in the Armed Forces with the opportunity to cryopreserve and store their gametes prior to—

 (1) deployment to a combat zone; or

 (2) a duty assignment that includes a hazardous assignment, as determined by the Secretary.

 (b) PERIOD OF TIME.—

 (1) IN GENERAL.—The Secretary shall provide for the cryopreservation and storage of gametes of any member of the Armed Forces under subsection (a) in a facility of the Department of Defense or of a private entity and the transportation of such gametes, at no cost to the member, until the date that is one year after the retirement, separation, or release of the member from the Armed Forces.

 (2) CONTINUED CRYOPRESERVATION AND STORAGE.—At the end of the one-year period specified in paragraph (1), the Secretary shall permit an individual whose gametes were cryopreserved and stored in a facility of the Department as described in that paragraph to select, including pursuant to an advance medical directive or military testamentary instrument, disposition of the gametes of the individual not earlier than the date that is 90 days after the end of the one-year period specified in paragraph (1) with respect to the individual.

 (c) D ISPOSAL OF GAMETES.—In accordance with regulations prescribed by the Secretary for purpose of this subsection, the Secretary shall—

 (1) destroy any gametes that are not cryopreserved and stored in a facility of the Department; and

 (2) cryopreserve and store the gametes under this section and the amendment made by section 1044d(b) of title 10, United States Code, and a military testamentary instrument, as defined in section 1044d(b) of such title, that explicitly specifies the use of their cryopreserved and stored gametes, or otherwise loses the capacity to consent to the use of their cryopreserved and stored gametes.
(d) AGREEMENTS.—To carry out this section, the Secretary may enter into agreements with private entities that provide cryopreservation, transportation, and storage services for gametes stored at the Department of Defense.

SEC. 754. ASSISTANCE WITH AND CONTINUITY OF CARE REGARDING REPRODUCTIVE AND FERTILITY PRESERVATION SERVICES.

The Secretary of Defense shall ensure that employees of the Department of Defense assisted military personnel or of the National Guard or the Reserve components of the Armed Forces—

(1) in furnishing the services provided under this title; and

(2) in furnishing the services provided under this title.

SEC. 755. COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) In General.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop a plan, consistent with this section, to ensure continuity of and access to services available to individuals eligible for the receipt of such counseling and treatment from the Secretary of Veterans Affairs.

(b) Memorandum of Understanding.—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into a memorandum of understanding—

(1) that describes the authority and responsibility of the Department of Defense and the Department of Veterans Affairs to coordinate programs providing reproductive and fertility preservation services;

(2) that ensures the confidentiality of information collected under this section; and

(3) that assigns responsibility for implementing this title.

(b) FURNISHING OF FERTILITY TREATMENT AND COUNSELING.

(a) Definitions.—Section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended—

(i) in the matter preceding subsection (a), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(ii) in subparagraph (B) of clause 2 of section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended—

(1) in the matter preceding clause (i), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(2) in subparagraph (A) of clause 2 of section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended—

(i) in the matter preceding paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(ii) in paragraph (2), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(iii) in paragraph (3), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(iv) in paragraph (4), by striking “subsection (a)” and inserting “subsection (a)(1)”;


SEC. 756. MODERNIZATION AND EXPANSION OF ASSISTED REPRODUCTIVE TECHNOLOGY PROGRAM.

Not later than one year after the date of enactment of this Act, the Secretary of Defense shall develop and submit to Congress a strategy to modernize and expand the programs described in the memorandum on the subject of “Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Wounded, Ill, or Injured Service Members” issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012.

SA 3890. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment—

(a) Definitions.—Section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended by—

(i) in the matter preceding paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(ii) in subparagraph (B) of clause 2 of section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended—

(1) in the matter preceding subsection (a), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(2) in subparagraph (B) of clause 2 of section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended—

(i) in the matter preceding paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(ii) in paragraph (2), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(iii) in paragraph (3), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(iv) in paragraph (4), by striking “subsection (a)” and inserting “subsection (a)(1)”;


SEC. 757. MODIFICATIONS TO AND REAUTHORIZATION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.

(a) Definitions.—Section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended by—

(i) in the matter preceding paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(ii) in subparagraph (B) of clause 2 of section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended—

(1) in the matter preceding subsection (a), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(2) in subparagraph (B) of clause 2 of section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended—

(i) in the matter preceding paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(ii) in paragraph (2), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(iii) in paragraph (3), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(iv) in paragraph (4), by striking “subsection (a)” and inserting “subsection (a)(1)”;


SEC. 758. COMBATING GLOBAL CORRUPTION.

(a) Definitions.—In this section—

(1) corrupt actor means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(b) Corruption.—The term “corruption” means the unlawful use or exercise of public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

SEC. 759. REPORTS TO CONGRESS.

(a) Annual Reports.—The Secretary of Defense shall submit an annual report to Congress pursuant to this section—

(i) in the matter preceding paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(ii) in paragraph (2), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(iii) in paragraph (3), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(iv) in paragraph (4), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(v) in paragraph (5), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(vi) in paragraph (6), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(b) Reporting Period.—The annual report required by paragraph (1) shall cover the period ending on September 30, 2022.
(3) SIGNIFICANT CORRUPTION.—The term ‘significant corruption’ means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance;

(B) Involves economically or socially large-scale government activities;

(C) That has some or all of the following characteristics:

1. Committed at a high level of government;

2. Undermines democratic governance;

3. Contributes to or facilitates corruption in other countries.

(4) SIGNIFICANT CORRUPTION.—The term ‘significant corruption’ means corruption that is commensurate with the punishment prescribed for serious crimes; found, through a fair judicial process, to have involved practices that prohibit corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors; and (H) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others; (I) whether the government protects victims of corruption or whistleblowers from reprisal due to such persons having come forward in exposing corruption, and takes steps to protect whistleblowers from discriminatory treatment of such persons; (J) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption; (K) whether the government of the country is taking steps to implement financial transparency measures in line with the Financial Action Task Force recommendations, including due diligence and beneficial ownership transparency requirements; (L) whether the government of the country is facilitating corruption in its own country as well as in connection with state-directed investments, loans or grants for major infrastructure, or other initiatives; and (M) other information relating to corruption as the Secretary of State considers appropriate.

(5) TERMINATION OF REQUIREMENTS RELATING TO NORD STREAM 2.—The requirements under paragraphs (1)(B) and (2)(D) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(6) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

(e) DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.—

(1) IN GENERAL.—The Secretary of State shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified as tier 3 under subsection (b) to the extent relevant or appropriate, to advise and assist the governments of such countries to—

(A) promote good governance in foreign countries; and

(B) enhance the ability of such countries—

(i) to combat public corruption; and

(ii) to implement anti-corruption risk assessment tools and mitigation strategies.
(3) TRAINING.—The Secretary of State shall implement appropriate training for anti-corruption points of contact designated under paragraph (1).

SA 3982. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3967 submitted by Mr. REED and intended to be proposed to the bill S. 1999, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—COMBATING CORRUPTION AND PROMOTING ACCOUNTABILITY IN FOREIGN INVESTMENT

Subtitle A—Transnational Repression Accountability and Prevention Act of 2021

SEC. 1701. SHORT TITLE.

This subtitle may be cited as the “Transnational Repression Accountability and Prevention Act of 2021” or as the “TRAP Act of 2021”.

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) The International Criminal Police Organization (INTERPOL) works to prevent and fight crime through enhanced cooperation and innovation on police and security matters, including kleptocracy, counterterrorism, cybercrime, narco-tics, and transnational organized crime.

(2) United States membership and participation in INTERPOL advances the national security and law enforcement interests of the United States related to combating kleptocracy, terrorism, cybercrime, narco-tics, and transnational organized crime.

(3) Article 2 of INTERPOL’s Constitution states that the organization aims “(to) en-sure and promote the widest possible mutual assistance between all criminal police au-thorities . . . in the spirit of the ‘Universal Declaration of Human Rights’.”

(4) Article 4 of INTERPOL’s Constitution states that “[i]t is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or ideological character.”

(5) These principles provide INTERPOL with a foundation based on respect for human rights and avoidance of politically motivated interventions by the organization and its members.

(6) Some INTERPOL member countries have used INTERPOL’s databases and pro-cesses, including Notices and Diffusion mechan-isms and the Stolen and Lost Travel Docu-ment Database, for activities of a political or other unlawful character and in violation of international human rights standards, including making requests to INTERPOL for interventions related to purported charges of ordinary law crimes that are fabricated for political or other unlawful purposes.

(7) According to the Justice Manual of the United States Department of Justice, “[i]n the United States, national law prohibits the arrest of the subject of a Red Notice issued by another INTERPOL member country, based upon the notice alone’ and requires the existence of a valid extradition treaty between the requesting country and the United States, a valid request for provisional arrest of the subject individual, and an ar-rest warrant issued by a United States Dis-trict Court. The Commission for Con-tingency Funds of the United States Attorney’s Office of the sub-ject jurisdiction.

SEC. 1703. STATEMENT OF POLICY.

It is the policy of the United States:

(1) To use the voice, vote, and influence of the United States, as appropriate, within INTERPOL and among INTERPOL’s member countries as well as to ensure that INTERPOL’s General Assembly and Executive Committee to promote the following ob-jectives at improving the transparency of INTERPOL and ensuring its opera-tions consistent with the purposes of the Constitution, par-ticularly articles 2 and 3, and Rules on the Processing of Data:

(A) Support INTERPOL’s reforms enhanc-ing the transparency of the Notices, Diffusions, and other INTERPOL communications to ensure they comply with INTERPOL’s Constitution and Rules on the Processing of Data.

(B) Support and strengthen INTERPOL’s coordination with the Commission for Control of INTERPOL’s Files (CCF), and the CCF regarding issued Notices, Diffusions, and other INTERPOL communications against an individual in violation of articles 2 or 3 of the INTERPOL Constitution, or the RPD, to prohibit such member country from seeking the publication or issuance of any subsequent Notices, Diffusions, or other INTERPOL communication against the same individual based on the same set of claims or facts.

(C) Support candidates for positions within INTERPOL, the General Assembly, the Presi-dency, Executive Committee, General Secre-tariat, and CCF who have demonstrated ex-perience relating to and respect for the rule of law.

(D) Seek to require INTERPOL in its an-nual report to provide a detailed account of the following information, disaggregated by member country:

(i) The number of Notice requests, disaggregated by color, that it received.

(ii) The number of Notice requests, disaggregated by color, that it rejected.

(iii) The category of violation identified in each instance of a rejected Notice.

(iv) The number of Diffusions that it can-celled without reference to decisions by the CCF.

(v) The sources of all INTERPOL income during the reporting period.

(E) Support the transparency of the CCF in its annual report by providing a de-tailed account of the following information, disaggregated by country:

(i) The number of reasonable requests for correction or deletion of data received by the CCF regarding issued Notices, Diffusions, and other INTERPOL communications.

(ii) The number of violations of article 6 of INTERPOL communications in contravention of existing law or policy to seek the detention of indi-viduals or render judgments concerning their immigration status or requests for asylum, with holding of removal, or convention against torture claims and any measures the Department of Justice or other executive de-partments or agencies took in response to these incidents.

(F) A description of how the United States monitors and responds to likely instances of abuse of INTERPOL communications by member countries that could affect the in-terests of the United States, including citi-zens and nationals of the United States, em-ployees of the United States Government, aliens lawfully admitted for permanent resi-dence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(G) A description of what actions the United States takes in response to credible information that it receives concerning likely instances of abuse of INTERPOL communications tar-geting employees of the United States Gov-ernment for activities they undertook in an official capacity.

(H) A description of United States advocacy for reform and good governance within INTERPOL.

(1) A strategy for improving interagency coordination to identify and address in-stances of INTERPOL abuse that affect the interests of the United States, including transnational respect for fundamental rights and freedoms, citizens and nation-als of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(2) An estimate of the costs involved in es-tablishing such improvements.

(c) FORM OF REPORT.—Each report required under subsection (a) shall be submitted in un-classified form and be published in the Fed-eral Register, but may include a classified annex, as appropriate.

(d) BRIEFING.—Not later than 180 days after the submission of the report in subsection (a), and every 180 days after for two years, the Committees on Appropriations that make appropriations for the Department of Justice, the Department of Homeland Security, the Department of State, and the heads of other relevant United States Government depart-ments or agencies shall hold a briefing on the appro-priate congressional committees a report containing an assessment of how INTERPOL member countries abuse INTERPOL Red Notices, Diffusions, and other INTERPOL communications in contravention of existing law or policy to seek the detention of individuals or render judgments concerning their immigration status or requests for asylum, with holding of removal, or convention against torture claims, though they may be unlawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

SEC. 1704. REPORT ON THE ABUSE OF INTERPOL SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, in coordination with the Secretary of Homeland Security, the Secretary of State, and the heads of other relevant United States Government depart-ments or agencies shall submit to the appro-priate congressional committees a report contain-ing an assessment of how INTERPOL member countries abuse INTERPOL Red Notices, Diffusions, and other INTERPOL communications in contravention of existing law or policy to seek the detention of individuals or render judgments concerning their immigration status or requests for asylum, with holding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(b) ELEMENTS.—The report required under subsection (a) shall include the following ele-ments:

(1) A description of the most common tac-tics employed by member countries con-ducting such abuse, including the crimes most commonly alleged and the INTERPOL communications most commonly exploited.

(2) A description of the need for any shortcoming the United States believes should be addressed.

(3) A description of any incidents in which the Department of Justice assesses that United States departments or agencies have relied on INTERPOL communications in contravention of existing law or policy to seek the detention of individuals or render judgments concerning their immigration status or requests for asylum, with holding of removal, or convention against torture claims and any measures the Department of Justice or other executive de-partments or agencies took in response to these incidents.

(4) A description of how the United States monitors and responds to likely instances of abuse of INTERPOL communications by member countries that could affect the interests of the United States, including citizens and nationals of the United States, em-ployees of the United States Government, aliens lawfully admitted for permanent resi-dence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(5) A description of what actions the United States takes in response to credible information that it receives concerning likely instances of abuse of INTERPOL communications targeting employees of the United States Gov-ernment for activities they undertook in an official capacity.

(6) A description of United States advocacy for reform and good governance within INTERPOL.
Congress makes the following findings:

1. Authoritarian leaders in foreign countries abuse their power to steal assets from state institutions, enrich themselves at the expense of their people, undermine democratic development, and use corruption as a strategic tool both to solidify their grip on power and to undermine democratic institutions abroad.

2. Global corruption harms the competitiveness of United States businesses, weakens democratic governance, feeds terrorist recruitment and transnational organized crime, undermines international security and human trafficking, and stymies economic growth.

3. Illicit financial flows often penetrate countries through what appear to be legitimate financial transactions, as kleptocrats launder money, use shell companies, amass offshore wealth, and participate in a global shadow economy.

4. The Government of the Russian Federation is a leading model of this type of kleptocratic system, using state-sanctioned corruption to both erode democratic governance and foster a new form of authoritarianism abroad, thereby strengthening the authoritarian rule of Vladimir Putin.

5. Corrupt individuals and entities in the Russian Federation, often with the backing and encouragement of political leadership, use stolen money—

(a) to purchase key assets in other countries, often with attendant monopolistic control of a sector;

(b) to gain access to and influence the policies of other countries; and

(c) to advance interests in other countries, particularly those that undermine confidence and trust in democratic systems.

6. Systemic corruption in the People’s Republic of China undermines the integrity of the country and is directed by or backed by the leadership of the Chinese Communist Party and the Chinese Government—

(A) to provide unfair advantage to certain People’s Republic of China economic entities;

(B) to increase other countries’ economic dependence on the People’s Republic of China to secure the state’s interest;

(C) independently adjudicated; and

(D) consistent with international human rights norms and standards.

SEC. 1714. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to leverage United States diplomatic engagement and foreign assistance to promote the rule of law;

(2)(A) to promote international instruments to combat corruption, kleptocracy, and illicit finance, including instruments referred to in section 7034(a), and other relevant international standards and best practices, as such standards and practices develop; and

(B) to promote the adoption and implementation of such laws, standards, and practices by foreign states;
(3) support foreign states in promoting good governance and combating public corruption;
(4) to encourage and assist foreign partner countries to identify and close loopholes in their legal and financial architecture, including the misuse of anonymous shell companies, free trade zones, and other legal structures enabling illicit finance to penetrate their financial systems;
(5) to help foreign partner countries to investigate, prosecute, adjudicate, and more generally use the rules of law and the resources of their judicial systems to combat public corruption by malign actors, including authoritarian governments, particularly the Government of the Russian Federation and the Government of the People’s Republic of China, as a tool of malign influence worldwide;
(6) to assist in the recovery of kleptocracy-related stolen assets for victims, including through the use of appropriate bilateral arrangements and international agreements, such as the United Nations Convention against Corruption, done at New York October 31, 2003, and the United Nations Convention Against Transnational Organized Crime, done at New York November 15, 2000;
(7) to use sanctions authorities, such as the Global Magnitsky Act and Rights Accountability Act (subtitles F and N of title XII of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2556 note)), to impose sanctions on a range of individuals, including members of foreign states’ national government, whose actions are contrary to the national interests of the United States; and
(8) to ensure coordination between relevant Federal departments and agencies with jurisdiction over the advancement of good governance in foreign states; and
(9) to lead the creation of a formal grouping of like-minded states—
(A) to coordinate efforts to counter corruption, illicit finance, and terrorism; and
(B) to strengthen collective financial defense.

SEC. 1715. ANTI-CORRUPTION ACTION FUND.

(a) ESTABLISHMENT.—There is established in the United States Treasury a fund, to be known as the “Anti-Corruption Action Fund”, only for the purposes of—
(1) increasing the capacity of foreign states to prevent and fight public corruption;
(2) assisting foreign states to develop rules of law-based governance structures, including civilian police, prosecutorial, and judicial institutions;
(3) supporting foreign states to strengthen domestic legal and regulatory frameworks to combat public corruption, including the adoption of best practices under international law; and
(4) supplementing existing foreign assistance and diplomacy with respect to efforts described in paragraphs (1), (2), and (3).

(b) FUNDING.—
(1) TRANSFERS.—Beginning on or after the date of the enactment of this Act, if total criminal fines and penalties in excess of $50,000,000 are imposed against a person under the Foreign Corrupt Practices Act of 1977 (Public Law 95–213) or section 30A, or 32 of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78dd–1, and 78ff), whether pursuant to a criminal prosecution, enforcement proceeding, deferred prosecution agreement, nonprosecution agreement, a declination to prosecute or enforce, or any other resolution, the court (in the case of a conviction) or the United States Attorney shall impose additional prevention payment equal to $5,000,000 against such person, which shall be deposited in the Anti-Corruption Action Fund pursuant to subsection (a), without fiscal year limitation or need for subsequent appropriations.

(2) LIMITATION.—None of the amounts made available to the Secretary of State from the Anti-Corruption Action Fund may be used for administrative costs related to overseas program implementation pursuant to subsection (a).

(c) SUPPORT.—The Anti-Corruption Action Fund established pursuant to paragraph (1) shall be available to the Secretary of State only for the purposes described in subsection (a), without fiscal year limitation or need for subsequent appropriations.

(d) ALLOCATION AND PRIORITIZATION.—In programming foreign assistance made available through the Anti-Corruption Action Fund, the Secretary of State, in coordination with the Attorney General, shall prioritize projects that—
(1) assist countries that are undergoing historic democratic transitions, combating corruption, and the establishment of the rule of law; and
(2) are important to United States national interests.

(e) TECHNICAL ASSISTANCE PROVIDERS.—For any technical assistance to a foreign government under this section, the Secretary of State shall ensure that the technical assistance provider(s) are—
(1) assisting to improve coordination with the Attorney General, the State Department, and the intelligence community; and
(2) ensuring coordination with the National Counterintelligence and Security Center.

(f) PUBLICATION.—The Secretary of State shall provide a list of the countries that have had independent anticorruption initiatives in coordination with a foreign government under this section, and the funding provided.

(g) TECHNICAL ASSISTANCE.—The Secretary of State shall make recommendations to the Secretary of Treasury to use the Anti-Corruption Action Fund for funds to training programs, such as those under title II of the International Relations and Cooperation Act.

(h) TECHNICAL ASSISTANCE.—The President shall make recommendations to the Secretary of State to use the Anti-Corruption Action Fund for funds to training programs, such as those under title II of the International Relations and Cooperation Act.

(i) TECHNICAL ASSISTANCE.—The President shall make recommendations to the Secretary of State to use the Anti-Corruption Action Fund for funds to training programs, such as those under title II of the International Relations and Cooperation Act.

(j) TECHNICAL ASSISTANCE.—The President shall make recommendations to the Secretary of State to use the Anti-Corruption Action Fund for funds to training programs, such as those under title II of the International Relations and Cooperation Act.
anti-corruption efforts in their respective countries of responsibility that aligns with United States diplomatic engagement; and
(3) ensure that anti-corruption activities carried out within their respective countries of responsibility are included in regular reporting to the Secretary of State and the Interagency Anti-Corruption Task Force, including United States embassy strategic planning documents and foreign assistance-related reporting, as appropriate.

(c) TRAINING.—The Secretary of State shall develop and implement appropriate training for the designated anti-corruption points of contact.

SEC. 1718. REPORTING REQUIREMENTS.

(a) REPORT OR BRIEFING ON PROGRESS TOWARD IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 3 years, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Attorney General, and the Secretary of the Treasury, shall submit a report or provide a briefing to the appropriate congressional committees that summarizes progress made in combating public corruption and in implementing this subtitle, including—
(1) identifying opportunities and priorities for outreach with respect to promoting the adoption and implementation of relevant international standards and standards in combating public corruption, kleptocracy, and illicit finance;
(2) describing—
(A) the bureaucratic structure of the offices within the Department of State and the United States Agency for International Development that are engaged in activities to combat public corruption, kleptocracy, and illicit finance; and
(B) how such offices coordinate their efforts with each other and with other relevant Federal departments and agencies;
(3) providing a description of how the provisions under subsections (d) and (e) of section 1703 have been applied to each project funded by the Anti-Corruption Action Fund;
(4) providing an explanation as to why a United States Government technical assistance program used if technical assistance to a foreign governmental entity is not implemented by a United States Government technical assistance provider;
(5) the activities of the Interagency Anti-Corruption Task Force established pursuant to section 1703(b); and
(C) multilateral peer review anti-corruption mechanisms and standards.

(b) O NLINE PLATFORM.—The Secretary of State shall—
(1) the Organisation for Economic Co-operation and Development’s Working Group on Bribery in International Business Transactions;
(2) the Follow-Up Mechanism for the Inter-American Convention Against Corruption; and

SA 3983. Mr. TESTER (for himself and Ms. MURKOWSKI) 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:

SEC. 1064. TECHNICAL CORRECTION TO ELIGIBILITY FOR COUNSELING AND TREATMENT FOR SEXUAL TRAUMA TO INCLUDE ALL FORMER MEMBERS OF THE RESERVE COMPONENTS AND FORCES.

Section 1720D of title 38, United States Code, is amended—
(1) in subsection (a)—
(A) in paragraph (1), by striking “a physical assault of a sexual nature” and all that follows through the period at the end and inserting “military sexual trauma;” and
(B) by striking “that was suffered by the member while serving on duty, regardless of duty status or line of duty determination” (as that term is used in section 12323 of title 10); and
(2) by striking subsections (f) and (g) and inserting the following new subsection (f):
“(f) In this subsection—
(1) the term ‘former member of the Armed Forces’ means a person who served on active duty, active duty for training, or inactive duty training, and who was discharged or released therefrom under any condition that is not—
(A) a discharge by court-martial; or
(B) a discharge subject to a bar to benefits under section 5303 of this title.
(2) The term ‘military sexual trauma’ means, with respect to a former member of the Armed Forces, a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the former member of the Armed Forces was serving on duty, regardless of duty status or line of duty determination (as that term is used in section 12323 of title 10).
(3) The term ‘sexual harassment’ means unsolicited verbal or physical contact of sexual nature which is threatening in character.”.

SA 3984. Mr. TESTER 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:

SEC. 907. ELIGIBILITY OF DISABILITY RETIREE WITH FEWER THAN 20 YEARS OF SERVICE AND A COMBAT-RELATED DISABILITY FOR CONCATERN RECEIPT OF VETERANS' DISABILITY COMPENSATION AND RETIRED PAY.

(a) CONCURRENT RECEIPT彈性扣款WITH CONCURRENT RECEIPT OF VETERANS’ DISABILITY COMPENSATION AND RETIRED PAY.——Section 1413a(b)(3)(B) of title 10, United States Code, is amended by striking “creditable service,” and all that follows and inserting the following: “creditable service—
“(i) the retired pay of the retiree is not subject to reduction under sections 5304 and 5305 of title 38; and
“(ii) no monthly amount shall be paid the retiree under subsection (a).”.

(b) CONCURRENT RECEIPT OR DISABILITY.—Section 1413b(c)(2) of title 10, United States Code, is amended by striking “Subsection (a)” and all that follows and inserting the following: “Subsection (a) applies to a member described in paragraph (1) of that subsection who is retired under chapter 61 of this title with less than 20 years of service computed under section 12732 of this title, at the time of the member’s retirement if the member has a combat-related disability (as that term is defined in section 1413a(e) of this title), except that in the application of subsection (a) to such a member, any reference in that subsection to a quality factor shall be deemed to be a reference to that combat-related disability; but
“(B) does not apply to any member so retired if the member does not have a combat-related disability.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—
(1) AMENDMENTS REFLETING CONCURRENT RECEIPT PHASE-IN PERIOD.—Section 1414 of title 10, United States Code, is further amended—
(A) in subsection (a)(1)—
(i) by striking the second sentence; and
(ii) by striking subparagraphs (A) and (B); and
(B) by striking subsections (d) and (e) as subsections (c) and (d), respectively; and
(C) in subsection (d), as redesignated, by striking paragraphs (3) and (4).
(2) SECTION HEADING.—The heading of such section 1414 is amended to read as follows: “1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent receipt”.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 1414 and inserting the following new item:
“1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent receipt.”.

(4) CONFORMING AMENDMENT.—Section 1413a(f) of such title is amended by striking “Subsection (d)” and inserting “Subsection (c)”. 

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day on which section 1 of the act making this appropriation becomes law, and shall apply to payments for months beginning on or after that date.
SA 3985. Mr. TESTER 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 the activities of the Department of Energy, to 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—Improvement of Veterans Crisis Line

SEC. 1070. SHORT TITLE.

This subtitle may be cited as the “Revising and Expediting Actions for the Crisis Hotline for Veterans Act” or the “REACH for Veterans Crisis Line Act”.

SEC. 1071. DEFINITIONS.

In this subtitle:

(1) DEPARTMENT.—The term “Department” means the Department of Veterans Affairs.

(2) TERM “SECRETARY” MEANS.—The term “Secretary” means the Secretary of Veterans Affairs.

(3) VETERANS CRISIS LINE.—The term “Veterans Crisis Line” means the toll-free hotline for the established under section 1720F(h) of title 38, United States Code.

PART I—VETERANS CRISIS LINE TRAINING AND QUALITY MANAGEMENT

Subpart A—Staff Training

SEC. 1072. RETRAINING FOR VETERANS CRISIS LINE CALL RESPONDERS.

(a) IN GENERAL.—The Secretary shall develop guidelines on substance use and overdose risk assessment, safety planning, referrals to care, supervisory consultation, and emergency dispatch.

(b) REQUIREMENTS.—The guidelines developed under subsection (a) shall specify the subjects and quantity of retraining recommended and how supervisors should be involved, including procedures for monitoring and other performance review mechanisms.

Subpart B—Quality Review and Management

SEC. 1074. MONITORING OF CALLS ON VETERANS CRISIS LINE.

(a) IN GENERAL.—The Secretary shall require that not fewer than two calls per month for each Veterans Crisis Line call responder be subject to supervisory silent monitoring, which is used to monitor the quality of conduct by such call responder during the call.

(b) BENCHMARKS.—The Secretary shall establish benchmarks for requirements and performance of Veterans Crisis Line call responders on supervisory silent monitored calls.

(c) QUARTERLY REPORTS.—Not less frequently than quarterly, the Secretary shall submit to the Office of Mental Health and Suicide Prevention of the Department of Veterans Affairs a report on occurrence and outcomes of supervisory silent monitored calls.

SEC. 1075. QUALITY MANAGEMENT PROCESSES FOR VETERANS CRISIS LINE.

Not later than one year after the date of the enactment of this Act, the leadership for the Veterans Crisis Line, in partnership with the Office of Mental Health and Suicide Prevention of the Department and the National Center for Patient Safety of the Department, shall establish quality management processes and expectations for staff of the Veterans Crisis Line with respect to reporting of adverse events and close calls.

SEC. 1076. ANNUAL COMMON CAUSE ANALYSIS FOR CALLERS TO VETERANS CRISIS LINE.

(a) IN GENERAL.—Not less frequently than annually, the Secretary shall perform a common cause analysis for all identified callers to the Veterans Crisis Line who die by suicide during the one-year period preceding the conduct of the analysis before the caller received contact with emergency services and in which the Veterans Crisis Line was the last point of contact.

(b) SUBMITTAL OF RESULTS.—The Secretary shall submit to the Office of Mental Health and Suicide Prevention of the Department the results of each analysis conducted under this section.

(c) APPLICATION OF THEMES OR LESSONS.—The Secretary shall apply any themes or lessons learned under an analysis under subsection (a) to updating training and standards of practice for staff of the Veterans Crisis Line.

Subpart C—Guidance for High-Risk Callers

SEC. 1077. DEVELOPMENT OF ENHANCED GUIDANCE AND PROCEDURES FOR RESPONSE TO CALLS RELATED TO SUBSTANCE USE AND OVERDOSE RISK.

Not later than one year after the date of the enactment of this Act, the Secretary shall develop guidance and procedures to respond to calls to the Veterans Crisis Line related to substance use and overdose risk.

(a) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary shall carry out a pilot program to determine whether a centralized, templated safety plan used in clinical settings could be applied in call centers for the Veterans Crisis Line.

(b) SUBMITTAL OF RESULTS.—The Secretary shall submit to the Office of Mental Health and Suicide Prevention of the Department the findings of the Secretary under the pilot program under subsection (a), including such recommendations as the Secretary may have for continuation or discontinuation of the pilot program.

SEC. 1081. CRISIS LINE FACILITATION PILOT PROGRAM.

(a) IN GENERAL.—Commencing not later than one year after the date of the enactment of this Act, the Secretary shall brief Congress on the findings of the Secretary under the pilot program under subsection (a), including such recommendations as the Secretary may have for continuation or discontinuation of the pilot program.

(c) DEFINITIONS.—In this section:

(1) CRISIS LINE FACILITATION.—The term “crisis line facilitation”, with respect to a high-risk veteran, means the presentation by a therapist of psychoeducational information about the Veterans Crisis Line and a discussion of the need for the veteran to receive guidance from the Secretary and facilitators to future use of the Veterans Crisis Line for the veteran, which culminates in the veteran calling the Veterans Crisis Line with the therapist, or with the therapist, who may have counter negative impressions of the Veterans Crisis Line.

(2) HIGH-RISK VETERAN.—The term “high-risk veteran” means a veteran receiving inpatient mental health care following a suicidal crisis.
Subpart B—Research on Effectiveness

SEC. 1082. AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH ON EFFECTIVENESS AND OPPORTUNITIES FOR IMPROVEMENT OF VETERANS CRISIS LINE.

There is authorized to be appropriated to the Secretary $5,000,000 for the Mental Illness Research, Education, and Clinical Centers of the Department to conduct research on the effectiveness of the Veterans Crisis Line and areas for improvement for the Veterans Crisis Line.

PART III—TRANSITION OF CRISIS LINE NUMBER

SEC. 1083. FEEDBACK ON TRANSITION OF CRISIS LINE NUMBER.

(a) In General.—The Secretary shall solicit feedback from veterans service organizations on how to conduct outreach to members of the Armed Forces, veterans, their family members, and other members of the military and veterans community on the move to 988 as the new, national three-digit suicide and mental health crisis hotline, which is expected to be implemented by July 2022, to minimize confusion and ensure veterans are aware of their options for reaching the Veterans Crisis Line.

(b) N OTE.—(I) OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any feedback solicited under subsection (a).

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ‘veterans service organization’ means an organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SA 3986.

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

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

SEC. 907. EXTENSION OF AUTHORITY FOR THE ENHANCED TRANSFER OF TECHNOLOGY DEVELOPED AT DEFENSE LABORATORIES.

Section 801(e) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66) by section 801 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by striking ‘‘2021’’ and inserting ‘‘2026’’.

SA 3987.

Mr. TESTER 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. 10. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK VETERAN INDIANS.

Section 8(a)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

‘‘(D) 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—

(aa) homeless or at risk of homelessness; and

(bb) living—

(II) GRANT RECIPIENTS.—The term ‘‘eligible recipient’’ means an individual, entity, or Tribal organization that—

(aa) is a recipient of a grant under paragraph (2); or

(bb) receives a grant under paragraph (2) during the fiscal year beginning in 2019.

(ii) PROGRAM.—The term ‘‘program’’ means the Tribal VASH program established under Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)).

(iii) ELIGIBILITY.—The terms ‘‘Indian’’ and ‘‘Indian area’’ have the meanings given under Section 4121 of title 25, United States Code.

(iv) ELIGIBLE RECIPIENTS.—The term ‘‘eligible recipient’’ means—

(A) in or near any other Indian area.

(B) on a reservation; or

(C) in or near any other Indian area.

(iv) PROGRAM SPECIFICATIONS.—The Secretary shall—

(A) specify the criteria that eligible recipients must meet to be eligible to receive a grant under paragraph (2) during a fiscal year beginning in 2019.

(B) specify criteria that an eligible recipient must meet to be eligible to receive a renewal grant under paragraph (2) during a fiscal year beginning in 2020.

(v) ELIGIBLE RECIPIENTS.—The term ‘‘eligible recipient’’ means a recipient eligible to receive a grant under paragraph (2).
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 the recipients of grants under the Program to allow the use of formula current assisted stock within the Program.".

SA 3988. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 4350, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 I, add the following:

SEC. 138. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF MARK VI PATROL BOATS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Navy, or for military construction and for defense activities of the Department of Energy, to 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. IMPROVEMENTS TO FINANCIAL LITERACY TRAINING.

(a) IMPROVEMENTS TO FINANCIAL LITERACY TRAINING.—

(1) IN GENERAL.—Subsection (a) of section 992 of title 10, United States Code, is amended—

(A) in paragraph (2)(C), by striking “grade E–4” and inserting “grade E–5”;

(B) by adding at the end the following new paragraph:

"(5) In carrying out the program to provide training under this subsection, the Secretary concerned shall—

(A) develop a curriculum that is appropriate and relevant to the member, including with respect to Thrift Savings Plan;

(B) ensure that such training—

(i) focuses on ensuring that members of the armed forces who receive such training develop proficiency in financial literacy rather than focusing on completion of training modules;

(ii) is based on best practices in the financial services industry, such as the use of a social learning approach and the incorporation of elements of behavioral economics or gamification; and

(iii) is designed to address the needs of members in all branches of the Armed Forces;

(C) in a class held in person with fewer than 50 attendees; or

(D) on a one-on-one basis with a qualified financial literacy counselor or a qualified financial services counselor who is appointed only for the remainder of such fiscal year, as follows:

(i) focuses on ensuring that members of the armed forces who receive such training develop proficiency in financial literacy rather than focusing on completion of training modules;

(ii) is based on best practices in the financial services industry, such as the use of a social learning approach and the incorporation of elements of behavioral economics or gamification; and

(iii) is designed to address the needs of members in all branches of the Armed Forces.

(2) QUALIFIED REPRESENTATIVES FOR COUNSELING.—(A) The Council shall meet at least one time each fiscal year and, at the end of such fiscal year, the Council shall send an annual report to the Congress and to the Secretary concerning the activities of the Council.

(B) QUALIFICATIONS.—The Secretary shall appoint members to the Council from among individuals qualified to appraise military compensation, military retirement, and financial literacy training.

(C) TERMS.—The Council shall consist of 12 members appointed by the Secretary, as follows:

(i) three shall be representatives of veterans service organizations;

(ii) three shall be representatives of private, nonprofit organizations with a vested interest in education and communication of financial education and financial services;

(iii) three shall be representatives of government entities with a vested interest in education and communication of financial education and financial services;

(iv) three shall be representatives of veterans service organizations, private, nonprofit, and government entities.

(D) ADVISORY COUNCIL ON FINANCIAL READINESS.—Such section is further amended by—

(1) establishing a new section which shall be—

"(1) PROVISION OF RETIREMENT INFORMATION.—Such section is further amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (g), respectively; and

(B) by inserting after such subsection (e), as redesignated by paragraph (3)(A), the following new subsection:

"(d) PROVISION OF RETIREMENT INFORMATION.—Each member under subsection (a) and in each meeting to provide counseling under subsection (b), a member of the armed forces shall be provided with—

(i) all financial benefits that are relevant to the member, including with respect to Thrift Savings Plan;

(ii) information with respect to how to find additional information; and

(iii) contact information for counselors provided through—

(A) the Personal Financial Counselor program, the Personal Financial Management program, or Military OneSource; or

(B) nonprofit organizations or agencies that have in effect agreements with the Department of Defense to provide financial services counseling.

(2) ADVISORY COUNCIL ON FINANCIAL READINESS.—Such section is further amended by—

(A) inserting the following new subsection (g) at the end of such section:

"(g) ADVISORY COUNCIL ON FINANCIAL READINESS.—

"(1) ESTABLISHMENT.—There is established an Advisory Council on Financial Readiness in this section referred to as the ‘Council’.

"(2) MEMBERSHIP.—

(A) IN GENERAL.—The Council shall consist of 12 members appointed by the Secretary, as follows:

(i) three shall be representatives of military support organizations;

(ii) three shall be representatives of veterans service organizations;

(iii) three shall be representatives of private, nonprofit organizations with a vested interest in education and communication of financial education and financial services;

(iv) three shall be representatives of government entities with a vested interest in education and communication of financial education and financial services;

(B) QUALIFICATIONS.—The Secretary shall appoint members to the Council from among individuals qualified to appraise military compensation, military retirement, and financial literacy training.

(C) TERMS.—The Council shall consist of 12 members appointed by the Secretary, as follows:

(i) four shall be appointed for terms of one year;

(ii) four shall be appointed for terms of two years; and

(iii) four shall be appointed for terms of three years.

(D) REAPPOINTMENT.—A member of the Council may be reappointed for additional terms.

(E) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term of office for which such member was appointed shall serve for the remainder of such term.

(F) DUTIES AND FUNCTIONS.—The Council shall—

(A) advise the Secretary with respect to matters relating to the financial literacy and financial readiness of members of the armed forces; and

(B) submit to the Secretary recommendations with respect to those matters.

(3) AMENDMENT.—The Council shall meet no less frequently than twice each year and at such other times as the Secretary requests.

(4) QUORUM.—A majority of members shall constitute a quorum and action shall be taken only by a majority vote of the members present and voting.

(A) ADVISORY COUNCIL ON FINANCIAL READINESS.—Such section is further amended by—

(B) by redesignating subsections (d) and (e) as subsections (e) and (g), respectively; and

(C) by inserting after such subsection (e), as redesignated by paragraph (3)(A), the following new subsection:

(1) PROVISION OF RETIREMENT INFORMATION.—Such section is further amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (g), respectively; and

(B) by inserting after such subsection (e), as redesignated by paragraph (3)(A), the following new subsection:

"(d) PROVISION OF RETIREMENT INFORMATION.—Each member under subsection (a) and in each meeting to provide counseling under subsection (b), a member of the armed forces shall be provided with—

(i) all financial benefits that are relevant to the member, including with respect to Thrift Savings Plan;
“(6) COMPENSATION.—While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 7503 of title 5.

“(7) ANNUAL REPORT.—Not less frequently than annually, the Secretary shall submit to Congress a report that—

(i) illustrates each recommendation received from the Council during the preceding year; and

(ii) includes a statement, with respect to each such recommendation, of whether the Secretary has implemented the recommendation and, if not, a description of why the recommendation was not implemented.

“(8) TERMINATION.—Section 1(a) of the Federal Advisory Committee Act (5 U.S.C. App.) (relating to termination) shall not apply to the Council.

“(9) DEFINITIONS.—In this subsection:

(A) MILITARY SUPPORT ORGANIZATION.—The term ‘military support organization’ means an organization that provides support to members of the armed forces and their families with respect to education, finances, health care, employment, and overall well-being.

(B) VETERANS SERVICE ORGANIZATION.—The term ‘veterans service organization’ means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38.

(5) REPORT ON EFFECTIVENESS OF FINANCIAL SERVICES COUNSELING.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees (as defined in section 101 of title 10, United States Code) a report on financial literacy training and financial services counseling provided under section 932 of title 10, United States Code, as amended by this subsection, that assesses—

(A) the effectiveness of such training and counseling, which shall be determined using actual localized data similar to the Unit Risk Inventory Survey of the Army; and

(B) whether additional training or counseling services are necessary for enlisted members of the Armed Forces or for officers.

(6) MODIFICATIONS TO LUMP SUM PAYMENTS OF RETIRED PAY.—

(A) LUMP SUM PAYMENT.—Subsection (b) of section 1415 of title 10, United States Code, is amended by adding at the end the following:

‘‘(7) TERMINATION.—Section 14(a) of the Federal Retirement Thrift Investment Board shall submit to the congressional defense committees a report on financial literacy training provided through the Personal Financial Management program.

(1) A statement that—

(i) financial advisers (other than financial services counselors provided through the Personal Financial Counseling program or the Personal Financial Management program) to develop consistent suicide-related prevention efforts are assessed for effectiveness among members of the Armed Forces;

(2) A description of the tax implications of accepting the lump sum payment, including rollover options, early distribution penalties, and associated tax liabilities.

(C) Introduction of an offer to accept the lump sum payment, including the opportunity for a one-on-one meeting with a counselor provided through the Personal Financial Counseling program or the Personal Financial Management program.

(D) A statement that the offer to accept the lump sum payment shall be made by the date by which the person is required to take the lump sum payment.

(E) A description of the potential implications of accepting the lump sum payment, including—

(i) the impact on the offered lump sum payment, including rollover options, early distribution penalties, and associated tax liabilities.

(F) Instructions for how to accept or reject the offer, including a term sheet that provides specific details to the offer.

(G) Contact information for the person to obtain more information or ask questions about the offer.

(H) Description of the financial implications of accepting the lump sum payment, including the interest rate and mortality assumptions used in the calculation, and whether any additional benefits were included in the amount.

(I) A description of how the option to take the lump sum payment compares to the value of the covered retired pay the person would receive if the person elected not to take the lump sum payment.

(J) A statement of whether, by purchasing a retail annuity using the lump sum payment, it would be possible to replicate the stream of payments the person would receive if the person elected not to take the lump sum payment.

(K) A description of the tax implications of accepting the lump sum payment, including rollover options, early distribution penalties, and associated tax liabilities.

(L) Instructions for how to accept or reject the offer, including a term sheet that provides specific details to the offer.

(M) Description of the financial implications of accepting the lump sum payment, including the interest rate and mortality assumptions used in the calculation, and whether any additional benefits were included in the amount.

(N) A description of how the option to take the lump sum payment compares to the value of the covered retired pay the person would receive if the person elected not to take the lump sum payment.

(6) ANNUAL REPORT.—Not less frequently than annually, the Secretary shall submit to the congressional defense committees a report on financial literacy training provided through the Personal Financial Counseling program or the Personal Financial Management program.

(1) A statement that—

(i) financial advisers (other than financial services counselors provided through the Personal Financial Counseling program or the Personal Financial Management program) to develop consistent suicide-related prevention efforts are assessed for effectiveness among members of the Armed Forces;

(2) A description of the tax implications of accepting the lump sum payment, including rollover options, early distribution penalties, and associated tax liabilities.

(C) Introduction of an offer to accept the lump sum payment, including the opportunity for a one-on-one meeting with a counselor provided through the Personal Financial Counseling program or the Personal Financial Management program.

(D) A statement that the offer to accept the lump sum payment shall be made by the date by which the person is required to take the lump sum payment.

(E) A description of the potential implications of accepting the lump sum payment, including—

(i) the impact on the offered lump sum payment, including rollover options, early distribution penalties, and associated tax liabilities.

(F) Instructions for how to accept or reject the offer, including a term sheet that provides specific details to the offer.

(G) Contact information for the person to obtain more information or ask questions about the offer.

(H) Description of the financial implications of accepting the lump sum payment, including the interest rate and mortality assumptions used in the calculation, and whether any additional benefits were included in the amount.

(I) A description of how the option to take the lump sum payment compares to the value of the covered retired pay the person would receive if the person elected not to take the lump sum payment.

(J) A statement of whether, by purchasing a retail annuity using the lump sum payment, it would be possible to replicate the stream of payments the person would receive if the person elected not to take the lump sum payment.

(K) A description of the tax implications of accepting the lump sum payment, including rollover options, early distribution penalties, and associated tax liabilities.

(L) Instructions for how to accept or reject the offer, including a term sheet that provides specific details to the offer.

(M) Description of the financial implications of accepting the lump sum payment, including the interest rate and mortality assumptions used in the calculation, and whether any additional benefits were included in the amount.

(N) A description of how the option to take the lump sum payment compares to the value of the covered retired pay the person would receive if the person elected not to take the lump sum payment.
(2) require the use of suicide-related definitions developed under paragraph (1)(B) to be used in any updated policies of the Department of Defense or any military department; and

(3) enhance collaboration between the Department of Defense Suicide Prevention Office and the Psychological Health Care Center of Excellence on the policies of mental health care in the Department of Defense to minimize duplication of efforts by the Department of Defense.

SEC. 3991. Ms. ERNST (for herself, Mr. COTTON, Mr. GRASSLEY, Mr. MARSHALL, and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1. PROHIBITION ON FEDERAL FUNDING TO ECOCHEALTH ALLIANCE, INC.

No funds authorized under this Act may be made available for any purpose to Ecohalth Alliance, Inc.

SEC. 2. NATIONAL MUSEUM OF THE SURFACE NAVY.

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

(1) The United States Surface Navy represents the contributions of sailors and thousands of ships that sail on oceans around the world to ensure the safety and freedom of Americans and all people.

(2) The Battleship IOWA is an iconic Surface Navy vessel that—

(A) served as home to hundreds of thousands of sailors from all 50 States; and

(B) is recognized as a transformational feat of engineering and innovation.

(3) In 2012, the Navy donated the Battleship IOWA to the Pacific Battleship Center, a nonprofit organization pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, after which the Center established the Battleship IOWA Museum at the Port of Los Angeles, California.

(4) The Battleship IOWA Museum is a museum and educational institution that—

(A) has welcomed millions of visitors from across the United States and receives support from thousands of Americans throughout the United States to preserve the legacy of those who served on the Battleship IOWA and all Navy vessels and ships;

(B) is home to Los Angeles Fleet Week, which has the highest public engagement of any Fleet Week in the United States and raises awareness of the importance of the Navy to defending the United States, maintaining safe sea lanes, and providing humanitarian assistance and disaster relief; and

(C) hosts numerous military activities, including enlistments, re-enlistments, commissionings, promotions, and community service days, with participants from throughout the United States;

(D) is a leader in museum engagement with innovative exhibits, diverse programming, and use of technology;

(E) is an on-site training platform for Federal, State, and local law enforcement personnel to use for a variety of training exercises, including urban search and rescue and maritime security exercises;

(F) is a partner with the Navy in carrying out Defense Support of Civil Authorities efforts by supporting training exercises and responses to crises, including the COVID-19 pandemic;

(G) is a science, technology, engineering, and mathematics education platform for thousands of students each year;

(H) is an instrumental partner in the economic development efforts along the Los Angeles waterfront by attracting hundreds of thousands of visitors annually and improving the quality of life for area residents; and

(i) provides a safe place for—

(i) veteran engagement and reintegration into the community through programs and activities that provide a sense of belonging to members of the Armed Forces and veterans; and

(ii) proud Americans to come together in common purpose to highlight the importance of service to community for the future of the United States.

(5) In January 2019, the Pacific Battleship Center received a license for the rights of the National Museum of the Surface Navy from the Navy for building such museum aboard the Battleship IOWA at the Port of Los Angeles.

(6) The National Museum of the Surface Navy will—

(A) be the official museum to honor millions of Americans who have proudly served and continue to serve in the Surface Navy since the founding of the Navy on October 13, 1775;

(B) be a community-based and future-oriented museum that raises awareness of the role of the United States Surface Navy community in educating the public on the important role of the Surface Navy in ensuring international relations, maintaining safe sea transit for free trade, preventing piracy, providing humanitarian assistance, and enhancing the role of the United States Surface Navy community in the United States navy for the purpose of building such museum aboard the Battleship IOWA at the Port of Los Angeles;

(C) hosts numerous military activities, in support of such fiscal year;

(D) is an on-site training platform for Federal, State, and local law enforcement personnel; and

(E) is an on-site training platform for Federal, State, and local law enforcement personnel to use for a variety of training exercises, including urban search and rescue and maritime security exercises;

(F) is a partner with the Navy in carrying out Defense Support of Civil Authorities efforts by supporting training exercises and responses to crises, including the COVID-19 pandemic;

(G) is a science, technology, engineering, and mathematics education platform for thousands of students each year;

(H) is an instrumental partner in the economic development efforts along the Los Angeles waterfront by attracting hundreds of thousands of visitors annually and improving the quality of life for area residents; and

(i) provides a safe place for—

(i) veteran engagement and reintegration into the community through programs and activities that provide a sense of belonging to members of the Armed Forces and veterans; and

(ii) proud Americans to come together in common purpose to highlight the importance of service to community for the future of the United States.

(b) DESIGNATION.—

(1) IN GENERAL.—The Battleship IOWA Museum, located in Los Angeles, California, and managed by the Pacific Battleship Center, shall be designated as the “National Museum of the Surface Navy.”

(2) PURPOSES.—The purposes of the National Museum of the Surface Navy shall be to—

(A) provide and support—

(i) a museum dedicated to the United States Surface Navy community; and

(ii) a platform for education, community, and veterans programs;

(B) preserve, maintain, and interpret artifacts, documents, images, stories, and historical collections related to the National Museum of the Surface Navy;

(C) ensure that the American people understand the importance of the Surface Navy in the continued freedom, safety, and security of the United States.

SEC. 3992. Ms. ERNST (for herself, Mrs. FEINSTEIN, Mr. COTTON, and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to title H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 X, add the following:

SEC. 1064. NATIONAL MUSEUM OF THE SURFACE NAVY.

(a) SHORT TITLES.—This section may be cited as the “Better Enforcement of Grievous Offenses by unNaturalized Emigrants” or the “BEGONE Act.”

(b) IN GENERAL.—Section 101(a)(41) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(41)) is amended—

(1) in subparagraph (T), by striking “and” at the end;

(2) in subparagraph (U), by striking the period at the end and inserting “;” and “;”;

(3) by adding at the end the following: “(V) sexual assault and aggravated sexual violence.”.

SEC. 3993. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to title H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 II, insert the following:

SEC. 2. REPORT DETAILING COMPLIANCE WITH DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF RESEARCH AND DEVELOPMENT FUNDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report detailing compliance with the disclosure requirements for recipients of research and development funds required under section 2374b of title 10, United States Code.

SEC. 3994. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to title H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. REPORT DETAILING COMPLIANCE WITH DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF RESEARCH AND DEVELOPMENT FUNDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report detailing compliance with the disclosure requirements for recipients of research and development funds required under section 2374b of title 10, United States Code.

SEC. 3995. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to title H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1224. ASSESSMENT OF AND REPORT ON [COUNTER-UAS SYSTEM] CAPABILITIES OF MILITARY FORCES OF UNITED STATES PARTNERS IN IRAQ.

(a) In General.—Not later than March 1, 2022, the Secretary of Defense shall—
(1) complete an assessment of—
(A) the current state of [counter-UAS system] (as defined in section 44801 of title 49, United States Code) capabilities of military forces of United States partners in Iraq, including in the Iraqi Kurdistan Region; and
(B) the implications of such capabilities for the United States and United States partners against attacks by unmanned aircraft systems (as defined in section 44801 of title 49, United States Code) in Iraq; and
(2) submit to the congressional defense committees a report on the findings of the assessment completed under paragraph (1).

(b) Elements.—The report submitted under subsection (a)(2) shall include—
(1) the current level of [counter-UAS system] capabilities of such military forces;
(2) an analysis of the availability of additional training and equipment required to maximize such capabilities; and
(3) any other matter the Secretary of Defense considers appropriate.

SEC. 1225. ASSESSMENT OF AND REPORT ON THE DEMILITARIZATION OF UNSERVICEABLE MINUTIIONS AND ENSURANCE OUTSIDE THE UNITED STATES.

(a) In General.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall submit to the Congress a report setting forth an assessment of the feasibility and advisability of demilitarizing abroad unserviceable munitions that are located outside the United States in order to avoid the costs of transporting such munitions to the United States for demilitarization.

(b) Considerations.—In preparing the evaluation required for the report, the Secretary shall take into account the following:
(1) the level of dependence of the United States on munitions demilitarization technologies and mechanisms abroad, whether or not currently in use by the military, including available non-nuclear technologies;
(2) any costs savings achievable through demilitarization of unserviceable munitions abroad;
(3) the availability of use of munitions demilitarization technologies and mechanisms abroad.

(c) Technologies.—If the Secretary determines for purposes of the report that the demilitarization of unserviceable munitions located outside the United States is feasible and advisable, the report shall include a description and assessment of various technologies and other mechanisms that would be suitable for such demilitarization.

SA 3996. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. REPORT ON COSTS AND BENEFITS OF MAINTAINING A MINIMUM OF 12 PRIMARY AIRCRAFT AUTHORIZED FOR EACH TYPE OF SPECIALTY MISSION AIRCRAFT.

(a) Sense of Senate.—It is the sense of the Senate that it is important to maintain safety and increase mission readiness and interoperability of the weather reconnaissance, aerial spray, and firefighting system capabilities of the Air Force Reserve Command.

(b) Report.—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 costs and benefits of maintaining a minimum of 12 primary aircraft authorized for each type of specialty mission aircraft.

SA 3997. 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, insert the following:

SEC. 3997. REPORT ON ENERGY PRODUCT SUPPLY CHAINS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the appropriate committees of Congress, shall submit a report setting forth an assessment of the energy product supply chains, including—
(1) the level of dependence of the United States on foreign nations for energy products;
(2) the impact of Federal regulations and statutes, including subtitle II of title 46, United States Code, on United States energy product supply chains; and
(3) recommendations on how to secure and protect United States energy product supply chains.

SA 3999. 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, insert the following:

SEC. 4000. TREATMENT OF FUNDS RECEIVED BY NATIONAL GUARD BUREAU AS REIMBURSEMENT FROM STATES.

Section 710 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(g) Treatment of Reimbursed Funds.—Any funds received by the National Guard Bureau from a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands as reimbursement under this section for the use of military property shall be treated as funds used in incurring the obligation; or
SA 4001. 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, insert the following:

SEC. 1. DEPARTMENT OF DEFENSE SPECTRUM AUDIT.

(a) AUDIT AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information and the Secretary of Defense shall jointly—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(b) CONTEXTS OF REPORT.—The Assistant Secretary of Commerce for Communications and Information and the Secretary of Defense shall include in the report submitted under subsection (a)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit—

(1) each particular band of spectrum being used by the Department of Defense;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the geographic area in which a particular band described in paragraph (1) is being used;

(4) whether a particular band described in paragraph (1) is being used exclusively by the Department of Defense or shared with a non-Federal entity; and

(5) any part of the spectrum that is not being used by the Department of Defense.

(c) FORM OF REPORT.—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

SA 4002. 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 IV, insert the following:

SEC. 10. CONSTRUCTION OF NAVAL VESSELS IN SHIPYARDS IN NORTH ATLANTIC TREATY ORGANIZATION COUNTRIES.

Section 8679 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsections (b) and (c)”; and

(2) by redesigning subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) CONSTRUCTION OF NAVAL VESSELS IN SHIPYARDS IN NATION COUNTRIES.—The Secretary of the Navy may construct a naval vessel in a foreign shipyard if—

“(1) the shipyard is located within the boundaries of a member country of the North Atlantic Treaty Organization; and

“(2) the cost of construction of such vessel in such shipyard will be less than the cost of construction of such vessel in a domestic shipyard.”.

SA 4003. 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 IV, insert the following:

SEC. 2. REPORTING ON END STRENGTH RATINGS.

Section 151a(b) of title 10, United States Code, is amended—

(1) by inserting “(1) before ‘The Secretary’

(2) by inserting ‘, including an assessment of the most important threats facing the United States by regional command and how personnel end strength level requests address those specific threats’ after ‘in effect at the time’; and

(3) by adding at the end the following new paragraph:

“(2) Not later than May 1 each year, the Secretary shall provide a briefing to Congress including—

“(A) the rationale for recommended increases or decreases in active, reserve, and civilian personnel for each component of the Department of Defense;

“(B) the rationale for recommended increases or decreases in active, reserve, and civilian personnel for each of the regional combatant commands;

“(C) the priorities of missions of military and civilian personnel in each regional combatant command; and

“(D) an assessment of any areas in which decreases in active, reserve, or civilian personnel would not result in a decrease in readiness.”.

SA 4004. 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 IV, insert the following:

SEC. 12. REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.


(1) expresses the sense of Congress that, due to threats that are ever-changing, Congress must be informed with respect to allied contributions to the common defense and properly assess the readiness of the United States and the countries described in subsection (c) for threats; and

(2) requires the Secretary to submit to Congress an annual report on the contributions of allies to the common defense.

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

(1) the threats facing the United States—

(A) extend beyond the global war on terror; and

(B) include near-peer threats; and

(2) the President should seek from each country described in subsection (c) acceptance of international security responsibilities and agreements to make contributions to the common defense in accordance with
the collective defense agreements or treaties to which such country is a party.
(c) REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE AGREEMENTS.
I. General Provisions
Not later than March 1 each year, the Secretary, in coordination with the heads of other Federal agencies, as the Secretary may determine to be necessary, shall submit to the appropriate committees of Congress a report containing a description of—
(A) the annual defense spending by each country described in paragraph (2), including available data on nominal budget figures and defense spending as a percentage of the gross domestic product of each such country for the fiscal year immediately preceding the fiscal year in which the report is submitted;
(B) the activities of each such country to contribute to military or stability operations in which the Armed Forces of the United States are a participant or may be called upon in accordance with a cooperative defense agreement to which the United States is a party;
(C) any limitations placed by any such country on the use of such contributions; and
(D) any actions undertaken by the United States or by other countries to minimize such limitations.
II. COUNTRIES DESCRIBED
The countries described in the following paragraphs are the countries:
(A) Each member state of the North Atlantic Treaty Organization.
(B) Each member country of the Gulf Cooperation Council.
(C) Each party country to the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), done at Rio de Janeiro September 2, 1947, and entered into force December 3, 1948 (TIAS 393).
(D) Australia.
(E) Japan.
(F) New Zealand.
(G) Philippines.
(H) South Korea.
(I) Thailand.
(J) South Africa.
(K) The members of the United Nations
(L) Each member state of the North Atlantic Treaty Organization.
(M) Each member state of the Gulf Cooperation Council.
(N) Each country described in paragraph (1), and the countries described in paragraph (2), including available data on nominal budget figures and defense spending as a percentage of the gross domestic product of each such country for the fiscal year immediately preceding the fiscal year in which the report is submitted.
III. FUNDING
For purposes of determining eligible costs for emergency war funding, the term "emergency war funding"—
(1) means a contingency operation (as defined in section 101(a) of title 10, United States Code) conducted by the Department of Defense that—
(A) is conducted in a foreign country;
(B) has geographical limits;
(C) is not longer than 60 days; and
(D) provides only—
(i) replacement of ground equipment lost or damaged in conflict;
(ii) equipment modifications;
(iii) munitions;
(iv) replacement of aircraft lost or damaged in conflict;
(v) military construction for short-term temporary facilities;
(vi) direct war operations; and
(vii) fuel; and
(2) does not include any operation that provides for—
(A) research and development; or
(B) training, equipment, and sustainment activities for foreign military forces.
(b) REPORT TO BE INCLUDED IN THE PRESIDENT'S BUDGET SUBMISSION TO CONGRESS.—
(1) IN GENERAL.—Not later than 180 days after the date of this Act, the Secretary of Defense and the Director of the Office of Management and Budget shall submit to Congress a report on the effect of the clarified definition of emergency war funding under subsection (a) on the process for determining eligible costs for emergency war funding.
(2) ELEMENTS.—The report required by paragraph (1) shall include the following:
(A) For the subsequent fiscal year, a plan for transferring to the base budget any activities that do not meet such definition.
(B) For each of the subsequent five fiscal years, the anticipated emergency war funding based on such clarified definition.
(c) POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.
(1) IN GENERAL.—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:
"PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION
SEC. 441. POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.
(1) Definition.—In this section—
"(1) the term 'contingency operation' means an operation (as defined in section 101 of the National Defense Authorization Act for Fiscal Year 2022) that does not meet the requirements to constitute emergency war funding;
(2) the term 'emergency war funding' has the meaning given that term in section 101 of title 10, United States Code; and
(3) POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.
(1) IN GENERAL.—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding after the item relating to section 428 the following:
"PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION
"Sec. 441. Point of order against funding for contingency operations that does not meet the requirements for emergency war funding.
"(c) SUPERMAJORITY WAIVER AND APPEND.—
"(1) WAIVER.—Subsection (b)(1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.
"(2) APPEALS.—Debate in the Senate on the Senate side of the Chamber may be limited pursuant to the provisions of the Senate that a Senator may propose a point of order against the consideration of a joint resolution or a further amendment and concur with a further amendment, or concur in the Senate amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection) no further amendment shall be in order.
(1) the term 'contingency operation' means a contingency operation (as defined in section 101 of title 10, United States Code) conducted by the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 428. LIMITATION ON THE EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN THE STATE OF WYOMING.
Section 32001(d) of title 54, United States Code, is amended—
(1) in the heading, by striking "Wyoming" and inserting "the State of Wyoming or Utah"; and
(2) by striking "Wyoming" and inserting "the State of Wyoming or Utah."
"(b) POINT OF ORDER.—A point of order under subsection (b)(1) may be raised by a Senator as provided in section 313(e),
"(d) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subsection (b)(1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection) no further amendment shall be in order.
SA 4007. 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, insert the following:
SEC. 428. LIMITATION ON THE EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN THE STATE OF WYOMING.
Section 32001(d) of title 54, United States Code, is amended—
"(c) FORM OF THE POINT OF ORDER.—A point of order under subsection (b)(1) may be
the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 4. GREATER SAGE-GROUSE PROTECTION AND RECOVERY.

(a) Purposes.—The purposes of this section are—

(1) to facilitate implementation of State management plans over a period of multiple, consecutive greater sage-grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the greater sage-grouse.

(b) Definitions.—In this section:

(1) FEDERAL RESOURCE MANAGEMENT PLAN.—The term "Federal resource management plan" means—

(A) a land use plan prepared by the Bureau of Land Management for public land pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1721); and

(B) a land and resource management plan prepared by the Forest Service for National Forest System land pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(2) GREATER SAGE-GROUSE.—The term "greater sage-grouse" means a sage-grouse of the species Centrocercus urophasianus.

(3) STATE MANAGEMENT PLAN.—The term "State management plan" means a State-approved plan for the protection and recovery of the greater sage-grouse.

(4) PROTECTION AND RECOVERY OF GREATER SAGE-GROUSE.—

(a) ENDANGERED SPECIES ACT OF 1973 FINDINGS.—

(A) DELAY REQUIRED.—The Secretary of the Interior may not modify or invalidate the finding of the Director of the United States Fish and Wildlife Service announced in the proposed rule entitled "Endangered and Threatened Wildlife and Plants: 12-Month Finding on a Petition to List Greater Sage-Grouse (Centrocercus urophasianus) as an Endangered or Threatened Species" (Federal Register, Vol. 59, No. 202 (October 2, 2015)) during the 10-year period beginning on the date of enactment of this Act.

(B) EFFECT ON OTHER LAWS.—The delay required under subparagraph (A) is and shall remain effective without regard to any other statute, regulation, court order, legal settlement, or any other provision of law or equity.

(C) EFFECT ON CONSERVATION STATUS.—The conservation status of the greater sage-grouse shall not be modified not to withstand listing of the greater sage-grouse as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the 10-year period beginning on the date of enactment of this Act.

(2) COORDINATION OF FEDERAL LAND MANAGEMENT AND STATE CONSERVATION AND MANAGEMENT PLANS.—On notification by the Governor of a State with a State management plan, the Secretary of the Interior and the Secretary of Agriculture may not make, modify, or extend any withdrawal or amend or otherwise modify any Federal resource management plan applicable to Federal land in the State in a manner inconsistent with the State management plan for, as specified by the Governor in the notification, a period of not fewer than 5 years beginning on the date of the notification.

(B) EFFECTIVE EFFECT.—In the case of any State that provides notification under subparagraph (A), if any withdrawal was made, modified, or extended or any amendment or other modification to any Federal resource management plan applicable to Federal land in the State was issued after June 1, 2014, and the withdrawal, amendment, or modification is inconsistent with the State management plan and—

(i) the Federal resource management plan, as in effect immediately before the withdrawal, amendment, or modification, shall apply instead with respect to the management of the greater sage-grouse and the habitat of the greater sage-grouse, to the extent consistent with the State management plan; and

(ii) the Federal resource management plan shall be resolved by the Governor of the affected State.

(3) RELATION TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—With regard to any major Federal action consistent with a State management plan, any findings, analyses, or conclusions regarding the greater sage-grouse and the habitat of the greater sage-grouse under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not have a preclusive effect on the approval or implementation of the major Federal action in that State.

(4) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the date that is 10 years after that date of enactment, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation by the Secretaries of, and the effectiveness of, systems to monitor the status of greater sage-grouse on Federal land under the jurisdiction of the Secretaries.

(5) JUDICIAL REVIEW.—Notwithstanding any other provision of law (including regulations), this subsection, including any determination made under paragraph (2)(C), shall not be subject to judicial review.

SEC. 5. IMPLEMENTATION OF LESSER PRAIRIE-CHICKEN CONSERVATION PLAN AND OTHER CONSERVATION MEASURES.

(a) Definitions.—In this section:

(1) CANDIDATE CONSERVATION AGREEMENT.—CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES.—The terms "Candidate Conservation Agreement" and "Candidate Conservation Agreement with Assurances" have the meanings given those terms in the announcement of the Department of the Interior and the Department of Commerce entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Species for the American Burying Beetle" (54 Fed. Reg. 29652 (July 13, 1989)), the American burying beetle (Nicrophorus americanus) may not be listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SA 4009. 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: page the appropriate place, insert the following:

SEC. 6. GUARANTEING DUE PROCESS FOR UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.

(a) Short Title.—This section may be cited as the "Due Process Guarantee Act".

(3) RANGE-WIDE PLAN.—The term "Range-Wide Plan" means the lesser prairie-chicken Range-Wide Conservation Plan of the Western Association of Fish and Wildlife Agencies, as described in the proposed rule of the United States Fish and Wildlife Service entitled "Endangered and Threatened Wildlife and Plants; Listing the Lesser-Prairie-Chicken as a Threatened Species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) before the date that is 10 years after the date of enactment of this Act.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(b) Prohibition on the Indefinite Detention of Citizens and Lawful Permanent Residents.—

(1) Limitation on Detention Without Charge or Trial.—

(A) In general.—Section 4001(a) of title 18, United States Code, is amended—

(i) by striking ‘‘No United States citizen or lawful permanent resident of the United States may be imprisoned or Otherwise detained without charge or trial unless such imprisonment or detention is expressly authorized by an Act of Congress.’’; and

(ii) by adding at the end the following:

‘‘(2) Any Act of Congress that authorizes an imprisonment or detention described in paragraph (1) shall be consistent with the Constitution and expressly authorize such imprisonment or detention.’’.

(B) Nothing in section 4001(a)(2) of title 18, United States Code, as added by subparagraph (A)(i), may be construed to limit, narrow, abolish, or revoke any detention authority conferred by statute, declaration of war, authorization to use military force, or similar authority effective before the date of the enactment of this Act.

(2) Relationship to an Authorization to Use Military Force, Declaration of War, or Similar Authority.—Section 4001 of title 18, United States Code, as amended by paragraph (1), is further amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following:

‘‘(b)(1) No United States citizen or lawful permanent resident who is apprehended in the United States may be imprisoned or otherwise detained without charge or trial unless such imprisonment or detention is expressly authorized by an Act of Congress.

‘‘(2) A general authorization to use military force, a declaration of war, or any similar authority, on its own, may not be construed to authorize the imprisonment or detention of any citizen or lawful permanent resident of the United States apprehended in the United States.

‘‘(3) Paragraph (2) shall apply to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the Due Process Guarantee Act.

‘‘(4) Nothing in this section may be construed to authorize the imprisonment or detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.’’.

SA 4010. 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 XII, insert the following:

Subtitle —Military Humanitarian Operations

SEC. 4010. MILITARY HUMANITARIAN OPERATIONS

SEC. 4011. MILITARY HUMANITARIAN OPERATIONS DEFINED.

(a) In General.—In this title, the term ‘‘military humanitarian operation’’ means a military operation involving the deployment of members or weapons systems of the United States Armed Forces where hostile activities are reasonably anticipated and with the aim of preventing or responding to a humanitarian catastrophe, including its regional consequences, or addressing a threat posed to international peace and security. The term includes—

(1) operations undertaken pursuant to the principle of the ‘‘responsibility to protect’’ as referenced in United Nations Security Council Resolution 1674 (2006);

(2) operations specifically authorized by the United Nations Security Council, or other international organizations; and

(3) unilateral deployments and deployments made in coordination with international organizations, treaty-based organizations, or entities formed to address specific humanitarian catastrophes.

(b) OPERATIONS NOT INCLUDED.—The term ‘‘military humanitarian operation’’ does not mean a military operation undertaken for the following purposes:

(1) Responding to or repelling attacks, or preventing imminent attacks, on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces.

(2) Direct acts of reprisal for attacks on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces.

(3) Invoking the inherent right to individual or collective self-defense in accordance with Article 51 of the Charter of the United Nations.

(4) Military missions to rescue United States citizens or military or diplomatic personnel abroad.

(5) Humanitarian missions in response to natural disasters where no civilian unrest or combat forces are reasonably anticipated, and where such operation is for not more than 30 days.

(6) Actions to maintain maritime freedom of navigation, including actions aimed at combating piracy.

(7) Training exercises conducted by the United States Armed Forces abroad where no combat with hostile forces is reasonably anticipated.

SEC. 4011. WAIVER OF COASTWISE ENDORSEMENT REQUIREMENTS.

Section 12112 of title 46, United States Code, is amended by adding at the end the following:

‘‘(c) WAIVERS IN CASES OF PRODUCT CARRIER SCARCITY OR UNAVAILABILITY.—

‘‘(1) IN GENERAL.—The head of an agency shall, upon request, issue the requirements of subsection (a), including the requirement to satisfy section 12103, if the person requesting that waiver reasonably demonstrates to the head of an agency that—

‘‘(A) there is no product carrier, with respect to a specified good, that meets such requirements, exists, and is available to carry such good; and

‘‘(B) the person made a good faith effort to locate a product carrier that complies with such requirements.

‘‘(2) DURATION.—Any waiver issued under paragraph (1) shall be limited in duration, and shall expire by a specified date that is not less than 30 days after the date on which the waiver is issued.

‘‘(3) EXTENSION.—Upon request, if the circumstances under which a waiver was issued under paragraph (1) change, the head of an agency shall, without delay, grant one or more extensions to a waiver issued under paragraph (1), for periods not less than 15 days each.

‘‘(4) DEADLINE FOR WAIVER RESPONSE.—

‘‘(A) RESPONSIBILITY DEADLINE.—Not later than 60 days after receiving a request for a waiver under paragraph (1), the head of an agency shall approve or deny such request.

‘‘(B) FINDINGS IN SUPPORT OF DENIED WAIVER.—If the head of an agency denies such a request, the head of an agency shall, not later than 14 days after denying the request, submit to the requester a report that includes findings that served as the basis for denying the request.

‘‘(C) REQUEST DEEMED GRANTED.—If the head of an agency has neither granted nor denied the request before the response deadline described in subparagraph (A), the request shall be deemed granted on the date that is 61 days after the date on which the head of an agency received the request. A waiver that is deemed granted under this subparagraph shall be valid for a period of 30 days.

‘‘(5) NOTICE TO CONGRESS.—

‘‘(A) IN GENERAL.—The head of an agency shall notify Congress—

‘‘(i) of any request for a temporary waiver under this subsection, not later than 48 hours after receiving such request, if the head of an agency shall, not later than 48 hours after such issuance.

‘‘(B) CONTENTS.—The head of an agency shall include in each notification under subparagraph (A), the term ‘head of an agency’ means an individual, or any such individual acting in that capacity, who is responsible for the administration of the navigation or vessel inspection laws.

SA 4012. 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, insert the following:
SA 4013. Mr. REED submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 376. MODIFICATION OF AUTHORIZATION OF USE OF WORKING CAPITAL FUNDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION, RESEARCH, DEVELOPMENT, TESTING AND EVALUATION ACTIVITIES.


SA 4014. Ms. MURkowski submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 10. ELIGIBILITY OF CERTAIN INDIVIDUALS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES FOR INTERMENT IN NATIONAL CEMETERIES.

(a) IN GENERAL.—Section 2402(a)(10) of title 38, United States Code, is amended—

(1) in the section heading, by inserting "; or"; and

(2) by adding at the end the following new subparagraph:

"(B) who—"

"(i) the Secretary determines served honorably with a special guerrilla unit or irregular forces operating from a base in Laos in support of the Armed Forces at any time during the period beginning on February 28, 1961, and ending on May 7, 1975; and"

"(ii) at the time of the individual's death—"

"(I) was a citizen of the United States; and"

"(II) resided in the United States.";

(b) EFFECTIVE DATE.—The amendments made by this section shall have effect as if included in the enactment of section 251(a) of title II of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018 (division J of Public Law 115-141; 132 Stat. 824).
(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and
(3) by inserting after subsection (b) the following:
"(e) INVESTMENT IN SECURITIES.—Notwithstanding subsection (b), the Secretary of the Treasury may invest not more than 40 percent of the fund's assets in securities other than public debt securities of the United States, if—
"(1) the Secretary receives a determination from the Board that such investments are necessary to enable the Foundation to carry out the purposes of this title; and
"(2) the securities in which such funds are invested are traded in established United States markets.

(b) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Board to increase the number of scholarships provided under section 1405, or to increase the amount of the stipend authorized by section 1509, as the Board considers appropriate and is otherwise consistent with the requirements of this title.

(f) ADMINISTRATIVE PROVISIONS.—Section 411(a) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4710(a)) is amended—
(1) by striking paragraph (1) and inserting the following:
"(1) appoint and fix the rates of basic pay of such personnel (in addition to the Executive Secretary appointed under section 4110) as may be necessary to carry out the provisions of this chapter, without regard to the provisions in chapter 55 of title 5, United States Code, governing appointment in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that—
"(A) a rate of basic pay set under this paragraph may not exceed the maximum rate provided for employees in grade GS-15 of the Senior Executive Service under section 5332 of title 5, United States Code; and
"(B) the employee shall be entitled to the applicable locality-based comparability pay- payment under section 5304 of title 5, United States Code, subject to the applicable limita- tion established under subsection (g) of such section;·
(2) in paragraph (2) by striking ‘‘grade GS–
18 under section 5332 of such title’’ and in- inserting ‘‘level IV of the Executive Schedule’’;
(3) in paragraph (7), by striking ‘‘and’’ at the end;
(4) by redesignating paragraph (8) as para- graph (10); and
(5) by inserting after paragraph (7) the fol- lowing:

SEC. 744. MANDATORY REFERRAL OF MEMBERS OF THE ARMED FORCES FOR MENTAL HEALTH EVALUATION.

(a) In General.—Section 1090a of title 10, United States Code, is amended—
(1) by redesignating subsection (e) as sub- section (f); and
(2) by inserting after subsection (d) the fol- lowing new subsection:
"(e) PROCESS APPLICABLE TO MEMBER DIS- CLOSURE.—The regulations required by sub- section (a) shall—
"(1) establish a phrase that enables a member of the armed forces to trigger a referral of the member by a commanding officer or supervisor for a mental health evaluation;
"(2) require a commanding officer or super- visor to make such referral as soon as prac- tically following disclosure by the member to the commanding officer or supervisor of the phrase established under paragraph (1); and
"(3) ensure that the process under this sub- section protects the confidentiality of the member in a manner similar to the confidential- ity provided for members making re- stricted reports under section 1536(b) of this title.

(b) Conforming Amendment.—Subsection (a) of such section is amended in the second sentence, by striking ‘‘(b), (c), and (d)’’ and inserting ‘‘this section’’.

SEC. 748. IMPROVEMENTS TO DEPENDENT COVERAGE UNDER TRICARE YOUNG ADULT PROGRAM.

(a) Expansion of Eligibility.—Subsection (b) of section 110b of title 10, United States Code, is amended—
(1) by striking paragraph (3); and
(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(b) Elimination of Separate Premium for a Young Adult.—Such section is further amended by striking subparagraph (A) and inserting the following:
"(A) transferred to retired status; and

SEC. 7503. EXTENSION OF TRANSITION PERIOD RE- LATING TO MODIFICATIONS TO RULES FOR RETIREMENT OR SEPA- RATION FOR COMMISSIONED OFFI- CERS WHO REACH 62 YEARS OF AGE.

(a) In General.—Section 1251(e)(2) of title 10, United States Code, is amended by strik- ing—
"(2) the date of the enactment of the Wil- liam M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021’’ and inserting ‘‘December 31, 2022’’.

(b) Retroactive Effect.—
"(1) In General.—The amendment made by subsection (a) takes effect on January 1, 2021, as if included in the enactment of the William M. (Mac) Thornberry National De- fense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(b) Treatment of Separations Between January 1, 2021, and Before the Date of the Enactment.—A commissioned officer who is separated under paragraph (1) of section 1251(e) of title 10, United States Code, on or after January 1, 2021, and before the date of enactment of this Act, and who qualifies under paragraph (2) of that section, as amended by subsection (a), for retirement and retired pay, shall be—
(A) transferred to retired status; and

(b) Paid retired pay computed under sec- tion 1401 of title 10, United States Code, for each month that begins after the date of se- paration.

SEC. 509A. MODIFICATION OF RESPONSE PROCED- URES FOR INCIDENTS OF SERIOUS HARM TO CHILDREN INVOLVING MILITARY DEPENDENTS ON MILI- TARY INSTALLATIONS.

(1) in subsection (b)(2)(A), by striking ‘‘problematic and all that follows and in- serting the following: ‘‘such incidents that have been reported to an incident command- tary installation’’.

(b) Accrual of Benefits.—Subsection (a) is amended—
(1) by redesignating subsection (b) as sub- section (c); and
(2) by redesignating subsection (c) as sub- section (b).

(b) in subsection (c)—
(A) in the subsection heading, by striking ‘‘REPORTED TO FAMILY ADVOCACY PRO- GRAMS’’.
(B) by amending paragraph (1) to read as follows:
"(1) Response Groups.—
"(A) Incident Determination Committee— The Secretary of Defense shall ensure that the voting membership of each Incident Determination Committee on a
military installation includes medical personnel with the knowledge and expertise required to determine whether a reported incident of serious harm to a child meets the criteria of the Department of Defense for serious harmful behavior described in subsection (a)(2)(A).

(B) SERIOUS HARMFUL BEHAVIORS BETWEEN CHILDREN AND YOUTH MULTIDISCIPLINARY TEAM.—The Secretary of Defense shall develop guidance for each Serious Harmful Behaviors Between Children and Youth Multidisciplinary Team on a military installation to address incidents of serious harmful behavior between children and youth described in subsection (a)(2)(C).

(C) TREATMENT FOR EATING DISORDERS FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES.—For purposes of this section:

(a) FINDINGS.—Congress finds the following:

(1) Eating disorders affect approximately 30,000,000 United States citizens or nine percent of the population, during their lifetime, including individuals from every age, gender, body size, race, ethnicity, and socioeconomic status.

(2) Eating disorders are severe, biologically based mental illnesses caused by a complex interaction of genetic, biological, social, behavioral, and psychological factors.

(3) Eating disorders result in the second highest case fatality rate of any psychiatric illness, with one death every 52 minutes as a direct result of eating disorder and during treatment of eating disorders requiring hospitalization.

(4) Untreated eating disorders cost the economy of the United States $61,700,000,000 annually, with individuals and their families experiencing an economic loss of $23,500,000,000 annually.

(5) A study from the Armed Forces Health Surveillance Branch found that diagnoses of eating disorders among military personnel increased by 26 percent from 2013 to 2016.

SEC. 10. NATIONAL GLOBAL WAR ON TERRORISM MEMORIAL.

(a) AUTHORIZATION.—Notwithstanding section 6090(c) of title 40, United States Code, the Secretary of Defense shall establish a National Global War on Terrorism Memorial within the Reserve.

(b) LOCATION.—The Memorial may be located at one of the following sites:

(1) Potential Site 1—Constitution Gardens, Prime Candidate Site 18 in The Memorials and Museums Master Plan.

(2) Potential Site 2—JFK Hockey Fields, Candidate Site 70 in The Memorials and Museums Master Plan.

(3) Potential Site 3—West Potomac Park, Prime Candidate Site 70 in The Memorials and Museums Master Plan.

(c) COMMEMORATIVE WORKS ACT.—Except as otherwise provided by subsections (a) and (b), chapter 89 of title 40, United States Code (commonly known as the Commemorative Works Act), shall apply to the Memorial.

(d) DEFINITIONS.—In this section:

(1) MEMORIAL.—The term ‘memorial’ means the National Global War on Terrorism Memorial authorized under subsection (a).

(2) RESERVE.—The term ‘Reserve’ has the meaning given that term in 8902(a)(3) of title 40, United States Code.

SA 4022. Mrs. SHAHEEN (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 704. TREATMENT FOR EATING DISORDERS FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) FINDINGS.—Congress finds the following:

(1) Eating disorders affect approximately 30,000,000 United States citizens or nine percent of the population, during their lifetime, including individuals from every age, gender, body size, race, ethnicity, and socioeconomic status.

(2) Eating disorders are severe, biologically based mental illnesses caused by a complex interaction of genetic, biological, social, behavioral, and psychological factors.

(3) Eating disorders result in the second highest case fatality rate of any psychiatric illness, with one death every 52 minutes as a direct result of eating disorder and during treatment of eating disorders requiring hospitalization.

(4) Untreated eating disorders cost the economy of the United States $61,700,000,000 annually, with individuals and their families experiencing an economic loss of $23,500,000,000 annually.

(5) A study from the Armed Forces Health Surveillance Branch found that diagnoses of eating disorders among military personnel increased by 26 percent from 2013 to 2016.

SEC. 10. NATIONAL GLOBAL WAR ON TERRORISM MEMORIAL.

(a) AUTHORIZATION.—Notwithstanding section 6090(c) of title 40, United States Code, the Secretary of Defense shall establish a National Global War on Terrorism Memorial Foundation shall establish a National Global War on Terrorism Memorial within the Reserve.

(b) LOCATION.—The Memorial may be located at one of the following sites:

(1) Potential Site 1—Constitution Gardens, Prime Candidate Site 18 in The Memorials and Museums Master Plan.

(2) Potential Site 2—JFK Hockey Fields, Prime Candidate Site 18 in The Memorials and Museums Master Plan.

(c) COMMEMORATIVE WORKS ACT.—Except as otherwise provided by subsections (a) and (b), chapter 89 of title 40, United States Code (commonly known as the Commemorative Works Act), shall apply to the Memorial.

(d) DEFINITIONS.—In this section:

(1) MEMORIAL.—The term ‘memorial’ means the National Global War on Terrorism Memorial authorized under subsection (a).

(2) RESERVE.—The term ‘Reserve’ has the meaning given that term in 8902(a)(3) of title 40, United States Code.

SA 4022. Mrs. SHAHEEN (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 704. TREATMENT FOR EATING DISORDERS FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) FINDINGS.—Congress finds the following:

(1) Eating disorders affect approximately 30,000,000 United States citizens or nine percent of the population, during their lifetime, including individuals from every age, gender, body size, race, ethnicity, and socioeconomic status.

(2) Eating disorders are severe, biologically based mental illnesses caused by a complex interaction of genetic, biological, social, behavioral, and psychological factors.

(3) Eating disorders result in the second highest case fatality rate of any psychiatric illness, with one death every 52 minutes as a direct result of eating disorder and during treatment of eating disorders requiring hospitalization.

(4) Untreated eating disorders cost the economy of the United States $61,700,000,000 annually, with individuals and their families experiencing an economic loss of $23,500,000,000 annually.

(5) A study from the Armed Forces Health Surveillance Branch found that diagnoses of eating disorders among military personnel increased by 26 percent from 2013 to 2016.

(6) Risk factors for eating disorders among members of the Armed Forces include pressure to be thin and unhealthy weight status, trauma, sexual harassment, weight stigmatization, and post-traumatic stress disorder.

(7) Family members of members of the Armed Forces have a higher prevalence of eating disorders than the general population, with 21 percent of children and 26 percent of spouses of members of the Armed Forces found to be at risk of developing an eating disorder.

(8) Research demonstrates a strong correlation between the risk of developing an eating disorder between a military spouse and their adolescent child. An adolescent female dependent of a member of the Armed Forces is more likely to be of a college age than in the civilian population.

(9) Family members of members of the Armed Forces have a higher prevalence of eating disorders than the general population, with 21 percent of children and 26 percent of spouses of members of the Armed Forces found to be at risk of developing an eating disorder.

(10) Research demonstrates a strong correlation between the risk of developing an eating disorder between a military spouse and their adolescent child. An adolescent female dependent of a member of the Armed Forces is more likely to be of a college age than in the civilian population.

(11) Family members of members of the Armed Forces have a higher prevalence of eating disorders than the general population, with 21 percent of children and 26 percent of spouses of members of the Armed Forces found to be at risk of developing an eating disorder.
this section, necessary facilities described in subsection (a) shall include the facilities described in section 1079(r)(1) of this title.

(c) EATING DISORDER DEFINED.—In this section—

(1) in general.—In this section—

(a) PERIODIC HEALTH ASSESSMENT.—Each Secretary concerned shall ensure that any periodic health assessment provided to a member of the Armed Forces includes an assessment of whether the member has—

(i) based or stationed at a military installation identified by the Secretary concerned as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

(ii) exposed to such substances, including by assessing any information in the health record of the member.

(b) PROVISION OF BLOOD TESTING TO DETERMINE EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.—

(1) IN GENERAL.—If a covered evaluation of a member of the Armed Forces results in a positive determination of potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances, the Secretary concerned shall provide to that member, during the covered evaluation, blood testing to determine and document potential exposure to such substances.

(2) INCLUSION IN HEALTH RECORD.—The results of a blood test of a member of the Armed Forces conducted under paragraph (a) shall be included in the health record of the member.

(d) CLINICAL PRACTICE CRITERIA AND GUIDELINES.—The criteria and guidelines established by, and any guidance from, the Substance Abuse and Mental Health Services Administration, the Centers for Disease Control and Prevention, and the National Institute of Mental Health; and

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2022.

SA 4023. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 744. INCLUSION OF EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS COMPONENT OF PERIODIC HEALTH ASSESSMENT.

(a) PERIODIC HEALTH ASSESSMENT.—Each Secretary concerned shall ensure that any periodic health assessment provided to a member of the Armed Forces includes an assessment of whether the member has—

(i) based or stationed at a military installation identified by the Secretary concerned as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

(ii) exposed to such substances, including by assessing any information in the health record of the member.

(b) SEPARATION HISTORY AND PHYSICAL EXAMINATIONS.—Section 1145(a)(5) of title 10, United States Code, is amended by adding at the end of such section the following:

"(D) The Secretary concerned shall ensure that each physical examination of a member under subparagraph (A) includes an assessment of whether the member was—

"(i) based or stationed at a military installation identified by the Secretary concerned as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

"(ii) exposed to such substances, including by assessing any information in the health record of the member.

(c) DEPARTMENT OF ENERGY, TO 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. 745. ANNUITY SUPPLEMENT.

(a) DEFINITIONS.—In this section:

(1) COVERED INDIVIDUAL.—The term "covered individual" means—

(i) an individual described in subparagraph (A) or (B) of section 101 of title 10, United States Code;

(ii) an individual who—

(A) is a member of the Armed Forces; or

(B) a covered Federal agency; or

(C) another individual who is the equivalent of a covered Federal agency.

(b) ANNUITY SUPPLEMENT.—The term "annuity supplement" means—

(A) the amount determined under subparagraph (A) of section 744 of title 10, United States Code, and

(B) the amount determined under subparagraph (B) of section 1145 of title 10, United States Code, and

(c) PROVISION OF BLOOD TESTING TO DETERMINE EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.—

(1) IN GENERAL.—If a covered evaluation of a member of the Armed Forces results in a positive determination of potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances, the Secretary concerned shall provide to that member, during the covered evaluation, blood testing to determine and document potential exposure to such substances.

(2) INCLUSION IN HEALTH RECORD.—The results of a blood test of a member of the Armed Forces conducted under paragraph (a) shall be included in the health record of the member.

(d) CLINICAL PRACTICE CRITERIA AND GUIDELINES.—The criteria and guidelines established by, and any guidance from, the Substance Abuse and Mental Health Services Administration, the Centers for Disease Control and Prevention, and the National Institute of Mental Health; and

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2022.
covered individual as an emerging technology lead to advise the agency on the responsible use of emerging technologies, including artificial intelligence, provide expertise on emerging technologies, and facilitate collaboration with emerging technology coordinating bodies, and provide input for procurement policies.

(c) INFORMING CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall inform Congress of each covered Federal agency in which a covered individual has been appointed or designated as an emerging technology lead under subsection (b) and provide Congress with the authorities and responsibilities of the covered individuals so appointed.

SA 4027. Mr. BENNET (for himself and Mr. Sasse) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel levels for each 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. 701.** ESTABLISHMENT OF COUNCIL.

(a) R ESPONSIBILITIES OF CHAIR.—The President may appoint a Chairperson of the Council, which shall be headed by the President to the Council for Technology Competitiveness.

(b) SUPPORT.—

(A) SUPPORT FROM OFFICE OF ADMINISTRATION.—The Office of Administration in the Executive Office of the President shall provide the Council with such personnel, funding, and administrative support, as directed by the Chairperson, as reasonable requested by the Chairperson, or, upon the Chairperson's direction, to the Assistant to the President for Technology Competitiveness, subject to the availability of appropriations.

(B) SUPPORT FROM OTHER AGENCIES.—Subject to the availability of appropriations, the heads of Federal agencies shall provide the Council with such personnel, funding, and administrative support, as directed by the Chairperson, the Assistant to the President for Technology Competitiveness, subject to the availability of appropriations.

(c) INFORMING CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall inform Congress of each covered Federal agency in which a covered individual as an emerging technology lead under subsection (b) and provide Congress with the authorities and responsibilities of the covered individuals so appointed.

**SEC. 702.** MEMBERSHIP OF COUNCIL.

(a) IN GENERAL.—The Council shall be composed of the following members:

(1) The Vice President.

(2) The Secretary of State.

(3) The Secretary of the Treasury.

(4) The Secretary of Defense.

(5) The Secretary of Energy.

(6) The Secretary of Commerce.

(7) The Secretary of Energy.


(9) The Director or the Office of Management and Budget.

(b) RESPONSIBILITIES OF CHAIR.—The Chairperson of the Council shall:

(1) shall convene and preside over meetings of the Council and shall determine the agenda for the Council;

(2) may authorize the establishment of such committees or subcommittees of the Council, including an executive committee, and of such working groups, composed of senior designees of the Council members and other officials, as the Chairperson may designate for the efficient conduct of Council functions; and

(3) shall report to the President on the activities and recommendations of the Council and shall advise the Council as appropriate regarding the President's directions with respect to the Council's activities and national technology policy generally.

**SEC. 703.** OPERATION OF COUNCIL.

(a) CONTEXT.—

(1) THE COUNCIL.—The Council shall be the Vice President.

(2) THE STAFF.—The Council may hire a staff, which shall be headed by the President to the Council for Technology Competitiveness.

(3) COORDINATION WITH NATIONAL SECURITY COUNCIL.—The Council shall coordinate with the National Security Council on technology policy and strategy matters relating primarily to national security to ensure that the activities of the Council are carried out in a manner that is consistent with the responsibilities of the National Security Council.

**SEC. 704. FUNCTIONS OF COUNCIL.**

The Council shall be responsible for the following:

(1) Developing recommendations for the President on United States technology competitiveness and technology-related issues, advising the President on the development and implementation of national technology policy and strategy, and performing such other duties as the President may prescribe.

(2) Developing and overseeing the implementation of a National Technology Strategy required by section 601 of the Intelligence Authorization Act for Fiscal Year 2022.

(3) Serving as a forum for balancing national security, economic, and technology policy with respect to the National Technology Strategy.

**SEC. 705. ORGANIZATION.**

(a) STAFF.—The Council may hire a staff, which shall be headed by the Chairperson, as reasonable requested by the Chairperson, or, upon the Chairperson's direction, as reasonable requested by the Council such information and assistance as the Chairperson may request to carry out the functions described in section 704.

(b) COORDINATION WITH NATIONAL SECURITY COUNCIL.—The Council shall coordinate with the National Security Council on technology policy and strategy matters relating primarily to national security to ensure that the activities of the Council are carried out in a manner that is consistent with the responsibilities of the National Security Council.

**SEC. 706.** FUNDS.

(a) FUNDING.—The Council shall receive such funds as are necessary for the performance of its functions; and

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Chairperson of the Council shall report to the President on the activities of the Council.

**SEC. 707.** AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) IN GENERAL.—The heads of such other executive departments and agencies as may be designated as national technology policy coordination bodies, and provide input for procurement policies.

(b) ASSIGNMENT.—Subsection (a) of section 10302 of title 5, United States Code, is amended by adding at the end the following:

**STRENGTHS OF THE COUNCIL**

The Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following:

**SEC. 10303.** ORGANIZATION.

(a) IN GENERAL.—The heads of such other executive departments and agencies for each of the following:

(18) The heads of such other executive departments and agencies as may be designated as national technology policy coordination bodies, and provide input for procurement policies.

(b) ASSUMPTION.—Subsection (a) of section 10302 of title 5, United States Code, is amended by adding at the end the following:

**CHAPTE R 105—NATIONAL DIGITAL RESERVE CORPS**

(a) ESTABLISHMENT.—There is established in the General Services Administration a National Digital Reserve Corps, to establish, manage, and assign a reserve of individuals with relevant skills and credentials to help address the nation's digital and cybersecurity needs of Executive agencies.

(b) IMPLEMENTATION.—

(1) GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Administrator shall issue guidance with respect to the Program, which shall include procedures for coordinating with Executive agencies to—

(A) identify digital and cybersecurity needs that may be addressed by the National Digital Reserve Corps, and

(B) assign active reservists to address the needs identified under subparagraph (A).

(2) RECRUITMENT AND INITIAL ASSIGNMENTS.—Not later than 180 days after the date of enactment of this section, the Administrator shall—

(A) recruiting individuals to serve as reservists; and

(B) assign active reservists under the Program.

**SEC. 10303.** ORGANIZATION.

(a) ADMINISTRATION.—

(1) IN GENERAL.—The National Digital Reserve Corps shall be administered by the Administrator.
(2) RESPONSIBILITIES.—In carrying out the Program, the Administrator shall—

(A) establish standards for serving as a reservist, including educational attainment, professional qualifications, and background checks;

(B) ensure the standards established under subparagraph (A) are met;

(C) assist individuals to the National Digital Reserve Corps;

(D) activate and deactivate reservists as necessary;

(E) coordinate with Executive agencies to—

(i) determine the digital and cybersecurity needs that reservists shall be assigned to address;

(ii) ensure that reservists have access, resources, and equipment required to address the digital and cybersecurity needs that those reservists are assigned to address; and

(iii) analyze potential assignments for reservists to determine outcomes, develop anticipated assignment timelines, and identify Executive agency partners;

(F) ensure that reservists acquire and maintain appropriate suitability and security clearances; and

(G) determine what additional resources, if any, are required to successfully implement the Program;

(b) NATIONAL DIGITAL RESERVE CORPS PARTICIPATION.—

(1) SERVICE OBLIGATION AGREEMENT.—

(A) IN GENERAL.—An individual may serve as a reservist only if the individual enters into a written agreement with the Administrator to serve as a reservist.

(B) CONVERSATION.—An agreement described in subparagraph (A) shall—

(i) require the individual seeking to become a reservist to serve as a reservist for a 3-year period, during which that individual shall serve not less than 30 days per year as an active reservist; and

(ii) set forth all other rights and obligations of the individual and the Administrator with respect to the service of the individual described in clause (i) as a reservist.

(2) EMPLOYER STATUS AND COMPENSATION.—

(A) EMPLOYER STATUS.—An inactive reservist shall not be considered to be an employee for any purpose solely on the basis of being a reservist.

(B) COMPENSATION.—The Administrator shall determine the appropriate compensation for an individual serving as a reservist, except that the maximum rate of basic pay may not exceed the maximum rate of basic pay payable for a position at GS-15 of the General Schedule (including any applicable locality-based comparability payment under section 5304 or similar provision of law).

(c) USERRA EMPLOYMENT AND REEMPLOYMENT RIGHTS.—

(A) IN GENERAL.—The protections, rights, benefits, and obligations under chapter 43 of title 5, United States Code, and under the National Reserve Act, shall apply to any reservists.

(B) NOTICE OF ABSENCE FROM POSITION OF EMPLOYMENT.—

(i) IN GENERAL.—The Administrator shall provide notice to the reservist for the 3-year period, during which the reservist would have served as an active reservist, of the date on which the appointment is made by the Administrator and shall not be subject to review in any judicial or administrative proceeding.

(ii) DETERMINATION.—A determination of a necessity described in clause (i) shall be made by the Administrator and shall not be subject to review in any judicial or administrative proceeding.

(d) PENALTIES.—

(A) IN GENERAL.—Subject to subparagraph (B), a reservist who fails to accept an appointment under subsection (c)(2), or who fails to carry out the duties assigned to the reservist under such an appointment, shall, after notice and an opportunity to be heard—

(i) cease to be a reservist; and

(ii) be fined an amount equal to the sum of—

(I) the amounts, if any, paid under section 10305 with respect to training expenses for the reservist; and

(II) the difference between—

(aa) the amount of compensation the reservist would have received under paragraph (2) if the reservist completed the entire term of service as a reservist agreed to in the agreement described in paragraph (1); and

(bb) the amount of compensation the reservist has received under the agreement described in Item (aa).

(B) EXCEPTION.—With respect to the failure of a reservist to accept an appointment under subsection (c)(2), or to carry out the duties assigned to the reservist under such an appointment—

(i) subparagraph (A) shall not apply if the failure was due to the continuation, recurrence, or other circumstance beyond the control of the reservist; and

(ii) the Administrator may waive the application of subparagraph (A), in whole or in part, if the Administrator determines that applying subparagraph (A) with respect to the failure would be against equity and good conscience and not in the best interest of the United States.

(e) APPOINTMENT AUTHORITY.—

(1) CORPS LEADERSHIP.—The Administrator may appoint, without regard to the provisions of chapter 13 of title 5, United States Code, to temporary positions in the competitive service in the General Service Administration for which the primary duties are related to the management or administration of the National Digital Reserve Corps, as determined by the Administrator.

(2) CORPS RESERVISTS.—

(A) IN GENERAL.—The Administrator may appoint, without regard to the provisions of chapter 13 of title 5, United States Code, to temporary positions in the competitive service—

(i) qualified candidates to positions in the competitive service in the General Service Administration for which the primary duties are related to the management or administration of the National Digital Reserve Corps, as determined by the Administrator.

(B) ASSIGNMENT-SPECIFIC ACCESS, REQUIREMENTS, AND RESPONSIBILITIES.—The Administrator shall ensure that assignments under subsection (a) are consistent with an applicable Federal ethics rules and Federal appropriations laws.

SEC. 10305. RESERVIST CONTINUING EDUCATION.

(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator may make available, provide, or fund training and receive continuing education, including attending conferences and seminars and obtaining certifications, that will enable reservists to more effectively meet the digital and cybersecurity needs of Executive agencies.

(b) APPLICATION.—The Administrator shall establish a process for reservists to apply for the payment of reasonable expenses relating to the training or continuing education described in subsection (a).

(c) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Administrator shall submit to Congress a report on the Program, including—

(1) the number of reservists under the Program;

(2) a list of Executive agencies that have submitted requests for support under the Program;

(3) the nature and status of the requests described in paragraph (2); and

(4) with respect to each request described in paragraph (2) with respect to which active reservists have been assigned, and for which work by the National Digital Reserve Corps has concluded, an evaluation of that work (including the results of that work) by—

(A) the Executive agency that submitted the request, and

(B) the reservists assigned to the request.

(d) CLERICAL AMENDMENT.—The table of chapters for subpart 1 of part III of title 5, United States Code, is amended by inserting after the item related to chapter 102 the following:

"103. National Digital Reserve Corps 10305."
(c) CONFORMING AMENDMENTS.—

(1) SERVICE DEFINITIONS.—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13), by inserting “, a period of not less than 90 days after the date of enactment of this Act,”; and

(B) by inserting at the end of subsection (a) the following:

“(13) the period of not less than 90 days after the date of enactment of this Act.”

(2) MEMBERSHIP OF TASK FORCE.—

(a) In general.—The AI Task Force shall include—

(A) the Secretary of Defense;

(B) the Director of the Office of Management and Budget;

(C) the Secretary of Veterans Affairs; and

(D) the Chief Information Officer of the Department of Veterans Affairs.

(b) Membership.—The AI Task Force shall consist of representatives from at least 10 Federal agencies, including—

(A) the Department of Energy, to 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. 8. TASK FORCE ON ARTIFICIAL INTELLIGENCE GOVERNANCE AND OVERSIGHT.

(a) Establishment.—Not later than 90 days after the date of the enactment of this Act, the President shall appoint a task force to assess the privacy, civil rights, and civil liberties implications of artificial intelligence (referred to in this section as the “AI Task Force”) to conduct the assessment required by paragraphs (2) and (3) of subsection (c), the performance of those systems; and

(2) CONDUCTING AN ASSESSMENT AND MAKING RECOMMENDATIONS.—In conducting the assessments required by paragraphs (2) and (3) of subsection (c), the AI Task Force shall—

(A) assess the privacy, civil rights, and civil liberties implications of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(B) make recommendations to the President on the development and fielding of AI and associated data, to include Federal Government use and management of biometric identification technologies, government procurement of commercial AI products, Federal data privacy standards, Federal antidiscrimination laws, Federal disparate impact standards, AI validation and auditing, and AI risk and impact assessment reporting;

(C) institutional changes to ensure transparency in the development and fielding of AI and associated data, including—

(i) the review of Federal funds used for the procurement and development of AI; and

(ii) the enforcement of Federal law for commercial AI products in government.

(D) THE SENTIMENT OF AI TASK FORCE.—

(A) the Chair of the National Artificial Intelligence Advisory Committee;

(B) the Director of the National Science Foundation;

(C) the Director of the National Institute of Standards and Technology;

(D) the Director of the Office of Management and Budget;

(E) the Secretary of Energy;

(F) the Secretary of Transportation;

(G) the Secretary of Health and Human Services;

(H) the Secretary of Homeland Security;

(I) the Secretary of the Treasury;

(J) the Secretary of Housing and Urban Development;

(K) the Secretary of Education;

(L) the Chairman of the Federal Trade Commission;

(M) the Chair of the Equal Employment Opportunity Commission;

(N) the Chair of the Equal Employment Opportunity Commission;

(O) the Chair of the Equal Employment Opportunity Commission;

(P) any other governmental representative determined necessary by the President; and

(Q) not fewer than 6, but not more than 10, representatives from civil society, including—

(i) the National Science Foundation;

(ii) the Office of Science and Technology Policy;

(iii) the National Institute of Standards and Technology;

(iv) the Department of Commerce;

(v) the Office of the Director of National Intelligence;

(vi) the Department of Health and Human Services;

(vii) the Department of Justice;

(viii) the Department of Commerce;

(ix) the Office of the Director of National Intelligence; and

(x) the Office of the Director of National Intelligence.

(b) Requirements.—The AI Task Force shall—

(A) conduct an assessment and make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(B) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(C) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(D) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(E) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(F) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(G) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(H) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(I) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(J) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(K) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(L) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(M) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(N) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(O) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(P) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(Q) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(R) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(S) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(T) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(U) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(V) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(W) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(X) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(Y) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(Z) make recommendations to the President on the development and fielding of artificial intelligence technologies by Federal agencies as to ensure they comport with the performance of those systems; and

(A) the Chair of the National Artificial Intelligence Advisory Committee;
(2) the existing interagency and intraagency efforts to address AI oversight;
(3) the need for and scope of national security carve outs, and any limitations or pro-
tections that should be built into any such carve outs; and
(4) the research, development, and applica-
tion of new technologies to mitigate privacy and civil liberties risks inherent in artificial intelligence systems.
(e) POWERS OF THE TASK FORCE.—
(1) HEARINGS.—The AI Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the AI Task Force appropriates.
(2) POWERS OF MEMBERS AND AGENTS.—Any member of the AI Task Force may, upon au-
thorization by the AI Task Force, take any action necessary to the fulfillment of their responsibilities. A member of the AI Task Force may appoint staff to inform, sup-
port, and enable AI Task Force members in carrying out their purposes and functions.
(f) OPERATING RULES AND PROCEDURE.—
(1) PERSONNEL.—The chairperson of the AI Task Force shall have 1 vote. The Task Force shall adopt recommendations only upon a major-
yity vote.
(2) QUORUM.—A majority of the members of the AI Task Force shall constitute a quorum, but a lesser number of members may hold meetings, gather information, and review draft reports from staff.
(g) STAFF.—
(1) PERSONNEL.—The chairperson of the AI Task Force may appoint staff to inform, sup-
port, and enable AI Task Force members in the fulfillment of their responsibilities. A staff member may not be a local, State, or Federal employee or contractor associated with, or employed by, such an elected official during the duration of the AI Task Force.
(2) DETAIL.—The head of any Federal department or agency may detail, on a non-
reimbursable basis, any of the personnel of that department or agency to the AI Task Force to assist the AI Task Force in carrying out its purposes and functions.
(h) SECURITY CLEARANCES FOR MEMBERS AND STAFF.—The appropriate Federal depart-
ments and agencies shall cooperate with the AI Task Force in expeditiously providing to the AI Task Force members and staff appropriate security clearances to the extent pos-
sible, taking into consideration any requirements, except that no person may be provided with access to classified information under this section without the appropriate security clearances.
(i) EXPERT CONSULTANTS.—As needed, the AI Task Force may commission intermittent research or other information from experts and provide for engagement that is con-
sistent with relevant statutes and regulations.
(j) ASSISTANCE FROM PRIVATE SECTOR.—
(1) PRIVACY.—The Chair of the AI Task Force may engage with representa-
tives from a private sector organization for the purpose of carrying out the mission of the AI Task Force. Any such engagement shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).
(2) TEMPORARY ASSIGNMENT OF PER-
SONNEL.—The Chair of the AI Task Force, with the agreement of a private sector organiza-
tion, may arrange for the temporary assignment of an employee of the organization to the AI Task Force in accordance with para-
graphs (1) and (4) of subsection (g).
(3) DURATION.—An assignment under this subsection may, at any time and for any rea-
son, be terminated by the Chair or the pri-
ivate sector organization concerned and shall be for a total period of not more than 18 months.
(1) APPLICATION OF ETHICS RULES.—An em-
ployee of a private sector organization as-
signed under subsection (b) shall be deemed to be a special govern-
ment employee for purposes of Federal law, including chapter 11 of title 18, United States Code, and the Ethics in Government Act of 1978 (5 U.S.C. App.); and
(2) notwithstanding section 202(a) of title 18, United States Code, may be assigned to the AI Task Force for a period of not longer than 18 months.
(2) NO FINANCIAL LIABILITY.—Any agree-
ment subject to this subsection shall require the private sector organization concerned to be responsible for any financial obligation associated with the assignment of an employee under sub-
section (b).
(1) REPORTING.—
(1) INTERIM REPORT TO CONGRESS.—Not later than 1 year after the establishment of the AI Task Force, the AI Task Force shall prepare and submit a report to Con-
gress and the President containing the AI Task Force’s legislative and regulatory rec-
ommendations.
(2) UPDATES.—The AI Task Force shall pro-
vide periodic updates to the President and to Congress.
(2) FINAL REPORT.—Not later than 18 months after the establishment of the AI Task Force, the AI Task Force shall prepare and submit a final report to the President and to Congress containing its assessment on organizational considerations, to include any recommendations for organizational changes.
(k) OTHER EMERGING TECHNOLOGIES.—At any time before the submission of the final report under subsection (j)(3), the AI Task Force may recommend to Congress the cre-
alion of a similar task force focused on another emerging technology.
(1) SUNSET.—The AI Task Force shall termi-
minate on the date that is 18 months after the establishment of the AI Task Force.
SA 4030. Ms. ROSEN (for herself, Ms. CORTEZ MASTO, and Mr. PADILLA) sub-
mitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and inten-
ded to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for mili-
tary construction, and for defense ac-
tivities of the Department of Energy, to 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 follow-
ing:
SEC. 596. ACCESS TO TOUR OF DUTY SYSTEM.
(a) ACCESS.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall ensure, subject to paragraph (2), that a member of the reserve components of the Army may access the Tour of Duty system using a personal internet-enabled device.
(b) EXCEPTION.—The Secretary of the Army may restrict access to the Tour of Duty sys-
tem on personal internet-enabled devices if the Secretary determines such restriction is necessary to ensure the security and integ-
re of information systems and data of the United States.
(2) TOUR OF DUTY SYSTEM DEFINED.—In this section, the term ‘‘Tour of Duty sys-
tem’’ means the online system of listings for opportunities to serve on active duty for members of the reserve components of the Army through the Tour of Duty system, which was ordered to lie on the table; as follows:
At the end of subtitle C of title X, add the follow-
ing:
SEC. 1023. AWARD OF CONTRACTS FOR OVER-
HAUL, REPAIR, AND MAINTENANCE OF NAVAL VESSELS IN AREAS OUT-
SIDE THE HOMELAND OF THE VES.
SEL CONCERNED TO MEET SURGE CAPACITY NEEDS.
Section 8669a of title 10, United States Code, is amended—
(1) in subsection (c)(2), by inserting ‘‘, except such paragraph shall not apply to the
award of a contract under subsection (d)’ after ‘‘law’’; and
(2) by adding at the end the following new subsection:
‘‘(d) In order to meet surge capacity needs, the Secretary of the Navy may solicit propos-
asand award one or more contracts for the overhaul, repair, or maintenance of one or more vessels involved in the work performed in an area outside the area of the homeport of the vessel or vessels con-
cerned.’’

SA 4033. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. — COREY ADAMS GREEN ALERT SYS-
TEMS TECHNICAL ASSISTANCE.

(a) DEFINITIONS.—In this section:
(1) GREEN ALERT.—The term ‘‘Green Alert’’ means an alert issued through the Green Alert communications network, relating to a missing person.
(2) MISSING VETERAN.—The term ‘‘missing veteran’’ means an individual who—
(A) is reported to, or identified by, a law enforcement agency as a missing person; and
(B) meets the requirements to be design-
ated as a missing veteran, as determined by the Secretary of Defense.
(c) CONTENT OF ASSISTANCE.—Such assist-
ance to a State that has established or is in the process of estab-
lishing advisory committees and programs, to help ensure the effective use of those sys-
tems connected to any services provided by the Department of Veterans Affairs or the De-
partment of Defense to which they are enti-
tled as a result of their service in the Armed Forces, including housing and health care;
(3) providing public education on these sys-
tems to military or veteran communities in such States, including on facilities of the De-
partment of Veterans Affairs or the Depart-
ment of Defense located in such States;
(4) ensuring officials of the Department of Veterans Affairs or the Department of Defense and the Secretary of Veterans Af-
fairs shall use existing mechanisms, includ-
ing advisory committees and programs, to meet the requirements of this section;
(b) USE OF EXISTING MECHANISMS.—To the
maximizing the effect of the Green Alert com-
munications network, relating to a missing veteran.
SA 4034. Ms. BALDWIN (for herself and Mr. JOHNSON) submitted an amend-
ment to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. — GREEN ALERT.—The term ‘‘Green Alert’’ means an alert issued through the Green Alert communications network, relating to a missing veteran.

(c) CONTENT OF ASSISTANCE.—Such assist-
ance to a State that has established or is in the process of estab-
lishing advisory committees and programs, to help ensure the effective use of those sys-
tems connected to any services provided by the Department of Veterans Affairs or the De-
partment of Defense to which they are enti-
tled as a result of their service in the Armed Forces, including housing and health care;
(3) providing public education on these sys-
tems to military or veteran communities in such States, including on facilities of the De-
partment of Veterans Affairs or the Depart-
ment of Defense located in such States;
(4) ensuring officials of the Department of Veterans Affairs or the Department of Defense and the Secretary of Veterans Af-
fairs shall use existing mechanisms, includ-
ing advisory committees and programs, to meet the requirements of this section;
(b) USE OF EXISTING MECHANISMS.—To the
maximizing the effect of the Green Alert com-
munications network, relating to a missing veteran.

SA 4035. 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 mili-
itary activities of the Department of Defense, for military construction, and for defense activities of the Depart-
ment of Energy, to 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 VIII, add the following:

Subtitle F—Made in America Shipbuilding Act of 2021

SEC. 861. SHORT TITLE.
This subtitle may be cited as the ‘‘Made in America Shipbuilding Act of 2021’’.

SEC. 862. DOMESTIC SHIPBUILDING REQUIRE-
MENT.
(a) IN GENERAL.—The head of an executive agency may not enter into a contract related to the acquisition, construction, or conver-
sion of a vessel unless the vessel is to be con-
structed or converted in the United States.

(b) EXECUTIVE AGENCY DEFINED.—In this section, the term ‘‘executive agency’’ has the
meanings given in section 112 of title 5, United States Code.

SEC. 863. DOMESTIC SOURCING REQUIREMENT
FOR SHIPBOARD COMPONENTS.
(a) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

4715. Domestic sourcing requirement for shipboard components.

(1) REQUIREMENT FOR UNITED STATES MANUFACTURE.—

(2) LIMITATION ON PROCUREMENTS.—The head of an executive agency may procure any of the following components for vessels only if the items are manufactured in the United States:

(A) In GENERAL.—The following compon-
ents for vessels:

(i) Air circuit breakers.

(ii) Welded shipboard anchor and mooring chain with a diameter of four inches or less.

(iii) Auxiliary equipment, including pumps, for all shipboard services.

(iv) Propulsion system components, in-
cluding main propulsion engines, hybrid drive systems, propulsion shafting, engine crankshafts, reduction gears, and propellers.

(v) Shipboard cranes.

(vi) Primary towrogs, shipboard cranes.

(vii) Power Distribution equipment, En-
ergy Store Systems, energy storage/maga-

meine equipment.

(viii) Auxiliary propulsion units and sys-
tems, including bow and tunnel thrusters, waterjets, dynamic positioning systems, and hybrid propulsion systems.

(ix) Ship service and emergency power generation equipment (prime movers and generators).

(x) Military Qualified Wire and Cable and derived products.

(xi) Specialized Valves for pneumatic, fuel, firefighting, countermeasure wash down, and chilled water systems.

(xii) Low voltage (LV) and high voltage (HV) switchgear.

(xiii) Power converters.

(xiv) Power inverters.

(xv) Frequency converters.

(xvi) Aircraft Electrical Starting Sta-
tions (AESS).

(xvii) Degaussing systems.

(xviii) Static Automatic Bus Transfer Switches (SABTS).

(xix) Inertial navigation systems and gy-
rocompass.

(xx) Capstans.

(xxii) Winches.

(xxiii) Hoists.
(xxiii) Outboard motors.
(xxiv) Windlasses.
(B) OTHER COMPONENTS.—The following components of vessels, to the extent they are uniquely to maritime applications: gyro-compasses, electronic navigation chart systems, steering controls, pumps, propulsion and machinery control systems, and totally enclosed generating units.
(C) VALVES AND MACHINE TOOLS.—Items in the following categories:
(i) Powered and non-powered valves in Federal Supply Classes 4870.20 and 4870.40 used in piping for naval surface ships and submarines.
(ii) Machine tools in the Federal Supply Class identified by machines numbered 3465, 3468, 3410 through 3419, 3426, 3433, 3438, 3441 through 3445, 3446, 3448, 3449, 3450, and 3461.
(2) APPLICABILITY TO CERTAIN ITEMS.—
Par. (1) does not apply to a procurement of spare or repair parts needed to support components for vessels produced or manufactured outside the United States.
(3) WAIVER AUTHORITY.—The head of an executive agency may waive the limitation in par. (1) with respect to the procurement if the head of the agency determines that any of the following apply:
(A) Application of the limitation would increase the overall acquisition by more than 25 percent or cause unreasonable delays to be incurred.
(B) Satisfactory quality items manufactured by a domestic entity are not available or domestic production of such items cannot be initiated without significantly delaying the project for which the item is to be acquired.
(C) Application of the limitation would result in the existence of only one domestic source of the items.
(D) Application of the limitation is not in the national security interests of the United States.
(4) IMPLEMENTATION OF WAIVER AUTHORITY.—
(A) NON-DELEGATION OF AUTHORITY.—The head of an agency may not delegate the waiver authority under par. (3).
(B) NOT LATER THAN 30 DAYS AFTER EXERCISING WAIVER AUTHORITY.—Not later than 30 days after exercising the waiver authority under par. (3), the head of the agency shall publish in the Federal Register a notice on the website of the agency information regarding the waiver, including a detailed justification for the waiver.
(5) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year, the head of each executive agency that has used a waiver described in this section in the fiscal year shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on the total amount of waivers used and detailed information regarding and justification for the waiver.
(b) COMPONENTS CONTAINING SPECIALTY METALS.
(1) LIMITATION ON PROCUREMENTS.—The head of an executive agency may not enter into a contract for the procurement of end items or components for ships that contain a specialty metal melted or produced in the United States.
(2) AVAILABILITY EXCEPTION.—
(A) IN GENERAL.—Paragraph (1) does not apply to the extent that the head of an executive agency determines that compliant specialty metal of satisfactory quality and sufficient quantity, and in the required form, cannot be acquired as and when needed. For purposes of the preceding sentence, the term ‘compliant specialty metal’ means specialty metal melted or produced in the United States.
(B) APPLICABILITY.—This paragraph applies to prime contracts and subcontracts at any tier under the contract.
(3) EXCEPTION FOR CERTAIN ACQUISITIONS.—
Par. (1) does not apply to the following:
(A) Acquisitions outside the United States in support of combat operations or in support of contingency operations.
(B) Acquisitions for which the use of procurements of all other specialty metals has been approved on the basis of section 3394(c) of this title, relating to unusual and compelling national security interests.
(C) EXCEPTION RELATING TO AGREEMENTS WITH FOREIGN GOVERNMENTS.—Par. (1) does not preclude the acquisition of a specialty metal if
(A) the acquisition is necessary—
(i) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs such as those under the Mutual Procurement Agreement, for purposes of offsetting military sales agreements, for purposes of offsetting sales to foreign governments in which both such governments agree to remove barriers to purchases by the United States of strategic materials, unless the head of the agency, with the concurrence of the Secretary of Defense and the head of the agency agrees to remove barriers to purchases of specialty metals by the United States, and upon the recommendation of the Strategic Materials Protection Board pursuant to section 2457 of title 10, determines that the domestic availability of a particular specialty metal is critical to national security.
(B) APPLICABILITY TO ACQUISITIONS OF COMMERCIAL ITEMS.—
(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), this section applies to acquisitions of commercial items, notwithstanding sections 1906 and 1907 of this title.
(B) EXCEPTIONS.—This section does not apply to contracts or subcontracts for the acquisition of commercially available off-the-shelf items, unless the head of the agency determines that—
(i) contracts or subcontracts for the acquisition of specialty metals, including mill products such as bar, billet, slab, wire, plate, and sheet, that have not been incorporated into end items, subsystems, assemblies, or components;
(ii) contracts or subcontracts for the acquisition of forgings or castings of specialty metals, unless such forgings or castings are incorporated into commercially available off-the-shelf end items, subsystems, or assemblies;
(iii) contracts or subcontracts for commercially available high performance magnets, unless such high performance magnets are incorporated into commercially available off-the-shelf end items or subsystems; or
(iv) contracts or subcontracts for commercially available off-the-shelf fasteners, unless such fasteners are—
(1) incorporated into commercially available off-the-shelf end items, subsystems, or components; or
(2) purchased as provided in subparagraph (C).
(C) INAPPLICABILITY TO CERTAIN FASTENERS.—This subsection does not apply to fasteners that are commercial items that are incorporated into or under a contract with a manufacturer of such fasteners, if the manufacturer has certified that it will purchase, during the recent and following calendar years, an amount of domestic specialty metal, in the required form, for use in the production of such fasteners for sale to executing agencies that is not less than 50 percent of the total amount of the specialty metal that it will purchase to carry out the production of such fasteners.
(4) EXCEPTIONS FOR PURCHASES OF SPECIALTY METALS BELOW MINIMUM THRESHOLD.—
(A) IN GENERAL.—Notwithstanding para. (1), the head of an executive agency may accept delivery of an item containing specialty metals that were not melted in the United States if the total amount of non-compliant specialty metal that such executive agency does not exceed 2 percent of the total weight of specialty metals in the item.
(B) EXCEPTION.—This paragraph does not apply to high performance magnets.
(5) STREAMLINED COMPLIANCE FOR COMMERCIAL DERIVATIVE MILITARY ARTICLES.—
(A) IN GENERAL.—Paragraph (1) shall not apply to an item acquired under a prime contract if the head of an executive agency determines that—
(i) the item is a commercial derivative military article; and
(ii) the contractor certifies that the contract and its subcontractors have entered into a contract or agreement, with a manufacturer of such fasteners, to purchase an amount of domestically melted specialty metal in the required form, for use during the period of contract performance in the production of the commercial derivative military article and the related commercial article, that is not less than the greater of
(1) an amount equivalent to 120 percent of the amount of specialty metal that is required to carry out the production of the commercial derivative military article (including the work performed under each subcontract); or
(2) an amount equivalent to 50 percent of the amount of specialty metal that is required to carry out the production of the commercial derivative military article (including the work performed under each subcontract, but excluding the work performed under each subcontract); or
(B) DETERMINATION OF AMOUNT OF SPECIALTY METAL REQUIRED.—For the purposes of this paragraph, the amount of specialty metal required for the production of the commercial derivative military article includes specialty metal contained in any item, including commercially available off-the-shelf items, incorporated into such commercial derivative military article.
(10) NATIONAL SECURITY WAIVER.—
(A) IN GENERAL.—Notwithstanding para. (1), the head of an executive agency may accept the delivery of an end item containing noncompliant materials if the head of the executive agency determines in writing that acceptance of such end item is necessary to the national security interests of the United States.
(B) DETERMINATION UNDER SUBPARAGRAPH (A).—
(i) shall specify the quantity of end items to which the waiver applies and the time period within which the waiver is effective;
(ii) shall be provided to Congress prior to making such a determination (except that in
the case of an urgent national security requirement, such certification may be provided to Congress up to 7 days after it is made."

"(C) KNOWING OR WILLFUL NONCOMPLIANCE.—
"(i) DETERMINATION.—In any case in which the head of an executive agency makes a determination under subparagraph (A), the head of the executive agency shall determine whether or not the noncompliance was knowingly and willfully.

"(ii) KNOWING OR WILLFUL NONCOMPLIANCE.—If the head of the executive agency determines that the noncompliance was not knowing or willful, the head of the executive agency shall—

"(I) approve the development and implementation of a plan to ensure future compliance; and

"(II) consider suspending or debarring the contractor or subcontractor until such time as the contractor or subcontractor has effectively addressed the issues that lead to such noncompliance.

"(D) SPECIALTY METAL DEFINED.—In this subsection, the term ‘specialty metal’ means any of the following:

"(i) with a maximum alloy content exceeding one or more of the following limits: manganese, 1.68 percent; silicon, 0.60 percent; or copper, 0.60 percent;

"(ii) containing more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, or vanadium.

"(E) Metal alloys consisting of nickel, iron-nickel, and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 percent.

"(F) Titanium and titanium alloys.

"(G) Zirconium and zirconium base alloys.

"(H) Additional definitions.—In this subsection:

"(i) the term ‘United States’ includes possessions of the United States.

"(ii) the term ‘component’ has the meaning provided in section 105 of this title.

"(iii) the term ‘acquisition’ has the meaning provided in section 131 of this title.

"(iv) the term ‘required form’—

"(I) means an end item delivered to the executive agency; or

"(II) means any component assembled into an end item delivered to the executive agency.

"(v) the term ‘commercial derivative’—

"(A) means any component provided by the Department of Defense that is or will be produced using the same production facilities, a common supply chain, and the same or similar processes that are used for the production of articles predominantly used by the general public or by nongovernmental entities for purposes other than governmental purposes.

"(B) The term ‘system’ means a functional grouping of items that combine to perform an end item function within an end item, such as electrical power, attitude control, and propulsion.

"(C) The term ‘end item’ means the final product of a production process that is complete, and ready for issue, delivery, or deployment.

"(D) The term ‘subcontract’ includes a subcontract at any tier.

"(E) USE OF UNITED STATES STEEL, IRON, ALUMINUM, AND MANUFACTURED PRODUCTS.—

"(1) IN GENERAL.—The head of an executive agency may not enter into a contract related to the construction of a vessel unless the steel, iron, aluminum, and manufactured products that are to be used in the construction of the vessel are produced in the United States.

"(2) EXCEPTIONS.—The provisions of paragraph (1) shall not apply where the head of an executive agency finds—

"(A) that their application would be inconsistent with the public interest;

"(B) that such steel, iron, aluminum, and manufactured products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

"(C) that inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.

"(3) IMPLEMENTATION OF EXCEPTIONS.—

"(A) NON-DELEGATION OF AUTHORITY.—The head of an agency may not delegate the authority to make a finding described in paragraph (2).

"(B) PUBLICATION.—Not later than 30 days after making a finding described in paragraph (2), the head of the agency shall publish in an easily identifiable location on the website of the agency information regarding the finding, including a detailed justification for the exception.

"(4) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year, the head of each executive agency that has made an exception finding described in subsection (b) in the fiscal year shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the total amount of exceptions used and detailed information regarding and justification for the exceptions.

"(5) CALCULATION OF COMPONENT COST.—For purposes of this section, in calculating components’ costs, labor costs involved in final assembly shall not be included in the calculation.

"(6) INTENTIONAL VIOLATIONS.—If it has been determined by a court or Federal agency that any person intentionally—

"(A) affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States; or

"(B) represented that any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States, was produced in the United States, that person shall be debarred from contracting with the Federal Government for a period of not less than 5 years.

"(2) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by adding after the item relating to section 2391 the following new item:

"4715. Domestic sourcing requirement for shipboard components.”

SEC. 864. CONFORMING AMENDMENTS RELATED TO DEPARTMENT OF DEFENSE PROVISIONS.

(a) USE OF UNITED STATES STEEL, IRON, ALUMINUM, AND MANUFACTURED PRODUCTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following section:

"§ 2339d. Use of United States steel, iron, aluminum, and manufactured products in shipbuilding

"(a) IN GENERAL.—The head of an agency may not enter into a contract related to the construction of a vessel unless the steel, iron, aluminum, and manufactured products to be used in the construction of the vessel are produced in the United States.

"(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply where the head of the agency finds—

"(1) that their application would be inconsistent with the public interest;

"(2) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

"(3) that inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.

"(c) IMPLEMENTATION OF EXCEPTIONS.—

"(1) NON-DELEGATION OF AUTHORITY.—The head of an agency may not delegate the authority to make a finding described in subsection (b).

"(2) PUBLICATION.—Not later than 30 days after making a finding described in subsection (b), the head of the agency shall publish in an easily identifiable location on the website of the agency information regarding the finding, including a detailed justification for the exception.

"(4) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year, the head of each executive agency that has made an exception finding described in subsection (b) in the fiscal year shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the total amount of exceptions used and detailed information regarding and justification for the exceptions.

"(5) CALCULATION OF COMPONENT COST.—For purposes of this section, in calculating components’ costs, labor costs involved in final assembly shall not be included in the calculation.

"(6) INTENTIONAL VIOLATIONS.—If it has been determined by a court or Federal agency that any person intentionally—

"(A) affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States; or

"(B) represented that any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States, was produced in the United States, that person shall be debarred from contracting with the Federal Government for a period of not less than 5 years.

"(2) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by adding after the item relating to section 2390 the following new item:

"§ 2393d. Use of United States steel, iron, aluminum, and manufactured products in shipbuilding.”

(3) FUTURE TRANSFER.—

(A) TRANSFER AND REDESIGNATION.—Section 2393d of title 10, United States Code, as added by paragraph (1), is transferred to subchapter I of chapter 385 of title 10, United States Code, added after section 4864, as transferred and redesignated by section 1870(c)(2) of the William M. October 28, 2021 CONGRESSIONAL RECORD — SENATE S7511
(Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), and redesignated as section 4865.

(2) CLERICAL AMENDMENTS.—

(i) Table of Sections.—The table of sections at the beginning of subchapter II of chapter 385 of title 10, United States Code, as added by section 1870(c)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by inserting, after the item related to section 2339d, the following new item:

“4865. Use of United States steel, iron, aluminum, and manufactured products in shipbuilding.”.

(ii) Origin Chapter Table of Sections.—The table of sections at the beginning of chapter 137 of title 10, United States Code, as amended by paragraph (1), is further amended by striking the item relating to section 2339d, the following new item:

“4865. Use of United States steel, iron, aluminum, and manufactured products in shipbuilding.”.

(iii) Target Chapter Table of Sections.—The table of sections at the beginning of chapter II of chapter 385 of title 10, United States Code, as added by section 1870(c)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) takes effect.

(3) EFFECTIVE DATE.—The transfer, redesignation, and amendments made by this paragraph shall take effect immediately after title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) takes effect.

(4) REFERENCES; SAVINGS PROVISION; RULE OF CONSTRUCTION.—Sections 1883 through 1885 of title 10, United States Code, as added by paragraph (1), are further amended, in the Act amendments made by the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) to apply to transfers made under this section, redesignations, and amendments made under this Act as if transfers, redesignations, and amendments made under title XVIII of such Act were made under title XVIII of such Act.

(b) MISCELLANEOUS LIMITATIONS ON THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.—

(1) IN GENERAL.—Section 2534(a)(3)(A) of title 10, United States Code, is amended by adding at the end the following new clauses:

“(i) Air circuit breakers.

(ii) Welded shipboard anchor and mooring chain with a diameter of four inches or less.

(iii) Auxiliary equipment, including pumps, for all shipboard services.

(iv) Propulsion system components, including main propulsion engines, hybrid drive systems, propulsion shafting, engine cranks, reduction gears, and propellers.

(v) Shipboard cranes.

(vi) Spreaders for shipboard cranes.

(vii) Propulsion distribution equipment, Energy Store Systems, energy storage/magazine equipment.

(viii) Auxiliary propulsion units and systems, including bore tunnel thrusters, waterjets, dynamic positioning systems, and hybrid propulsion systems.

(ix) Ship service and emergency power generation equipment (prime movers and generators).

(x) Military Qualified Wire and Cable and derived products.

(xi) Specialized Valves for pneumatic, fuel, firefighting, countermeasure wash down, and chilled water systems.

(xii) Low voltage (LV) and high voltage (HV) switchgear.

(xiii) Power converters.

(xiv) Power inverters.

(xv) Frequency converters.

(xvi) Aircraft Electrical Starting Stations (AESSS).

(xvii) Deagussing systems.

(xviii) Static Automatic Bus Transfer Switches (SABTs).

(xix) Inertial navigation systems and gyrocompass.

(xx) Capstans.

(xxi) Winches.

(xxii) Hoists.

(xxiii) Outboard motors.

“(xxiv) Windlasses.”.

(2) APPLICABILITY OF PREVIOUSLY SUNSETTED PROVISIONS.—Subsection (c)(2)(C) of section 2534 of title 10, United States Code, as amended by the Act, is amended by striking “effective on October 1, 1996” and inserting “shall be in effect during—

“(i) the period beginning on the date of the enactment of this paragraph and ending on October 1, 1996; and

“(ii) the period beginning on the date of the enactment of the Act and ending on October 1, 1996.”.

(c) SEC. 856. APPLICABILITY. The requirements under this subtitle and the amendments made by this subtitle—

(1) apply to contracts entered into before or after the date of the enactment of this Act; and

(2) do not apply to—

(A) contracts entered into before or after the date of the enactment of this Act; or

(B) options included as part of such contracts as of such date of enactment.

SA 4036. Ms. BALDWIN (for herself 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:

SEC. 415. ACCOUNTING OF RESERVE COMPONENT MEMBERS PERFORMING ACTIVE DUTY. The term ‘member of the armed forces’ is defined as an officer or enlisted member of the armed forces, regardless of duty status, and does not include a member of a reserve component of the armed forces while performing active duty.

SEC. 596. WHISTLEBLOWER PROTECTION. For the purpose of the Reserve Components, the following new paragraph:

Section 1384(j) of title 10, United States Code, is amended—

(1) by redesigning paragraphs (1) through (3) as paragraphs (2) through (5), respectively; and

(2) by inserting before paragraph (2), as redesignated by paragraph (1) of this section, the following new paragraph:

“(1) The term ‘member of the armed forces’ is defined as a member of the armed forces on active duty, or an officer or enlisted member of a reserve component of the armed forces, regardless of duty status, as those terms are defined in section 1010 of title 10, United States Code.”.

SA 4037. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 415. ACCOUNTING OF RESERVE COMPONENT MEMBERS PERFORMING ACTIVE DUTY. The term ‘member of the armed forces’ is defined as an officer or enlisted member of a reserve component of the armed forces while performing active duty; and

SEC. 415. ACCOUNTING OF RESERVE COMPONENT MEMBERS PERFORMING ACTIVE DUTY. The term ‘member of the armed forces’ is defined as an officer or enlisted member of a reserve component of the armed forces while performing active duty.

SEC. 596. WHISTLEBLOWER PROTECTION. For the purpose of the Reserve Components, the following new paragraph:

Section 1384(j) of title 10, United States Code, is amended—

(1) by redesigning paragraphs (1) through (3) as paragraphs (2) through (5), respectively; and

(2) by inserting before paragraph (2), as redesignated by paragraph (1) of this section, the following new paragraph:

“(1) The term ‘member of the armed forces’ is defined as an officer or enlisted member of a reserve component of the armed forces, regardless of duty status, as those terms are defined in section 1010 of title 10, United States Code.”.

SA 4038. 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:

SEC. 1943. HONORING THE LAST SURVIVING MEDAL OF HONOR RECIPIENT OF WORLD WAR II. (a) USE OF BOUNTY. The individual who is the last surviving recipient of the Medal of Honor for acts performed during World War II shall be permitted to lie in state in the rotunda of the Capitol upon death, if the individual (or the next of kin of the individual) so elects.

(b) IMPLEMENTATION.—The Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take the necessary steps to implement subsection (a).

SA 4039. 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 B of title III, add the following:

SEC. 318. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FOR STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(1) The term ‘State-owned National Guard facility’ means land owned and operated by a State where such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.”.

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2701(a)(1) of such title is amended, in the first sentence, by inserting “and at State-owned National Guard facilities” before the period.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:

“(D) Each State-owned National Guard facility being used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department at the time of actions leading to contamination by hazardous substances or pollutants or contaminants.”.

SA 4040. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4038 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 paragraph (1), by inserting “and for the purposes of chapter 49 of title 32, the National Guard of the several States” after “Department of Energy.”.

At the end of paragraph (2), by inserting “and for the purposes of chapter 49 of title 32, the National Guard of the several States” after “Department of Energy.”.

At the end of paragraph (3), by inserting “and for the purposes of chapter 49 of title 32, the National Guard of the several States” after “Department of Energy.”.
to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 857. AIR FORCE STRATEGY FOR ACQUISITION OF COMBAT RESCUE AIRCRAFT AND EQUIPMENT.

The Secretary of the Air Force shall submit to the congressional defense committees a strategy for the Department of the Air Force for the acquisition of combat rescue aircraft and equipment that aligns with the stated capability and capacity requirements of the Air Force to meet the national defense strategy (required under section 113(g) of title 10, United States Code) and Arctic Strategy of the Department of the Air Force.

SA 4041. 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 end of subtitle A of title XV, add the following:

SEC. 1516. CONTINUATION OF THE INTERNATIONAL SPACE STATION.

(a) PRESENCE IN LOW- EARTH ORBIT.—

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

(A) it is in the national and economic security interests of the United States to maintain a continuous human presence in low-Earth orbit;

(B) the International Space Station is a strategic national security asset vital to the continuity of research and scientific advancements of the United States; and

(C) low-Earth orbit should be utilized as a testbed to advance human space exploration, scientific discoveries, and United States economic competitiveness and commercial partnership.

(2) HUMAN PRESENCE REQUIREMENT.—The United States shall continuously maintain the capability for a continuous human presence in low-Earth orbit through and beyond the useful life of the International Space Station.

(b) MAINTAINING A NATIONAL LABORATORY IN SPACE.—

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

(A) the United States national laboratory in space, which currently consists of the United States segment of the International Space Station (designated as a national laboratory under section 70905 of title 51, United States Code) —

(i) benefits the scientific community and promotes space research;

(ii) fosters stronger relationships among the National Aeronautics and Space Administration (referred to in this section as ‘‘NASA’’), Federal agencies, the private sector, and research groups and universities;

(iii) advances science, technology, engineering, and mathematics education through utilization of the unique microgravity environment; and

(iv) advances human knowledge and international cooperation;

(B) after the International Space Station is decommissioned, the United States should maintain a national microgravity laboratory in space;

(C) in maintaining a national microgravity laboratory described in subparagraph (B), the United States should make appropriate accommodations for different types of ownership and operational structures for the International Space Station and future space stations.

(D) the national microgravity laboratory described in subparagraph (B) should be maintained beyond the date on which the International Space Station is decommissioned and, if possible, in cooperation with international space partners to the extent practicable; and

(E) NASA shall continue to support fundamental science research on future platforms in low-Earth orbit and cis-lunar space, short duration suborbital flights, drop towers, and other microgravity testing environments.

(2) REPORT.—The Administrator of NASA shall produce, in coordination with the National Space Council and Federal agencies as the Administrator considers relevant, a report detailing the feasibility of establishing a microgravity national laboratory federally funded research and development center to undertake the work related to the study and utilization of in-space conditions.

(c) CONTINUATION OF AUTHORITY.—

(1) IN GENERAL.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking ‘‘2024’’ and inserting ‘‘2030’’.

(2) MAINTENANCE OF THE UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATION OF THE INTERNATIONAL SPACE STATION.—Section 503(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking ‘‘2024’’ and inserting ‘‘2030’’.

(3) RESEARCH CAPACITY, LOCATION, AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by striking ‘‘2024’’ each place it appears and inserting ‘‘2030’’.

(4) MAINTAINING USE THROUGH AT LEAST 2028.—Section 70907 of title 51, United States Code, is amended—

(A) in the section heading, by striking ‘‘2024’’ and inserting ‘‘2030’’; and

(B) by striking ‘‘2024’’ each place it appears and inserting ‘‘2030’’.

(5) TRANSITION PLAN REPORTS.—Section 50111(c)(2) of title 51, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ‘‘2023’’ and inserting ‘‘2026’’; and

(2) in subparagraph (J), by striking ‘‘2028’’ and inserting ‘‘2030’’.

(6) DEPARTMENT OF DEFENSE ACTIVITIES ON INTERNATIONAL SPACE STATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) identify and review each activity, program, and project of the Department of Defense completed, being carried out, or planned to be carried out on the International Space Station as of the date of the review; and

(B) provide to the appropriate committees of Congress a briefing that describes the results of the review.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ‘‘appropriate committees of Congress’’ means—

(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives.

SA 4042. Ms. ROSEN (for herself, Mr. REED and 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. 222A. NATIONAL CYBER EXERCISE PROGRAM.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following new section:

SEC. 222A. NATIONAL CYBER EXERCISE PROGRAM.

(1) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—There is established in the Agency the National Cyber Exercise Program (referred to in this section as the ‘‘Exercise Program’’) to evaluate the National Cyber Incident Response Plan, and other related plans and strategies.

(B) REQUIREMENTS.—

(i) based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(ii) designed, to the extent practicable, to simulate the partial or complete incapacitation of a government or critical infrastructure network resulting from a cyber incident;

(iii) designed to provide for the systematic evaluation of cyber readiness and enable operational and tactical action planning for the cyber incident response system and relevant information sharing agreements; and

(iv) designed to promptly develop after-action reports and plans that can be incorporated lessons learned into future operations.

(B) MODEL EXERCISE SELECTION.—The Exercise Program shall—

(i) include a selection of model exercises that government and private entities can readily adapt for use; and

(ii) provide for systematic evaluation of readiness.

(2) CONSULTATION.—In carrying out the Exercise Program, the Director may consult with appropriate representatives from Sector Risk Management Agencies, the Office of the National Cyber Director, cybersecurity
research stakeholders, and Sector Coordinating Councils.

"(b) DEFINITIONS.—In this section:

(1) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other Territory or possession of the United States.

(2) PRIVATE ENTITY.—The term 'private entity' has the meaning given such term in section 102 of the Comprehensive Nuclear-Test-Ban Treaty Implementation Act of 2015 (6 U.S.C. 1501).

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authorities of the Administrator of the Federal Emergency Management Agency pursuant to section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748)."

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2217 the following:

"Sec. 2220A. National Cyber Exercise Program."

SA 4043. 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 end of subtitle C of title VIII, add the following:

SEC. 2220. MODIFICATION OF PROHIBITION ON ACQUISITION OF CERTAIN SENSITIVE MATERIALS.

(a) EXTENSION OF PROHIBITION TO MINE, REFINED, AND SEPARATED MATERIALS.—Subsection (a)(1) of section 2533c of title 10, United States Code, is amended by inserting "melted or produced" and "mined, refined, separated, melted, or produced".

(b) COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM EXCEPTION.—Subsection (c)(3)(A)(i) of such section is amended by striking "50 percent or more" and inserting "50 percent or more covered material".

SA 4044. 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 in title XII, insert the following:

SEC. 12 __ UNITED STATES-ISRAEL DIRECTED ENERGY CAPABILITIES COOPERATION.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of Defense, upon request of the President, and with the concurrence of the Secretary of State, is authorized to carry out research, development, test, and evaluation activities on a joint basis with Israel to establish directed energy capabilities that address threats to the United States, deployed forces of the United States, or citizens of the United States.

(2) PROTECTION OF SENSITIVE INFORMATION AND NATIONAL SECURITY INTERESTS.—Any activity carried out under paragraph (1) shall be conducted in a manner that appropriately protects sensitive information, the national security interests of the United States, and the national security interests of Israel.

(3) REPORT.—The activities described in paragraph (1) may be carried out jointly after the date on which the Secretary of Defense submits to the appropriate committees of Congress a report setting forth a detailed description of the support to be provided.

(b) SUPPORT FOR ACTIVITIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of Defense is authorized to provide maintenance and sustainment support to Israel for the activities authorized under subsection (a)(1), including support for the installation of equipment necessary to carry out such activities.

(2) REPORT.—The support described in paragraph (1) may not be provided until 15 days after the date on which the Secretary of Defense submits to the appropriate committees of Congress a report setting forth a detailed description of the support to be provided.

(c) MATCHING CONTRIBUTION.—The support described in paragraph (1) may not be provided to Israel unless the Secretary of Defense notifies the appropriate committees of Congress that the Government of Israel will contribute to such support.

(1) AN AMOUNT TO NOT LESS THAN THE AMOUNT OF SUPPORT TO BE SO PROVIDED;

(2) AN AMOUNT THAT OTHERWISE MEETS THE BEST EFFORTS OF ISRAEL, AS MUTUALLY AGREED TO BY THE UNITED STATES AND ISRAEL.

(c) LEAD AGENCY.—The Secretary of Defense shall designate an appropriate research and development entity of a military department as the lead agency of the Department of Defense in carrying out this section.

(d) ANNUAL REPORT.—Not less frequently than annually, the Secretary of Defense shall submit to the appropriate committees of Congress a report that contains a copy of the [two] most recent semiannual reports provided by the Government of Israel to the Department of Defense pursuant to subsection (a)(3)(B)(iii).

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

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence;

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the Senate; and

(3) the House of Representatives.

SA 4045. 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 end of subtitle A of title XV, add the following:

SEC. 1516. ADDITIONAL FUNDING FOR EDGEONE.

(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 $1,000,000 with the amount of the increase to be available for EdgeOne Enterprise Ground Services (PE 1206776SP).

(b) AVAILABILITY.—The amount available under subsection (a) shall be available for ongoing implementation of EdgeOne within the Enterprise Ground Services.

SA 4046. 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. __ REPORT ON EFFORTS TO EXPAND DISTRIBUTION OF ENTERPRISE SOFTWARE; FIVE-YEAR BLANKET PURCHASE AGREEMENTS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the efforts of the Secretary to expand the distribution of enterprise software initiative (EBI) blanket purchase agreements (BPAs).

SA 4047. 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 in title V, insert the following:

SEC. 576. PROHIBITION ON LIMITING OF CERTAIN PARENTAL GUARDIANSHIP RIGHTS OF CADETS AND MIDSHIPMEN.

(a) PROHIBITION.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Transportation, in consultation
with the Secretaries of the military departments and the Superintendent of each military service academy, as appropriate, shall prescribe in regulations policies ensuring that the cadet or midshipman is protected consistent with individual and academic responsibilities.

(2) PROTECTION OF PARENTAL GUARDIANSHIP RIGHTS.—The regulations prescribed under paragraph (1) shall provide that—

(A) a cadet or midshipman of a military service academy may not be required to give up his or her parental guardianship rights in the event of a pregnancy occurring after the beginning of the cadet’s or midshipman’s first quarter of academic courses;

(B) except as provided under paragraph (3), military service academy may not involuntarily disenroll a cadet or midshipman who becomes pregnant or fathers a child while enrolled at the academy; and

(C) a cadet or midshipman who becomes pregnant while enrolled at a military service academy shall be allowed to take unpaid medical leave for up to one year and return to the academy to resume classes afterward.

(3) RESPONSIBILITIES OF PARENTS ENROLLED AT MILITARY SERVICE ACADEMIES.—The regulations prescribed under paragraph (1) shall require cadets and midshipmen with dependents to establish a family care plan with appropriate academy leadership. The family care plan shall include the following provisions:

(A) The care plan must include a full-time provider responsible for the dependent who is not enrolled at the military service academy, as another parent or guardian of the dependent or a family member of the cadet or midshipman. The full-time care provider must have either full-power-of-attorney authority or guardianship rights in order to prevent situations where the cadet or midshipman is pulled away from his or her duties and responsibilities at the military service academy. The cadet or midshipman may not rely on base facilities or child-care services, and must be able to function as any other cadet, including residing in academy dormitories.

(B) Except as provided under paragraphs (4) and (5), the care plan of a midshipman may not receive additional compensation, benefits, or concessions from the military service academy on account of having a dependent, to include, or in lieu of, the dependent or dependents of the midshipman who is not enrolled at the military service academy.

(C) A cadet or midshipman with a dependent may not be excused on account of such dependent from standard classes, training, travel, requirements, or any other responsibilities inherent to attending a military service academy.

(D) If both parents of a dependent are cadets or midshipmen, they must agree on the family care plan or face expulsion with no incurred obligations.

(E) If at any point the family care plan is no longer acceptable, matters are not covered by the cadet or midshipman’s academic or training requirements, the cadet or midshipman may apply for disenrollment.

(4) CONTRACT FOR PREGNANTCADETS AND MIDSHIPMEN.—The regulations prescribed under paragraph (1) shall provide that females becoming pregnant while enrolled at a military service academy shall have, at a minimum, the following options:

(A) At the conclusion of the current semesters or when otherwise deemed medically appropriate, and midshipmen leaving the military service academy for up to one year followed by a return to full cadet or midshipman status (if remaining otherwise qualified).

(B) Seek a transfer to a university with a Reserve Officer Training Program for military service under the military department concerned.

(C) Full release from the military service academy and any service related obligations.

(D) Enlistment in active duty service, with all of the attendant benefits.

(5) TREATMENT OF MALES FATHERING A CHILD WHILE ENROLLED AT MILITARY SERVICE ACADEMIES.—The regulations prescribed under paragraph (1) shall provide that males fathering a child while enrolled at a military service academy—

(A) shall not be required to give up parental rights; and

(B) shall not acquire any benefits or leave considerations as a result of fathering a child, except that—

(i) the academy leadership shall establish policies to allow cadets and midshipmen at least one week of leave to attend the birth, which must be used in conjunction with the birth; and

(ii) in the event the male father becomes the sole financial provider for a dependent, the academy leadership shall exercise the same options available to a cadet or midshipman who becomes a mother while enrolled, including remaining enrolled in accordance with the academy’s established plan pursuant to paragraph (3) or selecting one of the options outlined in subparagraphs (B) and (C) of paragraph (4).

(b) REQUIREMENT.—An entity offering to supply fuel to any overseas location of the Department of Defense shall—

(1) certify that—

(A) it has not been suspended or debarred from receiving Federal Government contracts; and

(B) the fuel to be provided, in whole or in part, on any derivative contract is not sourced from a country or region prohibited from selling petroleum to the United States, such as Iran or Venezuela;

(2) provide such records as are necessary to verify compliance with such anticorruption statutes and regulations as the Secretary considers necessary, including, without limitation—

(A) the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–1 et seq.); and

(B) the International Traffic in Arms Regulations contained in subchapter C of chapter VII of title 15, Code of Federal Regulations (or successor regulations);

(3) disseminate—

(A) any relevant communications between the entity and relevant individuals, organizations, or governments that directly or indirectly control public access to the location of the contract performance; and

(B) employees or contractors of the entity that worked for the Department of Defense in any contracting or policymaking position during the 10-year period immediately preceding the award.

(c) PROVISION OF FUEL AS A LOGISTICS SERVICE.—Subsection (c)(3) of section 880 of the Department of Defense Authorization Act for Fiscal Year 2019 (41 U.S.C. 3701 note) is amended by inserting “, including bulk fuel supply and delivery,” after “logistics services.”

(d) REPORT.—Not later than 180 days after the date on which a contract exceeding $25,000,000 is awarded, the supply of fuel to any overseas location in which the United States is engaged in contingency operations, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report that includes—

(1) an assessment of the price per gallon for fuel under the contract, together with an assessment of the price per gallon for fuel paid by other organizations in the same country or region of such country; and

(2) an assessment of the ability of the contracted entity to comply with sanctions on Iran and monitor for violations of such sanctions.

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SEC. 4048. Mr. CRUZ submitted an amendment (Mr. REED amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill S. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for energy activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

FUEL SUPPLIES.

SEC. 12. FUEL SUPPLIES.

(a) IN GENERAL.—Before awarding a contract to an entity for the supply of fuel to any overseas location in which the United States is engaged in contingency operations, the Secretary of Defense shall ensure that—

(1) to the extent practicable, any supplier of fuel that would otherwise be responsible for providing such a supply of fuel has not been disqualified from supplying fuel on the basis of an unsupported denial of access to a facility or equipment by the host country government; and

(2) the entity complies with subsection (b).

(b) REQUIREMENT.—An entity offering to supply fuel to any overseas location of the Department of Defense shall—

(1) certify that—

(A) it has not been suspended or debarred from receiving Federal Government contracts; and

(B) the fuel to be provided, in whole or in part, on any derivative contract is not sourced from a country or region prohibited from selling petroleum to the United States, such as Iran or Venezuela;

(2) provide such records as are necessary to verify compliance with such anticorruption statutes and regulations as the Secretary considers necessary, including, without limitation—

(A) the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–1 et seq.); and

(B) the International Traffic in Arms Regulations contained in subchapter C of chapter VII of title 15, Code of Federal Regulations (or successor regulations); and

(3) disseminate—

(A) any relevant communications between the entity and relevant individuals, organizations, or governments that directly or indirectly control public access to the location of the contract performance; and

(B) employees or contractors of the entity that worked for the Department of Defense in any contracting or policymaking position during the 10-year period immediately preceding the award.

(c) PROVISION OF FUEL AS A LOGISTICS SERVICE.—Subsection (c)(3) of section 880 of the Department of Defense Authorization Act for Fiscal Year 2019 (41 U.S.C. 3701 note) is amended by inserting “, including bulk fuel supply and delivery,” after “logistics services.”

(d) REPORT.—Not later than 180 days after the date on which a contract exceeding $25,000,000 is awarded, the supply of fuel to any overseas location in which the United States is engaged in contingency operations, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report that includes—

(1) an assessment of the price per gallon for fuel under the contract, together with an assessment of the price per gallon for fuel paid by other organizations in the same country or region of such country; and

(2) an assessment of the ability of the contracted entity to comply with sanctions on Iran and monitor for violations of such sanctions.

SEC. 4049. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 3867 by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for energy activities of the Department of 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, line 8, strike “foam” and insert “solution”.
the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. PARTICIPATION BY DEPARTMENT OF DEFENSE IN POLLUTANT BANKING AND WATER QUALITY TRADING PROGRAMS.

(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged in an authorized activity that may or will result in the discharge of pollutants, may make payments to a pollutant banking program or water quality trading program approved in accordance with the Water Quality Trading Policy dated January 13, 2003, set forth by the Office of Water of the Environmental Protection Agency, or any successor administrative regulation.

(b) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a pollutant banking program or water quality trading program approved in accordance with the Water Quality Trading Policy dated January 13, 2003, set forth by the Office of Water of the Environmental Protection Agency, or any successor administrative regulation, shall be treated as eligible project costs for military construction.

(c) DISCHARGE OF POLLUTANTS DEFINED.—In this section, the term “discharge of pollutants” has the meaning given that term in section 502(12) of the Federal Water Pollution Control Act (33 U.S.C. 1362(12)) (commonly referred to as the “Clean Water Act”).

SA 4051. Mr. CRUZ (for himself 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 V, add the following:

SEC. 396. ANNUAL REPORT ON RELIGIOUS EXEMPTIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the granting of religious exemptions to members of the Armed Forces during the previous fiscal year.

(b) ELEMENTS.—The report required under subsection (a) shall include the following information, disaggregated by religion and by military service:

(1) The number of requests for religious exemptions that were received by the Department of Defense.

(2) The number of such requests exemptions that were granted.

(3) The number of such requested exemptions that were denied.

SA 4052. Mr. CRUZ (for himself, Mr. MARSHALL, and Mrs. ENYEDRICH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 VII, insert the following:

SEC. 7. MEDICAL EXEMPTION FOR COVID–19 VACCINE REQUIREMENT FOR MEMBERS OF THE ARMED FORCES WITH NATURAL IMMUNITY.

The Secretary of Defense shall offer to any member of the Armed Forces who has previously contracted COVID–19 and has natural immunity a medical exemption for any requirement that the member receive a vaccine for COVID–19.

SA 4053. 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 in title XII, insert the following:

SEC. 12. STATUS OF TAIWAN UNDER THE ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in section 3(b)(2), by inserting “the Government of Taiwan,” before “or the Government of New Zealand”;

(2) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(b), 21(e)(2)(A), 36(b)(1), 36(b)(2), 36(b)(6), 36(c)(2)(A), 36(c)(5), 36(d)(2)(A), 63(c)(1), and 63(a)(2), by inserting “Taiwan,” before “or New Zealand” each place it appears; and

(3) in sections 21(h)(1)(A) and 21(h)(2), by inserting “Taiwan,” before “or Israel” each place it appears.

SA 4054. 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 in title II, insert the following:

SEC. 4. ADDITIONAL FUNDING FOR STEEL PERFORMANCE INITIATIVE.

(a) ADDITIONAL FUNDING.—The amount authorized to be appropriated for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, was $50,000,000.

(b) AVAILABILITY.—The amount available under paragraph (1) shall be available to support the Steel Performance Initiative.

SA 4056. 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 end of subtitle E of title III, add the following:

SEC. 376. IMPROVEMENT OF EXISTING FACILITIES AND SERVICES FOR MILITARY WORKING DOGS.

(a) IN GENERAL.—The Secretary of Defense shall improve existing facilities and services for military working dogs.
SA 4057. 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 end of subtitle B of title VII, add the following:

SEC. 728. IMPROVEMENTS TO PROCESSES TO REDUCE FINANCIAL HARM CAUSED TO CIVILIANS FOR CARE PROVIDED AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) CLARIFICATION OF FEE WAIVER PROCESS.—Section 1079b of title 10, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

‘‘(b) WAIVER OF FEES.—Each commander (or director, as applicable) of a military medical treatment facility shall issue waivers for a fee that would otherwise be charged under the procedures implemented under subsection (a) to a civilian provided medical care at the facility who is not a covered beneficiary if the provision of such care enhances the knowledge, skills, and abilities of health care providers, as determined by the responsible commander or director; and

(2) by redesignating subsection (c) as subsection (d),

(b) MODIFIED PAYMENT PLAN FOR CERTAIN CIVILIANS.—

(1) IN GENERAL.—Such section is further amended by inserting after subsection (b), as amended by subsection (a), the following:

‘‘(c) MODIFIED PAYMENT PLAN FOR CERTAIN CIVILIANS.—

(I) A civilian specified in subsection (a) is covered for care provided by a third-party payer, insurance, medical service, or health plan for which the civilian is not the Payer for care provided to a civilian described in such paragraph shall provide the payment plan established under subsection (c) of section 1079b of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

SA 4058. Mr. CRUZ (for himself 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 of subtitle D of title XXVII, add the following:

SEC. 2836. MODIFICATION OF INFRASTRUCTURE TO EXPEDITE THE DEPLOYMENT BY RAIL OF HEAVY ARMORED DIVISIONS AND ASSOCIATED EQUIPMENT FROM INSTALLATIONS OF THE ARMY TO NAVAL PORTS.

(a) IN GENERAL.—The Secretary of Defense shall modify or improve the infrastructure necessary to expedite the deployment by rail of heavy armored divisions and associated equipment to naval ports in the United States to naval ports in support of a large-scale conflict with a near-peer adversary to ensure that installations of the Army that house armored divisions have a rail facility with multiple spurs to allow for the expedited deployment of troops and equipment.

(b) USE OF AMOUNTS.—The Secretary may expend not more than $150,000,000 to carry out the requirements under subsection (a).

SA 4059. 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 miliary activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. AUTHORIZATION OF AMOUNTS TO THE DEPARTMENT OF DEFENSE TO BE USED TO CONDUCT ANNUAL AND PERIODIC INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE TRAINING ALONG THE LAND AND WATER BORDERS OF THE UNITED STATES.

(a) AUTHORIZATION OF AMOUNTS.—

(I) JOINT TASK FORCE NORTH.—The amount authorized to be appropriated to the Department of Defense for fiscal year 2022 for operation and maintenance for the Joint Task Force North is hereby increased by $25,000,000.

(II) JOINT INTERAGENCY TASK FORCE SOUTH.—The amount authorized to be appropriated to the Department of Defense for fiscal year 2022 for operation and maintenance for the Joint Interagency Task Force South is hereby increased by $25,000,000.

(b) USE OF AMOUNTS.—

(I) IN GENERAL.—The amounts of the increases described in subparagraphs (1) and (2) of subsection (a) shall be used by aviation units from the Army, Navy, and Air Force to conduct annual and periodic intelligence, surveillance, and reconnaissance training along the land and water borders of the United States.

(II) USE OF CAMERA FEEDS.—In conducting training under paragraph (1), aviation units described in such paragraph shall provide the feed from any cameras or sensors used on the aircraft during the training to the U.S. Customs and Border Protection.

SA 4060. 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 end of subtitle G of title X, add the following:

SEC. 1064. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF REAL ESTATE PURCHASES OR LEASES NEAR MILITARY INSTALLATIONS OR MILITARY AIRSPACE.

(a) INCLUSION IN DEFINITION OF COVERED TRANSACTION.—Section 721a(a)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)) is amended—

(1) in paragraph (A)—

(A) in clause (i), by striking ‘‘; and’’ and inserting a semicolon;

and

(2) in clause (ii), by striking the period at the end and inserting ‘‘; and’’;

and

(C) by adding at the end the following:

‘‘(iii) any transaction described in subparagraph (B)(iv) that is proposed, pending, or completed on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022,’’;

and

SEC. 376. AUTHORIZATION OF AMOUNTS TO THE DEPARTMENT OF DEFENSE TO BE USED TO CONDUCT ANNUAL AND PERIODIC INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE TRAINING ALONG THE LAND AND WATER BORDERS OF THE UNITED STATES.

(a) AUTHORIZATION OF AMOUNTS.—

(I) JOINT TASK FORCE NORTH.—The amount authorized to be appropriated to the Department of Defense for fiscal year 2022 for operation and maintenance for the Joint Task Force North is hereby increased by $25,000,000.

(II) JOINT INTERAGENCY TASK FORCE SOUTH.—The amount authorized to be appropriated to the Department of Defense for fiscal year 2022 for operation and maintenance for the Joint Interagency Task Force South is hereby increased by $25,000,000.

(b) USE OF AMOUNTS.—

(I) IN GENERAL.—The amounts of the increases described in subparagraphs (1) and (2) of subsection (a) shall be used by aviation units from the Army, Navy, and Air Force to conduct annual and periodic intelligence, surveillance, and reconnaissance training along the land and water borders of the United States.

(II) USE OF CAMERA FEEDS.—In conducting training under paragraph (1), aviation units described in such paragraph shall provide the feed from any cameras or sensors used on the aircraft during the training to the U.S. Customs and Border Protection.

SA 4060. 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 end of subtitle G of title X, add the following:

SEC. 1064. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF REAL ESTATE PURCHASES OR LEASES NEAR MILITARY INSTALLATIONS OR MILITARY AIRSPACE.

(a) INCLUSION IN DEFINITION OF COVERED TRANSACTION.—Section 721a(a)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)) is amended—

(1) in paragraph (A)—

(A) in clause (i), by striking ‘‘; and’’ and inserting a semicolon;

and

(2) in clause (ii), by striking the period at the end and inserting ‘‘; and’’;

and

(C) by adding at the end the following:

‘‘(iii) any transaction described in subparagraph (B)(iv) that is proposed, pending, or completed on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022,’’; and

SEC. 376. AUTHORIZATION OF AMOUNTS TO THE DEPARTMENT OF DEFENSE TO BE USED TO CONDUCT ANNUAL AND PERIODIC INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE TRAINING ALONG THE LAND AND WATER BORDERS OF THE UNITED STATES.

(a) AUTHORIZATION OF AMOUNTS.—

(I) JOINT TASK FORCE NORTH.—The amount authorized to be appropriated to the Department of Defense for fiscal year 2022 for operation and maintenance for the Joint Task Force North is hereby increased by $25,000,000.

(II) JOINT INTERAGENCY TASK FORCE SOUTH.—The amount authorized to be appropriated to the Department of Defense for fiscal year 2022 for operation and maintenance for the Joint Interagency Task Force South is hereby increased by $25,000,000.

(b) USE OF AMOUNTS.—

(I) IN GENERAL.—The amounts of the increases described in subparagraphs (1) and (2) of subsection (a) shall be used by aviation units from the Army, Navy, and Air Force to conduct annual and periodic intelligence, surveillance, and reconnaissance training along the land and water borders of the United States.

(II) USE OF CAMERA FEEDS.—In conducting training under paragraph (1), aviation units described in such paragraph shall provide the feed from any cameras or sensors used on the aircraft during the training to the U.S. Customs and Border Protection.

(1) by redesignating subclauses (I), (II), and (III) as items (aa), (bb), and (cc), respectively, and by moving such items, as so redesignated, 2 ems to the right;

(2) by striking clauses (I), (II), and (III), respectively, and by moving such subclauses, as so redesignated, 2 ems to the right; and

(3) by striking “Subject to” and inserting the following:

“(i) In general.—Subject to; and

(4) by adding at the end the following:


(A) in clause (IV), by striking “; and” and inserting a semicolon;

(B) in subclause (V), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(VI) with respect to covered transactions described in subsection (a)(4)(B)(vii).

(d) LIMITATION ON APPROVAL OF ENERGY PROJECTS RELATED TO REVIEWS CONDUCTED BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

(1) REVIEW BY SECRETARY OF DEFENSE.—Section 183a of title 10, United States Code, is amended—

(A) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) SPECIAL RULE RELATING TO REVIEW BY COMMITTEE ON FOREIGN INVESTMENT OF THE UNITED STATES.—(1) If, during the period during which the Department of Defense is reviewing an application for an energy project filed with the Secretary of Transportation under section 4718 of title 49, the purchase, lease, or concession of real property on which the project is planned to be located is under review or investigation by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), the Secretary of Defense—

(A) may not complete review of the project until the Committee concludes action under such section 721 with respect to the purchase, lease, or concession; and

(B) shall notify the Secretary of Transportation of the delay.

(2) If the Committee on Foreign Investment in the United States determines that the purchase, lease, or concession of real property on which an energy project described in paragraph (1) is planned to be located threatens to impair the national security of the United States and refers the purchase, lease, or concession to the President for further action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. 4565d), the Secretary of Defense shall—

(A) find under subsection (e)(1) that the project would result in an unacceptable risk to the national security of the United States;

(B) transmit that finding to the Secretary of Transportation for inclusion in the report required under section 4718(b)(2) of title 49; and

(C) by inserting after subsection (g) the following new subsection (h):—

“(h) SPECIAL RULE RELATING TO REVIEW BY COMMITTEE ON FOREIGN INVESTMENT OF THE UNITED STATES.—(1) The Secretary of Transportation may not issue a determination pursuant to this section with respect to a proposed structure to be located on real property the purchase, lease, or concession of which is under review or investigation by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) until—

(A) the Committee concludes action under such section 721 with respect to the purchase, lease, or concession; and

(B) the Secretary of Defense—

(A) issues a finding under section 183e of title 10; or

(B) advises the Secretary of Transportation that no finding under section 183e of title 10 will be forthcoming.”

SA 4061. Mr. CRUZ submitted an amendment intended to be proposed to an amendment submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1424. BRIEFING ON ABILITY OF DEPARTMENT OF DEFENSE TO RECOVER RARE EARTH MATERIALS FROM END-OF-LIFE ITEMS.

Not later than October 1, 2022, the Under Secretary of Defense for Acquisition and Sustainment on behalf of the Department shall brief the Armed Services of the Senate and the House of Representatives on the ability of the Department of Defense to identify end-of-life items that contain rare earth materials; to sell or bar such items to rare earth recycling manufacturers; and to ensure that recovered rare earth materials and other critical materials are retained in the United States.

SA 4062. Mr. OSSOFF (for himself, Mr. TILLIS, Mr. SCOTT of South Carolina, Mr. KING, Ms. CORTEZ masto, Mr. KELLY, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 3667 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 66. DR. DAVID SATCHELL CYBERSECURITY EDUCATION GRANT PROGRAM.

(a) Definitions.—In this section:

(1) ENROLLMENT OF NEEDY STUDENTS.—The term ‘‘enrollment of needy students’’ has the meaning given the term in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1070d).

(2) 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).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ‘‘institution of higher education’’ has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) MINORITY-SERVING INSTITUTION.—The term ‘‘minority-serving institution’’ means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067(a)).

(5) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Homeland Security.

(b) AUTHORIZATION OF GRANTS.—

(1) IN GENERAL.—The Secretary shall—

(A) award grants to assist institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, minority-serving institutions, and minority-serving institutions of higher education to build and upgrade cybersecurity programs, to build and upgrade institutional capacity to better support new or existing cybersecurity programs, to develop partnerships with public and private entities, and to support such institutions on the path to producing qualified entrants into the cybersecurity workforce or building a National Center of Academic Excellence in Cybersecurity; and

(B) award grants to build capacity at institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to expand cybersecurity education opportunities, cybersecurity technology and programs, cybersecurity research, and cybersecurity partnerships with public and private entities.

(2) RESERVATION.—The Secretary shall award not less than 50 percent of the amount available for grants under this section to historically Black colleges and universities and minority-serving institutions.

(c) COORDINATION.—The Secretary shall carry out this section in coordination with the National Initiative for Cybersecurity Education, at the National Institute of Standards and Technology.

(d) SUNSET.—The Secretary’s authority to award grants under paragraph (1) shall terminate on the date that is 2 years after the date the Secretary first awards a grant under paragraph (1).

(e) AMOUNTS TO REMAIN AVAILABLE.—Notwithstanding section 1552 of title 31, United States Code, or any other provision of law, funds available to the Secretary for obligation for a grant under this section shall remain available for obligation for 2 years after the last day of the performance period of such grant.

(f) APPLICATIONS.—An eligible institution seeking a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including a statement of how the institution will use the funds awarded through the grant to expand cybersecurity education opportunities at the eligible institution.

(g) ACTIVITIES.—An eligible institution that receives a grant under this section may use the funds awarded through such grant for initiating research, training, technical, partnership, and innovation capacity, including for—
(1) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities;

(2) building and upgrading institutional capacity to provide hands-on research and training experiences for undergraduate and graduate students;

(3) outreach and recruitment to ensure students are aware of such new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities;

(e) REPORTING REQUIREMENTS.—Not later than—

(1) 1 year after the date of enactment of this Act, and annually thereafter until the Secretary submits the report under paragraph (2), the Secretary shall prepare and submit to Congress a report on the status and progress of implementation of the grant program under this section, including on the number and nature of institutions participating, the number and nature of students served by institutions receiving grants, the level of funding provided to grant recipients, the types of activities being funded by the grants, and plans for future implementation and development; and

(2) 5 years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report on the status of cybersecurity education programming and capacity-building at institutions receiving grants under this section, including changes in the scale and scope of these programs, associated facilities, or in accreditation status, and on the educational and employment outcomes of students participating in cybersecurity programs that have received support under this section.

(f) PERFORMANCE METRICS.—The Secretary of Homeland Security shall establish performance metrics for grants awarded under this section.

SA 4063. 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:

SEC. 3001. ACCOMMODATING UTILITY FACILITIES IN THE RIGHT-OF-WAY.

Section 109 of title 23, United States Code, is amended—

(1) in subsection (i)—

(A) by striking paragraph (2); and

(B) by striking the subsection designation and all that follows through “In determining” in paragraph (1) in the matter preceding subparagraph (A) and inserting the following:

“(1) ACCOMMODATING UTILITY FACILITIES IN THE RIGHT-OF-WAY.—

“(1) DEFINITIONS.—In this subsection:

“(A) INDIAN LAND.—The term ‘Indian land’ means—

(i) land located within the boundaries of—

(1) Indian reservation, pueblo, or rancheria; or

(ii) a former reservation within Oklahoma; and

(iii) land not located within the boundaries of an Indian reservation, pueblo, or rancheria—

“(I) the title to which is held in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(II) the title to which is held by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(III) the title to which is held by a dependent Indian, when—

(II) the term ‘right-of-way’ means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway.

“(C) UTILITY FACILITY.—

“(1) IN GENERAL.—The term ‘utility facility’ means—

(II) electrical transmission and distribution infrastructure; and

(III) broadband infrastructure and conduit.

“(2) ACCOMMODATION.—In determining—

(C) by adding at the end the following:

“(3) STATE APPROVAL.—A State, on behalf of the Secretary, may approve accommodating a utility facility described in paragraph (1)(C) within a right-of-way on a Federal-aid highway.

“(4) EXCLUSION.— Paragraph (3) shall not apply to a utility facility on Indian land.

“(b) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter or affect—

“(A) the regulatory classification of broadband services or facilities under the Communications Act of 1934 (47 U.S.C. 151 et seq.); or

“(B) any prohibition on commercial activity under section 111(a), (c) and (d).

“(2) by adding at the end the following:

“(e) VEGETATION MANAGEMENT.—States are encouraged to enter into partnerships to implement, vegetation management practices, such as increased mowing heights and planting native grasses and pole-or-stake-defensible right-of-way on a Federal-aid highway, if the implementation of those practices—

“(1) is in the public interest; and

“(2) will not impair the highway or interfere with the free and safe flow of traffic.”.

SA 4064. 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:

SEC. 2386. REPORT ON CAPACITY OF CHILD DEVELOPMENT CENTERS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written report providing an update on child development centers of the Department of Defense.

(b) ELEMENTS.—Each report submitted under subsection (a) shall—

(1) provide data on the capacity of child development centers through the Department, including infrastructure, staffing, waitlists, and resources, set forth in the aggregate and by installation and Armed Force; and

(2) highlight, by installation, whether demand by members of the Armed Forces for child care is greater or less than the existing capacity at such centers; and

(3) determine whether plans and adequate funding authority exist to remedy any identified shortfalls in child care capacity for the Department of Defense.

SA 4065. 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:

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

(a) PILOT PROGRAM.—The Undersecretary of Defense for Research and Engineering shall establish activities, including outreach and technical assistance, to better connect historically Black colleges and universities to the programs of the Defense Innovation Unit and its associated programs that promote entrepreneurship and innovation at these institutions.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the 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, 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 partnerships and programs.

SA 4066. 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 F of title X, add the following:

SEC. 4066. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES REGARDING DEFENSE INNOVATION UNIT PROGRAMS THAT PROMOTE ENTREPRENEURSHIP AND INNOVATION AT INSTITUTIONS OF HIGHER EDUCATION.

(a) PILOT PROGRAM.—The Undersecretary of Defense for Research and Engineering shall establish activities, including outreach and technical assistance, to better connect historically Black colleges and universities to the programs of the Defense Innovation Unit and its associated programs that promote entrepreneurship and innovation at these institutions.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the 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, 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 partnerships and programs.
meet during the session of the Senate on Thursday, October 28, 2021, at 10 a.m., to conduct a hearing.

COMMITEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, October 28, 2021, at 9 a.m., to conduct a hearing.

COMMITEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, October 28, 2021, at 10:15 a.m., to conduct a hearing.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, October 28, 2021, at 9:30 a.m., to conduct a hearing.

ORDERS FOR MONDAY, NOVEMBER 1, 2021

Mr. KAINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, November 1; that following the prayer and pledge, the morning hour be deemed expired; that the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Davidson nomination; further, that at 5:30 p.m., the Senate vote on the confirmations of the Robinson and Heytens nominations in the order listed; finally, that if any nominations are confirmed during Monday’s session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 1, 2021, AT 3 P.M.

Mr. KAINE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Monday, November 1, 2021, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

ALAN DAVIDSON, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCIAL AND INNOVATION, VIC RECS MEDIA.

FEDERAL COMMUNICATIONS COMMISSION

JESSICA ROSENWORCEL, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2021, TO BE REAPPOINTED.

GIDI Y. SOEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2021, VIC-APPT-VAARADARAJ PAL-TERM EXPIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROBERT OTTO SERRUCA, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VIC-REAIN.

DEPARTMENT OF STATE

CHRISTOPHER H. HILL, OF RHODE ISLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

DEPARTMENT OF COMMERCE

KATHERINE VIDAL, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLIGENCE, PROPERTY AND TRADEMARK OFFICE, VIC ANGIE LAM.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1209.

To be rear admiral (lower half)
CAPT. FRANKLIN H. SCHAFER
CAPT. TIPHANY G. DANKO

CONFIRMATIONS

Executive confirmations by the Senate October 28, 2021:

DEPARTMENT OF JUSTICE

CHRISTOPHER H. SCHROEDER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL, VIC-REAIN.

OMAR ANTÓNIO WILLIAMS, OF CONNECTICUT, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

OMAR ANTÓNIO WILLIAMS, OF CONNECTICUT, TO BE DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

THE JUDICIARY

RABIL GUPTA, OF WEST VIRGINIA, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

DEPARTMENT OF JUSTICE

JESSICA ROSENWORCEL, OF CONNECTICUT, TO BE COMMISSIONER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2020. (RECOMMENED)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GIGI B. SOHN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

DEPARTMENT OF COMMERCE

GUY T. KIYOKAWA, OF HAWAII, TO BE ASSISTANT SECRETARY OF COMMERCE FOR INTELLIGENCE, SECURITY, AND INNOVATION, VIC RECS MEDIA.

HAMPTON V. DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL.

MATTHEW M. GRAYS, OF THE DISTRICT OF COLUMBIA, TO BE DISTRICT ATTORNEY FOR THE DISTRICT OF COLUMBIA, VIC-REAIN.

RAHUL GUPTA, OF WEST VIRGINIA, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

THE JUDICIARY

ELIZABETH PRELOGAR, OF IDAHO, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES AIR FORCE, AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 306.

To be rear admiral (upper half)
CAPT. RANDALL R. KITCHENS

IN THE ARMY


To be major general
BREV REP William 8. Lundy

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601.

To be lieutenant general
Maj. Gen. W. HERRMAN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPOR-

To be lieutenant general
Maj. Gen. M. C. MICHARD, E. LANGLEY
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 4102. 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, supra; which was ordered to lie on the table.

SA 4103. 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, supra; which was ordered to lie on the table.

SA 4104. 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, supra; which was ordered to lie on the table.

SA 4105. 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, supra; which was ordered to lie on the table.

SA 4106. 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, supra; which was ordered to lie on the table.

SA 4107. 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, supra; which was ordered to lie on the table.

SA 4108. 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, supra; which was ordered to lie on the table.

SA 4109. 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, supra; which was ordered to lie on the table.

SA 4110. 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, supra; which was ordered to lie on the table.

SA 4112. Mr. KING submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4113. Mr. MANCHIN (for himself, Mr. ROUNDS, Mr. SASS, Mr. ROSEN, and Ms. HASCAR) submitted an 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 4114. 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, supra; which was ordered to lie on the table.

SA 4115. 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, supra; which was ordered to lie on the table.

SA 4116. 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, supra; which was ordered to lie on the table.

SA 4117. 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, supra; which was ordered to lie on the table.

SA 4118. 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, supra; which was ordered to lie on the table.

SA 4119. Mr. WICKER (for himself and Mr. KAIN) submitted an 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 4120. Mr. WICKER (for himself and Mr. KAIN) submitted an 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 4121. Ms. CORTEZ MASTO (for herself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4122. Ms. CORTEZ MASTO (for herself and 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, supra; which was ordered to lie on the table.

SA 4123. 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, supra; which was ordered to lie on the table.

SA 4124. Mr. KING submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4125. 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, supra; which was ordered to lie on the table.

SA 4126. 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, supra; which was ordered to lie on the table.

SA 4127. 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, supra; which was ordered to lie on the table.

SA 4128. 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, supra; which was ordered to lie on the table.

SA 4129. Mrs. SHAHEEN (for herself 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, supra; which was ordered to lie on the table.

SA 4130. 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, supra; which was ordered to lie on the table.

SA 4131. 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, supra; which was ordered to lie on the table.

SA 4132. Mr. SCHUMER (for Mr. MENENDEZ) proposed an amendment to the bill S. 1064, to advance the strategic alignment of United States diplomatic tools toward the realization of free, fair, and transparent elections in Nicaragua and to reaffirm the commitment of the United States to protect the fundamental freedoms and human rights of the people of Nicaragua, and for other purposes.

TEXT OF AMENDMENTS

SA 4068. 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:

SEC. 1264. REPORT ON ISRAELI SETTLEMENT ACTIVITY IN OCCUPIED WEST BANK.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate committees of Congress a report that assesses the status of Israeli settlement activity in the occupied West Bank.

(b) ELEMENTS.—The report required by subsection (a) shall include the following with respect to Israeli settlement activity in the West Bank:

(1) The number of permits, tenders, and housing starts approving or establishing settlements in the occupied West Bank and the locations concerned.

(2) The number and locations of new outposts established without the approval of the Government of Israel.

(3) The number and locations of outposts established without the approval of the Government of Israel that were retroactively legalized.

(4) An assessment of the impact of settlements and outposts on—

(5) the freedom of movement, livelihoods, and quality of life of Palestinians; and

(6) The number and locations of evictions of Palestinians from their places of residence.

(7) The number of permits issued for Palestinian homes in East Jerusalem.

(b) the potential for establishing in the future a viable Palestinian state.

The number of demolitions of homes, businesses, or infrastructure owned by, or primarily serving, Palestinians.

(9) An analysis of the impact any change in the matters described in paragraphs (1) through (8) on would have on—

(A) the diplomatic posture of the United States globally; and
November 1, 2021

CONGRESSIONAL RECORD — SENATE

S7543

(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 Select Committee on Intelligence of the Senate; and

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

SA 4069. Mr. MERKLEY (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3114. REALLOCATION OF FUNDING FOR B83 GRAVITY BOMB LIFE EXTENSION TO SUPPORT GLOBAL VACCINE PRODUCTION CAPACITY.

(a) REDUCTION IN AMOUNT FOR B83 GRAVITY BOMB LIFE EXTENSION.—The amount authorized to be appropriated by section 3201 and available as specified in the funding table in section 4701 for stockpile major modernization for multi-weapon systems is hereby reduced by $98,456,000, with the amount of the reduction to be derived from amounts available for life extension for the B83 gravity bomb.

(b) FUNDING FOR GLOBAL VACCINE PRODUCTION.—There are authorized to be appropriated to the Secretary of State and other relevant agencies $98,456,000 to provide support—

(1) for expanding global vaccine production capacity, including through the development or transfer of technology and the construction, expansion, or modernization of facilities; and

(2) to other countries, especially low and middle-income countries, with the distribution and delivery of COVID-19 vaccines.

SA 4070. Mr. GRASSLEY (for himself, Ms. STABENOW, Ms. EINSTEIN, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction and for defense activities of the Department of Energy, to 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. TASK FORCE TO REVIEW SMART DEVICE MENTAL HEALTH RESILIENCY APPLICATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a task force to review mental health resiliency applications currently available for smart devices.

(b) MENTAL HEALTH RESILIENCY APPLICATIONS.—Mental health resiliency applications to be reviewed under subsection (a) may include evidence-based applications such as Virtual Rope Box.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the establishment of the task force under subsection (a), the task force, in consultation with the Director of the Defense Health Agency and the Secretary of Veterans Affairs, shall submit to the Secretary of Defense and the congressional defense committees a report on the findings of the task force.

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

(A) An assessment of the efficacy of the mental health resiliency applications reviewed under subsection (a) at improving behavioral health outcomes.

(B) A description of any trials or pilot programs completed or underway at the Department of Defense with respect to the use of such applications.

(C) An assessment of the cost associated with such applications.

(D) An assessment of the compatibility of the use of such applications with other initiatives of the Department.

(E) Such recommendations as the task force may have on forming a pilot program to encourage the use of one or more of such applications among members of the Armed Forces.

SA 4072. 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 G of title XII, add the following:

SEC. 1283. SUSPENSION OF CERTAIN UNITED STATES ASSISTANCE TO HONDURAS.

(a) PROHIBITION ON COMMERCIAL EXPORT OF COVERED DEFENSE ARTICLES AND SERVICES AND COVERED MUNITIONS ITEMS TO THE HONDURAN POLICE OR MILITARY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall prohibit the issuance of licenses to export covered defense articles and services and covered munitions items to the police or military of the Republic of Honduras.

(2) TERMINATION.—The prohibition under paragraph (1) shall terminate on the date on which the President determines and reports to the appropriate congressional committees that the police or military of the Republic of Honduras have not engaged in gross violations of human rights during the one-year period ending on the date of such determination.

(c) WAIVER.—The prohibition under paragraph (1) shall not apply to the issuance of a license with respect to which the President submits to the appropriate congressional committees a written certification that the exports to be covered by such license are important to the national interests and foreign policy goals of the United States, including a description of the manner in which such exports will promote such interests and goals.

(d) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

(B) COVERED DEFENSE ARTICLES AND SERVICES.—The term “covered defense articles and services” means—

(i) any defense articles and defense services designated by the President under section 32(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1));

(ii) covered munitions items—

(1) the term “covered munitions items” means tear gas, pepper spray, rubber bullets, foam rounds, bean bag rounds, pepper balls, water cannons, handcuffs, shackles, stun guns, tasers, pepper spray, rubber bullets, foam rounds, bean bag rounds, pepper balls, water cannons, handcuffs, shackles, stun guns, fo...
(B) instruct the United States Executive Director of each international financial institution and the Chief Executive Officer of the United States International Development Foundation Corporation to promote human rights due diligence and risk management in connection with any loan, grant, policy, or strategy related to the Republic of Honduras, with the criteria specified in subsection 702(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of title II of Public Law 116-94; 113 Stat. 2563) and accompanying report.

(3) CONDITIONS FOR LIFTING SUSPENSIONS AND BLOCKS.—The provisions of this subsection shall terminate on the date on which the Secretary of State determines and reports to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives that the Government of Honduras has:

(A) pursued all legal avenues to bring to trial and obtain a verdict of all those who ordered, carried out, and covered up—

(i) the March 2, 2016, murder of Berta Cáceres; 
(ii) the killings of over 100 small-farmer activists in the Aguan Valley; 
(iii) the killings of 22 people and forced disappearance of 1 person by state security forces in the context of the 2017 post-electoral crisis; 
(iv) the killings of at least 6 people by state security forces in the context of anti-government demonstrations between March and July of 2019; 
(v) the killings of at least 21 journalists and media workers between October 2016 and July 2020; 
(vi) the July 18, 2020, forced disappearances of 4 Garífuna community leaders from Triunfo de la Cruz; and 
(vii) the December 26, 2020, killing of indigenous Lenca leader and environmental activist Félix Vásquez at his home in La Paz, and the December 29, 2020, killing of indigenous Tolupan leader and environmental activist Adan Mejía in Yoro;

(B) investigated and successfully prosecuted members of military and police forces who are credibly found to have violated human rights and ensured that the military and police were held accountable in such cases, and that such violations have ceased;

(C) withdrawn the military from domestic police and ensured that all domestic police functions are separated from the command and control of the Armed Forces of Honduras and are instead directly responsible to civilian authority;

(D) established that it protects effectively the rights of trade unionists, journalists, small farmers, human rights and environmental defenders, indigenous and Afro-indigenous communities and rights activists, women’s and LGBTQI rights activists, critics of the government, and other members of civil society to operate without interference, repression, and discrimination; and

(E) taken effective steps to establish the rule of law and to guarantee a judicial system that is capable of investigating, proscribing, and bringing to justice members of the police and military who have committed human rights abuses.

(c) POLICE OR MILITARY OF THE REPUBLIC OF HONDURAS DEFINED.—In this section, the term ‘police or military of the Republic of Honduras’ means:

(1) the Honduran National Police; 
(2) the Honduran Armed Forces; 
(3) the Military Police of Public Order of the Republic of Honduras; or

(4) any paramilitary elements, acting under color of law or having received financing, training, orders, intelligence, weapons, or other forms of material assistance from the forces identified in paragraphs (1) through (3).

SA 4075. 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 X, add the following:

SEC. ____. ACTIVE PROTECTION OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) AUTHORITY.—The Secretary of Defense may take, and may authorize members of the Armed Forces and officers and civilian employees of the Department of Defense to take, such actions described in subsection (b) as are necessary to mitigate the threat, as determined by the Secretary, that a space-based asset may pose to the security or operation of the Major Range and Test Facility Base (as defined in section 1961 of title 10, United States Code).

(b) ACTIONS DESCRIBED.—The actions described in this subsection are the following:

(1) To detect, identify, monitor, and track a space-based asset, without prior consent, including by means of intercept or other access of an electronic communication used to control the space-based asset;

(2) To disable, destroy, or disable, interfere with, or cause interference with, such space-based sensors.

SA 4074. Mr. HAWLEY (for himself and Mr. BINGGELI) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. HONORING MISSOURIANS WHO MADE THE ULTIMATE SACRIFICE IN AFGHANISTAN.

(a) FINDINGS.—Congress finds that—

(1) Marine Corps Lance Corporal Jared Schmitz of Warrenville, Missouri, was a dear and loving son, brother, and friend, who sought constantly to lift those around him and care for others in need;

(2) Lance Corporal Jared Schmitz was a devoted patriot who knew that he wanted to serve in the Marine Corps by his sophomore year of high school and trained relentlessly on his own initiative so that he might one day wear the Eagle, Globe, and Anchor;

(3) Lance Corporal Jared Schmitz enlisted in the Marine Corps before his 18th birthday and went on to become a member of Marine Corps infantryman, upholding the standards and traditions of all the brave service members from the State of Missouri who came before him;

(4) Lance Corporal Jared Schmitz went to Kabul, Afghanistan, in August 2021 and, despite the risks, demonstrated heroic commitment to supporting the evacuation of citizens of the United States, allies of the United States, partners of the United States, and innocent civilians; and

(5) on August 26, 2021, at just 20 years of age, while serving alongside his fellow citizens to provide safe passage to those in need, Lance Corporal Jared Schmitz made the ultimate sacrifice at the international airport in Kabul, giving his life so that others might live; and

(6) Lance Corporal Jared Schmitz was the last of the 56 Missourians who made the ultimate sacrifice as part of Operation Enduring Freedom and Operation Freedom’s Sentinel and whose names shall not be forgotten, including:

(A) Christopher Michael Allgaier; 
(B) Michael Chad Bailey; 
(C) Michael Joe Beckerman; 
(D) Brian Jay Bradbury; 
(E) Paul Douglas Carron; 
(F) Jacob Russell Carver; 
(G) Joseph Brian Cemper; 
(H) Robert Keith Charlton; 
(I) Richard Michael Crane; 
(J) Robert Wayne Crow, Jr.; 
(K) Justin Eric Cuibrelth; 
(L) Robert Gene Davis; 
(M) Edward Fred Dixon III; 
(N) Jason David Flingar; 
(O) James Matthew Finley; 
(P) Zachary Michael Fisher; 
(Q) Jacob Rudolfe Leisscher; 
(R) Blake Wade Hall; 
(S) Nicholas Joel Hand; 
(T) James Warren Jackson, Jr.; 
(U) Jonathon Michael Dean Rostetter; 
(V) James Roger Ide V; 
(W) Isaac Brandon Jackson; 
(X) Christopher Michael Kuhlmann; 
(Y) Jeremy Andrew Katzenberger; 
(Z) William Jo Kerwood; 
(AA) Daniel Leon Kising, Jr.; 
(BB) Denis DeLeon Kisseloff; 
(CC) Donald Matthew Marler; 
(DD) Matthew David Mason; 
(EE) Richard Lewis McNulty III; 
(FF) Bradley Louis Melton; 
(GG) James Douglas Mowris; 
(HH) Michael Robert Patton; 
(II) Joseph Michael Peters;

(1) Robert Wayne Pech; 
(KK) Ricky Linn Richardson, Jr.; 
(LL) Charles Montague Sadell; 
(MM) Charles Ray Sanders, Jr.; 
(NN) Ronald Wayne Satterfield; 
(OO) Patrick Wayne Schenkel; 
(PP) Jared Marcus Schmidt; 
(QQ) Roslyn Littman Schulte; 
(RR) Billy Joe Siercks; 
(SS) Adam Olin Smith; 
(TT) Tyler James Smith; 
(UU) Christopher Glenn Stark; 
(VV) Sean Patrick Sullivan; 
(WW) Phillip James Venable; 
(XX) Phillip David Vinnedge; 
(YY) Matthew Herbert Walker; 
(ZZ) Jeffrey Lee White; 
(AAAA) Matthew William Wilson; 
(BBB) Vincent Cortez Winston, Jr.; 
(CCCC) Sterling William Wyatt; and 
(DDDD) Gunnar William Zwilling.

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

(1) Marine Corps Lance Corporal Jared Schmitz and his fellow Missourians who made the ultimate sacrifice during the war in Afghanistan represent the very best of the State of Missouri and the United States; and

(2) the United States honors those brave service members and their families and shall never forget the services they rendered and sacrifices they made in the defense of their grateful Nation.
SA 4075. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. COMBATING TRAFFICKING IN PERSONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should have a zero tolerance policy for human trafficking, and it is of vital importance that Government contractors who engage in human trafficking be held accountable.

(b) ANALYSIS REQUIRED.—The Secretary of Defense shall review the recommendations contained in the report of the Comptroller General of the United States titled “Human Trafficking: DOD Should Address Weaknesses in Oversight of Contractors and Reporting of Investigations Related to Contracts” (dated August 2021; GAO-21-546) and develop the following:

(1) Policies and processes to ensure contracting officers of the Department of Defense are informed of their responsibilities relating to combating trafficking in persons and to ensure that such contracting officers are accurately and completely reporting trafficking in persons investigations.

(2) Policies and processes to specify—

(A) requirements relating to the notification, hiring, and monitoring of contractor personnel outside the Department that are responsible for reporting trafficking in persons investigations; and

(B) the elements of the Department and persons outside the Department that are responsible for reporting trafficking in persons investigations; and

(C) requirements relating to reporting such incident in the Federal Awardee Performance and Integrity Information System (or any other contractor performance rating system).

(3) Policies and processes to ensure that combating trafficking in persons monitoring is more effectively implemented through, among other things, reviewing and monitoring contractor compliance plans relating to combating trafficking in persons.

(4) Policies and processes to ensure the Secretary of Defense has accurate and complete information about compliance with acquisition-specific training requirements relating to combating trafficking in persons by contractors.

(5) A mechanism for ensuring completion of such training within 30 days after a contractor begins performance on a contract.

(6) Of the resources and staff required to support oversight of combating trafficking in persons, including resources and staff to validate annual combating trafficking in persons self-assessments by elements of the Department.

(c) INTERIM BRIEF.—Not later than 60 days after the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 A of title X, add the following:

SA 4076. Mr. HAWLEY (for himself, Mr. SCOTT of Florida, and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1004. INCREASED TRANSFER AUTHORITY TO REIMBURSE THE NATIONAL GUARD FOR DEFENSE SUPPORT OF CIVIL AUTHORITIES ACTIONS.

(a) TRANSFER AUTHORITY.—Notwithstanding section 2214 of title 10, United States Code, an amendment submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 838. SUPPORT FOR FLAME-RESISTANT TEXTILE INDUSTRIAL BASE.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the capability of the textile industrial base to support the Department of Defense’s requirement for flame resistant uniforms, including—

(1) an assessment of the risk to members of the Armed Forces and National Guard presented by flash fire in combat and non-combat operations;

(2) a review of existing criteria for determining in what circumstances combat uniforms of the Armed Forces and National Guard are required to be flame resistant;

(3) the potential benefits of flame-resistant combat uniforms on operational safety and force protection;

(4) plans for enhancing protections for members of the Armed Forces and National Guard against flash fire; and

(5) the minimum level of annual procurement by the Defense Logistics Agency necessary to sustain the flame resistant textile industrial base to support the Department of Defense’s requirement for emerging needs of the Armed Forces and National Guard for current and future conflicts.

SA 4079. 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 D of title XXVIII, add the following:
SEC. 10. ROLE OF THE COMMISSIONER AND INTERNATIONAL AGREEMENTS.

(a) Definitions.—In this section:

(1) Administrator.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Commissioner.—The term “Commissioner” means the Commissioner of the United States Section of the International Boundary and Water Commission.

(3) New River.—The term “New River” means the river that starts in Mexico, flows through Calexico, passes through Imperial Valley, and drains into the Salton Sea.

(b) Amendments.—The report submitted under subsection (a) shall—

(1) provide data on the capacity of child development centers through the Department, including staffing, waitlists, and resources, set forth in the aggregate and by installation and Armed Force;

(2) highlight, by installation, whether demand by members of the Armed Forces for child care is or is not being met by existing capacity at such centers; and

(3) determine whether plans and adequate funding authority exist to remed[y] any identified shortfall in child care capacity for the Department of Defense.

SA 4080. 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 S. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 596. AUTHORITY OF STATES TO USE NATIONAL GUARD MEMBERS PERFORMING ACTIVE GUARD AND RESERVE DUTY DURING STATE-DIRECTED RESPONSES TO DOMESTIC INCIDEN.

Section 528(b) of title 32, United States Code, is amended—

(1) by inserting “(1)” before “A member”;

(2) by adding at the end the following new paragraph:

“(2) Under regulations prescribed by the Chief of the National Guard Bureau, the adjutant general of the jurisdiction concerned may authorize a member of the National Guard providing duty under subsection (a) to perform duties in response to a State-declared emergency or disaster provided that the adjutant general determines that members performing such additional duties will derive a benefit that satisfies or complements training requirements for the wartime mission or other training objectives of the members’ unit.”.

SA 4081. Mrs. Feinstein (for herself and Mr. Padilla) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1018. 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 800,000 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 consistent with the Code of Islamic law and in the late 1990s. They have cracked down on protesters, reportedly detained and beaten journalists, and reestablished their Ministry for the Promotion of Virtue and Prevention of Vice, which under previous Taliban rule enforced prohibitions on behavior deemed un-Islamic. The Taliban’s acting higher education minister said women will be permitted to study at universities in gender-segregated classrooms while wearing Islamic attire. The new Taliban government is being filled with hard-liners from the former Taliban regime. The Taliban are imposing harsh rule despite pledges to respect the rights of women and minority communities and provide amnesty to female police who supported United States efforts in Afghanistan.

(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, under-development, 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—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

(5) by 2019—

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

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

(6) Women’s rights and empowerment continue to serve the interests of Afghanistan and the United States because women are sources of peace and economic prosperity for Afghanistan.

(7) With the return of Taliban control, the United States has little ability to preserve the 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.

(8) 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) gender-based 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 2018 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 violence in their lifetime, with 62 percent experiencing multiple incidents of such violence.
functional roles among all humanitarian organizations and international partners is critical to support the Afghan people is essential to securing lasting peace and sustainable development in Afghanistan; and

(II) the collection, analysis, and use of data disaggregated by sex and age; and (G) to ensure all humanitarian action is informed by— (i) a gender and power analysis conducted by the Department of State that identifies forms of inequality and oppression; and (ii) the collection, analysis, and use of data disaggregated by sex and age.

(2) DEFINITION OF AFGHAN SOCIETY.—In this subsection, the term "Afghan society" means the range of formal and informal organizations in Afghanistan, including Afghan local nongovernmental organizations in Afghanistan, including Afghanistan-based humanitarian assistance-related positions that the United States Agency for International Development shall promote that Afghanistan, including the right to safely work; and (D) HUMANITARIAN AID POSITIONS FOR (B) SAFFRON ST. MARY LUTHERAN CHURCH.—In carrying out the assessment described in paragraph (A), the Secretary shall report 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.

SA 4083. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3887 submitted by Mr. RUSSELL and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 37. IMPROVING THE MANAGEMENT OF DRIFtnET FISHING.

(a) SHORT TITLE.—This section may be cited as the "Driftnet Modernization and Bycatch Reduction Act".

(b) DEFINITION.—Section 325 of the Magnus Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(25)) is amended by inserting ``(i) a mesh size of 14 inches or greater,'' after the whole section; and

(c) FINDINGS AND POLICY.—(1) FINDINGS.—Section 206(b) of the Magnus-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(b)) is amended by inserting ``(a) the Magnus-Stevens Conservation and Management Act (16 U.S.C. 1826(b)) is amended— (A) in paragraph (6), by striking "and" and inserting "or"; and--at the end; (b) in paragraph (7), by striking the period and inserting "and"; and (C) by adding at the end the following: (b) within the exclusive economic zone, large-scale driftnet fishing that deploys nets with large mesh sizes causes significant entanglement and mortality of living marine resources, including myriad protected species, despite limitations on the lengths of such nets.

(2) POLICY.—Section 206(c) of the Magnus-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(c)) is amended— (A) in paragraph (1), by striking "and" and inserting;

(4) prioritize the phase out of large-scale driftnet fishing in the exclusive economic
zone and promote the development and adoption of alternative fishing methods and gear types that minimize the incidental catch of living marine resources.''.

(d) FISHING GEAR TRANSITION PROGRAM.—Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1836) is amended by adding at the end the following:

"(1) FISHING GEAR TRANSITION PROGRAM.—
"(i) In general.—During the 5-year period beginning on the date of enactment of the Driftnet Modernization and Bycatch Reduction Act, the Secretary shall conduct a transition program to facilitate the phase-out of large-scale driftnet fishing and adoption of alternative practices that minimize the incidental catch of living marine resources, and shall award grants to eligible permit holders who participate in the program.

"(2) PERMISSIBLE USES.—Any permit holder receiving a grant under paragraph (1) may use such funds only for the purpose of covering—

"(A) any fee originally associated with a permit authorizing participation in a large-scale driftnet fishery, if such permit is surrendered for permanent revocation, and such permit holder relinquishes any claim associated with the permit;

"(B) a forfeiture of fishing gear associated with a permit described in subparagraph (A); or

"(C) the purchase of alternative gear with minimal incidental catch of living marine resources, if the fishery participant is authorized to continue fishing using such alternative gear.

"(3) CERTIFICATION.—The Secretary shall certify that, with respect to each participant in the program under this subsection, any permit authorizing participation in a large-scale driftnet fishery has been permanently revoked and that no new permits will be issued to authorize such fishing.

"(e) EXCEPTION.—Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: "", unless such large-scale driftnet fishing—

"(i) within the exclusive economic zone, a net with a total length of less than two and one-half kilometers and a mesh size of 14 inches or greater; and

"(ii) within 5 years of the date of enactment of the Driftnet Modernization and Bycatch Reduction Act;"

(f) FEES.—

(1) FISHERIES.—The North Pacific Fishery Management Council may recommend, and the Secretary of Commerce may approve, regulations necessary for the collection of fees from charter vessel operators who guide recreational anglers who harvest Pacific halibut in International Pacific Halibut Commission regulatory areas 2C and 3A as those terms are defined in section 303 of title 14, Code of Federal Regulations (or any successor regulations).

(2) USE OF FEES.—Any fees collected under this subsection shall be available for the purpose of—

"(A) financing administrative costs of the Recreational Quota Entity program;

"(B) the purchase of halibut quota shares in International Pacific Halibut Commission regulatory areas 2C and 3A by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations);

"(C) halibut conservation and research; and

"(D) promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

"(3) LIMITATION ON COLLECTION AND AVAILABILITY.—Fees shall be collected and available pursuant to this subsection only to the extent and in such amounts as provided in advance in appropriations Acts, subject to paragraph (4).

"(4) FEES COLLECTED DURING START-UP PERIOD.—Notwithstanding paragraph (3), fees may be collected for the first 2 years of enactment of an Act making appropriations for the activities authorized under this Act through September 30, 2022, and shall be available for obligation and remain available until expended.

SA 4084. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

SEC. 10. DEFINITION OF LAND USE REVENUE UNTIL IN WASHINGTON, ANGELES LEASING ACT OF 2014.

Section 2(d)(2) of the West Los Angeles Leasing Act of 2016 (Public Law 114-226) is amended—

(1) in subparagraph (A), by striking "" and inserting a semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) any funds received as compensation for an easement described in subsection (e); and"

SA 4085. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subheading G of title X, insert the following:

SEC. 2506. PROHIBITION ON CLOSING OR RELOCATING MARINE CORPS RECRUIT DEPOT.—No Federal funds may be used to close or relocate the Marine Corps Recruit Depot in San Diego, California, or to conduct any planning or other activity related to such closure or relocation.

SA 4086. 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, insert the following:

SEC. 2507. PROHIBITION FOR FUNDING A PROPOSED REDUCE PERSONNEL PRACTICE UNLESS SUBMITTED PERSONNEL PRACTICE.—No Federal funds may be used to close or relocate the Marine Corps Recruit Depot in San Diego, California, or to conduct any planning or other activity related to such closure or relocation.

SA 4087. 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, insert the following:

SEC. 2508. PROHIBITION ON CLOSING OR RELOCATING MARINE CORPS RECRUIT DEPOT.—No Federal funds may be used to close or relocate the Marine Corps Recruit Depot in San Diego, California, or to conduct any planning or other activity related to such closure or relocation.

SA 4088. 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, insert the following:

SEC. 2509. PROHIBITION FOR FUNDING A PROPOSED REDUCE PERSONNEL PRACTICE UNLESS SUBMITTED PERSONNEL PRACTICE.—No Federal funds may be used to close or relocate the Marine Corps Recruit Depot in San Diego, California, or to conduct any planning or other activity related to such closure or relocation.

SA 4089. 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, insert the following:

SEC. 2510. PROHIBITION FOR FUNDING A PROPOSED REDUCE PERSONNEL PRACTICE UNLESS SUBMITTED PERSONNEL PRACTICE.—No Federal funds may be used to close or relocate the Marine Corps Recruit Depot in San Diego, California, or to conduct any planning or other activity related to such closure or relocation.

SA 4090. 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, insert the following:

SEC. 2511. PROHIBITION FOR FUNDING A PROPOSED REDUCE PERSONNEL PRACTICE UNLESS SUBMITTED PERSONNEL PRACTICE.—No Federal funds may be used to close or relocate the Marine Corps Recruit Depot in San Diego, California, or to conduct any planning or other activity related to such closure or relocation.

SA 4091. 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, insert the following:

SEC. 2512. PROHIBITION FOR FUNDING A PROPOSED REDUCE PERSONNEL PRACTICE UNLESS SUBMITTED PERSONNEL PRACTICE.—No Federal funds may be used to close or relocate the Marine Corps Recruit Depot in San Diego, California, or to conduct any planning or other activity related to such closure or relocation.

SA 4092. 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, insert the following:

SEC. 2513. PROHIBITION FOR FUNDING A PROPOSED REDUCE PERSONNEL PRACTICE UNLESS SUBMITTED PERSONNEL PRACTICE.—No Federal funds may be used to close or relocate the Marine Corps Recruit Depot in San Diego, California, or to conduct any planning or other activity related to such closure or relocation.
SA 4087. 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 subtitle G of title X, insert the following:

SEC. 101. ONE HEALTH CENTER OF EXCELLENCE.
(a) Establishment.—The Secretary of Health and Human Services (referred to in this subdivision as the 'Secretary'), in consultation with the Commissioner of Food and Drugs, the Center for Veterinary Medicine, and the Office of the Chief Scientist of the Food and Drug Administration, not later than 1 year after the date of enactment of this Act, shall establish within the Food and Drug Administration a One Health Center of Excellence for purposes of strengthening inter- and intra-agency actions with respect to emerging public health threats, as described in this subdivision.

(b) Activities.—The activities of the One Health Center of Excellence shall include the following:
(1) Developing programs and enhancing strategies to research, monitor, prevent, and respond to emerging public health threats, such as zoonotic disease outbreaks, as well as other biological, chemical, and radiological threats to public health.
(2) Supporting recruitment and training for personnel engaged in such research, monitoring, intervention, and response efforts.
(3) Conducting, promoting, and supporting research regarding public health threats.
(4) Improving public awareness and understanding of such threats.
(5) Facilitating collaborative relationships among—

(A) relevant Federal agencies, such as the Department of Agriculture, the Department of the Interior, the Department of Defense, the Department of Commerce, the Department of Health and Human Services, the United States Agency for International Development, the Food and Drug Administration, the Centers for Disease Control and Prevention, the National Institutes of Health, and the Environmental Protection Agency;
(B) Tribal Nations;
(C) State and local public health veterinarians and wildlife officials; and
(D) other experts, as determined by the Secretary.

(c) Definitions.—For purposes of this section—

(1) the term 'covered', with respect to a Federal agency, means an employee of, former employee of, or applicant for employment with the agency;
(2) the term 'agency' or 'Federal agency' means an agency, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.

SA 4088. Mrs. FEINSTEIN (for herself and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

DIVISION E—CANNABIDIOL AND MARIHUANA RESEARCH EXPANSION

SEC. 510. SHORT TITLE.
This division may be cited as the "Cannabidiol and Marihuana Research Expansion Act".

SEC. 5101. DEFINITIONS.
In this division—

(1) the term 'appropriately registered' means that an individual or entity is registered under the Controlled Substances Act (21 U.S.C. 811 et seq.) to engage in the type of activity that is carried out by the individual or entity with respect to a controlled substance on the schedule that is applicable to cannabidiol as defined in section 5125 of the Cannabidiol and Marihuana Research Expansion Act, including—

(A) has higher or higher research activity, as defined by the Carnegie Classification of Institutions of Higher Education; or
(B) is appropriately registered under the Controlled Substances Act (21 U.S.C. 801 et seq.);

(2) the term 'drug' has the meaning given by the Department of Health and Human Services to determine the potential medical benefits of marihuana or cannabidiol as a drug; and
(B) conducted by a covered institution of higher education, practitioner, or manufacturer that is appropriately registered under the Controlled Substances Act (21 U.S.C. 801 et seq.);

(7) the term 'State' means any State of the United States, the District of Columbia, and any territory of the United States.
SEC. 5122. RESEARCH PROTOCOLS.

(a) In General.—Paragraph (2)(B) of section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)), as amended by section 5121 of this Act, is further amended by adding at the end the following:

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(III)(aa) If a registrant under clause (i) seeks to change the type of drug, the source of the drug, the conditions under which the drug is stored, tracked, or administered, the registrant shall notify the Attorney General via registered mail or using an electronic means permitted by the Attorney General, not later than 30 days after implementing an amended or supplemental research protocol.

(bb) A registrant under clause (i) seeks to address additional security measures identified by the Attorney General under item (aa) if the Attorney General receives supplemental information as described in clause (ii) before the bullet point (a) for the bullet point (a) from which the change in quantity has been approved on such date, unless the Attorney General notifies the registrant of an objection described in clause (iii).

(cc) The Attorney General may only object based on a finding that the change in quantity has been approved on such date, unless the Attorney General notifies the registrant of an objection described in clause (iii).
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(b) Regulations.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out the amendment made by this section.

SEC. 5123. APPLICATIONS TO MANUFACTURE MARIJUANA FOR RESEARCH.

(a) In General.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended—

(1) by redesignating subsections (c) through (k) as subsections (d) through (l), respectively;

(2) by inserting after subsection (d) the following:

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(c)(1)(A) As it relates to applications to manufacture marihuana for research purposes, the Attorney General shall—

(i) request supplemental information;

(ii) request the transfer, sale, or use, for research purposes, of marihuana that is stored, tracked, and administered.
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(b) Regulations.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out the amendment made by this section.

SEC. 5125 of the Cannabidiol and Marihuana Research Expansion Act is amended—

(1) in section 5122(a) of such Act, by striking subsection (f) each place it appears and inserting subsection (g); and

(2) in section 5123, by striking subsection (f) each place it appears and inserting subsection (g).

(b) TECHNICAL AND CONFORMING AMENDMENTS.

(1) The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(A) in section 102 (21 U.S.C. 802)—

(i) in paragraph (2)(B)—

(I) in section (a) for the bulk manufacture of controlled substances in connection with a clinical investigation pursuant to an investigational new drug exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)); and

(ii) request supplemental information.

(ii) in paragraph (5) (21 U.S.C. 802)—

(I) request supplemental information.

(ii) request supplemental information.

(iii) the requirement described in clause (ii) is satisfied.

(2) Not later than 30 days after the date on which the Attorney General receives supplemental information requested under paragraph (a)(ii) with respect to an application, the Attorney General shall approve or deny the application.

(3) in subsection (h)(2), as so redesignated, by striking subsection (g) each place it appears and inserting subsection (h); and

(4) in subsection (j)(11), as so redesignated, by striking subsection (d) and inserting subsection (e).

(b) Technical and Conforming Amendments.

(1) In section 102 (21 U.S.C. 802)—

(A) in paragraph (2)(B)—

(I) request supplemental information.

(ii) request supplemental information.

(iii) request supplemental information.

(iv) request supplemental information.

(2) In section 5123, as so redesignated, by striking subsection (f) each place it appears and inserting subsection (g).

(A) The synthetic equivalent of hemp-derived cannabidiol that contains less than 0.3 percent tetrahydrocannabinol; or

(B) In clause (i), by striking subsection (e) each place it appears and inserting subsection (f).

(B) By redesigning clause (ii) as (iii); and

(i) by inserting after clause (i) the following:

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(ii) The requirements designated in the notice in the Federal Register to meet the conditions under which the drug is stored, tracked, or administered.
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(iii) The requirements under this Act are satisfied.

(2) The applicant will transfer or sell any marihuana manufactured under this subsection—

(A) only with prior written consent for the transfer or sale by the Attorney General.

(B) For purposes of use in preclinical research or in a clinical investigation pursuant to an investigational new drug exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)); and

(C) Not later than 30 days after the date on which the Attorney General receives supplemental information requested under subsection (a)(ii) with respect to an application, the Attorney General shall approve or deny the application.

(3) requests to change the type of drug, the source of the drug, the conditions under which the drug is stored, tracked, or administered, the Attorney General grants an application for registration under clause (i), the registrant may amend or supplement the research protocol without reapplying if the registrant does not change—

(aa) the quantity or type of drug;

(bb) the source of the drug; or

(cc) the conditions under which the drug is stored, tracked, or administered.

(ii) In connection with an application for registration under clause (i), the registrant may amend or supplement the research protocol without reapplying if the registrant does not change—

(aa) the quantity or type of drug;

(bb) the source of the drug; or

(cc) the conditions under which the drug is stored, tracked, or administered.

(jj) Under item (aa); and

(kk) the number of individuals or patients involved in research.

(a) In General.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended—

(1) by redesignating subsections (c) through (k) as subsections (d) through (l), respectively;

(2) by inserting after subsection (d) the following:

```
(c)(1)(A) As it relates to applications to manufacture marihuana for research purposes, the Attorney General shall—

(i) request supplemental information;

(ii) request the transfer, sale, or use, for research purposes, of marihuana that is stored, tracked, and administered.
```

(b) Regulations.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out the amendment made by this section.

SEC. 5123. APPLICATIONS TO MANUFACTURE MARIJUANA FOR RESEARCH.

(a) In General.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended—

(1) by redesignating subsections (c) through (k) as subsections (d) through (l), respectively;

(2) by inserting after subsection (d) the following:

```
(c)(1)(A) As it relates to applications to manufacture marihuana for research purposes, the Attorney General shall—

(i) request supplemental information;

(ii) request the transfer, sale, or use, for research purposes, of marihuana that is stored, tracked, and administered.
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(b) Regulations.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out the amendment made by this section.
November 1, 2021

CONGRESSIONAL RECORD—SENATE

TITLE LI—DEVELOPMENT OF FDA-APPROVED DRUGS USING CANNABIDIOL AND MARIHUANA

SEC. 5141. MEDICAL RESEARCH ON CANNABIDIOL AND MARIHUANA

Notwithstanding any provision of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.), chapter 81 of title IV of the Elementary and Secondary Education Act of 1965, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or any other Federal law, an appropriately registered covered institution of higher education, a practitioner, or a manufacturer may manufacture, distribute, dispense, or possess marihuana or cannabidiol if the marihuana or cannabidiol is manufactured, distributed, dispensed, or possessed, respectively, for purposes of the potential therapeutic effects of marihuana or cannabidiol and the barriers associated with researching marihuana or cannabidiol, including whether barriers might be overcome, including whether the barriers associated with researching marihuana or cannabidiol in States that do not allow marihuana or its derivatives, including cannabidiol, as a treatment with the legal guardian of the patient to whom the drug is administered.

B. In section 304(h)(2) (21 U.S.C. 841(h)(2)), by striking “303(c)” and inserting “303(g)”;

C. In section 1395l(bb)(3)(B), by striking “303(g)” and inserting “303(h)”;

D. In section 829a(a)(2), in the matter preceding subparagraph (A), by striking “303(g)” and inserting “303(h)”;

E. In section 290bb-36d(c), by striking “303(g)” and inserting “303(h)”;

F. In section 1395mm(m)(3)(C)(ii), by striking “303(g)” and inserting “303(h)”;

G. In section 823(h)(2) (21 U.S.C. 304(h)(2)), by striking “303(c)” each place it appears and inserting “303(g)”;

H. In section 1395m(o)(3)(C)(ii), by striking “303(g)” and inserting “303(h)”;

I. In section 1008(c) of the Controlled Substances Act (21 U.S.C. 812(c)), by striking “303(g)” and inserting “303(h)”;

J. In section 520E–4(c) (42 U.S.C. 290bb–36d(c)), by striking “303(g)” and inserting “303(h)”;

K. In section 1834(o)(3)(C)(ii) (42 U.S.C. 1395m(o)(3)(C)(ii)), by striking “303(g)” and inserting “303(h)”;

L. In section 307(d)(2) (21 U.S.C. 827(d)(2)), by striking “303(g)” and inserting “303(h)”;

M. In section 823(h)(2) (21 U.S.C. 304(h)(2)), by striking “303(c)” each place it appears and inserting “303(h)”.

SECTION 5124. ADEQUATE AND UNINTERRUPTED SUPPLY

On an annual basis, the Attorney General shall assess whether there is a need to increase the available supply of marihuana, including of specific strains, for research purposes.

SECTION 5125. SECURITY REQUIREMENTS

(a) In General.—An individual or entity engaged in researching marihuana or mitrihuana that is approved for medical use by the Commissioner of Food and Drugs under subsection (a) or (b) of section 303 of the Controlled Substances Act (21 U.S.C. 823). The Secretary of Health and Human Services, in coordination with the Director of the National Institutes of Health and the heads of the relevant Federal agencies, shall submit to the Secretary of Health and Human Services, in coordination with the Director of the National Institutes of Health and other relevant Federal agencies to better determine the effects of marihuana and marihuana derivatives, including cannabidiol, as a treatment with the legal guardian of the patient to whom the drug is administered.

(b) REQUIREMENTS FOR OTHER MEASURES.—
(1) The Secretary of Health and Human Services, in coordination with the Director of the National Institutes of Health and the heads of other relevant Federal agencies, shall submit to the Committee on the Judiciary of the House of Representatives a report on—
(A) the potential therapeutic effects of marihuana or cannabidiol on serious medical conditions, including intractable epilepsy;

(2) the potential effects of marihuana, including—
(A) the effect of increasing delta-9-tetrahydrocannabinol levels on the human body and developing adolescent brains; and

(3) the barriers associated with researching marihuana or cannabidiol in States that have legalized the use of such substances, which shall include—
(A) recommendations as to how such barriers might be overcome, including whether public-private partnerships or Federal-State research partnerships should be implemented to provide researchers with access to additional strains of marihuana and cannabidiol; and

(B) recommendations as to what safeguards must be in place to verify—
(i) the levels of tetrahydrocannabinol, cannabidiol, or other cannabinoids contained or obtained from such States is accurate; and

(ii) that such products do not contain harmful or toxic components.

(c) Activities.—To the extent practicable, the Secretary of Health and Human Services, either directly or through awarding grants, contracts, or cooperative agreements, shall expand and coordinate the activities of the National Institutes of Health and other relevant Federal agencies to better determine the effects of marihuana and marihuana derivatives, including cannabidiol, as a treatment with the legal guardian of the patient to whom the drug is administered.

SECTION 5142. REGISTRATION FOR THE COMMERCIAL PRODUCTION AND DISTRIBUTION OF FOOD AND DRUG ADMINISTRATION-APPROVED DRUGS

The Attorney General shall register an applicant to manufacture or distribute cannabidiol or marihuana for the purpose of commercial production of a drug containing cannabidiol for medical use, if the drug is approved for use by the Secretary of Health and Human Services. The Attorney General shall register a person to manufacture drugs containing marihuana or cannabidiol if the marihuana or cannabidiol is manufactured, distributed, dispensed, owned, possessed, or held for sale by a person if the drug is approved for use by the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or any other Federal law, an appropriately registered covered institution of higher education, a practitioner, or a manufacturer may manufacture, distribute, dispense, or possess marihuana or cannabidiol as a treatment with the legal guardian of the patient to whom the drug is administered.
the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. PROHIBITED USES OF ACQUIRED, DONATED, AND CONSERVATION LAND.

Section 714(a) of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–81(a)) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (D), by striking “and” after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting “;”;

(C) by adding at the end the following—

“(P) applications that incorporate distance learning tools and approaches.”;

(2) in subsection (g)(1), by striking “agricultural,” after “commercial.”;

(3) CONSERVATION LAND.—The term “conservation land” means—

“(A) any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural conservation plan;

“(B) any national conservation land within the Conservation Area established pursuant to section 2002(b)(2)(D) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7902(b)(2)(D)); and

“(C) any area of critical environmental concern within the Conservation Area established pursuant to section 2002(b)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(3)).”.

SA 4090. Mrs. FISCHER (for herself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. ADVANCING IOT FOR PRECISION AGRICULTURE.

(a) SHORT TITLE.—This section may be cited as the “Advancing IoT for Precision Agriculture Act of 2021.”

(b) PURPOSE.—It is the purpose of this section to promote scientific research and development opportunities for connected technologies that advance precision agriculture capabilities.

(c) NATIONAL SCIENCE FOUNDATION DIRECTIVE ON AGRICULTURAL SENSOR RESEARCH.—In awarding grants under its sensor systems and networked systems programs, the Director of the National Science Foundation shall include in consideration of portfolio balance research and development on sensor connectivity in environments of intermittent connectivity and intermittent computation—

(1) to improve the reliable use of advance sensing systems in rural and agricultural areas; and

(2) that considers—

(A) direct gateway access for locally stored data;

(B) attenuation of signal transmission;

(C) loss of signal transmission; and

(D) at-scale performance for wireless power.

(d) UPDATING CONSIDERATIONS FOR PRECISION AGRICULTURE TECHNOLOGY WITHIN THE NSF ADVANCED TECHNICAL EDUCATION PROGRAM.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 16621) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (D), by striking “and” after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting “;”;

(C) by adding at the end the following—

“(P) applications that incorporate distance learning tools and approaches.”;

(2) in subsection (g)(1), by inserting “agricultural,” after “commercial.”;

(d) UPDATING CONSIDERATIONS FOR PRECISION AGRICULTURE TECHNOLOGY WITHIN THE NSF ADVANCED TECHNICAL EDUCATION PROGRAM.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 16621) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (D), by striking “and” after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting “;”;

(C) by adding at the end the following—

“(P) applications that incorporate distance learning tools and approaches.”;

(2) in subsection (g)(1), by inserting “agricultural,” after “commercial.”;

(e) GAO REVIEW.—Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall provide—

(1) a technology assessment of precision agriculture technologies, such as the existing use of—

(A) sensors, scanners, radio-frequency identification, connected technologies that can monitor soil properties, irrigation conditions, and plant physiology;

(B) sensors, scanners, radio-frequency identification, and related technologies that can monitor livestock activity and health;

(C) network connectivity and wireless communications that can securely support digital agriculture technologies in rural and remote areas;

(D) aerial imagery generated by satellites or unmanned aerial vehicles;

(E) ground-based robotics;

(F) control systems design and connectivity, such as smart irrigation control systems; and

(G) data management software and advanced analytics that can assist decision making and improve agricultural outcomes; and

(2) a review of Federal programs that provide support for precision agriculture research, development, adoption, education, or training, in existence on the date of enactment of this section.

SA 4091. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. PROHIBITION ON USE OF FUNDS TO OPERATE THE DETENTION FACILITY AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated or otherwise made available by this Act or any other Act may be used to operate the detention facility at United States Naval Station, Guantanamo Bay, Cuba, after September 30, 2023.

SEC. 1032. REPEAL OF PROHIBITIONS RELATING TO DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.


SEC. 1033. REPEAL OF CERTAIN REQUIREMENTS FOR CERTIFICATIONS AND NOTIFICATIONS RELATING TO TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) CERTIFICATION.—Section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 128 Stat. 969; 10 U.S.C. 8081 note) is repealed.

(b) NOTIFICATION.—Section 308 of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112–87; 127 Stat. 1883; 10 U.S.C. 8081 note) is repealed.

SEC. 1034. REPEAL OF CHAPTER 47A OF TITLE 10, UNITED STATES CODE.

(a) IN GENERAL.—Subchapters I through VI and subchapter VIII of chapter 47A of title 10, United States Code, are repealed.

(b) CONFORMING AMENDMENTS TO SUBCHAPTER VII.—Subchapter VII of chapter 47A of such title is amended—

(1) in section 47A04(a)(3), by inserting “as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022” after “of this title”;

(2) in section 47A04—

(A) in subsection (b)—

(i) in paragraph (2), by inserting “as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022” after “of this title”;

(ii) in paragraph (4), by striking “section 47A04(b)(4)” and inserting “paragraph (4)”;

(B) by adding at the end the following new paragraph:

No appellate military judge on the United States Court of Military Commission Review may be reappointed to other duties, except under circumstances as follows:

(A) The appellate military judge voluntarily requests to be reappointed to other duties and the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed forces of which the appellate military judge is a member, approves such reappointment.

SEC. 1035. REPEAL OF CERTAIN REQUIREMENTS FOR CERTIFICATIONS AND NOTIFICATIONS RELATING TO TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.
"(B) The appellate military judge retires or otherwise separates from the armed forces.

"(C) The appellate military judge is reassigned to a covered offense under subsection (a) or to a covered offense under section 1107a of title 10, United States Code, by the designee of the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the Army, on a finding that participation in military necessity and such reassignment is consistent with service regulation rotations (to the extent such regulations are applicable).

"(D) The appellate military judge is withdrawn from the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the Army, on a finding that such participation is in the interest of justice, and absent good cause consistent with applicable procedures under chapter 47 of this title (the Uniform Code of Military Justice)."

(3) in section 950(h)(c), by inserting "(as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022)" after of this title; and

(4) by adding at the end the following new section: "§ 950k. Definition. "In this subchapter, the term ‘military commission under this chapter’ means a military commission under this chapter on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022.""

SA 4092. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense; for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle C of title VII, add the following:

SEC. 744. PROHIBITION ON ADVERSE PERSONNEL ACTION TAKEN AGAINST MEMBERS OF THE ARMED FORCES BASED ON DECLINING COVID–19 VACCINE. (a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1107a the following new section: "§ 1107b. Prohibition on certain adverse personnel actions related to COVID–19 vaccine requirement. "(1) "Notwithstanding any other provision of law, a member of the armed forces subject to discharge on the basis of the member choosing not to receive the COVID–19 vaccine may only receive an honorable discharge."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after section 1107a the following new section: "1107b. Prohibition on certain adverse personnel actions related to COVID–19 vaccine requirement."

SEC. 576. REPORT ON STATUS OF ARMY TUITION ASSISTANCE PROGRAM ARMY IGNITED PROGRAM. (a) IN GENERAL.—The Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, submit to the congressional defense committees a report on the status of the Army Ignited program.

(b) GOALS.—The goals of the Program are—

(1) to evaluate whether software and emerging technologies, methodologies, and capabilities are able to effectively track greenhouse gas emissions at installations of the Department and assets of such installations in real time; and

(2) to reduce energy costs and increase efficiencies at such installations.

(c) LOCATIONS.—If the Secretary determines that software and emerging technologies, methodologies, and capabilities are able to effectively track greenhouse gas emissions at installations of the Department and assets of such installations in real time; and

(3) have historically higher than average utility costs as compared to other installations of the Department.

SA 4095. 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. 5. PROVISION OF ARMED SERVICES VOCATIONAL APITUDE BATTERY TEST RESULTS TO LOCAL WORKFORCE DEVELOPMENT BOARDS. (a) IN GENERAL.—The Secretary of Defense shall, not later than 30 days after receiving the results of an Armed Services Vocational Aptitude Battery test for a student, provide such results to each local workforce development board selected to receive such results by the student.

(b) LOCAL WORKFORCE DEVELOPMENT BOARD.—In this section, the term "local workforce development board" has the meaning given the term "board" in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

SA 4096. 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 B of title V, add the following:

SEC. 576. REPORT ON STATUS OF ARMY TUITION ASSISTANCE PROGRAM ARMY IGNITED PROGRAM. (a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the status of the Army Ignited program and the congresional defense committees a report on the status of the Army Ignited program.

(b) ELEMENTS.—The report required under subsection (a) shall describe—

...
(1) the estimated date when the Army Ignite program will be fully functional; 
(2) the estimated date when service members will be reimbursed for out of pocket expenses caused by processing delays and errors under the Army Ignite program; and 
(3) the estimated date when institutions of higher education will be fully reimbursed for all costs typically provided through the Temporary Assistance Program but delayed due to processing delays and errors under the Army Ignite program.

SA 4097. Mr. LANKFORD (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place, insert the following:

SEC. __. EXECUTIVE ORDERS 14042 AND 14043.

The provisions of Executive Order 14042 (86 Fed. Reg. 50985; relating to ensuring adequate COVID safety protocols for Federal contractors and Executive Order 14043 (86 Fed. Reg. 50989; relating to requiring Coronavirus Disease 2019 vaccination for Federal employees) are rescinded and shall have no force or effect.

SA 4098. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in title X, insert the following:

SEC. __. USE OF SCIENTIFIC INFORMATION IN RULEMAKING.

Section 533 of title 5, United States Code, is amended by adding at the end the following:

“(f) To the extent that an agency makes a decision based on science when issuing a rule under this section, the agency shall use scientific information, technical procedures, measures, methods, protocols, methodologies, or models, evaluated and characterized; and

(5) the extent of independent verification or peer review of the information or of the procedures, protocols, methods, protocols, methodologies, or models.

(6) An agency shall make a decision described in subparagraph (a) based on the weight of the scientific evidence.

(7) Each agency shall make available to the public—

(1) all notices, determinations, findings, rules, consent agreements, and orders of the head of the agency in connection with a rule; and

(2) a non-technical summary of each risk evaluation conducted in connection with a rule; and

(3) a list of the studies considered by the agency in carrying out each risk evaluation described in paragraph (2), along with the results of those studies.”.

SA 4099. 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 construction, and for defense activities of the Department of Energy, to 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. __. BLENDED FEDERAL WORKFORCE.

(a) In General. Section 6(a) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “(i)” and inserting “(i)(A)”;

(B) by adding at the end the following:

“(D) The Office of Personnel Management shall collect from Executive agencies, other than elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))), on at least an annual basis the following:

(1) The total number of persons employed directly by the Executive agency.

(2) The total number of employees of prime contractors and subcontractor employees, as those terms are defined in section 8701 of title 41, issued credentials allowing access to Executive agency property or computer systems.

(3) The total number of employees of Federal grant and cooperative agreement recipients, as those legal instruments are described in sections 6304 and 6305 of title 31, respectively, who are issued credentials allowing access to Executive agency property or computer systems.

(4) A total count of the workforce, including employees, prime contractor employees, subcontractor employees, grantee employees, and cooperative agreement employees.

(5) The Office of Personnel Management shall compile the data collected under clause (1) and issue, and post on its website, an annual report containing the data.”;

and

(2) in paragraph (2), by striking “paragraph (1)(A)” and inserting “paragraph (1)(A),”;

(b) SENSE OF CONGRESS ON EFFECTIVE AND EFFICIENT MANAGEMENT OF THE BLENDED WORKFORCE.—

(1) DEFINITIONS.—In this subsection, the term “Executive agency” has the meaning given in the term in section 105 of title 5, United States Code.

(2) FINDINGS.—Congress finds the following:

(A) The implementation of Federal laws and the competent administration of Federal programs require skilled and capable personnel.

(B) Executive agencies depend on a blended workforce that includes Federal employees, employees of prime contractors and subcontractors performing services to Executive agencies, and employees of State or local governments, nonprofit organizations, or institutions of higher education, and Federal agencies providing services to Executive agencies under the terms of grants and cooperative agreements (in this subsection referred to as “grantees”), and contracts and grants in support of achieving the missions of the Government in service to the people of the United States.

(C) Approximately 2,000,000 Federal employees help to execute the laws of the United States, supplemented by an unknown number, estimated to exceed 5,000,000, of employees of prime contractors, subcontractors, and grantees providing services to Executive agencies.

(D) Policymakers, Executive agencies, and observers have often focused on individual components of the blended workforce, such as employees, without considering all components or considering that the entire blended workforce, including all components, can work most effectively together.

(E) Executive agencies inhibit their own workforce planning and risk making decisions that may reduce efficiency and cost effectiveness of the blended workforce by focusing on only 1 component in isolation.

(3) ESTABLISHING ARTIFICIAL NUMERICAL LIMITS ON HEADCOUNTS OR FULL-TIME-EQUIVALENT POSITIONS.—The provisions of Executive Order 14042 (86 Fed. Reg. 50985; relating to ensuring adequate COVID safety protocols for Federal contractors and Executive Order 14043 (86 Fed. Reg. 50989; relating to requiring Coronavirus Disease 2019 vaccination for Federal employees) are rescinded and shall have no force or effect.

SA 4100. Mr. LANKFORD (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle B of title X, add the following:

SEC. 1013. RESUMPTION OF BORDER WALL CONSTRUCTION.
(a) FINDINGS.—Congress finds that—
(1) more than 1,700,000 migrants were encountered trying to illegally enter the United States fiscal year 2021, which represents the highest number of illegal border crossings ever recorded by U.S. Customs and Border Protection;
(2) at least 1,300,000 migrant families have illegally crossed the international border between the United States and Mexico since President Biden suspended border wall construction, which represents a 14 percent increase in illegal border crossings compared to fiscal year 2020;
(3) the actual number of migrants who illegally enter the international border between the United States and Mexico by bypassed law enforcement during fiscal year 2021 is unknown;
(4) U.S. Customs and Border Protection set twenty year records for encountering the highest number of illegal border crossers per month in March 2021, April 2021, May 2021, June 2021, and July 2021;
(5) President Biden’s efforts to suspend or terminate border wall construction have cost taxpayers between $1,837,000,000 and $2,087,000,000 since January 20, 2021, and such costs are increasing by at least $3,000,000 daily;
(6) Congress has voted multiple times, on a bipartisan basis, to authorize the construction of a border wall system along the international border between the United States and Mexico; and
(7) a border wall system is an effective tool for enhancing border security.
(b) RENUNCIATION OF BORDER WALL CONSTRUCTION.—
(1) IN GENERAL.—Notwithstanding any other provision of law—
(A) all contracts entered into by the Secretary of Homeland Security, the Commissioner of U.S. Customs and Border Protection, the Commanding General of the Army Corps of Engineers, the Secretary of Defense, or any other Federal official for the purposes of constructing a barrier along the southwest land border of the United States shall be carried out according to the terms and conditions that were in effect on or before January 19, 2021; and
(B) all materials acquired by the Department of Homeland Security (including U.S. Customs and Border Protection), the Department of Defense (including the Army Corps of Engineers), or any other Federal agency for the construction of a barrier along the southwest land border of the United States shall remain under the custody of the agency that acquired such materials.
(2) EXECUTION OF CONTRACTS.—Any Federal agency that has entered into any material contracts described in the paragraph (1)(B) shall carry out all contracts involving such materials according to the terms and conditions that were in effect on or before January 19, 2021.
(3) RENEWAL OF CONTRACTS.—The Department of Homeland Security (including U.S. Customs and Border Protection), the Department of Defense (including the Army Corps of Engineers), and any other Federal agency that has terminated contracts pursuant to Presidential Proclamation 10142 (86 Fed. Reg. 7225) has the authority to renew and re-enter such contracts according to the terms and conditions that were in effect on or before January 19, 2021.

SEC. 1015. FLEXIBILITY FOR TEMPORARY AND TERM APPOINTMENTS.
(a) TEMPORARY AND TERM APPOINTMENTS.—Subchapter I of chapter 31 of title 5, United States Code, is amended by adding at the end the following:

“§ 3117. Temporary and term appointments

(a) DEFINITIONS.—In this section:
(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Personnel Management.

(2) TEMPORARY APPOINTMENT.—The term ‘temporary appointment’ means an appointment in the competitive service for a period of not more than 1 year.

(3) TERM APPOINTMENT.—The term ‘term appointment’ means an appointment in the competitive service for a period of more than 1 year and not more than 5 years.

(b) APPOINTMENT.—
(1) IN GENERAL.—The head of an Executive agency may extend a temporary appointment to an incumbent up to 1 year and not more than 1 year each, up to a maximum of 3 total years of service; and

(2) EXTENSION.—Under conditions prescribed by the Director, the head of an Executive agency may extend a term appointment made under paragraph (1) in increments determined by the head of the Executive agency, up to a maximum of 6 total years of service.

SEC. 1016. APPOINTMENTS FOR CRITICAL HIRING NEEDS.—
(a) IN GENERAL.—Under conditions prescribed by the Director, the head of an Executive agency may make a noncompetitive temporary appointment, or a noncompetitive term appointment for a period of not more than 18 months, to a position in the competitive service for which a critical hiring need exists, as determined under section 3301, without regard to the requirements of sections 3303 and 3304.
(b) NO EXTENSIONS.—An appointment made under paragraph (1) may not be extended.

(c) REGULATIONS.—
(1) IN GENERAL.—Subject to paragraph (2), the Director may prescribe regulations to carry out this section.

(d) APPLICATION.—Any regulations prescribed by the Director for the administration of this section shall not apply to the Secretary of Defense in the exercise of the authorities granted under section 1105 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 114–328; 130 Stat. 2447).

SEC. 1017. SPECIFIC PROVISION REGARDING THE DEPARTMENT OF DEFENSE.—Nothing in this section shall preclude the Secretary of Defense from making temporary or term appointments in the competitive service pursuant to section 1105 of the National Defense Authorization Act Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2447).

SEC. 1018. RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authorities granted under section 3309.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3116 the following:

“3117. Temporary and term appointments.”

SEC. 1019. REQUIREMENT TO POST A 100 WORD SUMMARY TO REGULATIONS.GOV.

Section 558(b) of title 5, United States Code, is amended—
(1) in paragraph (2), by striking “and” at the end;
(2) in paragraph (3), by striking the period at the end and inserting “; and”;
(3) by inserting after paragraph (3) the following:

“(4) the Internet address of a summary of not more than 100 words in length of the proposed rule, in plain language, that shall be posted on the Internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as regulations.gov).”

SA 4101. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1201. FLEXIBILITY FOR TEMPORARY AND TERM APPOINTMENTS.
(a) TEMPORARY AND TERM APPOINTMENTS.—
Subchapter I of chapter 31 of title 5, United States Code, is amended by adding at the end the following:

“§ 3117. Temporary and term appointments

(a) DEFINITIONS.—In this section:
(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Personnel Management.

(2) TEMPORARY APPOINTMENT.—The term ‘temporary appointment’ means an appointment in the competitive service for a period of not more than 1 year.

(3) TERM APPOINTMENT.—The term ‘term appointment’ means an appointment in the competitive service for a period of more than 1 year and not more than 5 years.

(b) APPOINTMENT.—
(1) IN GENERAL.—The head of an Executive agency may extend a temporary appointment to an incumbent up to 1 year and not more than 1 year each, up to a maximum of 3 total years of service; and

(2) EXTENSION.—Under conditions prescribed by the Director, the head of an Executive agency may extend a term appointment made under paragraph (1) in increments determined by the head of the Executive agency, up to a maximum of 6 total years of service.
to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. CONSCIENCE PROTECTIONS FOR MEMBERS OF ARMED FORCES WHO PROVIDE OR ASSIST WITH PROVISION OF HEALTH CARE.

(a) In General.—The Secretary of Defense shall not take any adverse action against a member of the Armed Forces who provides or assists in the provision of health care for the Department of Defense (including as a behavioral, mental, or physical health professional) on the basis that such member declines to perform, assist, refer for, or otherwise participate in a particular medical procedure, counseling activity, or course of treatment because of a sincere religious belief or moral conviction of such member or because the particular medical procedure, counseling activity, or course of treatment would, in the professional medical judgment of such member, be harmful to the patient.

(b) No Impact on Care.—The Secretary shall ensure that no patient is unduly delayed in receiving any medically indicated care they are otherwise eligible to receive, including preventative, emergency, and routine care, because of compliance by the Secretary with subsection (a).

(c) Adverse Action Defined.—In this section, the term ‘adverse action’ includes any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

SA 4104. 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 D of title X, add the following:

SEC. 1036. BRIEFING REQUIREMENTS RELATING TO TRANSFER OF DETAINES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOR EIGN EARTH MINERALS.

(a) In General.—Section 1034(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2635) is amended by striking ‘‘section 1034(c)’’ and inserting ‘‘section 1034(e)’’.

(b) AMENDMENT.—Section 1044(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2635) is amended by striking ‘‘section 1044(c)’’ and inserting ‘‘section 1044(e)’’.

(c) CONGRESSIONAL RECORD — SENATE November 1, 2021

SEC. 1055. M. 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 E of title XII, add the following:

SEC. 1255. ENSURING RELIABLE SUPPLY OF RARE EARTH MINERALS.

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

(1) The People’s Republic of China is the global leader in mining, refining, and component manufacturing rare earth elements, producing approximately 85 percent of the world’s supply between 2011 and 2017.

(2) In 2019, the United States imported an estimated 188,000 metric tons of rare earth compounds from the People’s Republic of China.

(3) On March 26, 2014, the World Trade Organization ruled that the People’s Republic of China’s export restraints on rare earth minerals violated its obligations under its protocol of accession to the World Trade Organization, thereby harming United States manufacturers and workers.

(b) Definitions.—In this subsection, the term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Finance, the Committee on Foreign Relations, and the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Ways and Means, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

SA 4106. 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 E of title XII, add the following:

SEC. 1255. SENSE OF CONGRESS ON INCREASING PORT AND AIRFIELD CAPACITY OF COUNTRIES IN INDO-PACIFIC REGION.

It is the sense of Congress that, as the People’s Republic of China continues to grow in influence through infrastructure (specifically infrastructure that can easily be shifted from economic to military uses), the United States International Development Finance Corporation should prioritize programs that seek to increase the infrastructure in countries throughout the Indo-Pacific region that—

(1) are targets of the predatory infrastructure development scheme of the People’s Republic of China; and

(2) are eligible for support provided by the Corporation under title II of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9621 et seq.).

SA 4107. 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. LIMITATION ON MEDICAL RESEARCH TO ADDRESS CONDITIONS RELATED TO SERVICE IN THE ARMED FORCES.

Section 258(b)(c) of title 10, United States Code, is amended—
(1) by striking the period at the end and inserting "; or";
(2) by striking "to finance any research" and inserting "to finance—"; and
(3) by adding at the end the following new paragraph:
"(2) and any medical research project unless the project directly addresses treatment of diseases, injuries, or illnesses related to service in the Armed Forces."

SA 4108. Mr. LANKFORD submitted an amendment intended to be proposed to amend SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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:

SECTION . . . EXPEDITED HIRING AUTHORITY.

(a) EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES.—Section 3115(e) of title 5, United States Code, is amended by striking "15 percent" and inserting "25 percent".

(b) EXPEDITED HIRING AUTHORITY FOR POSTSECONDARY STUDENTS.—Section 3116(b)(1) of title 5, United States Code, is amended by striking "15 percent" and inserting "25 percent".

SA 4109. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION . . . CRITERIA FOR GRANTING DIRECT-HIRE AUTHORITY TO AGENCIES.

Section 3304(a)(3)(B) of title 5, United States Code, is amended by striking "shortage of candidates" and all that follows through "highly qualified candidates" and inserting "shortage of highly qualified candidates".

SA 4110. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1036. REVIEW AND APPROVAL BY SECRETARY OF DEFENSE OF TRANSFER OF DETAINERS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY.

(a) REVIEW AND APPROVAL.—The Secretary of Defense shall review and approve any transfer of an individual detained at Guantanamo from United States Naval Station, Guantanamo Bay, Cuba.

(b) TRANSFER AGREEMENTS.—The Secretary shall sign any agreement relating to the transfer of an individual detained at Guantanamo from United States Naval Station, Guantanamo Bay.

(c) NOTICES.—The Secretary may not delegate any responsibility under subsection (a) or (b).
(A) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, the term ‘‘national critical functions’’ means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

(B) NATIONAL RISK MANAGEMENT CYCLE.—

(1) RISK IDENTIFICATION AND ASSESSMENT.—

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

(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, critical infrastructure owners and operators, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

(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 by inserting the following:

‘‘(v) request any additional authorities necessary to successfully execute the 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 the National Security Telecommunications and Information Systems Advisory Committee.

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.’’.

(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 III—IMPROVING THE ABILITY OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY 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 ‘‘whom 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. PILOT PROGRAM ON CYBER THREAT INFORMATION COLLABORATION ENVIRONMENT.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE INFORMATION.—The term ‘‘critical 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) CYBERCRISIS.—The term ‘‘cybercrisis’’ 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).

(b) 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).

(c) NATIONAL RISK MANAGEMENT CYCLE.—

(1) RISK IDENTIFICATION AND ASSESSMENT.—

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

(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, critical infrastructure owners and operators, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

(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 by inserting the following:

‘‘(v) request any additional authorities necessary to successfully execute the 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 the National Security Telecommunications and Information Systems Advisory Committee.

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.’’.

(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).

(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 Attorney General, shall:

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

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

(2) REPORT.—The Secretary shall submit to Congress a report on the implementation of the pilot program established under subsection (b).

(3) AUTHORITY.—Nothing in this section shall be construed to limit the authority of the Federal Government, the Federal Government through the Department of Homeland Security, or any other Federal entity, to undertake any activities intended to protect critical infrastructure from cybercrisis.
maximize return on investment and minimize cost.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, or 1 year thereafter until the date that is 5 years after the date of enactment of this Act, and every year thereafter until the date that is 1 year after the pilot program under this section terminates under subsection (e), the Secretary shall submit to Congress a strategy 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 National Telecommunications and Information Administration of the Department of Commerce, in coordination with the Director of National Intelligence, the Director of National Security Agency, and the Attorney General, 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.

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

(A) articulate the need 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 at scale; and

(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; and

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

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

TITLE LIV—ENABLING THE NATIONAL CYBER DIRECTOR

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

(a) DEFINITIONS.—In this section—

(1) the term ‘‘Director’’ means the National Cyber Director;

(2) the term ‘‘excepted service’’ has the meaning given such term in section 2103 of title 5, United States Code;
(3) the term “Office” means the Office of the National Cyber Director;

(4) the term “qualified position” means a position identified by the Director and occupied by an employee in the Office, under 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) be in no case lower than the maximum rates of pay consistent with section 5311 of title 5, United States Code, adopted such that any employee in the Office is, with pay under paragraph (1) and for prevailing rate systems of basic pay and pay under those provisions to qualified positions for employees in or under which the Office may employ individuals described by section 5312 of title 5, United States Code.

(c) AMOUNTS FOR NEXT GENERATION RADAR AND RADIO ASTRONOMY IMPROVEMENTS AND RELATED ACTIVITIES.—

(a) STEWARDSHIP FEE ON OPIOID MEDICATIONS.—

(1) IN GENERAL.—The term ‘active opioid’ means any controlled substance (as defined in section 102 of the Controlled Substances Act, as in effect on the date of the enactment of this section) which is opium, an opiate, or any derivative thereof.

(2) EXCLUSION FOR CERTAIN PRESCRIPTION MEDICATIONS.—Such term shall not include a prescription drug which is used exclusively for the treatment of opioid addiction as part of a medically assisted treatment effort.

(3) EXCLUSION OF OTHER INGREDIENTS.—In the case of a product that includes an active opioid and another ingredient, subsection (a) shall apply only to the portion of such product that is an active opioid.

(b) STEWARDSHIP FEE ON OPIOID SUBSTANCE ABUSE REDUCTION.—

(1) IN GENERAL.—The term ‘active opioid’ means any controlled substance (as defined in section 102 of the Controlled Substances Act, as in effect on the date of the enactment of this section) which is opium, an opiate, or any derivative thereof.

(2) EXCLUSION FOR CERTAIN PRESCRIPTION MEDICATIONS.—Such term shall not include a prescription drug which is used exclusively for the treatment of opioid addiction as part of a medically assisted treatment effort.

(3) EXCLUSION OF OTHER INGREDIENTS.—In the case of a product that includes an active opioid and another ingredient, subsection (a) shall apply only to the portion of such product that is an active opioid.

(c) STEWARDSHIP FEE ON OPIOID MEDICATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with patient advocacy groups and other relevant stakeholders as determined by such Secretary, shall establish a mechanism by which—

(A) any amount paid by an eligible patient in connection with the stewardship fee under subsection (a) is paid in as timely a manner as possible, or

(B) amounts paid by an eligible patient for active opioids are discounted at time of purchase or are otherwise provided that such payment does not pay any amount attributable to such fee, with as little burden on the patient as possible. The Secretary of Health and Human Services shall choose whichever of the options described in subparagraph (A) or (B) is, in such Secretary’s determination, most effective and efficient in ensuring eligible patients face no economic burden from such fee.

(2) ELIGIBLE PATIENT.—For purposes of this subsection, the term ‘eligible patient’ means—

(A) a patient for whom any active opioid is prescribed to treat pain relating to cancer or cancer treatment;

(B) any patient participating in hospice care;

(C) a patient with respect to whom the prescribed product is prescribed solely for hospice care;

(D) any patient for whom the prescription is for the treatment of a condition described in subparagraph (B) or (C) that requires treatment other than hospice care, and during the time the condition is treated, only products that are an active opioid are prescribed.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to sales on or after the later of—

(A) the date by which the Secretary of Health and Human Services establishes the mechanism described in section 1491 of the Internal Revenue Code of 1986, as added by this section.

(b) BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE.—

(1) GRANTS TO STATES.—Section 1921(b) of the Public Health Service Act (42 U.S.C. 200(a))...
300x-21(b)(1) is amended by inserting “and, as applicable, for carrying out section 1923A” before the period.

(2) **NONAPPLICABILITY OF PREVENTION PROGRAM**—Section 1922(a)(1) of the Public Health Service Act (42 U.S.C. 300x-22(a)(1)) is amended by inserting “except as described in section 1923A,” before “will ex-

(3) **OPIOID TREATMENT PROGRAMS.**—Subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-21 et seq.) is amended by inserting after section 1923 the following:

**SEC. 1923A. ADDITIONAL SUBSTANCE ABUSE TREATMENT PROGRAMS.**

“...”

**SEC. 1064. EXTENSION OF BLACK LUNG DISABILITY TRUST FUND EXCISE TAX.**

(a) In General.—Subsection (a)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2021” and inserting “December 31, 2031.”

(b) Effective Date.—The amendments made by this section shall apply on and after the first day of the following calendar month beginning after the date of enactment of this Act.

**SEC. 1017. SHORT TITLE.**

This subtitle may be cited as the “COVID–19 Mine Worker Protection Act”.

**SEC. 1072. EMERGENCY TEMPORARY AND PERMA-

(1) (A) standard to protect miners from occupa-

(b) REQUIREMENTS.—The standards promul-

(c) REPORT.—Not later than 2 years after the date described in subsection (a)(3), the Secretary of Health and Human Services shall submit to Congress a report on the impact of the amendments made by subsections (a) and (b). The report shall—

(1) the cost of active opioids (as defined in section 4191 of the Internal Revenue Code of 1986, as added by subsection (a));

(2) the effect on patients, particularly cancer and hospice patients, including the extent to which abuse has generated additional costs; and

(3) the extent to which the adoption of the standard would increase the costs of treating patients suffering from opioid abuse.

**SEC. 1073. SURVEILLANCE, TRACKING, AND IN-

(2) (A) the Centers for Disease Control and Prevention (as authorized by section 5101 of title 42, United States Code (commonly referred to as the “Paperwork Reduction Act’’).


(4) Executive Order 12886 (58 Fed. Reg. 190; relating to regulatory planning and review), and

(b) PERMANENT STANDARD.—Pursuant to section 101(b)(3) of the Federal Mine Safety and Health Act of 1970 (30 U.S.C. 813(b)(3)), the Secretary shall promulgate a mandatory standard to protect miners from occupa-

(c) REQUIREMENTS.—The standards promul-

(d) ROYalties.—The provisions of law and the Executive order listed in paragraph (3) of section 1923A of the Public Health Service Act (as added by section (2)) are inapplicable to amounts reimbursed under such section 1923A.

**SA 4116.** 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 appropri-

**SA 4117.** 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 appropri-

(a) In General.—In consideration of the grave risk presented by COVID-19 and the need to strengthen protections for miners, pursuant to section 101(b) of the Federal Mine Safety and Health Act of 1970 (30 U.S.C. 811(b)) and notwithstanding the provisions of law and the Executive order listed in paragraph (3), not later than 7 days after the date of enactment of this Act, the Secretary of Labor shall promulgate an emergency temporary

(b) Application of Standard.—Pursuant to section 101(b)(2) of the Federal Mine Safety and Health Act of 1970 (30 U.S.C. 811(b)(2)), the amendments made by this section—

(c) Inapplicable Provisions of Law and Executive Order.—The provisions of law and the Executive order listed in this paragraph are as follows:

(1) Section 1922 of the Public Health Service Act (as added by section (1));

(2) Chapter 6 of title 5, United States Code (commonly referred to as the “Regulatory Flexibility Act’’);

(3) Subchapter I of chapter 35 of title 41, United States Code (commonly referred to as the “Paperwork Reduction Act’’);


(5) Executive Order 12886 (58 Fed. Reg. 190; relating to regulatory planning and review), and

(6) Authorized appropriations for fiscal year 2022 for mili-

**SA 4118.** 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 appro-

The terms used in this subtitle have the meanings given the terms in section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802).

**SA 4118.** 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 appro-

The terms used in this subtitle have the meanings given the terms in section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802).

**SA 4118.** 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 appro-

The terms used in this subtitle have the meanings given the terms in section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802).
Defense, for military construction, and for defense activities of the Department of Energy, to 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. PROTECTIONS FOR PENSIONS IN BANKRUPTCY PROCEEDINGS.  

(a) SHORT TITLE.—This section may be cited as the “Stopping Loopholes Act of 2021” or the “SLAP Act”.  

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AND THE INTERNAL REVENUE CODE OF 1986.—  

(1) MINIMUM FUNDING STANDARD.—  

(A) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 302(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(a)) is amended by adding at the end the following:  

“(3) CASES UNDER TITLE 11.—A plan shall continue to be required to satisfy the minimum funding standard under paragraph (1) if a case under title 11, United States Code, is commenced with respect to the plan unless the Secretary of the Treasury has waived the requirements of this subsection with respect to the plan under subsection (c).”.  

(B) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 412(a) of the Internal Revenue Code of 1986 (42 U.S.C. 1399(c)(5)).”.

(2) OBLIGATION TO PAY WITHDRAWAL LIABILITY.—Section 4219 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1399(c)) is amended by adding at the end the following:  

“(A) all of the applicable requirements of subsection (a) of this section, the court shall consider the extent to which a bidder has offered to maintain existing jobs, preserve terms and conditions of employment, and assume or match pension contributions to the extent that such transfers or obligations are essential in determining whether an offer constitutes the highest or best offer for such property.”.

(3) PROTECTION OF EMPLOYEE BENEFITS IN A SELLING-OUT LITERACY.—Section 4222(b) of title 11, United States Code, is amended by adding at the end the following:  

“(B) in paragraph (5), by striking ‘2020’ and inserting ‘2020’;”.

(4) SALES OF PROPERTY IN BANKRUPTCY PROCEEDINGS.—  

(1) IN GENERAL.—Section 363(a) of title 11, United States Code, is amended—  

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “2 years” and inserting “2 years and”;  

(B) in subsection (c)(1), by striking “2 years” and inserting “2 years and”.

(B) in paragraph (a), by striking “or (in the case of a liquidation of some or all of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions in light of the debtor’s business and management workforce during the case.”.

(c) ADMINISTRATIVE EXPENSES AND PRIORITIES IN BANKRUPTCY PROCEEDINGS.—  

(1) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—  

(A) IN GENERAL.—Section 503(b) of title 11, United States Code, is amended—  

(i) in paragraph (8)(B), by striking “and”;  

(ii) in paragraph (9), by striking the period at the end and inserting a semicolon; and  

(iii) in the last clause of paragraph (10), by striking “after the date of enactment of this Act”.

(B) CONFIRMING AMENDMENT RELATING TO PRIORITIES.—Section 507(a)(5) of title 11, United States Code, is amended, in the matter preceding subparagraph (A), by inserting “or (in the case of a liquidation of some or all of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions in light of the debtor’s business and management workforce during the case.”.

(h) APPLICABILITY.—This section and the amendments made by this section shall apply with respect to any case that is commenced on or after the date of enactment of this Act.
SA 4119. Mr. WICKER (for himself and Mr. KAIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 4. ADDITIONAL FUNDING FOR OHIO REPLACEMENT.

(a) ADDITIONAL FUNDING.—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 increased by $2,000,000, with the amount of the increase to be available for Ohio Replacement (PE 0603565N).

(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 $10,000,000, with the amount of the decrease to be derived from amounts available for Shipbuilding and Conversion, Navy, Amphibious Ships, Line 19, LHA Replacement.

SEC. 5. ADDITIONAL FUNDING FOR SHIP SHORE CONNECTOR.

(a) ADDITIONAL FUNDING.—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 increased by $25,000,000, with the amount of the increase to be derived from amounts available for Shipbuilding and Conversion, Navy, Amphibious Ships, Line 19, LHA Replacement.

(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 $2,000,000, with the amount of the decrease to be available for Joint Service Explosive Ordinance Development (PE 0603564N).

SEC. 6. ADDITIONAL FUNDING FOR JOINT SERVICE EXPLOSIVE ORDINANCE DEVELOPMENT.

(a) ADDITIONAL FUNDING.—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 increased by $11,000,000, with the amount of the increase to be available for Joint Service Explosive Ordinance Development (PE 0603564N).

(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, Amphibious Ships, Line 19, LHA Replacement.

SA 4121. Ms. CORTEZ MASTO (for herself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 8. ADDITIONAL FUNDING FOR INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT.

(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 $10,000,000, with the amount of the increase to be available for the Ship Shore Connector (PE 0605220N).

(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 $10,000,000, with the amount of the decrease to be derived from amounts available for Shipbuilding and Conversion, Navy, Amphibious Ships, Line 19, LHA Replacement.

SEC. 9. PROMOTING DIGITAL PRIVACY TECHNOLOGIES.

(a) DEFINITIONS.—For the purpose of this section:

(1) PERSONAL DATA.—The term “personal data” means information that identifies, or is reasonably linkable to, an individual or consumer, including de-identified data.

(2) PRIVACY ENHANCING TECHNOLOGY.—The term “privacy enhancing technology” means any software solution, technical processes, or other technological means of enhancing the privacy and confidentiality of an individual’s personal data in data or sets of data.

(b) INTEGRATION INTO THE COMPUTER AND NETWORK SECURITY PROGRAM.—Subparagraph (D) of section 4(a)(1) of the Cyber Security and Domestic Privacy Act of 2008 (42 U.S.C. 7403(a)(1)(D)) is amended to read as follows:

“(D) privacy enhancing technologies and confidentiality;”.

(c) COORDINATION WITH THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND OTHER STAKEHOLDERS.—

The Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall coordinate with the Director of the National Institute of Standards and Technology, the Federal Trade Commission to accelerate the development and use of privacy enhancing technologies.

(2) PREPAREDNESS.—The Director of the National Institute of Standards and Technology shall conduct outreach to:

(A) receive input from public, private, and academic stakeholders, including the National Institutes of Health and the Centers for Disease Control and Prevention, for the purpose of facilitating public health research, on the development of privacy enhancing technologies; and

B) develop ongoing public and private sector engagement to create and disseminate voluntary, consensus-based resources to increase the integration of privacy enhancing technologies in data collection, sharing, and analytics by the public and private sectors.

(e) REPORT ON RESEARCH AND STANDARDS DEVELOPMENT.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall, in coordination with the Director of the National Institute of Standards and Technology, submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives, a report containing—

(1) the progress of research on privacy enhancing technologies;

(2) the progress of the development of voluntary resources described under subsection (d)(2)(B); and

(3) any policy recommendations of the Directors that could facilitate and improve communication and coordination between the private sector, the National Science Foundation, and relevant Federal agencies through the implementation of privacy enhancing technologies.

SA 4122. Mr. CORTEZ MASTO (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:
SEC. 318. ENERGY EFFICIENCY AND RESILIENCY TARGETS FOR DEPARTMENT OF DEFENSE DATA CENTERS.

(a) ENERGY EFFICIENCY AND RESILIENCY TARGETS FOR DATA CENTERS.—

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

(A) develop a power usage effectiveness target for the data center, based on location, resiliency, industry standards, business continuity and disaster recovery, and best practices;

(B) develop a water usage effectiveness target for the data center, based on location, resiliency, industry standards, business continuity and disaster recovery, and best practices;

(C) develop a resiliency target for the data center, based on location, industry standards, business continuity and disaster recovery, and best practices;

(D) develop a facility availability target for the data center, based on location, industry standards, business continuity and disaster recovery, and best practices;

(E) develop energy efficiency or water usage targets for the data center based on industry standards, business continuity and disaster recovery, and best practices, as applicable to meet energy efficiency and resiliency goals;

(F) identify potential renewable or clean energy resources, or related technologies such as advanced battery storage capacity, to enhance resiliency at the data center, including potential for use of clean energy to purchase targets based on the location of the data center; and

(G) identify any statutory, regulatory, or policy barriers to meeting any target under any of subparagraphs (A) through (F).

(2) For each such data center, the earlier of—

(A) the date on which the data center was established; or

(B) the date of the most recent capital investment in new power, cooling, or compute infrastructure at the data center.

(b) INVENTORY OF DATA FACILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an inventory of all data centers owned or operated by the Department of Defense.

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

(A) A list of data centers owned or operated by the Department of Defense.

(B) For each such data center, the earlier of the following dates:

(i) The date on which the data center was established.

(ii) The date of the most recent capital investment in new power, cooling, or compute infrastructure at the data center.

(C) The total average annual power use, in kilowatts, for each such data center.

(D) The number of data centers that measure power usage effectiveness and for each such data center, the power usage effectiveness for the center.

(E) The number of data centers that measure water usage effectiveness and, for each such data center, the water usage effectiveness for the center.

(F) A description of any other existing energy efficiency or water usage metrics used by any data center and the applicable measurements for any such center.

(G) An assessment of the facility resiliency of each data center, including redundant power and cooling facility infrastructure.

(H) Any other matters the Secretary determines are relevant.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the completion of the inventory required under subsection (b), the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the inventory and energy and resiliency targets under section 2921(a) of title 10, United States Code, as added by subsection (a).

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

(A) A timeline of necessary actions required to meet the energy efficiency and resiliency targets for covered data centers under section 2921(a) of title 10, United States Code, as added by subsection (a), and the estimated costs associated with meeting such targets.

(C) An assessment of the business case for meeting such targets, including any estimated savings in energy costs and water costs and estimated reduction in energy and water usage if the targets are met.
Mr. KING submitted amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1224. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DISPLACED POPULATIONS IN SYRIA.

Section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1450) is amended—

(a) by striking subsection (a);

(b) by amending subsection (b) to read as follows:

"(a) DESIGNATION.—The President, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall designate an existing official of the Office of the Secretary of Defense as senior-level coordinator to coordinate, in conjunction with other relevant agencies, all matters related to ISIS members who are in the custody of the Syrian Democratic Forces and other relevant displaced populations in Syria, including—

"(1) the long-term disposition of such individuals, including in all matters related to—

"(A) repatriation, transfer, prosecution, and intelligence-gathering;

"(B) all international and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of ISIS members, including such engagements with the International Criminal Police Organization; and

"(C) the coordination of the provision of technical and financial assistance to foreign countries to aid in the successful prosecution of such ISIS members, as appropriate, in accordance with international humanitarian law and other internationally recognized human rights and rule of law standards;

"(2) all multinational and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, internally displaced persons and refugees at camps or facilities in Syria that hold family members of such ISIS members;

"(3) coordination with relevant agencies on matters described in this section; and

"(d) any other matter the Secretary of State considers relevant.

"(b) USE OF AIRCRAFT.—An individual who uses, causes to use, or authorizes to use aircraft for flights conducted under subsection (a) or (b) shall not be deemed to be operating an aircraft carrying persons or property for compensation or hire.

"(c) USE OF AIRCRAFT.—An individual who uses, causes to use, or authorizes to use aircraft for flights conducted under subsection (a) or (b) shall not be deemed to be operating an aircraft carrying persons or property for compensation or hire.

SA 4125. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1224. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DISPLACED POPULATIONS IN SYRIA.

Section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1450) is amended—

(a) by striking subsection (a);

(b) by amending subsection (b) to read as follows:

"(a) DESIGNATION.—The President, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall designate an existing official of the Office of the Secretary of Defense as senior-level coordinator to coordinate, in conjunction with other relevant agencies, all matters related to ISIS members who are in the custody of the Syrian Democratic Forces and other relevant displaced populations in Syria, including—

"(1) the long-term disposition of such individuals, including in all matters related to—

"(A) repatriation, transfer, prosecution, and intelligence-gathering;

"(B) all international and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of ISIS members, including such engagements with the International Criminal Police Organization; and

"(C) the coordination of the provision of technical and financial assistance to foreign countries to aid in the successful prosecution of such ISIS members, as appropriate, in accordance with international humanitarian law and other internationally recognized human rights and rule of law standards;

"(2) all multinational and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, internally displaced persons and refugees at camps or facilities in Syria that hold family members of such ISIS members;

"(3) coordination with relevant agencies on matters described in this section; and

"(d) any other matter the Secretary of State considers relevant.

"(b) USE OF AIRCRAFT.—An individual who uses, causes to use, or authorizes to use aircraft for flights conducted under subsection (a) or (b) shall not be deemed to be operating an aircraft carrying persons or property for compensation or hire.

"(c) USE OF AIRCRAFT.—An individual who uses, causes to use, or authorizes to use aircraft for flights conducted under subsection (a) or (b) shall not be deemed to be operating an aircraft carrying persons or property for compensation or hire.

SA 4126. 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

\[\text{...}\]
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. MODIFICATION OF REQUIREMENTS FOR DISPOSAL OF MATERIALS CONTAINING PERFLUOROALKYL SUBSTANCES, POLYFLUOROALKYL SUBSTANCES, OR AQUEOUS FILM FORMING FOAM.

Section 330 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note) is amended—

(A) in paragraph (1), by striking "or" and inserting a semicolon;

(B) in paragraph (2), by striking "or" and inserting a comma;

(C) in paragraph (3), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following new paragraph:

"(4) have been sent to another entity or entities for disposal, including a waste processing facility, subcontractor, or fuel blending facility;"; and

(2) by adding at the end the following new subsections:

"(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives a report on all incineration by the Department of Defense of materials covered by subsection (b) during the one-year period preceding the submittal of the report, including—

"(1) the total amount of materials incinerated;

"(2) the temperature range at which the materials were incinerated;

"(3) the locations and facilities where the covered materials were incinerated;

"(4) details on actions taken by the Secretary to comply with this section; and

"(5) details on actions taken by the Department of Defense to implement the recommendations contained in the revised interim guidance published by the Department on the destruction and disposal of PFAS and materials containing PFAS published by the Administrator of the Environmental Protection Agency under section 7361 of the National Defense Authorization Act for Fiscal Year 2020 (15 U.S.C. 8961), including the recommendation for safe storage of PFAS and materials containing PFAS until identified uncertainties are addressed and appropriate destruction and disposal technologies can be recommended.

"(d) DEFINITIONS.—In this section:

"(1) APFF.—The term ‘APFF’ means aqueous film forming foam.

"(2) PFAS.—The term ‘PFAS’ means perfluoroalkyl substances or polyfluoroalkyl substances.

SA 4127. 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 D of title III, add the following:

SEC. 356. MORATORIUM ON INCINERATION BY DEPARTMENT OF DEFENSE OF PERFLUOROALKYL SUBSTANCES, POLYFLUOROALKYL SUBSTANCES, AND AQUEOUS FILM FORMING FOAM.

Beginning on the date of the enactment of this Act, the Secretary of Defense shall not incinerate materials containing perfluoroalkyl substances, polyfluoroalkyl substances, or aqueous film forming foam until regulations have been prescribed by the Secretary that—

(1) implement the requirements of section 330 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note); and

(2) take into consideration the interim guidance published by the Administrator of the Environmental Protection Agency under section 7361 of the National Defense Authorization Act for Fiscal Year 2020 (15 U.S.C. 8961).

SA 4128. 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 Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. ADDITIONAL VISAS UNDER AFGHAN SPECIAL IMMIGRANT VISAS PROGRAM.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended, in the matter preceding clause (1), by striking "34,500" and inserting "38,500".

SA 4129. Mrs. SHAHEEN (for herself 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, insert the following:

Subtitle Combating Synthetic Drugs

SEC. 01. SHORT TITLE.

This subtitle may be cited as the ‘‘Fighting Emerging Narcotics Through Additional Nations to Yield Lasting Results Act’’ or ‘‘FENTANYL Results Act’’.

SEC. 02. PRIORITIZATION OF EFFORTS OF THE DEPARTMENT OF STATE TO COMBAT INTERNATIONAL TRAFFICKING IN COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—The Secretary of State shall prioritize efforts of the Department of State to combat international trafficking in covered synthetic drugs by carrying out programs and activities to include the following:

(1) Supporting increased data collection by the United States and foreign countries through increased drug use surveys among populations, increased use of wastewater testing where appropriate, and multilateral sharing of that data.

(2) Engaging in increased consultation and partnership with international drug agencies, including the United Nations Monitoring Centre for Drugs and Drug Addiction, and regulatory agencies in foreign countries.

(3) Carrying out the program to provide assistance to build the capacity of foreign law enforcement agencies with respect to covered synthetic drugs, as required by section 03.

(4) Carrying out exchange programs for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development, study, and training in matters relating to the illicit use of narcotics and other drugs, as required by section 04.

(b) 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 congressional committees a report on the implementation of this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘‘appropriate congressional committees’’ 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.

SEC. 03. PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE CAPACITY OF FOREIGN LAW ENFORCEMENT AGENCIES WITH RESPECT TO COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—Notwithstanding section 600 of the Foreign Assistance Act of 1961 (22 U.S.C. 2361), the Secretary shall establish a program to provide assistance to build the capacity of law enforcement agencies of the countries described in subsection (c) to help such agencies to identify, track, and improve their forensics detection capabilities with respect to covered synthetic drugs.

(b) PRIORITY.—The Secretary of State shall prioritize assistance under subsection (a) among those countries described in subsection (c) in which such assistance would have the most impact in reducing illicit use of covered synthetic drugs in the United States.

(c) COUNTRIES DESCRIBED.—The foreign countries described in this subsection are—

(1) countries that are producers of covered synthetic drugs;

(2) countries whose pharmaceutical and chemical industries are known to be exploited for development or procurement of precursors of covered synthetic drugs; or

(3) major drug-transit countries as defined by the President.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of the fiscal years 2022 through 2026. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. 04. EXCHANGE PROGRAM FOR GOVERNMENTAL AND NONGOVERNMENTAL PERSONNEL TO PROVIDE EDUCATIONAL AND PROFESSIONAL DEVELOPMENT ON DEMAND REDUCTION MATTERS RELATING TO ILLEGAL USE OF NARCOTICS AND OTHER DRUGS.

(a) IN GENERAL.—The Secretary of State shall establish or continue and strengthen, as appropriate, an exchange program for governmental and nongovernmental personnel in the United States and in foreign countries.
to provide educational and professional development on demand reduction matters relating to the illicit use of narcotics and other drugs.

(b) PROGRAM REQUIREMENTS.—The program required by subsection (a)—
(1) shall be limited to individuals who have expertise and experience in matters described in subsection (a); and
(2) in the case of inbound exchanges, may be carried out as part of exchange programs and international visitor programs administered by the Bureau of Educational and Cultural Affairs of the Department of State, including the International Visitor Leadership Program, in consultation or coordination with the Bureau of International Narcotics and Law Enforcement Affairs; and
(3) shall include outbound exchanges for governmental or nongovernmental personnel in the United States.

(c) AUTHORIZATION OF ADDITIONAL APPOINTMENTS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2022 through 2026. Such amounts shall be in addition to amounts otherwise available for such purpose.

SEC. 05. AMENDMENTS TO INTERNATIONAL NARCOTICS CONTROL PROGRAM.

(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(a)) is amended by inserting after paragraph (5) the following new paragraph:

"(10) SYNTHETIC OPIODES AND NEW PSYCHOACTIVE SUBSTANCES.—
"(A) SYNTHETIC OPIODES.—Information that contains an assessment of the countries significantly involved in the manufacture, production, or transshipment of synthetic opioids, including fentanyl and fentanyl analogues, in the United States shall include:
"(i) The scale of legal domestic production and any available information on the number of manufacturers and producers of such opioids in such countries.
"(ii) Information on any law enforcement assessments of the scale of illegal production, including a description of the capacity of illegal laboratories to produce such opioids.
"(iii) The types of inputs used and a description of the primary methods of synthesis employed by illegal producers of such opioids.
"(iv) An assessment of the policies of such countries to regulate licit manufacture and interstate or intercountry distribution, and shipment of such opioids and an assessment of the effectiveness of the policies implemented.

"(B) NEW PSYCHOACTIVE SUBSTANCES.—Information on, to the extent practicable, any policies of responding to new psychoactive substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))), including fentanyl or a fentanyl analogue; or

"(C) poses a threat to the public health and safety.

(b) DEFINITION OF MAJOR ILLICIT DRUG PRODUCTION COUNTRY.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—
(1) in paragraph (2)—
(A) by striking "means a country in which", and inserting the following: 
"means—
"(A) a country in which—
"(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and moving such clauses, as so redesignated, two ems to the right;

(c) INCLUSION OF EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.—

(A) MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—If a covered evaluation of a member of the Armed Forces results in a positive determination of potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances, the Secretary of Defense shall provide to that member, during that covered evaluation, blood testing to determine and document potential exposure to such substances.

(2) INCLUSION IN HEALTH RECORD.—The results of blood testing of a member of the Armed Forces conducted under paragraph (1) shall be included in the health record of the member.

(b) FORMER MEMBERS OF THE ARMED FORCES AND FAMILY MEMBERS.—The Secretary shall pay for blood testing to determine and document potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances, for any covered member of the Armed Forces as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

(c) DEFINITIONS.—In this section:

(1) COVERAGE EVALUATION.—The term "covered evaluation" means—

(A) a periodic health assessment conducted in accordance with section 761(a);

(B) a separation history and physical examination conducted under section 114(a)(5) of title 10, United States Code, as amended by section 761(b); and

(C) a deployment assessment conducted under section 1074(b)(2) of such title, as amended by section 761(c).

(2) COVERED INDIVIDUAL.—The term "covered individual" means a former member of the Armed Forces as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at a military installation; or

(3) covered individual means a former member of the Armed Forces as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

(4) covered individual means a former member of the Armed Forces as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances.
the Armed Forces or a family member of a member or former member of the Armed Forces who lived at a location (or the surrounding area of such a location) identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the individual lived at that location (or surrounding area).

(3) TRICARE PROGRAM.—The term ‘‘TRICARE program’’ has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 761. DOCUMENTATION OF EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.

(a) SHARING OF INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall each enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of covered evaluations regarding the exposure by a member of the Armed Forces to perfluoroalkyl substances or polyfluoroalkyl substances.

(b) REGISTRY.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish a registry of members of the Armed Forces who have been exposed to, or are suspected to have been exposed to, perfluoroalkyl substances or polyfluoroalkyl substances.

(2) INCLUSION IN REGISTRY.—The Secretary shall include a member of the Armed Forces in the registry established under paragraph (1) if a covered evaluation of the member establishes that the member—

(A) was based or stationed at a location identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the location; or

(B) was exposed to such substances.

(3) BLOOD TESTING.—The results of any blood test conducted under section 4(a) shall be included in the registry established under paragraph (1) for any member of the Armed Forces included in the registry.

(4) ELECTION.—A member of the Armed Forces may elect not to be included in the registry established under paragraph (1) if the member determines that the member—

(A) was based or stationed at a location identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the location; or

(B) was exposed to such substances.

(5) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude the procurement of such a covered item, including the end-item manufacturer of such a covered item—

(I) from an entity collectively registered as a logistics or administrative system administered by the General Services Administration; and

(ii) in compliance with the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) or a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (2 U.S.C. 5170). The Secretary may waive a requirement in subparagraph (B) of paragraph (1) if the Secretary determines that an insufficient supply of a covered item meets the requirement.

(6) PROVISION OF INFORMATION.—The Secretary of Defense shall provide to a member who elected not to be included in the registry established under paragraph (1) the results of any covered evaluation conducted under section 1074b(2) of such title, as amended by section 761(c).

SA 4313. Mrs. SHAHHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 ‘‘HOPRA Act’’.

SEC. 02. 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) Hard ballistic plates.

(ii) Soft ballistic panels.

(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) PROVISION OF INFORMATION.—The term ‘frontline operational component’ means any of the following organizations of the Department:

(A) U.S. Customs and Border Protection.

(B) 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.

(3) 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 50 percent of funds obligated in a specific fiscal year for the procurement of such covered items shall be covered items that are manufactured 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 contract or order with respect to the procurement of such a covered item, including the end-item manufacturer 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 National Institute of Standards and Technology (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; and

(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 identity 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 (2 U.S.C. 5170). The Secretary may waive a requirement in subparagraph (B) of paragraph (1) if the Secretary determines that there is an insufficient supply of a covered item that meets the requirement.

(B) NOTIFICATION.—Not later than 60 days after the date on which the Secretary makes a waiver under subparagraph (A) is necessary, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate 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) FURNISH.—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 Governmental Affairs, and the Committee on Appropriations of the Senate a report on the adequacy of the uniform allowances and the purchase and maintenance of personal protective equipment for employees of frontline operational components of the Department of Homeland Security.

(e) Effective Date.—This section applies to—

(1) the Committee on Homeland Security and the Committee on Appropriations of the Senate with respect to a contract entered into by the Department of Homeland Security or the Department of Defense on or after the date that is 180 days after the date of enactment of this section and annually thereafter, the Secretary shall provide a report with recommendations on how the Department of Homeland Security could provide a report with recommendations on how the Department of Homeland Security could

(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 Appropriations 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 personal protective 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 Governmental Affairs, 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 601 of title VI of division B of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 45b) to buy certain items related to national security interests from sources in the United States;

(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) 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 part 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 purchase certain items related to national security interests.".

SA 4132. Mr. SCHUMER (for Mr. MENENDEZ) proposed an amendment to the bill S. 1064, to advance the strategic alignment of United States diplomatic tools toward the realization of free, fair, and transparent elections in Nicaragua and to reaffirm the commitment of the United States to protect the fundamental freedoms and human rights of the people of Nicaragua, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021" or the "RENCER Act.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title of table of contents.
Sec. 2. Sense of Congress.
Sec. 3. Review of participation of Nicaragua in Dominican Republic-Central America-United States Free Trade Agreement.
Sec. 4. Restrictions on international financial institutions relating to Nicaragua.
Sec. 5. Targeted sanctions to advance democratic elections in Nicaragua.
Sec. 6. Developing and implementing a coordinated sanctions strategy with diplomatic partners.
Sec. 7. Inclusion of Nicaragua in list of countries subject to certain sanctions relating to corruption.
Sec. 8. Classified report on the involvement of Ortega family members and Nicaraguan government officials in corruption.
Sec. 9. Classified report on the activities of the Russian Federation in Nicaragua.
Sec. 10. Report on certain purchases by and agreements entered into by Government of Nicaragua relating to military or intelligence sector of Nicaragua.
Sec. 12. Supporting independent news media and freedom of information in Nicaragua.
Sec. 13. Amendment to short title of Public Law 115-335.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) ongoing efforts by the government of President Daniel Ortega in Nicaragua to suppress the voice of opposition and actions of political opponents through intimidation and unlawful detention, civil society, and independent news media violate the fundamental freedoms and basic human rights of the people of Nicaragua;

(2) Congress unequivocally condemns the passage of the Foreign Agents Regulation Law, the Special Cybercrimes Law, the Self-Determination Law, and the Consumer Protection Law, as well as all other laws that seek to curtail the fundamental freedoms and basic human rights of the people of Nicaragua;

(3) Congress unequivocally condemns the passage of the Foreign Agents Regulation Law, the Special Cybercrimes Law, the Self-Determination Law, and the Consumer Protection Law, as well as all other laws that seek to curtail the fundamental freedoms and basic human rights of the people of Nicaragua;

(4) Congress recognizes that free, fair, and transparent elections are the best way to build and sustain democratic institutions, forge a common national identity, and ensure that power is shared and sustained by the people for all the people of Nicaragua;

(5) Congress recognizes that the right of the people of Nicaragua to freely determine their own political future as vital to ensuring the sustainable restoration of democracy in their country;

(6) the United States should protect and support all political parties and candidates, including the use of targeted sanctions, in support of democratic political actors and civil society in Nicaragua to advance the necessary conditions for free, fair, and transparent elections in Nicaragua;

(7) the United States, in order to maximize the effectiveness of efforts described in paragraph (6), should—

(A) coordinate with diplomatic partners, including the Government of Canada, the European Union, and partners in Latin America and the Caribbean;

(B) advance diplomatic initiatives in consultation with the Organization of American States and the United Nations; and

(C) incorporate targeted sanctions and sanctions relating to the Russian Armed Forces in the United States and consider appropriate actions to hold such forces accountable for gross violations of human rights.

(8) pursuant to section 6(b) of the Nicaragua Investment Conditionality Act of 2018, the President should waive the application of sanctions under section 5 of that Act if the Secretary of State certifies that the Government of Nicaragua is taking the steps identified in section 5(a) of that Act, including taking steps to "hold free and fair elections overseen by credible domestic and international observers.

SEC. 3. REVIEW OF PARTICIPATION OF NICARAGUA IN DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.

(a) Findings.—Congress makes the following findings:

(1) On November 27, 2018, the President signed Executive Order 13851 (50 U.S.C. 1701 note; relating to blocking property of certain persons contributing to the situation in Nicaragua), which stated that "the situation in Nicaragua, including the violent response by the Government of Nicaragua to opposition protests that began on April 18, 2018, and the Ortega regime's systematic dismantling and undermining of democratic institutions and the rule of law, its use of indiscriminate violence and repressive tactics against civil society, as well as its corruptionleading to the destabilization of Nicaragua's economy, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States".

Party from applying measures that it consi-

ders necessary for the fulfillment of its ob-

ligations with respect to the maintenance or restoration of international peace or secu-

rity, the achievement of its own essential security interests.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should review the current investments and activities involving the government of Nicaragua in the Dominican Republic-Central America-United States Free Trade Agreement if the Government of Nicaragua continues to tight-

en its totalitarian rule in an attempt to subvert democratic elections in November 2021 and undermine democracy and human rights in Nicaragua.

SEC. 4. RESTRICTIONS ON INTERNATIONAL FINANCI-

AL INSTITUTIONS RELATING TO NICARAGUA.

Section 4 of the Nicaragua Investment Conditionality Act of 2018 is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respect-

ively;

(2) by inserting before subsection (b), as re-

designated by paragraph (1), the following:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury should take all possible steps, including through the full implementation of the ex-

ception mechanism described in subsection (c), to ensure that the restrictions required under subsection (b) do not negatively impact the basic human needs of the people of Nicaragua.”;

(3) in subsection (c), as so redesignated, by striking “subsection (a)” and inserting “subsection (b)”; and

(4) by striking subsection (d), as so redesign-

ated, and inserting the following:

“(d) INCREASED OVERSIGHT.—

(1) In general.—The Secretary of the Treasury shall furnish the Committee on Foreign Affairs of the House of Representatives and the Committee on Finance of the Senate a report on the implementation of this section, which shall include—

“(i) summary of any loans and financial and technical assistance provided by international financial institutions for projects in Nicaragua;

“(ii) a description of the implementation of the restrictions described in subsection (b);”

(2) by striking subsection (b), or before exercising an exception in which the exceptions required under subsection (c) are exercised and an assessment of how the loan or assistance provided with such exceptions may address basic human needs or promote democracy in Nicaragua;

(3) by striking subsection (d), or before exercising an exception in which the exceptions under subsection (c) are exercised and an assessment of how the loan or assistance provided with such exceptions may address basic human needs or promote democracy in Nicaragua;

(4) by describing the results of the in-

creased oversight conducted under subsection (d); and

(5) by describing the implementation of the humanitarian needs of the people of Nicaragua.

SEC. 5. TARGETED SANCTIONS TO ADVANCE

DEMO CRATIC ELECTIONS.

(a) COORDINATED STRATEGY.—

(1) In general.—The Secretary of State and the Secretary of the Treasury, in con-

sultation with the intelligence community (as defined in section 3 of the National Secu-

rity Act of 1947 (50 U.S.C. 3003)), shall develop and implement a strategy to align
diplomatic engagement efforts with the implementation of targeted sanctions in order to support efforts to facilitate the nec-

cessary conditions for fair, and trans-

parent elections in Nicaragua.

(2) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2022, the Secretary of State and the Secretary of the Treasury shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the implementation of targeted sanctions required under section 5(b) in order to advance democratic elections in Nicaragua.

(b) TARGETED SANCTIONS PRIORITIZATION.—(1) In general.—Pursuant to the coordin-

ated strategy required by subsection (a), the President shall prioritize the implemen-
tation of the targeted sanctions required under section 5 of the Nicaragua Investment Conditionality Act of 2018.

(2) TARGETED SANCTIONS.—In carrying out paragraph (1), the President—

(A) shall examine whether foreign persons involved in directly or indirectly obstructing the establishment of conditions necessary for the realization of free, fair, and transparent elections in Nicaragua are subject to sanctions under section 5 of the Nicaragua Investment Conditionality Act of 2018; and

(B) shall, in particular, examine whether the following persons have engaged in conduct subject to such sanctions:

(i) officials of the government of President Daniel Ortega.

(ii) family members of President Daniel Ortega.

(iii) high-ranking members of the National Nicaraguan Police.

(iv) high-ranking members of the Nica-

raguan Armed Forces.

(v) Members of the Supreme Electoral Council of Nicaragua.

(vi) officials of the Central Bank of Nica-

ragua.

(vii) Party members and elected officials from the Sandinista National Liberation Front and their family members.

(viii) individuals or entities affiliated with, or engaged in corrupt financial transactions with officials in the govern-

ment of President Daniel Ortega, his party, or his family.

(b) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, shall coordinate with the Director of National Intelligence, shall submit a classified report to
the appropriate congressional committees on significant acts of public corruption in Nicaragua that—
(1) involve—
(A) the President of Nicaragua, Daniel Ortega;
(B) members of the family of Daniel Ortega;
and
(C) senior officials of the Ortega government, including—
(i) members of the Supreme Electoral Council, the Nicaraguan Armed Forces, and the National Police; and
(ii) elected officials from the Sandinista National Liberation Front party;
(2) pose challenges for United States national security and stability; and
(3) impede the realization of free, fair, and transparent elections in Nicaragua and
(4) violate the fundamental freedoms of civil society and political opponents in Nicaragua.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ‘appropriate congressional committees’ means—
(1) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate;
(2) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 5. CLASSIFIED REPORT ON THE ACTIVITIES OF THE RUSSIAN FEDERATION IN NICARAGUA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence, shall submit a classified report to the appropriate congressional committees on activities of the Government of the Russian Federation, including—
(1) cooperation between Russian and Nicaraguan military personnel, intelligence services, security forces, and law enforcement, and private Russian security contractors;
(2) cooperation related to telecommunications and satellite navigation;
(3) other political and economic cooperation, including with respect to banking, disinformation, and election interference; and
(4) the threats and risks that such activities pose to United States national interests and national security.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ‘appropriate congressional committees’ means—
(1) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and
(2) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 10. REPORT ON HUMAN RIGHTS ABUSES BY AND AGREEMENTS ENTERED INTO BY GOVERNMENT OF NICARAGUA RELATING TO MILITARY OR INTELLIGENCE SECTOR OF NICARAGUA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence and the Defense Intelligence Agency, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes—
(1) a list of—
(A) all equipment, technology, or infrastructure with respect to the military or intelligence sector of Nicaragua purchased, on or after January 1, 2011, by the Government of Nicaragua from an entity identified by the Department of State under section 231(e) of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9525(e)); and
(B) all agreements with respect to the military or intelligence sector of Nicaragua entered into, on or after January 1, 2011, by the Government of Nicaragua with an entity described in paragraph (1); and
(2) a description of and date for each purchase and agreement described in paragraph (1).

(b) CONSIDERATION.—The report required by subsection (a) shall be prepared after consideration of the content of the report of the Defense Intelligence Agency entitled, ‘Rus- sia: Intelligence, National Security, and Foreign Policy Implications’, and dated February 4, 2019.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in an unclassified form but may include a classified annex.

SEC. 11. REPORT ON HUMAN RIGHTS ABUSES IN NICARAGUA.

(a) FINDINGS.—Congress finds that, since the June 2018 initiation of ‘Operation Clean-Up’, an effort of the government of Daniel Ortega to dismantle barricades constructed throughout Nicaragua during social demon- strations in April 2018, the Ortega government has increased its abuse of campsinos and members of indigenous communities, including arbitrary detentions, torture, and sexual violence as a form of intimidation.

(b) REPORT REQUIRED.—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 that documents the perpetration of gross human rights violations by the Ortega government against the citizens of Nicaragua, including campsinos and indigenous communities throughout Nicaragua.

(c) ELEMENTS.—The report required by subsection (b) shall—
(1) include a compilation of human rights violations committed by the Ortega government against the citizens of Nicaragua, with a focus on such violations committed since April 2018, including human rights abuses and extrajudicial killings in—
(A) the cities of Managua, Carazo, and Masaya between April and June of 2018; and
(B) the municipalities of Wiwili, El Cué, San José de Bocay, and Santa María de Pantasma in the Department of Jinotega, Esquipula in the Department of Rivas, and Bilwi in the Department of Autono- mous Region between 2018 and 2021;
(2) outline efforts by the Ortega government to intimidate and disrupt the activities of civil society organizations attempting to hold the government accountable for infring- ing on the fundamental rights and freedoms of the people of Nicaragua; and
(3) provide recommendations on how the United States, in collaboration with inter- national partners and Nicaraguan civil society, should leverage bilateral and regional relationships to develop and implement programs designed to protect human rights violations perpetrated by the Ortega government and better support the victims of human rights violations in Nicaragua.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—
(1) the Committee on Foreign Relations of the Senate; and
(2) the Committee on Foreign Affairs of the House of Representatives.

SEC. 12. SUPPORTING INDEPENDENT NEWS MEDIA AND FREEDOM OF INFORMATION IN NICARAGUA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Admin-istrator for the United States Agency for International Development, and the Chief Executive Officer of the United States Agency for Global Media, shall submit to Congress a report that—
(1) an evaluation of the governmental, pol-itical, and technological obstacles faced by the people of Nicaragua in their efforts to obtain accurate, objective, comprehensive news and information about domestic and international affairs; and
(2) a list of all TV channels, radio stations, online news sites, and other media platforms operating in Nicaragua that are directly or indirectly owned or controlled by President Daniel Ortega, members of the Ortega fam-ily, or known allies of the Ortega govern-ment.

(b) ELEMENTS.—The report required by subsection (a) shall include—
(1) an assessment of the extent to which the current level and type of news and related programming and content provided by the Voice of America and other sources is ad-dressing the informational needs of the people of Nicaragua;
(2) a description of existing United States efforts to strengthen freedom of the press and freedom of expression in Nicaragua, in-cluding recommendations to expand upon those efforts; and
(3) a description of efforts for strengthening independent broadcasting, information distribution, and media platforms in Nicaragua.

SEC. 13. AMENDMENT TO SHORT TITLE OF PUBLIC LAW 115-335.

In this Act, the term ‘Nicaragua Invest-ment Conditionality Act of 2018’ means the Public Law 115-335 (50 U.S.C. 1701 note), as amended by section 13.
SA 4133. Mrs. SHAHEEN (for herself 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, supra; which was ordered to lie on the table.

SA 4134. Mr. BERNSTEIN (for himself and Ms. STABENOW) submitted an 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 4135. Mrs. 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, supra; which was ordered to lie on the table.

SA 4136. 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 4137. Mrs. MURRAY (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4138. Mr. JOHNSTON submitted an 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 4139. Mr. WHITEHOUSE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4133. Mr. KAIN submitted an 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 4134. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4135. 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, supra; which was ordered to lie on the table.

SA 4136. Mr. MENENDEZ (for himself, Mr. DURbin, Mr. BOOKER, Mr. KENNEDY, 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, supra; which was ordered to lie on the table.

SA 4137. Mrs. GRAHAM submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4138. Mr. JOHNSON submitted an 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 4139. 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, supra; which was ordered to lie on the table.

SA 4140. 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, supra; which was ordered to lie on the table.

SA 4141. 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, supra; which was ordered to lie on the table.

SA 4142. 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, supra; which was ordered to lie on the table.

SA 4143. 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, supra; which was ordered to lie on the table.

SA 4144. 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, supra; which was ordered to lie on the table.

SA 4145. 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, supra; which was ordered to lie on the table.

SA 4146. 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, supra; which was ordered to lie on the table.

SA 4147. Mr. MENENDEZ (for himself, Mrs. FEINSTEIN, Mr. PADILLA, Mr. WARNock, Mrs. GILLibrAND, Mr. BOOKER, Mr. VAN HOLLen, and Mrs. 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, supra; which was ordered to lie on the table.

SA 4148. Mr. MENENDEZ (for himself, Mr. DURbin, Mr. BOOKER, Mr. KENNEDY, 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, supra; which was ordered to lie on the table.
At the end of subtitle B of title XII, add the following:

SEC. 1214. REPEAL OF AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ.

(a) FINDINGS—Congress makes the following findings:


(2) Recent presidential administrations have maintained that the 2002 AUMF only serves to “reinforce” any legal authority to combat ISIS provided by the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224; 50 U.S.C. 1541), enacted September 18, 2001, and is not independently required to authorize any such activities.

(3) Repealing the 1991 AUMF and the 2002 AUMF would therefore not affect ongoing United States military operations.

(4) Since 2014, United States military forces have been deployed in both the Middle East and the Government of Iraq for the sole purpose of supporting its efforts to combat ISIS, consistent with the Strategic Framework Agreement that Iraq and the United States signed on November 17, 2008.

(5) During a press briefing on December 24, 2020, Commander of the United States Central Command, General Frank McKenzie, reiterated that United States forces are in Iraq “at their invitation”.

(6) Secretary of State Antony J. Blinken and Prime Minister Mustafa Al-Kadhimi of Iraq discussed “the Iraqi government’s responsibility and commitment to protect U.S. and Coalition personnel in Iraq at the government’s invitation to fight ISIS” in a February 16, 2021, phone call.

(7) Secretary of Defense Lloyd J. Austin III stated on February 19, 2021, that he “welcomed that expanded NATO mission in Iraq that responds to the desires and aspirations of the Iraqi government”.

(8) In a February 23, 2021, call with Prime Minister Mustafa Al-Kadhimi of Iraq, President Joseph R. Biden affirmed United States support for Iraq’s sovereignty and independence.

(9) Neither the 1991 AUMF nor the 2002 AUMF are being used as the sole legal basis for any detention of enemy combatants currently held by the United States.

(10) For the use of military force that are no longer necessary should have a clear political and legal ending.

(b) REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION—The Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–168; 105 Stat. 3; 50 U.S.C. 1541 note) is hereby repealed.


SA 4134. Mr. Kaine submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1293. CLARIFICATION OF REQUIREMENTS FOR CONTRIBUTIONS BY PARTICIPANTS IN THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES’ PROGRAM.

Section 1274 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2391) is amended by—

(1) by striking subsection (d) and all that follows;

(2) by amending subsection (c) to read as follows:

"(c) CONTRIBUTIONS BY PARTICIPANTS.—

(1) IN GENERAL.—An agreement under subsection (a) shall provide that—

(A) the United States, as the host country for the Program, shall provide field facilities and related office equipment and supplies for the Program; and

(B) each participating country shall contribute its share of the remaining costs for the Program, including—

(i) the agreed upon share of administrative costs related to the Program, except the costs for facilities and supplies described in subparagraph (A); and

(ii) any amount allocated against the country for manpower claims as a result of participation in the Program, in accordance with the agreement.

(2) EQUITABLE CONTRIBUTIONS.—The contributions described in paragraph (1) and set forth in an agreement under subsection (a), shall be considered equitable for purposes of this subsection and section 27(c) of the Arms Export Control Act (22 U.S.C. 2767(c)).

(3) AUTHORIZED CONTRIBUTION.—An agreement under subsection (a) shall provide that each participating country may provide its contribution in funds, in personal property, in services required for the Program, or any combination thereof.

(4) FUNDING FOR UNITED STATES CONTRIBUTION.—Any monetary contribution by the United States to the Program that is provided in funds shall be made from funds available to the Department of Defense for operation and maintenance.

(5) CONTRIBUTIONS AND REIMBURSEMENTS FROM OTHER PARTICIPATING COUNTRIES.—

(A) IN GENERAL.—The Secretary of Defense may accept from any other participating country a contribution or reimbursement of funds, personal property, or services required for the Program, or any combination thereof.

(B) CREDIT TO APPROPRIATIONS.—Any contribution or reimbursement of funds received by the United States from any other participating country to meet that country’s share of the costs of the Program shall be credited to the appropriations available to the appropriate military department, as determined by the Secretary of Defense.

(C) TREATMENT OF PERSONAL PROPERTY.—Any contribution of personal property received under this paragraph may be—

(i) retained and used by the Program in the form in which it was contributed;

(ii) sold or otherwise disposed of in accordance with such terms, conditions, and procedures as the members of the Program may agree upon; and any resulting proceeds shall be credited to appropriations of the appropriate military department, as described in subparagraph (B); or

(iii) converted into a form usable by the Program.

(D) USE OF CREDITED FUNDS.—

(1) IN GENERAL.—Amounts credited under subparagraph (C)(ii) shall—

(i) merged with amounts in the appropriation concerned;
"(7) A defense access road project under section 210 of title 23.

(c) PROJECT PRIORITIES.—In selecting stormwater management projects to be carried out under this section, the Secretary concerned shall give a priority to project proposals involving the retrofitting of buildings and grounds on a military installation or reserved defense access road to reduce stormwater runoff.

(d) PROJECT ACTIVITIES.—Activities carried out under a stormwater management project under this section may include the following:

(1) The installation, expansion, or refurbishment of water ponds and other water-slowing and retention measures;

(2) The installation of permeable pavement in lieu of, or to replace existing, non-permeable pavement;

(3) The use of planters, tree boxes, cisterns, and rain gardens to reduce stormwater runoff;

(e) PROJECT COORDINATION.—In the case of a stormwater management project carried out under this section on or related to a military installation and any project related to the same installation carried out under section 239(d), 2815, or 2914 of this title, the Secretary concerned shall ensure coordination between the projects regarding the water access, management, conservation, security, and resilience aspects of the projects.

(f) ANNUAL REPORT.—(1) Not later than 90 days after the end of each fiscal year, each Secretary concerned shall submit to the congressional defense committees a report describing—

(A) The status of planned and active stormwater management projects carried out by that Secretary under this section; and

(B) all projects completed by that Secretary during the preceding fiscal year.

(2) Each report submitted under paragraph (1) shall include, with respect to each stormwater management project described in the report, the following information:

(A) The title, location, a brief description of the scope of work, the original project cost estimate, and the current working cost estimate;

(B) The rationale for how the project will—

(i) improve military installation resilience, including the ability of a defense access road or other essential civilian infrastructure supporting a military installation; and

(ii) protect waterfronts and stormwater stress ecosystems;

(C) Such other information as the Secretary concerned considers appropriate.

(g) DEFINITIONS.—In this section—

(1) The term ‘design access road’ means a road certified to the Secretary of Transportation as important to the national defense under section 210 of title 23.

(2) The terms ‘facility’ and ‘State’ have the meanings given those terms in section 13232 of this title.

(3) The term ‘military installation’ includes a facility of a reserve component of an armed force owned by a State rather than the United States.

(4) The term ‘Secretary concerned’ means—

(A) The Secretary of a military department with respect to military installations under the jurisdiction of that Secretary; and

(B) The Secretary of Defense with respect to matters concerning the Defense Agencies and facilities of a reserve component owned by a State rather than the United States.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such title is amended by inserting after the item relating to section 2815 the following new item:

‘281a. Stormwater management projects for installation and defense access road resilience and waterway and ecosystems conservation.’.

SA 4136. Mrs. GILLIBRAND (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 556. AUTHORIZATIONS FOR CERTAIN AWARDS.

(a) SHORT TITLE.—This section may be cited as the ‘Memorializing Overwhelmingly Gallant Actions that Defended Individual Soldiers and Honored Units Act’ or ‘MOGADISHU Act’.

(b) Distinguished Service Cross to Earl R. Fillmore, Jr. for Acts of Valor in Somalia.—

(1) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished Service Cross under section 7272 of such title to Earl R. Fillmore, Jr. for the acts of valor in Somalia described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in paragraph (1) are the acts of Robert L. Mabry on October 3 and 4, 1995 in Somalia for which he was previously awarded the Silver Star Medal.

SA 4137. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 576. CLARIFICATION AND EXPANSION OF PROHIBITIONS ON GENDER-SEGREGATED TRAINING IN THE MARINE CORPS.


(1) in the heading, by inserting ‘‘and officer candidates school’’ after ‘‘deports’’;

(2) in subsection (a)(1)—

(A) by striking ‘‘training’’ and inserting ‘‘no training platoon’’; and

(B) by striking ‘‘not’’;

(3) in subsection (b)(1)—

(A) by striking ‘‘training’’ and inserting ‘‘no training platoon’’; and

(B) by striking ‘‘not’’; and

(4) by adding at the end the following new subsections:

(c) NEW LOCATION.—No training platoon at a Marine Corps recruit depot established after the date of the enactment of this Act may be segregated based on gender.

(1) PROHIBITION.—Subject to paragraph (2), training at Officer Candidates School, Quantico, Virginia, may not be segregated based on gender.

(2) DEADLINE.—The Commandant of the Marine Corps shall carry out this subsection not later than five years after the date of the enactment of this Act.

(d) OFFICER CANDIDATES SCHOOL.—

(1) Prohibition.—Subject to paragraph (2), training at Officer Candidates School, Quantico, Virginia, may not be segregated based on gender.

(2) Deadline.—The Commandant of the Marine Corps shall carry out this subsection not later than five years after the date of the enactment of this Act.

SA 4138. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:
SEC. 1567a. AUTHORITY OF MILITARY JUDGES AND MILITARY MAGISTRATES TO ISSUE MILITARY COURT PROTECTIVE ORDERS.

(a) JUDGE-ISSUED MILITARY COURT PROTECTIVE ORDERS.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

§ 1567b. Authority of military judges and military magistrates to issue military court protective orders

"(a) AUTHORITY TO ISSUE MILITARY COURT PROTECTIVE ORDERS.—The President shall prescribe regulations authorizing military judges and military magistrates to issue protective orders in accordance with this section. A protective order issued in accordance with this section shall be known as a 'military court protective order'. Under the regulations prescribed by the President, military judges and military magistrates shall have exclusive jurisdiction over the issuance, appeal, renewal, and termination of military court protective orders and such orders may not be issued, appealed, renewed, or terminated by State, local, territorial, or tribal courts.

"(b) ENFORCEMENT BY CIVILIAN AUTHORITIES.—

"(1) IN GENERAL.—In prescribing regulations for military court protective orders, the President shall ensure that such protective orders are issued in a form and manner that is enforceable by State, local, territorial, and tribal civil law enforcement authorities.

"(2) FULL FAITH AND CREDIT.—Any military court protective order shall be accorded full faith and credit by the court of a State, local, territorial, or tribal jurisdiction (the enforcing jurisdiction) and enforced by the court and law enforcement personnel of that jurisdiction as if it were the order of the enforcing jurisdiction.

"(3) RECIPROCITY AGREEMENTS.—Consistent with paragraphs (1) and (2), the Secretary of Defense shall seek to enter into reciprocity agreements with State, local, territorial, and tribal civilian law enforcement authorities under which—

"(A) such authorities agree to enforce military court protective orders; and

"(B) the Secretary agrees to enforce protective orders issued by such authorities that are consistent with section 2265(b) of title 18.

"(c) PURPOSE AND FORM OF ISSUANCE.—A military court protective order—

"(1) may be issued for the purpose of protecting any victim of an alleged covered offense or a family member or associate of the victim, from a person subject to chapter 47 of this title (the Uniform Code of Military Justice) who is alleged to have committed such an offense; and

"(2) shall include—

"(i) a finding regarding whether such person represents a threat to the physical safety of such alleged victim;

"(ii) a finding regarding whether the alleged victim is an intimate partner or child of such person; and

"(iii) if applicable, terms explicitly prohibiting the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury against such intimate partner or child.

"(d) DURATION OF PROTECTION.—A protective order authorized under subsection (a) may be issued for a period of no less than 30 days and may be renewed for one or more additional periods, each of which may extend for up to 180 days, in accordance with paragraph (2).

"(2) EXPIRATION AND RENEWAL.—Before the expiration of any period during which a military court protective order is in effect, a military judge or military magistrate shall review the order to determine whether the order will terminate at the expiration of such period or be renewed for an additional period of up to 180 days.

"(3) NOTICE TO PROTECTED PERSONS.—If a military judge or military magistrate determines that a military court protective order will terminate, the judge or magistrate shall direct that each person protected by the order be provided with reasonable, timely, and accurate notification of the termination.

"(4) REVIEW OF MAGISTRATE-ISSUED ORDERS.—

"(1) REVIEW.—A military judge, at the request of the person subject to a military court protective order that was issued by a military magistrate, may review the order to determine if the order was properly issued by the magistrate.

"(2) STANDARDS OF REVIEW.—A military judge who reviews an order under paragraph (1) shall terminate the order if the judge determines that—

"(A) the military magistrate's decision to issue the order of discrete character and there is not sufficient information presented to the military judge to justify the order; or

"(B) information not presented to the military magistrate establishes that the military court protective order should be terminated.

"(5) DUE PROCESS.—

"(1) PROTECTION OF DUE PROCESS.—Except as provided in paragraph (2), a protective order authorized under subsection (a) may be issued only upon adequate notice and opportunity to be heard and to present evidence, directly or through counsel, is given to the person against whom the order is sought sufficient to protect that person's right to due process.

"(2) EMERGENCY ORDERS.—A protective order on an emergency basis may be issued on the basis under such rules and limitations as the President shall prescribe. In the case of ex parte orders, notice and opportunity for a hearing shall be provided within a reasonable time not to exceed 30 calendar days after the date on which the order is issued, sufficient to protect the respondent's due process rights.

"(6) RIGHTS OF VICTIM.—The victim of an alleged covered offense who seeks a military protective order in accordance with any rights provided under section 806b (article 6b), the following rights with respect to any proceeding involving the protective order:

"(i) The right to receive notice within a reasonable time of the filing of a request for the protective order;

"(ii) The right to be represented by counsel and to have the opportunity to present evidence in support of the protective order;

"(iii) The right to be represented by counsel at any hearing conducted in connection with the protective order proceedings;

"(iv) The right to receive a written statement of the reasons for the denial of the protective order;

"(v) The right to receive a written statement of the reasons for the revocation or modification of the protective order.

"(B) NOTICE OF RECISSION OR EXPIRATION.—

"(1) IN GENERAL.—The Secretary of Defense shall notify the Attorney General of the United States, and the Attorney General of the United States, of the termination of a protective order or a change in the status of the protective order:

"(i) to the Attorney General of the United States; and

"(ii) to the Attorney General of the State or Territory in which the order is issued.

"(j) RESTRICTIONS ON ACCESS TO FIREARMS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law—

"(A) a military court protective order issued on an ex parte basis shall restrain a person from possessing a firearm, and otherwise accessing a firearm; and

"(B) a military court protective order issued after the person to be subject to the order has been convicted of a crime that has occurred or is reasonably likely to be heard on the order, shall restrain such person from possessing, receiving, or otherwise accessing a firearm in accordance with section 922 of title 18.

"(2) NOTICE TO ATTORNEYS GENERAL.—

"(A) NOTICE OF ISSUANCE.—Not later than 72 hours after the issuance of an order described in paragraph (1), the Secretary concerned shall submit a record of the order:

"(i) to the Attorney General of the United States; and

"(ii) to the Attorney General of the State or Territory in which the order is issued.

"(B) NOTICE OF RECISSION OR EXPIRATION.—Not later than 72 hours after the recission or expiration of an order described in paragraph (1), the Secretary concerned shall submit notice of such recission or expiration to the Attorney General specified in subparagraph (A).

"(k) TREATMENT AS LAWFUL ORDER.—A military court protective order shall be treated as a lawful order for purposes of all provisions of sections 922, 923, 924, and 933 of title 18, and a violation of such an order shall be punishable under such section (article).
"(2) pretrial restraint in accordance with Rule for Courts-Martial 304 (as set forth in the Manual for Courts-Martial, 2019 edition, or any successor rule); or

(20) certain persons.—A physical and electronic copy of any military court protective order shall be provided, as soon as practicable after issuance, to the following:
"(1) The person or persons protected by the protective order or to the guardian of such a person if such person is under the age of 18 years.
"(2) The person subject to the protective order.
"(3) To such commanding officer in the chain of command of the person subject to the protective order as the President shall prescribe for purposes of this section.

"(o) definitions.—In this section:
"(1) contact.—The term ‘contact’ includes contact in person or through a third party, or through gifts, in writing by letter, data fax, or other electronic means.
"(2) COMMUNICATION.—The term ‘communication’ includes communication in person or through a third party, or through gifts, in writing by letter, data fax, or other electronic means.

"(b) use of physical force by the person against a person in reasonable fear of bodily injury to another conduct that would place such other person in reasonable fear of bodily injury.

"(i) the initiation by the person restrained of any contact or communication with such other person.

"(ii) any other behavior by the person restrained that the court deems necessary to provide for the safety and welfare of the victim or of an alleged covered offense, or a family member or associate of the victim; or

"(iv) actions described by any of clauses (i) through (iii).

"(D) SPECIAL VICTIMS’ COUNSEL.—The term ‘Special Victims Counsel’ means a Special Victims’ Counsel described in section 109B and includes a Victims’ Legal Counsel of the Navy.

(2) CLEARKAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1567b. Authority of military judges and military magistrates to issue military court protective orders.

(3) IMPLEMENTATION.—The President shall prescribe regulations implementing section 1567b of title 10, United States Code (as added by paragraph (1)), by not later than 120 days after the date of the enactment of this Act.

(B) DOMESTIC VIOLENCE TRAINING.—The Secretary of Defense shall prescribe regulations requiring annual domestic violence training for military judges and military magistrates, including for purposes of carrying out section 1567b of title 10, United States Code (as added by paragraph (1)).

(C) NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.—This section and section 1567 of title 10, United States Code (as added by subsection (a)), shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

SA 4139. 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 appropriate place in title II, insert the following:

SEC. 125. PLAN AND IMPLEMENTATION OF PLAN FOR ENSURING SOURCES OF CAN- NON TUBES.

(a) in General.—The Secretary of the Army shall develop and implement an investment and sustainment plan to ensure the sourcing of cannon tubes for the purpose of mitigating risk to the Army and the industrial base.

(b) elements.—The plan required by subsection (a) shall include the following:

(1) An identification of qualified and capable sources from which the Army may procure cannon tubes (not including sources from which the Army procures cannon tubes as of the date of the enactment of this Act).

(2) A determination of the feasibility, advisability, and affordability of procuring cannon tubes identified under paragraph (1) on a sustainable basis.

(c) report; implementation.—The Secretary of the Army shall—

(1) not later than 120 days after the date of the enactment of this Act, submit to Congress a report describing how the Army will implement the plan required by subsection (a); and

(2) not later than 120 days after the date on which the report required by paragraph (1) is submitted, implement the plan required by subsection (a), including by procuring cannon tubes from a source identified in the plan under subsection (b)(1).

SA 4140. Mr. HAWLEY (for himself, Mr. COTTON, Mr. CRUZ, Mr. MARSHALL, Mr. WICKER, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1567. AUTHORITY OF MILITARY JUDGES AND MILITARY MAGISTRATES TO ISSUE MILITARY COURT PROTECTIVE ORDERS.

It is the sense of Congress that—

(1) the additive manufacturing and machine learning initiative of the Army has the potential to accelerate the ability to deploy additive manufacturing capabilities in expeditionary settings and strengthen the United States defense industrial supply chain; and

(2) Congress and the Department of Defense should continue to support the additive manufacturing and machine learning initiative of the Army.

SA 4142. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3157. PRESERVATION AND STORAGE OF URANIUM-233 TO FOSTER DEVELOPMENT OF THORIUM MOLTEN-SALT REACTORS.

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

(1) Thorium molten-salt reactor technology was originally developed in the
United States, primarily at the Oak Ridge National Laboratory in the State of Tennessee.

(2) Before the cancellation of the program in 1974, technology developed at the Oak Ridge National Laboratory was moving steadily toward efficient utilization of the natural thorium energy resource, which exists in significant amounts in many parts of the United States and around the world.

(3) The People’s Republic of China is known to be pursuing the development of molten-salt reactor technology based on a thorium fuel cycle.

(4) Thorium itself is not fissile, but fertile, and requires a fissile material to begin a nuclear chain reaction.

(5) Uranium-233, derived from neutron absorption by natural thorium, is the ideal candidate for the fissile component of a thorium reactor, and is the only fissile material candidate that can minimize the production of long-lived transuranic elements, which have proven a great challenge to the geologic disposal of existing spent nuclear fuel.

(6) Geologic disposal of spent nuclear fuel from conventional nuclear reactors continues to pose severe political and technical challenges, with the United States tax payer more than $500,000,000 annually in court-mandated awards to utilities.

(7) The United States possesses the largest inventory of material-233 remaining in the world, generated at the Oak Ridge National Laboratory.

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

(1) it is in the best economic and national security interests of the United States to resume development of highly efficient thorium molten-salt reactors that can minimize transuranic production, in consideration of the pursuit by the People’s Republic of China of thorium molten-salt reactors and associated cooperative research agreements with international nuclear research laboratories.

(2) that the development of highly efficient thorium molten-salt reactors is consistent with section 1261 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2066), which declared long-term strategic competition with the People’s Republic of China as “a principal priority for the United States”;

and

(3) to resume such development, it is necessary to preserve as much of the uranium-233 remaining at Oak Ridge National Laboratory as possible.

(c) PRESERVATION AND STORAGE OF URANIUM-233.

In GENERAL.—The Secretary of Energy shall seek every opportunity to preserve separated uranium-233, with the goal of fostering development of thorium molten-salt reactors by United States industry.

(2) DOWNBLENDING AND DISPOSAL OF CERTAIN URANIUM.—The Secretary may provide for the downblending and disposal of uranium-233 determined by industry experts not to be valuable for research and development of thorium molten-salt reactors or technology implementation.

(d) INTERAGENCY COOPERATION.—The Secretary of Energy, the Secretary of the Army (including the head of the Army Reactor Office), the Secretary of Transportation, the Tennessee Valley Authority, and other relevant agencies shall—

(1) work together to expedite transfers of uranium-233 under subsection (c);

and

(2) as appropriate, cooperate to support the congressional defense committees a report that includes the following:

(1) Details of the separated U-233 inventory that is most feasible for immediate or near-term transfer.

(2) The costs of constructing or modifying a suitable nuclear facility for secure, permanent storage of the U-233 inventory.

(3) A pathway for National Asset Material designation.

(4) A description of the scope for such a facility that would enable secure access to the nuclear material for research and development of thorium fuel cycle reactors, for development of an appropriate facility for use as a repository for medical isotope extraction and processing, including by developing such a facility through public-private partnerships.

(5) An assessment of whether the Secretary should transfer the ownership of U-233 from the Oak Ridge National Laboratory to the Office of Environmental Management to the Office of Nuclear Energy, for secure interim storage.

(6) The feasibility of the National Nuclear Security Administration for providing for the secure storage of the inventory of U-233 within the Y–12 National Security Complex, Oak Ridge, Tennessee, for secure interim storage.

(b) PLAN REQUIRED.—The standards established under subsection (a) shall incorporate the following standards:

(1) MIL-DTL-4100E.

(2) MIL-DTL-12560K.

(3) MIL-DTL-46100F.

(4) MIL-DTL-46186A.

(5) MIL-DTL-38232A.

(6) MIL-DTL-6186A.

SA 4143. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. PLAN TO PRIORITIZE TRANSFERS OF EXCESS DEFENSE ARTICLES TO ALLIES AND PARTNERS IN THE IND-OCEANIC REGION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) prioritize the review of excess defense article transfers to allies and partners in the Indo-Pacific region;

(2) coordinate and align excess defense article transfers with capacity-building efforts of such allies and partners; and

(3) assist Taiwan to develop asymmetric capability through excess defense article transfers pursuant to section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2331) (c)(2).

(b) PLAN REQUIRED.—

(1) In GENERAL.—Not later than February 15, 2022, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of Energy, shall submit to the congressional defense committees a report on future-year activities and resources for the purposes described in subsection (a).

(2) ELEMENTS.—The plan required by paragraph (1)—

(A) a summary of progress made towards achieving such purposes.

(b) An evaluation of potential excess defense articles scheduled for decommissioning that could be transferred under the Excess Defense Articles program of the Defense Security Cooperation Agency and other Department of Defense entities through public-private partnerships.

(c) The feasibility of the National Nuclear Security Administration for providing for the secure storage of the inventory of U-233 within the Y–12 National Security Complex, Oak Ridge, Tennessee, for secure interim storage.

(50 U.S.C. 2501)).

SEC. 1255. PLAN TO PRIORITIZE TRANSFERS OF EXCESS DEFENSE ARTICLES TO ALLIES AND PARTNERS IN THE IND-OCEANIC REGION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) prioritize the review of excess defense article transfers to allies and partners in the Indo-Pacific region;

(2) coordinate and align excess defense article transfers with capacity-building efforts of such allies and partners; and

(3) assist Taiwan to develop asymmetric capability through excess defense article transfers pursuant to section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2331) (c)(2).

(b) PLAN REQUIRED.—

(1) In GENERAL.—Not later than February 15, 2022, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of Energy, shall submit to the congressional defense committees a report on future-year activities and resources for the purposes described in subsection (a).

(2) ELEMENTS.—The plan required by paragraph (1)—

(A) a summary of progress made towards achieving such purposes.

(b) An evaluation of potential excess defense articles scheduled for decommissioning that could be transferred under the Excess Defense Articles program of the Defense Security Cooperation Agency and other Department of Defense entities through public-private partnerships.

(c) The feasibility of the National Nuclear Security Administration for providing for the secure storage of the inventory of U-233 within the Y–12 National Security Complex, Oak Ridge, Tennessee, for secure interim storage.

(50 U.S.C. 2501)).
At the end of subtitle C of title XIV, insert the following:

SEC. 1424. COMPTROLLER GENERAL ASSESSMENT OF DOMESTIC TITANIUM ORE MINING AND DOMESTIC PRODUCTION OF TITANIUM METAL.

(a) In General.—Not later than June 1, 2022, the Comptroller General of the United States shall submit to the appropriate congressional defense committees an assessment of—

(1) the current state of United States domestic titanium ore mining and domestic production of titanium metal; and

(2) its implications for the supply chains of the Department of Defense.

(b) Elements of the assessment required by subsection (a) shall include—

(1) a comparison of how much titanium metal is required annually by the Department of Defense and how much titanium ore and titanium metal is available from the United States domestic supply chains;

(2) an assessment of the reliability of titanium producers outside the United States during national defense emergency scenarios; and

(3) any other matters the Comptroller General considers appropriate to include.

SA 4147. Mr. LANKFORD (for himself, Ms. SINEMA, Mr.Lee, Mr. ROMNEY, Mr. CORNYN, and Mr. BRAUN) submitted an amendment on amendment SA 3867 submitted by Mr. REED and intended to be proposed to amendment SA 4147.

(1) is not required to obtain insurance in any manner, to include any limits, sub-limits, exclusions, or conditions, to the extent such insurance is available under the Secretary of Defense, for military construction, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. NATIONAL COMMISSION ON THE COVID–19 PANDEMIC.

(a) SHORT TITLE; SENSE OF CONGRESS.—

(1) SHORT TITLE.—This section may be cited as the ‘‘National Commission on the COVID–19 Pandemic Act’’.

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

(A) the SARS-CoV-2 (COVID-19) pandemic has caused immense suffering in the United States, having resulted in more than 736,000 American deaths as of October 2021, and inflicting at least 45,000,000 infections;

(B) following other destructive and traumatic events in our history, including the September 11, 2001, terrorist attacks, Congress has established a bipartisan commission of experts to study the event and produce a report and recommendations, and such an exercise can assist in national healing; and

(C) the extent of the loss of life and the economic cost of the pandemic demonstrate the high risks that pandemic diseases can pose to public health and national security, and demands a thorough, authoritative, and independent review of the origin of SARS-CoV-2 as well as United States actions and policies before and during the pandemic, and recommendations to Congress and policymakers as to how we can be better prepared for future pandemics, including those that could be caused by intentional biological attacks;

(D) individuals appointed to the Commission established in subsection (b) should be prominent citizens of the United States with national recognition and significant experience and expertise in—

(i) public health and biosafety;

(ii) epidemiology;

(iii) medicine;

(iv) emergency management or response;

(v) public administration;

(vi) logistics;

(vii) organizational management; or

(viii) medical intelligence and forensic investigations; and

(E) it is crucial to better understand and manage the increasing likelihood of pandemics (such as pandemics of severe acute respiratory syndrome (SARS), Ebola, the 2009 H1N1 influenza, and COVID-19) and related health issues that the United States could face during the next several decades.

(b) COMMISSION ON THE COVID–19 PANDEMIC.—

The establishment of a national commission under the provisions of this section shall be referred to as the ‘‘Commission’’.

(C) The Commission shall—

(1) be comprised of at least five citizens of the United States, each of whom is a prominent citizen of the United States with expertise in—

(i) public health and biosafety;

(ii) epidemiology;

(iii) medicine;

(iv) emergency management or response;

(v) public administration;

(vi) logistics;

(vii) organizational management; or

(viii) medical intelligence and forensic investigations; and

(B) identify and examine lessons learned regarding pandemic preparedness, response,
and recovery efforts by the Federal Government and State, local, and Tribal governments, and international partners; and

(C) submit to the President and Congress, and make publicly available, such reports as are required by this section containing findings, conclusions, and recommendations as the Commission determines appropriate to improve the ability of the United States to prepare for, prevent, or respond to epidemics and pandemics such as COVID–19 (whether naturally occurring or caused by state or non-state actors) in a way that minimizes negative effects on public health, the economy, and society.

(3) COMPOSITION OF COMMISSION

(A) Members.—The Commission shall be composed of 10 members, of whom—

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

(ii) 1 member shall be appointed by the leader of the House of Representatives, who shall serve as vice chair of the Commission; and

(iii) 8 members shall be appointed by the senior member of the Senate leadership of the Democratic Party; and

(B) Affiliations; Initial Meeting.

(i) Political Party Affiliation.—Not more than 5 members of the Commission shall be from the same political party.

(ii) Nongovernmental Appointees.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(iii) Conflicts of Interest.—An individual appointed to the Commission may not have conflicts of interest, or otherwise have demonstrated a strong bias toward a particular conclusion that may prejudice the individual’s service to the Commission.

(iv) Initial Meeting.—The Commission shall meet and begin the operations of the Commission as soon as practicable, but not later than 15 days after appointment of all members of the Commission.

(C) Quorum; Vacancies.—After its initial meeting, the Commission shall meet upon the call of the chair or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but an appointment to fill such vacancy shall be made as soon as practicable, in the same manner in which the original appointment was made.

(D) In-Person Meetings.—The members of the Commission shall conduct its meetings in person, unless such in-person meetings would pose a health risk or significant practical challenges.

(4) INVESTIGATION.—The investigation under paragraph (2)(A) shall address the following:

(A) The structure, coordination, management, policies, procedures, and actions of the Federal Government, State, local, and Tribal governments, and nongovernmental entities in response to the COVID–19 pandemic.

(B) The actions taken to inform the public concerning the pandemic and the public health response, including physical distancing practices, the use of masks, and other non-pharmaceutical interventions intended to reduce the spread of COVID–19.

(C) The role of international cooperation in responding to COVID–19, including the role of international organizations such as the World Health Organization and China’s government’s cooperation in the global investigation of COVID–19.

(D) The availability of personal protective equipment for health workers and first responders, and the availability of other relevant medical equipment and supplies, including the role of the Strategic National Stockpile.

(E) The role of the Federal Government in the development, testing, production, and distribution of treatments and vaccines for COVID–19.

(F) The preparedness and capacity of the health care system of the United States, including hospitals, physicians, community health centers, and laboratories.

(G) The link between variations in the language that individuals use to describe a novel virus or disease and how such language may contribute to or conversely help to prevent an increase in incidents of stigma, discrimination, and harassment against an identifiable group of people and the communities in which they live.

(H) The identification of novel coronavirus that causes COVID–19. Such an investigation shall include engaging with willing partner governments and experts from around the world, seeking access to all relevant records of the virus cultures, isolates, genomic sequences, databases, and patient specimens, and personnel of interest. The investigation shall fully and without prejudice explore the likely origins of COVID–19, as addressed in the August, 27, 2020, Office of the Director of National Intelligence unclassified summary of the assessment that origins of COVID–19 occurred in China. If the investigation determines that COVID–19 originated from any other non-pharmaceutical interventions implemented by the World Health Organization and/or other international organizations.

(I) Any other matter the Commission determines relevant to the origins of COVID–19, the United States response to COVID–19, and developing recommendations to prevent pandemics.

(5) POWERS OF COMMISSION

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

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

(bb) by the affirmative vote of 6 members of the Commission.

(B) SIGNATURE.—Subject to subclause (1), subpoenas issued under this subparagraph may be issued by the chair or any member designated by a majority of the Commission, and may be served by any person designated by the chair or by a process server designated by a majority of the Commission.

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

(C) Information from Federal, State, local, and Tribal agencies.

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government or a State, local, or Tribal government or any State or local government, any information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the fullest extent permitted by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chair, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(ii) Receipt, Handling, Storage, and Dissemination.—Information shall only be released, handled, stored, and disseminated by members of the Commission, its staff, and the Commission staff consistent with all applicable statutes, regulations, and Executive orders.

(iii) Non-Interference with Public Health Duties.—The Commission and its staff shall seek information and testimony in a manner that ensures Federal, State, local, and Tribal individuals and entities and private sector individuals and entities are able to prioritize activities related to the pandemic response.

(D) Assistance from Federal Agencies.

(i) General Services Administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.

(ii) Intelligence and Investigative Support.—The Director of National Intelligence,
the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Attorney General shall, to the extent authorized by law, support the duties of the Commission by providing information, intelligence, analysis, recommendations, estimates, and statistics directly to the Commission, upon request made by the chair of the Commission, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(D) DECLASSIFICATION OF INTELLIGENCE RELATED TO COVID–19.—

(i) COMMENCEMENT OF REVIEW.—Not later than 90 days after the date of the initial meeting of the Commission, the Director of National Intelligence shall, in coordination with the Director of the Federal Bureau of Investigation and 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, declassify and provide to the appropriate committees of Congress all information the Commission determines necessary relating to COVID–19.

(ii) COMPLETION OF REVIEW.—Not later than 90 days after the date of the initial meeting of the Commission, the Director of National Intelligence shall submit to Congress an unclassified report that contains the additional information described in clause (i) and determine what additional information relating to the origin of COVID–19 can be appropriately declassified and shared with the Members of Congress.

(E) OTHER SUPPORT SERVICES AS THEY MAY DETERMINE ADMISSIBLE.—

(i) APPOINTMENT AND COMPENSATION.—The Commission, or any member designated by a majority of the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties. The compensation of such director shall be paid at the rates of basic pay in effect for positions at the level of the position of the chief of staff of the President, and Congress, and make publicly available, an interim report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(F) CONCLUSION OF GOVERNMENT STUDY.—

(i) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President and Congress, and make publicly available, an interim report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(ii) FINAL REPORT.—Not later than the date described in subparagraph (C)(i), the Commission shall submit to the President and Congress, and make publicly available, a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(Sec. 1036. Trans-Saharan Counterrorism Partnership Program.)

(A) SHORT TITLE.—This section may be cited as the “Trans-Sahara Counterterrorism Partnership Program Act of 2021.”

(B) SENATE.—It is the sense of Congress that—

(1) terrorist and violent extremist organizations, such as Al Qaeda in the Islamic Maghreb, Boko Haram, the Islamic State of West Africa, and other affiliated groups, have killed tens of thousands of innocent civilians, displaced populations, destabilized local and national governments, caused mass human suffering in the affected communities;

(2) poor governance, political and economic mismanagement, and lack of accountability for human rights abuses by security forces are drivers of extremism;

(3) it is in the national security interest of the United States—

(A) to combat the spread of terrorism and violent extremism; and
(B) to build the capacity of partner countries to combat such threats in Africa; (4) terrorist and violent extremist organizations exploit vulnerable and marginalized communities suffering from poverty, lack of economic opportunity (particularly among youth populations), corruption, and weak governance; and (5) a comprehensive, coordinated interagency approach is needed to develop an effective strategy— (A) to address the security challenges in the Sahel—Maghreb; (B) to appropriately allocate resources and defeat programs; and (C) to enhance the effectiveness of United States defense, diplomatic, and development capabilities.

(c) Statement of Policy.—It is the policy of the United States to assist countries in North Africa and West Africa, and other allies and partners that are active in those regions, in combating terrorism and violent extremism through a coordinated interagency approach with a consistent strategy that appropriately balances security activities with diplomatic and development efforts to address the political, socioeconomic, governance, and development challenges in North Africa and West Africa that contribute to terrorism and violent extremism.

(d) Trans-Sahara Counterterrorism Partnership Program.— (1) CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means— (A) the Committee on Foreign Relations of the Senate; (B) the Committee on Armed Services of the Senate; (C) the Committee on Appropriations of the Senate; (D) the Select Committee on Intelligence of the Senate; (E) the Committee on Foreign Affairs of the House of Representatives; (F) the Committee on Armed Services of the House of Representatives; (G) the Committee on Appropriations of the House of Representatives; and (H) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) ESTABLISHMENT.—The Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall establish a partnership program, which shall be known as the “Trans-Sahara Counterterrorism Partnership Program” (referred to in this subsection as the “program”), to coordinate all programs, projects, and activities of the United States Government in countries in North Africa and West Africa that are conducted— (i) to improve governance and the capabilities of countries in North Africa and West Africa to deliver basic services, particularly to at-risk populations, as a means of countering terrorism and violent extremism by enhancing state legitimacy and authority and countering corruption; (ii) to address the factors that make people and communities vulnerable to recruitment by terrorist and violent extremist organizations, including economic vulnerability and mistrust of government and security forces, through activities such as— (I) improving access to economic opportunities; and (II) promoting community resilience; (iii) to support law enforcement and counterterrorism efforts in such countries, including by enhancing the capability of the judicial institutions to independently and credibly determine, investigate, and prosecute acts of terrorism and violent extremism; (iv) to improve the ability of military and law enforcement entities in partner countries to— (I) detect, disrupt, respond to, and prosecute violent extremist and terrorist activity, while respecting human rights; and (II) to cooperate with the United States and other partners to coordinate counterterrorism and counter-extremism efforts; (v) to enhance the border security capacity of partner countries, including the ability to monitor, detain, and interdict terrorists; (vi) to identify, monitor, disrupt, and counter the human capital and financing pipelines of terrorists; or (vii) to support the free expression and operations of independent, local-language media, particularly in rural areas, while countering the media and operations and recruitment prospects of terrorist and violent extremist organizations.

(B) ASSISTANCE FRAMEWORK.—Program activities shall— (i) be carried out in countries in which the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development— (I) determines that there is an adequate level of partner country commitment; and (II) has considered partner country needs, absorptive capacity, sustainable capacity, and efforts of other donors in the sector; (ii) have clearly defined outcomes; (iii) be coordinated among United States diplomatic and development missions, United States Africa Command, and relevant participating departments and agencies; (iv) have specific plans with robust indicators to regularly monitor and evaluate outcomes and impact; (v) complement and enhance efforts to promote democracy, the rule of law, human rights, and economic growth; (vi) in the case of train and equip programs, complement longer-term security sector efforts to help counter terrorism and violent extremism; (vii) have mechanisms in place to track resources and routinely monitor and evaluate the efficacy of relevant programs.

(C) Coordinating activities through the Program.—The Secretary of State shall consult, as appropriate, with the heads of relevant Federal departments and agencies to ensure that their activities are— (i) coordinated with the Program; (ii) consistent with the Program; (iii) coordinated with the Program; (iv) consistent with the Program; (v) consistent with the Program; and (vi) consistent with the Program.

(D) Congressional Notification.—Not later than 15 days before obligating amounts for an activity coordinated through the Program, the Secretary of State shall notify the appropriate congressional committees, in accordance with section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2391), (i) the foreign country and entity, as applicable, whose capabilities are to be enhanced in accordance with the purposes described in subparagraph (A); (ii) the amount, type, and purpose of support to be provided; (iii) the absorptive capacity of the foreign country to effectively implement the assistance to be provided; (iv) the extent to which state security forces of the foreign country have been implicated in gross violations of human rights, and the risk that obligated funds may be used to perpetrate further abuses; and (v) the anticipated implementation timeline for the activity; and (vi) the plans to sustain any military or security equipment provided beyond the commitment of funds, if applicable, and the estimated cost and source of funds to support such sustainment.

(3) International Coordination.—Efforts carried out under this section— (A) shall take into account partner country counterterrorism, counter-extremism, and development strategies; (B) shall be aligned with such strategies, to the extent practicable; and (C) shall be coordinated with counterterrorism and counter-extremism activities and programs in the areas of defense, diplomacy, and development carried out by other like-minded donors and international organizations in the relevant country.

(4) Strategies.— (A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development and other relevant Federal Government agencies, shall submit the strategies described in subparagraphs (B) and (C) to the appropriate congressional committees.

(B) Comprehensive, 5-Year Strategy for the Sahel-Maghreb.—The Secretary of State shall develop a comprehensive, 5-year strategy for the Sahel—Maghreb, including details related to whole-of-government efforts in the areas of defense, diplomacy, and development to advance the national security, economic, and humanitarian interests of the United States, including— (i) efforts to ensure coordination with multilateral and bilateral partners, such as the Joint Force of the Group of Five of the Sahel, and with other relevant assistance frameworks; (ii) a public diplomacy strategy and actions to ensure that populations in the Sahel-Maghreb are aware of the development activities of the United States Government, especially in countries with a significant Department of Defense presence or engagement through train and equip programs; (iii) strategies aimed at supporting democratic institutions and countering violent extremism with measurable goals and transparent benchmarks; (iv) steps to help each partner country address humanitarian and development needs and to help prevent, respond to, and mitigate intercommunal violence; (v) a comprehensive plan to support security sector reform in each partner country that includes a detailed section on programs and activities being undertaken by relevant stakeholders and other international actors operating in the sector; and (vi) a specific strategy for Mali that includes plans for sustained, high-level diplomacy and assistance from United States Government agencies, including— (I) the Department of State; (II) the Department of Defense; (III) the Department of Justice; (IV) the Department of Homeland Security; (V) other Federal Government agencies, as determined by the President.

(C) Comprehensive, 5-Year Strategy for Program Counterterrorism Efforts.—The Secretary of State shall develop a comprehensive 5-year strategy for the Program that includes— (i) a clear statement of the objectives of United States counterterrorism efforts in North Africa and West Africa with respect to the use of all forms of assistance to combat terrorism and counter violent extremism, including efforts—
(I) to build military and civilian law enforcement capacity;

(II) to strengthen the rule of law;

(III) to promote responsive and accountable governance;

(IV) to address the root causes of terrorism and violent extremism;

(ii) a plan for coordinating programs throughout the United States government (2)(A), including identifying the agency or bureau of the Department of State, as applicable, that will be responsible for leading and coordinating each such program;

(iii) a plan to monitor, evaluate, and share data and learning about the Program in accordance with monitoring and evaluation provisions sections 3 and 4 of the Foreign Aid Transparency and Accountability Act of 2016 (22 U.S.C. 2394c note and 2394c); and

(iv) a plan for ensuring coordination and compliance with related requirements in United States law, including the Global Fragility Act of 2019 (22 U.S.C. 9801 et seq.).

(D) CONSULTATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall consult with the appropriate congressional committees regarding the progress made towards developing the strategies required under subparagraphs (B) and (C).

(e) the extent to which state security forces in each partner country have been implicated in gross violations of human rights during the reporting period, including how such gross violations of human rights have been addressed and or will be addressed through Program activities;

(f) the assistance provided in each of the 3 most recent fiscal years for the Program, broken down by partner country, including the type, statutory authorization, and purpose of all United States security assistance provided to the partner countries authorized under title 10, United States Code, the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other “train and equip” authorities of the Department of Defense; and

(h) any changes or updates to the Comprehensive 5-Year Strategy for the Program required under paragraph (4)(C) necessitated by the findings in this annual report.

(7) REPORTING REQUIREMENT RELATING TO AUDIT OF BUREAU OF AFRICAN AFFAIRS MONITORING AND COORDINATION OF THE TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP PROGRAM.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until the earlier of the date that is 5 years after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that describes—

(A) which of the 13 recommendations in AID–MERO–20–42 have been closed;

(B) a description of progress made since the last report toward closing each recommendation identified under subparagraph (A);

(C) additional resources needed, including assessment of staffing capacity, if any, to complete action required to close each recommendation identified under subparagraph (A); and

(D) the anticipated timeline for completion of action required to close each recommendation identified under subparagraph (A), including application of all recommendations into all ongoing security assistance programs administered by the Department of State under the Program.

(8) PROGRAM ADMINISTRATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that describes plans for conducting a written review of a representative sample of each of the security assistance programs administered by the Bureau of African Affairs that—

(A) identifies potential waste, fraud, abuse, inefficiencies, or deficiencies; and

(B) includes an analysis of staff capacity, including human resource needs, available resources, procedural guidance, and monitoring and evaluation programs to ensure that the Bureau of African Affairs is managing programs efficiently and effectively.

(9) FORM.—The strategies required under subparagraph (A) of paragraph (4) and the report required under paragraph (6) shall be submitted in unclassified form, but the report required under paragraph (6) and the report required under paragraph (8) may be submitted in classified form.

(H) any changes or updates to the Comprehensive 5-Year Strategy for the Program required under paragraph (4)(C) necessitated by the findings in this annual report.

(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 Defense Partnership Act of 2021 (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 Mutual Defense Cooperation Agreement provides for increased joint United States-Greece and NATO activities at Greek military bases and facilities in Crete and the island of Kos, and to 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 to other states.

(9) The United States Naval Support Activity Souda Bay serves as a critical naval logistics hub for the United States Military and NATO units.

(10) In June 2020, United States Ambassador to Greece Geoffrey Pyatt characterized the importance of Naval Support Activity Souda Bay as “essential to the projection of American power into a strategically dynamic Eastern Mediterranean region. From Syria to Libya to the conflict in 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 to help bring peace and stability.”

(11) During a September 2020 visit to Souda Bay, then-Secretary of State Mike Pompeo
announced that the USS Hershel ‘Woody’ Williams, the second of a new class of United States sea-basing ships, will be based out of Souda Bay, the first permanent United States port at the base.

(12) The United States cooperates with the Hellenic Armed Forces at facilities in Larissa, Stefanovikio, and Alexandropolis, where the Hellenic Armed Forces conduct training, refueling, temporary maintenance, storage, and emergency response.

(13) The United States has conducted a long-standing 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 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 Air Force also plans to upgrade its four MEKO 200HN frigates and purchase 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 F-16 jets to the F-16V variant by 2027 and has expressed interest in participating in the F-35 Joint Strike Fighter program.

(20) The United States ejected Turkey from the F-35 Joint Strike Fighter Program in July 2019 as a result of its purchase of the Russian S-400 air defense system. Eight F-35 Joint Strike Fighters were produced for Turkey but never delivered as a result of its ejection from the 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 Greece’s 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 its cooperation with the Greek military to 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 Ministry of Defense;

(6) the naval partnerships with Greece at Souda Bay and Alexandropolis 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 to include those F-35 aircraft produced for but never delivered to Turkey as a result of Turkey’s exclusion from the program due to its purchase of the Russian S-400 air defense system;

(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 applicable legal authorities and project selection criteria, the United States Development Finance Corporation (DFC) should consider providing 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 partnership that the country and is a welcome development;

(12) the United States Government should restore congressionally appropriated military construction, training, and construction projects at Naval Support Activity Souda Bay focused on a warehouse storage facility and an airport passenger terminal that were redirected to the United States border wall programs in 2019;


SEC. 1294. FOCUSING ON EUROPEAN RECAPITALIZATION INVESTMENT 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 shall 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 enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(1) an identification of each recipient country;

(2) a description of how the funds were used;

(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 defense construction services pursuant to the authorization 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 make such 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 shall determine. 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. 2780).

SEC. 1297. REPORT ON EXPEDITED EXCESS DEFENSE ARTICLES TRANSFER PROGRAM.

During each of fiscal years 2022 through 2026, the Secretary of Defense, with the concurrence of the Secretary of State, shall report not later than October 31 to the appropriate congressional committees and the Committees on Armed Services of the Senate and House of Representatives on Greece’s defense needs and how the United States will seek to address such needs through transfers of excess defense equipment to Greece for fiscal year 2023.

SEC. 1298. IMET COOPERATION WITH GREECE.

Of the amounts authorized to be appropriated for each of fiscal years 2022 through 2026 to global initiatives, $1,800,000 shall be made available for Greece, to the extent practicable. The assistance shall be made available for the following purposes:

(1) Training of future leaders.

(2) Furthering a better understanding of the United States.

(3) Establishing a rapport between the United States Armed Forces and Greece’s military.

(4) Enhancing interoperability and capabilities for joint operations.

(5) Focusing on professional military education and training and civilian counterterrorism efforts of the military and protection of human rights.

SEC. 1299. CYPRUS, GREECE, ISRAEL, AND THE UNITED STATES 3+1 INTER-PARLIAMENTARY GROUP.

(a) ESTABLISHMENT.—There is established a group, to be known as the “Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group”, which shall 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 selected by the President, 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, and the United States 3+1 Interparliamentary Group shall meet with members of the 3+1 group to discuss issues on the agenda of the 3+1 deliberations.

SEC. 1299A. APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subtitle, the term “appropriae congressional committees” means—

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

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

SA 4151. 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 objected to by the order of the Senate; as follows:

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

SEC. ... ENHANCING TRANSPARENCY ON INTERSTATE AGREEMENTS AND NON-BINDING INSTRUMENTS.

(a) SECTION 112B OF TITLE I.—
(1) IN GENERAL.—Chapter 2 of title 1, United States Code, is amended by striking section 112(b) and inserting the following:

``§ 112b. United States international agreement certification

(a)(1) Not less frequently than once each month, the Secretary, through the Legal Advisor of the Department of State, shall provide for each international agreement or qualifying non-binding instrument listed pursuant to clause (1):

(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 provided under clause (ii) if the Secretary certifies in writing to the appropriate congressional committees that—

(i) 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 waiver.

(5)(A) The Secretary may, on a case-by-case basis, waive the requirements of subsection (a)(1)(A)(ii) if the Secretary certifies in writing to the appropriate congressional committees that—

(i) not later than 60 calendar days after the date on which the Secretary exercises the waiver;

(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.

(6) Not later than once each month, the Secretary shall make the text of all international agreements that entered into force or were renewed during the prior month, and the information required by subparagraph (B)(iii) of subsection (a)(1) and clauses (ii) 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 unclassified, except that the text of 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).

(3) This subsection shall take effect on October 1, 2022.
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 subsection.

"(2) In any instance in which a failure by the Secretary to comply with such requirements is determined by the Comptroller General to affect the availability 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; and

"(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.

"(b) Appointment of Inspectors—

"(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) final agreements and qualifying non-binding instruments that were signed or otherwise concluded, entered into force or otherwise became operative, or that were clarified 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 classified annex.

"(3) The Secretary shall provide to the appropriate congressional committees copies of, or have access to, any classified instrument and a description of the agreement or instrument.

"(4) There is authorized to be appropriated to the Department of State $1,000,000 for each of fiscal years 2022, 2023, and 2024 to carry out section 112b of title 1, United States Code, as amended by this subsection.

"(c) Information on the website of the Department of State—

"(1) The Secretary, 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.

"(2) The term ‘intelligence community’ means—

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

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

"(3) The term ‘the Secretary’ means the Secretary of State.

"(4) The term ‘intelligence community’ 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 any multilateral organization, or

"(ii) could reasonably be expected to have a significant impact on the foreign policy of the United States; or

"(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.

"(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;

"(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.

"(8) The Secretary, promulgate such rules and regulations as may be necessary to carry out this section.

"(I) It is the sense of Congress that the executive branch should not prescribe or otherwise control or include specific legislative text in a treaty, executive agreement, or non-binding instrument unless Congress has authorized such action.

"(II) The committee reports—

"(I) the term ‘appropriate congressional committees’ means—

"(II) the Committee on Foreign Relations of the Senate; and

"(III) the Committee on Foreign Affairs of the House of Representatives.

"(9) The term ‘the President’ means the President of the United States.

"(10) The term ‘the bills or resolutions’ means any bills or resolutions that contain the following provisions—

"(A) is entitled to the same public notice as is any bill or resolution of Congress;

"(B) is covered by the procedures required pursuant to section 112b of title 1, United States Code, as amended by this subsection.

"(II) The term ‘the bills or resolutions’ means any bills or resolutions that contain the following provisions—

"(A) is entitled to the same public notice as is any bill or resolution of Congress;

"(B) is covered by the procedures required pursuant to section 112b of title 1, United States Code, as amended by this subsection.

"(j) The President, 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.

"(k) 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.

"(l) The President, 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.

"(m) The President, 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.

"(n) The President, 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.
“(7) One member of the Office of Special Needs.

“(d) APPOINTMENTS.—In making appointments under subsection (c), the Vice Chief of Staff shall seek to represent the diversity of the disability community.

“(e) Term of Council.—Each member of the Council shall serve a term of two years, except one of the original members appointed under subsection (c)(2), selected by the Secretary of Defense, at the time of appointment, one shall be appointed for a term of three years.

“(f) MEETINGS.—The Council shall meet at least once every calendar quarter, in person or by teleconference.

“(g) COVERED ARMED FORCE DEFINED.—In this section, the term ‘covered armed force’ means an armed force under the jurisdiction of the Secretary of a military department.”.

(2) TERMINATION OF ADVISORY PANEL ON COMMUNITY SUPPORT FOR MILITARY FAMILIES.—

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

SEC. 576. AMENDMENTS TO PATHWAYS FOR COUNSELING IN THE TRANSITION ASSISTANCE PROGRAM.

Section 1142(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking “Disability” and inserting “Potential or confirmed medical discharge of the member”;

(2) in subparagraph (F), by striking “Character” and all that follows through the period at the end and inserting “Potential or confirmed involuntary separation of the member”;

(3) by redesignating subparagraph (M) as subparagraph (L); and

(4) by inserting after subparagraph (L) the following new subparagraphs:

“(M) Child care requirements of the member and the immediate family, including dependent and functional needs of the member enrolled in the Exceptional Family Member Program.

“(N) The employment status of other adults in the household of the member.

“(O) The location of the duty station of the member (including whether the member was separated from family while on duty).

“(P) The effects of operating tempo and personnel tempo on the member and the household of the member.

“(Q) Whether the member is an Indian or Alaska Native.

“(R) Other factors that the Secretary, in consultation with the Chief of the National Guard Bureau, considers appropriate.

“(S) The member’s potential or confirmed involuntary separation from the covered armed force.

“(T) The potential or confirmed involuntary separation of a dependent of the member.

“(U) The location of the duty station of the member (including whether the member was separated from family while on duty).

“(V) The potential or confirmed involuntary separation of a dependent of the member.

“(W) The potential or confirmed involuntary separation of a member of the covered armed force.

“(X) The location of the duty station of the member (including whether the member was separated from family while on duty).

“(Y) The potential or confirmed involuntary separation of a dependent of the member.

“(Z) The location of the duty station of the member (including whether the member was separated from family while on duty).”.

(2) R EPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, is amended—

(1) in clause (ii), by striking “and” and inserting “, security, or”;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

“(V) with respect to any exemptions the agency is granted by the Director of the Office of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

“(1) an identification of the particular requirements from which any agency information system (as defined in section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 699)) is exempted; and

“(2) any determination made by the Director of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

“(i) the identification of the agency information system described in subparagraph (I) exempted from the requirement; and

“(ii) an estimate of the date on which the agency will be able to comply with the requirement and.”;

(3) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

(3) AMENDMENTS TO FEDERAL CYBERSECURITY REQUIREMENTS.

(a) EXEMPTION FROM FEDERAL REQUIREMENTS.—Section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) is amended to read as follows:

“(d) R EPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, is amended—

(1) in clause (ii), by striking “and” and inserting “, security, or”;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

“(V) with respect to any exemptions the agency is granted by the Director of the Office of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

“(1) an identification of the particular requirements from which any agency information system (as defined in section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 699)) is exempted; and

“(2) any determination made by the Director of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

“(i) the identification of the agency information system described in subparagraph (I) exempted from the requirement; and

“(ii) an estimate of the date on which the agency will be able to comply with the requirement and.”;

(4) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

(4) AMENDMENTS TO FEDERAL CYBERSECURITY REQUIREMENTS.

(a) EXEMPTION FROM FEDERAL REQUIREMENTS.—Section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) is amended to read as follows:

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(1) in clause (ii), by striking “and” and inserting “, security, or”;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

“(V) with respect to any exemptions the agency is granted by the Director of the Office of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

“(1) an identification of the particular requirements from which any agency information system (as defined in section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 699)) is exempted; and

“(2) any determination made by the Director of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

“(i) the identification of the agency information system described in subparagraph (I) exempted from the requirement; and

“(ii) an estimate of the date on which the agency will be able to comply with the requirement and.”;

(4) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

(b) R EPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, is amended—

(1) in clause (ii), by striking “and” and inserting “, security, or”;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

“(V) with respect to any exemptions the agency is granted by the Director of the Office of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

“(1) an identification of the particular requirements from which any agency information system (as defined in section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 699)) is exempted; and

“(2) any determination made by the Director of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

“(i) the identification of the agency information system described in subparagraph (I) exempted from the requirement; and

“(ii) an estimate of the date on which the agency will be able to comply with the requirement and.”;

(4) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

(c) AMENDMENTS TO FEDERAL CYBERSECURITY REQUIREMENTS.

(a) EXEMPTION FROM FEDERAL REQUIREMENTS.—Section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) is amended to read as follows:

“(d) R EPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, is amended—

(1) in clause (ii), by striking “and” and inserting “, security, or”;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

“(V) with respect to any exemptions the agency is granted by the Director of the Office of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

“(1) an identification of the particular requirements from which any agency information system (as defined in section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 699)) is exempted; and

“(2) any determination made by the Director of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

“(i) the identification of the agency information system described in subparagraph (I) exempted from the requirement; and

“(ii) an estimate of the date on which the agency will be able to comply with the requirement and.”;

(4) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.
SA 4158. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 4157 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ... REQUIREMENT FOR DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION TO UNDERTAKE AN EFFORT TO IDENTIFY INTER-NATIONAL ELECTRONIC SUBSCRIPTION IDENTITY-CATCHERS AND DEVELOP COUNTERMEASURES.

Section 5725(a) of the Damon Paul Nelson and Michael Paul Milken Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (Public 116–92; 50 U.S.C. 3024 note) is amended, in the matter before paragraph (1), by striking “may” and inserting “shall”.

SA 4160. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ... REPORT ON SURVEILLANCE THREAT POSED BY GOVERNMENTS AND CRIMINALS USING CELL-SITE SIMULATORS NEAR FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the surveillance threat posed by foreign governments and criminals using cell-site simulators near facilities of the Department of Defense.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) A detailed plan for addressing the threat described in subsection (a) for facilities of the Department located in the United States and for facilities of the Department located outside the United States.

(2) An estimate of the initial and ongoing costs necessary to address such threat and the time it would take to do so.

(3) A description of any legal, regulatory, or policy impediments, if any, impeding the Secretary from addressing such threat, and proposals to address such impediments.

(c) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) PUBLICATION.—The Secretary shall make available to the public on an internet website the unclassified portion of the report submitted under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term ‘‘cell-site simulator’’ means any device that functions as or simulates a base station for mobile services or private mobile services in order to identify, locate, or intercept transmissions from cellular devices for purposes other than providing ordinary commercial mobile services or private mobile services.

(2) The term ‘‘commercial mobile service’’ has the meaning given such term in section 332 of the Communications Act of 1934 (47 U.S.C. 332).

(3) The term ‘‘private mobile service’’ has the meaning given that term in section 332 of the Communications Act of 1934 (47 U.S.C. 332).

SA 4161. Mr. WYDEN (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

(2) Not later than October 1, 2026, the Secretary—

(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

(B) may not use animals for such purpose.

(Sec. 728. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.)

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:


(1) Not later than October 1, 2024, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

(2) Not later than October 1, 2026, the Secretary—

(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

(B) may not use animals for such purpose.

(3) The term ‘‘human-based training methods’’ means training aids that allow individuals to learn or practice specific medical procedures.

(4) The term ‘‘animal-based training methods’’ means training aids that use animal-based training methods for purposes of training military personnel.

(SEC. 729. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.)

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:


(1) Not later than October 1, 2024, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

(2) Not later than October 1, 2026, the Secretary—

(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

(B) may not use animals for such purpose.

(3) The term ‘‘human-based training methods’’ means training aids that allow individuals to learn or practice specific medical procedures.

(4) The term ‘‘animal-based training methods’’ means training aids that use animal-based training methods for purposes of training military personnel.

(5) The term ‘‘live animal training methods’’ means training aids that use live animals for purposes of training military personnel.

(Sec. 730. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.)

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:


(1) Not later than October 1, 2024, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

(2) Not later than October 1, 2026, the Secretary—

(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

(B) may not use animals for such purpose.

(3) The term ‘‘human-based training methods’’ means training aids that allow individuals to learn or practice specific medical procedures.

(4) The term ‘‘animal-based training methods’’ means training aids that use animal-based training methods for purposes of training military personnel.

(5) The term ‘‘live animal training methods’’ means training aids that use live animals for purposes of training military personnel.

(SEC. 731. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.)

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:


(1) Not later than October 1, 2024, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

(2) Not later than October 1, 2026, the Secretary—

(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

(B) may not use animals for such purpose.

(3) The term ‘‘human-based training methods’’ means training aids that allow individuals to learn or practice specific medical procedures.

(4) The term ‘‘animal-based training methods’’ means training aids that use animal-based training methods for purposes of training military personnel.
strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 511. RESPONSIBILITIES FOR NATIONAL MILITIZATION; PERSONNEL REQUIREMENTS.

The Secretary of Defense shall designate a senior official, within the Office of the Secretary of Defense as the Executive Agent for National Mobilization. The Executive Agent for National Mobilization shall be responsible for—

(1) developing, managing, and coordinating policy and plans that address the full spectrum of military mobilization readiness, including the mobilization of personnel from volunteers; and

(2) providing Congress with a plan, developed to induct large numbers of volunteers who may respond to a national call for volunteers during an emergency.

SEC. 512. REPEAL OF MILITARY SELECTIVE SERVICE ACT.

(a) REPEAL.—The Military Selective Service Act (50 U.S.C. 3801 et seq.) is repealed.

(b) TRANSFERS IN CONNECTION WITH REPEAL.—For the provisions in section 10(a)(4) of the Military Selective Service Act (50 U.S.C. 3809(a)(4)), the Office of Selective Service Records shall not be reestablished (including (f) or (g) of the Act). Not later than 180 days after the date of the enactment of this Act, the assets, contracts, property, and records held by the Selective Service System, and the unexpended balances of any appropriations available to the Selective Service System, shall be transferred to the Administrator of General Services upon the repeal of this Act. The Director of the Office of Personnel Management shall assist officers and employees of the Selective Service System to transfer to other positions in the executive branch.

(c) EFFECT ON EXISTING SANCTIONS.—(1) Notwithstanding any other provision of law, a person may not be denied a right, privilege, benefit, or employment position under Federal law on the grounds that the person failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a).

(2) A State, political subdivision of a State, or political authority of two or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law to penalize or deny any privilege or benefit to any individual who failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a).

(d) CONSCIENTIOUS OBJECTORS.—Nothing contained in this section shall be construed to nullify or in any way affect the rights of con- scientious objectors under laws and regulations of the United States.

SA 4162. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strength 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 X, add the following:

SEC. 104.—OREGON RECREATION ENHANCEMENT.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means—

(A) the Secretary of the Interior, with respect to public land administered by the Secretary of the Interior; or

(B) the Secretary of Agriculture, with respect to National Forest System land.

(2) STATE.—The term "State" means the State of Oregon.

(b) ROUGE CANYON AND MOLALLA RECREATION AREAS, OREGON.—

(1) DESIGNATION OF ROUGE CANYON AND MOLALLA RECREATION AREAS.—For the purposes of protecting, conserving, and enhancing the unique and nationally important recreational, ecological, scenic, cultural, watershed, and fish and wildlife values of the areas, the following areas in the State are designated as recreation areas for management by the Secretary in accordance with paragraph (3):

(A) ROUGE CANYON RECREATION AREA.—The approximately 98,150 acres of Bureau of Land Management land within the boundary generally depicted as the "Rogue Canyon Recreation Area" on the map entitled "Rogue Canyon Recreation Area Wild Rogue Wilderness Additions" dated November 19, 2019, which is designated as the "Rogue Canyon Recreation Area".

(B) MOLALLA RECREATION AREA.—The approximately 29,884 acres of Bureau of Land Management land within the boundary generally depicted on the map entitled "Molalla Recreation Area" and dated September 26, 2018, which is designated as the "Molalla Recreation Area".

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall prepare a map and legal description of each recreation area designated by paragraph (1) and submit to Congress for its approval.

(B) EFFECT.—The maps and legal descriptions prepared under subparagraph (A) shall have the same force and effect as if included in this section and shall not alter the authority of the Secretary (in cooperation with the appropriate Federal, State, and local agencies, as appropriate) to conduct wildfire mitigation plan, based on the wildfire risk assessment that identifies, evaluates, and prioritizes treatments and other management activities that are needed on the Federal land covered by the wildfire risk assessment (other than Federal land designated as a unit of the National Wilderness Preservation System) to mitigate wildfire risk to communities located near the applicable Federal land.

(3) APPLICABLE LAW.—The wildfire mitigation plan under clause (i) shall be developed in accordance with—

(I) this subsection; and

(II) any other applicable law.

(c) EVACUATION AND RISK ASSESSMENT.—

(1) WILDFIRE MITIGATION PLAN.—

(A) DEFERRED.—Subject to valid existing rights, all Federal surface and subsurface land within a recreation area designated by paragraph (1), unless the temporary road would be within an area designated as a unit of the National Wilderness Preservation System.

(B) EFFECT ON WILDFIRE MANAGEMENT.—Nothing in this subsection alters the authority of the Secretary (in cooperation with the appropriate Federal, State, and local agencies, as appropriate) to conduct wildfire operations within a recreation area designated by paragraph (1), consistent with the purposes of this section.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal surface and subsurface land within a recreation area designated by paragraph (1) is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

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

(III) disposition under all laws pertaining to mineral leasing, geothermal leasing, or mineral materials.

(e) WILDFIRE RISK ASSESSMENT.—

(1) DEVELOPMENT.—The Secretary, in consultation with the Oregon Governor’s Council on Wildfire Response, shall conduct a wildfire risk assessment that covers—

(i) the recreation areas designated by paragraph (1); and

(ii) any other applicable law.

(f) TRANSMISSION.—The Secretary shall—

(I) provide a report to the Congress as required by the Wildfire Response Act of 2020 (43 U.S.C. 2811 et seq.); and

(II) submit the report to Congress as required by the Wildfire Response Act of 2020 (43 U.S.C. 2811 et seq.).
area designated by paragraph (1) shall be administered in accordance with the Wilderness Act (16 U.S.C. 1311 et seq.).

(4) Adjacent Management.—Nothing in this subsection precludes any protective perimeter or buffer zone around a recreation area designated by paragraph (1).

(c) Expansion of Wild Rogue Wilderness Area.—

(1) Definitions.—In this subsection:

(A) MAP.—The term “map” means the map entitled “Rogue Canyon Recreation Area Wild Rogue Wilderness Additions” and dated November 19, 2019.

(B) WILDERNESS ADDITIONS.—The term “Wild Rogue Wilderness Area” means the land added to the Wild Rogue Wilderness under paragraph (2)(A).

(2) Expansion of Wild Rogue Wilderness Area.—

(A) Expansion.—The approximately 59,512 acres of Federal land in the State generally depicted on the map as “Proposed Wild Rogue Wilderness Area” shall be added to and administered as part of the Wild Rogue Wilderness in accordance with the Endangered American Wilderness Act of 1978 (16 U.S.C. 1322; Public Law 95-237), except—

(i) the Secretary of the Interior and the Secretary of Agriculture shall administer the Federal land under their respective jurisdictions; and

(ii) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of Agriculture or the Secretary of the Interior, as applicable.

(B) MAP; LEGAL DESCRIPTION.—

(i) The Secretary shall prepare a map and legal description of the wilderness area designated by subparagraph (A).

(ii) The map and legal description filed under clause (i) shall have the same force and effect as if included in this subsection, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under clause (i) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and Forest Service.

(D) FIRE, INSECTS, AND DISEASE.—The Secretary may take such measures within the Wilderness additions as the Secretary determines to be necessary for the control of fire, insects, and disease.

(E) WITHDRAWAL.—Subject to valid existing rights, the wilderness area is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

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

(C) operation under the mineral leasing and geothermal leasing laws.

(3) AVAILABILITY OF MAPS.—Not later than 30 days after the date of enactment of this Act, the Maps shall be made available to the public at each appropriate office of the Bureau of Land Management.

(4) EXISTING USES NOT AFFECTED.—Except with respect to the withdrawal under paragraph (2), nothing in this subsection restricts the Secretary’s ability to share forest management activities, or other authorized uses allowed on the date of enactment of this Act on the eligible Federal land in accordance with applicable law.

SA 4163. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military construction, defense,

(b) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form.

(c) DETERMINATION OF PARTIES TO A COMMUNICATION.—In determining under this section whether a party to a communication is likely to be located inside or outside the United States, the Secretary shall consider the Internet Protocol (IP) address used by the party to the communication, but may also consider other information known to the Secretary.

(d) DEFINITIONS.—In this section—

(B) International phone call records.

(D) Domestic text messages.

(E) International text message records.

(F) Domestic netflow records.

(G) International netflow records.

(H) Domestic Domain Name System records.

(I) International Domain Name System records.

(j) Other types of domestic internet metadata.

(K) Other types of international internet metadata.

(3) The term “domestic” means a telephone or an internet communication in which all parties to the communication are likely to be located in the United States.

(c) Entry, appropriation, or disposal under the public land laws;

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

For the purpose of planning, policy, funding, or strategic oversight authority.

(2) The term “covered records” includes the following:

(A) Location data generated by phones that are likely to be located in the United States.

(B) Domestic phone call records.

(C) International phone call records.

(D) Domestic text messages.

(E) International text message records.

(F) Domestic netflow records.

(G) International netflow records.

(H) Domestic Domain Name System records.

(I) International Domain Name System records.

(j) Other types of domestic internet metadata.

(k) Other types of international internet metadata.

(3) The term “covered records” includes a telephone or an internet communication in which one or more parties to the communication is likely to be located outside the United States.

(B) The term “international” does not include a telephone or an internet communication in which all parties to the communication are likely to be located outside the United States.

(5) The term “obtain in exchange for anything of value” means to obtain by purchasing, to receive in connection with services being provided for consideration, or to otherwise obtain in exchange for consideration, including an access fee, service fee, maintenance fee, or licensing fee.

(6) Except as provided in subparagraph (b), the term “retain” means the storage of a covered record.

(B) The term “retain” does not include the temporary storage of a covered record that will be, but has not yet been, subjected to a process in which the covered record, which is part of a larger compilation containing records that are not covered records, are identified and deleted.

(7) Except as provided in subparagraph (B), the term “use”, with respect to a covered record, includes analyzing, processing, or otherwise obtaining a covered record.

(B) The term “use” does not include including the covered record to a process in which the covered record, which is part of a larger compilation containing records that are not covered records, are identified and deleted.
SA 4164.

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

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

SEC. 318. LIMITATION ON MODIFICATION OF TRAJECTORY ACTIVITIES IN OREGON PURSUANT TO RECORD OF DECISION FOR ENVIRONMENTAL IMPACT STATEMENT RELATING TO MOUNTAIN HOME AIR FORCE BASE, IDAHO.

The Secretary of the Air Force shall ensure that any record of decision issued by the Secretary for the Air Force for the Mountain Home Military Operations Area, Idaho, does not modify existing training regimes and activities of the Air Force in Oregon until the Secretary, in coordination with the White Mountain National Forest and the Oregon Department of Fish and Wildlife, has conducted and then analyzed in a supplemental draft environmental impact statement comprehensive, primary research on the effects of real noise, the risk of wildfire from the use of flares, and the risk of water pollution from the use of chaff from current or future military training on wildlife and human communities in the Mountain Home Military Operations Area in Oregon.

SA 4165.

Mr. JOHNSON (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:

After section 1247, add the following:

SEC. 1248. ELIGIBILITY OF TAIWAN FOR THE UNITED STATES LEADERSHIP IN SPACE.

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

(1) It is in the sense of Congress that—

(1) the Secretary of Defense and the Director of the National Reconnaissance Office should, to the extent practicable, procure launch services through the most competitive means available based on the requirements of each mission, including full and open competition and the Orbital Services Program-4; and

(2) to the extent necessary for any mission that can only be performed by launch providers that meet the high requirements of the Phase 2 of the National Security Space Launch program, the Secretary and the Director should continue to use launch services under a Phase 2 contract of such program.

(b) STATEMENT OF POLICY.—With respect to entering into contracts for launch services during the period beginning on the date of the enactment of this Act and ending September 30, 2024, it shall be the policy of the Department of Defense and the National Reconnaissance Office to foster a robust, innovative, and competitive commercial launch sector that supports the national interests of the United States and advances United States leadership in space.

SA 4166.

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

At the end of subtitle A of title XV, add the following:

SEC. 1516. STATEMENT OF POLICY ON FOSTERING SPACE LAUNCH COMPETITION.

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

(1) the Secretary of Defense and the Director of the National Reconnaissance Office should, to the extent practicable, procure launch services through the most competitive means available based on the requirements of each mission, including full and open competition and the Orbital Services Program-4; and

(2) to the extent necessary for any mission that can only be performed by launch providers that meet the high requirements of the Phase 2 of the National Security Space Launch program, the Secretary and the Director should continue to use launch services under a Phase 2 contract of such program.

(b) STATEMENT OF POLICY.—With respect to entering into contracts for launch services during the period beginning on the date of the enactment of this Act and ending September 30, 2024, it shall be the policy of the Department of Defense and the National Reconnaissance Office to foster a robust, innovative, and competitive commercial launch sector that supports the national interests of the United States and advances United States leadership in space.

SA 4167.

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. 5. IMPORTANCE OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS.

(a) INCREASE.—Funds authorized to be appropriated in this Act shall be increased by $50,000,000, to remain available for obligation until September 30, 2025.

(b) CERTIFICATION.—The Secretary of Education shall certify in writing to the Congress that the funds authorized to be appropriated in this Act shall be used to support historically black colleges and universities and minority-serving institutions.

SA 4168.

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:

”(4) CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.—

“(l) IN GENERAL.—In the case of a recipient of grant amounts under this Act that is carrying out, or proposes to carry out, an affordable housing project under section 301, if the recipient is using 1 or more additional sources of Federal funds to carry out and construct 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 if the Federal agency were to carry out the project as a Federal project.

“(m) DISCHARGE.—The assumption by the Indian tribe of the responsibilities for environmental review, decision making, and action under paragraph (l) 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.

“(n) CERTIFICATION.—An Indian tribe that assumes the additional responsibilities under paragraph (l) 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 a responsible Federal official under the provisions of law that would apply to each Federal agency providing additional funding under paragraph (1)

(1) ‘‘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 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 2023’’.

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 ‘‘education-related expenditures, college housing assistance, and other education-related assistance for low-income college students,’’ after ‘‘self-sufficiency and other areas,’’.

SEC. 5005. APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR OPERATED BY INDIAN TRIBES 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. LEASE 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 5013 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) APPLICABILITY TO 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’’ and inserting ‘‘or’’;

(B) by adding at the end the following:

‘‘(B) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (a)(2) regarding binding commitments for the remaining useful life of property shall apply to improvements constructed after the date of the certification, the Secretary shall not take action before the end of the period at the end of which the certification remains in effect.’’.

SEC. 5007. DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.

Section 208(g) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139(g)) is amended by striking ‘‘$5,000’’ and inserting ‘‘$10,000’’.

SEC. 5008. REQUIREMENTS.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ‘‘and’’ and inserting ‘‘or’’;

(B) by adding at the end the following:

‘‘(B) PROVISIONS.—Except as provided in subsection (a)(2) regarding binding commitments for the remaining useful life of property shall apply to improvements constructed after the date of the certification, the Secretary shall not take action before the end of the period at the end of which the certification remains in effect.’’.

(2) in subsection (c)—

(A) by striking ‘‘the provisions’’ and inserting ‘‘the provisions of subsection (a)(3)’’;

(B) by adding at the end the following:

‘‘(B) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (a)(2) regarding binding commitments for the remaining useful life of property shall apply to improvements constructed after the date of the certification, the Secretary shall not take action before the end of the period at the end of which the certification remains in effect.’’.

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 be reduced to 90 days if the improvements are 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 Secretary of Health and Human Services, or a recipient of Federal funds under this Act, may make subawards to subrecipients to construct sanitation facilities: Provided, That action shall be taken in accordance with a determination by the Director that such subrecipients have adequate capacity to carry out activities in accordance with this Act.’’.

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. 4164) is amended—

(1) in paragraph (1), by striking ‘‘and’’ 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—

‘‘(1) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations); and

‘‘(2) to the maximum extent practicable, on an expedited basis.’’.

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 Representaties’’; 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’’; and

(2) in subsection (b), by striking ‘‘50 years’’ and inserting ‘‘99 years’’.

SEC. 5014. AMENDMENTS FOR HOMELOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

Section 402(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 on State law regarding 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 2026’’.

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CONGRESSIONAL RECORD—SENATE November 2, 2021
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 the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 1111) 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 deconstruction activities.

SEC. 5017. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.

Section 106 of the Housing and Community Development Act of 1974 (12 U.S.C. 1701x(a)(4)) is amended—

"(1) IN GENERAL.—In this subparagraph—

"(A) 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); and

"(B) by inserting before the period at the end of the last sentence of paragraph (1)—

"(i) the term 'Indian tribe' and 'tribally designated housing entity' shall be considered to have the meaning given to those terms by the Secretary under section 106(a)(1); and

"(ii) the term 'tribal organization' shall have the meaning given the term in section 105 of the Housing and Community Development Act of 1992 (12 U.S.C. 1701x(a)(4)); and

"(ii) by inserting after the term 'tribally designated housing entity' the following:

"the following:

"<i>1992 (12 U.S.C. 1715z–13a(b)(4)) is amended—

"(a) DEFINITION.—In this subparagraph—

"(A) 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); and

"(B) by inserting before the period at the end of the last sentence of paragraph (1)—

"(i) the term 'Indian tribe' and 'tribally designated housing entity' shall be considered to have the meaning given to those terms by the Secretary under section 106(a)(1); and

"(ii) by inserting after the term 'tribally designated housing entity' the following:

"SEC. 5018. INDIAN TRIBE ELIGIBILITY FOR HUD DEPENDENCY DETERMINATION GRANTS.

Section 106a(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1702a(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"; and

"(3) in subparagraph (C), by inserting "Indian tribes, and tribally designated housing entities" after "organizations";

"(4) by redesigning subparagraph (F) as subparagraph (G); and

"(5) by inserting after subparagraph (F) the following:

"SEC. 5019. 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 redesigning 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;

"(B) as so designated, by adding at the end the following:

"(ii) 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. 8901 et seq.), or certified under the Community Development Financial Institutions Act of 1992 (12 U.S.C. 4703(a)); and

"(C) by adding at the end the following:

"(D) DIRECT GUARANTEE PROCESS.—

"(i) AUTHORIZATION.—The Secretary may authorize eligible lenders to participate in a direct guarantee process for approving loans under this section.

"(ii) INDIVIDUAL.—The Secretary may determine that a mortgage guaranteed through a direct guarantee process under this subparagraph was not 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 regardless of whether the violation caused the mortgage default.

"(iii) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender to indemnify the Secretary for the loss regardless of whether the violation caused the mortgage default.

"(iv) REVIEW OF MORTGAGEE.—

"(A) IN GENERAL.—The Secretary may periodically review the mortgagees originating, underwriting, or servicing single family mortgage loans under this section.

"(B) REQUIREMENTS.—In conducting a review under clause (1), the Secretary—

"(i) shall compare the mortgagee with other mortgagees originating or underwriting mortgage loans, based on the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;

"(ii) may mortgagee and with 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

"(iv) may terminate approval under this subparagraph to indemnify the Secretary for the loss regardless of whether the violation caused the mortgage default.

"(v) DIRECT GUARANTEE PROCESS.—

"(A) IN GENERAL.—The loan guarantor shall—

"(i) make grants under this section to recipients responsible for—

"(ii) by inserting after the term 'Assistant Director (the "Office") to be headed by an Assistant Secretary for Native American Programs (in this subsection referred to as the "Assistant Secretary") who shall be 1 of the Assistant Secretaries in subsection (a)(1).

"(2) The Assistant Secretary shall be responsible for—

"(A) administering, in coordination with the relevant office in the Department, the programs of housing assistance to Indian tribes or Indian housing authorities under each program of the Department that provides for such assistance;

"(B) administering the community development block grant program for Indian tribes under title I of the Housing and Community Development Act of 1994 (25 U.S.C. 5301 et seq.) and the provision of assistance to Indian tribes under such Act;

"(C) directing, coordinating, and assisting in managing any regional offices of the Department that administer Indian programs to the extent of such programs; and

"(D) coordinating all programs of the Department relating to Indian and Alaska Native housing and community development.

"(3) The Secretary shall include in the annual report under section 8 a description of the extent of the housing needs for Indian families and community development needs of Indian tribes in the United States and the activities of the Department, and extent of such activities, in meeting such needs.; and

"(4) in section 8 (42 U.S.C. 3538), by striking "section 4(e)(2)" and inserting "section 4(e)(3)";

"SEC. 5020. LOAN GUARANTEES FOR NATIVE HAOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

"(A) in subsection (c)(4)(B)—

"(i) by inserting after clause (iv) the following:

"SEC. 5022. DRUG ELIMINATION PROGRAM.

(a) IN GENERAL.—Section 4(e)(3) of the Controlled Substances Act (21 U.S.C. 844(c)(3)) is amended—

"(b) 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.

"(c) ELIGIBLE ACTIVITIES.—Grants under this section may be used for—

"(1) employees of law enforcement; and

"(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 comprised within the area described 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;
(B) to provide funding to related such crime in any administrative or judicial proceeding;
(5) the provision of training, communication 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) violence against women, and 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 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 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 high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy and as authorized by the Native American Housing Assistance and Self-Determination Act of 1996 (21 U.S.C. 1706(b)).
(f) REPORTS.—

SEC. 5023. RENTAL ASSISTANCE FOR HOMELESS INDIGENT INDIAN VETERANS.

(a) ELIGIBLE INDIAN VETERAN.—The term ‘eligible Indian veteran’ means an Indian veteran who is—
(i) homeless or at risk of homelessness; and
(ii) living—
(AA) on or near a reservation; or
(BB) in or near any other Indian area.

(b) 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).

(c) PROGRAM.—The term ‘Program’ means the Tribal HUD–VASH program carried out under clause (ii). This subsection, an eligible applicant shall—

SEC. 5024. RENTAL ASSISTANCE FOR VETERANS WITHтельные высокие для сельских районов.

SEC. 5025. RENTAL ASSISTANCE FOR VETERANS WITH HOMELESSNESS.

SEC. 5026. RENTAL ASSISTANCE FOR VETERANS AND THEIR FAMILIES.
“(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

(2) OLD VERSION.—

“(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with grantees and appropriate tribal organizations 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 Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

(3) 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) WAIVER.—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.

(4) 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.

(5) REPORTING.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

“(a) conduct a review of the implementation of the Program, including any factors that may have impacted its success; and

“(b) submit a report describing the results of the review under item (a) 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 Committee 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 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 in the Program.

SEC. 5024. 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 programs are 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.

SA 4169. Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed to amendment SA 3687 submitted by Mr. REED and intended to be proposed to this amendment to an amendment to appropriation for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for fiscal year 2022, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—COLORADO OUTDOOR RECREATION

SEC. 1701. SHORT TITLE.

This title may be cited as the "Colorado Outdoor Recreation and Economy Act".

SEC. 1702. DEFINITION OF STATE.

In this title, the term "State" means the State of Colorado.

Subtitle A—Continental Divide

SEC. 1711. DEFINITIONS.

In this subtitle:

(1) COVERED AREA.—The term "covered area" means any area designated as wilderness by the amendment to section 122 of the Colorado Wilderness Act of 1993 (16 U.S.C. 1122 note; Public Law 103–77) made by title 172a.(2)

(2) HISTORIC LANDSCAPE.—The term "Historic Landscape" means the Camp Hale National Historic Landscapes designated by section 1711a.

(3) RECREATION MANAGEMENT AREA.—The term "Recreation Management Area" means the "Tennimle Recreation Management Area designated by section 1714a.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) WILDFIRE CONSERVATION AREA.—The term "Wildfire Conservation Area" means, as applicable—

(A) the Porcupine Gulch Wildlife Conservation Area designated by section 1715a; and

(B) the Williams Fork Mountains Wildlife Conservation Area designated by section 1716a.

SEC. 1712. COLORADO WILDERNESS ADDITIONS.

(a) DESIGNATION.—Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1122 note; Public Law 103–77) is amended—

(1) in paragraph (18), by striking "1993," and inserting "1993, and certain Federal land within the White River National Forest that comprises approximately 6,896 acres, as generally depicted as 'Proposed Ptarmigan Peak Wilderness Additions' on the map entitled 'Proposed Ptarmigan Peak Wilderness Additions' and dated June 24, 2019,'; and

(2) by adding at the end the following:

(23) HOLY CROSS WILDERNESS ADDITION.—Certain Federal land within the White River National Forest that comprises approximately 3,866 acres, as generally depicted as 'Proposed Megan Dickie Wilderness Additions' on the map entitled 'Holly Cross Wilderness Addition Proposal' and dated June 24, 2019, which shall be incorporated into, and made part of this title; and

(b) APPLICABLE LAW.—Any reference in the Wilderness Act (16 U.S.C. 1133 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering a covered area.

(c) FIRE, INSECTS, AND DISEASES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may carry out any activity in a covered area that the Secretary determines to be necessary for the control of fire, insects, and diseases, subject to such terms and conditions that the Secretary determines to be appropriate.

(d) GRAZING.—The grazing of livestock on a covered area, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered to be necessary by the Secretary, in accordance with—

(1) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the Senate, and of the Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–465).

(e) COORDINATION.—For purposes of administering the Federal land designated as wilderness by paragraph (26) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1122 note; Public Law 103–77) (as added by subsection (a)(23)), as well as determined to be appropriate for the protection of watersheds, coordinate the activities of the Secretary in response to fires and flooding events with interested State and local agencies, including operations using aircraft or mechanized equipment.

SEC. 1713. WILLIAMS FORK MOUNTAINS WILDERNESS ADDITIONS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1313 et seq.), certain Federal land in the White River National Forest in the State, comprising approximately 8,036 acres, as generally depicted as 'Proposed Williams Fork Wilderness Additions' on the map entitled 'Proposed Williams Fork Wilderness Additions' and dated June 24, 2019, is designated as a potential wilderness area.
(b) MANAGEMENT.—Subject to valid existing rights and except as provided in subsection (d), the potential wilderness area designated by subsection (a) shall be managed by the Secretary:

(1) the Wilderness Act (16 U.S.C. 1311 et seq.); and

(2) any applicable laws (including regulations).

(c) LIVESTOCK USE OF VACANT ALLOTMENTS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with applicable laws (including regulations), the Secretary shall establish a determination regarding whether to authorize livestock grazing or other use by livestock on the vacant allotments known as—

(A) the “Big Hole Allotment”; and

(B) the “Blue Ridge Allotment”.

(2) Any Infrastructure of Allotments.—In publishing a determination pursuant to paragraph (1), the Secretary may modify or combine the vacant allotments referred to in that paragraph.

(3) PERMIT OR OTHER AUTHORIZATION.—Not later than 1 year after the date on which a determination of the Secretary to authorize livestock grazing or other use by livestock is published under paragraph (1), if applicable, the Secretary shall grant a permit or other authorization for that livestock grazing or other use in accordance with applicable laws (including regulations).

(d) RANGE IMPROVEMENTS.—

(1) IN GENERAL.—If the Secretary permits livestock grazing or other use by livestock on the potential wilderness area under subsection (c), the Secretary, or a third party authorized by the Secretary, may use any motorized or mechanized transport or equipment for purposes of constructing or rehabilitating such range improvements as are necessary to obtain appropriate livestock management objectives (including habitat and watershed restoration).

(2) TERMINATION OF AUTHORITY.—The authority provided by this subsection terminates on the date that is 2 years after the date on which the Secretary publishes a positive determination under subsection (c)(3).

(e) DESIGNATION AS WILDERNESS.—

(1) DESIGNATION.—The potential wilderness area designated by subsection (a) shall be designated as wilderness, to be known as the “Williams Fork Mountains Wilderness”.

(A) EFFECTIVE DATE.—Effective not earlier than 180 days after the date of enactment of this Act; and

(B) ON THE EARLIEST OF—

(i) the date on which the Secretary publishes in the Federal Register a notice that the construction or rehabilitation of range improvements under subsection (d) is complete;

(ii) the date described in subsection (d)(2); and

(iii) the effective date of a determination of the Secretary not to authorize livestock grazing or other use by livestock under subsection (c)(1).

(2) FUTURE USE.—Subject to valid existing rights, the Secretary shall manage the Williams Fork Mountains Wilderness in accordance with—

(A) the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77); and

(B) this subtitle.

SEC. 1714. TENMILE RECREATION MANAGEMENT AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 17,122 acres of Federal land in the White River National Forest in the State, as generally depicted on the map entitled “Tenmile Proposals” and dated June 23, 2019, are designated as the “Tenmile Recreation Management Area”.

(b) PURPOSES.—The purposes of the Recreation Management Area are to—

(1) conserve, protect, and enhance the scenic, watershed, habitat, and ecological resources of the Recreation Management Area;

(2) MANAGE.—

(1) IN GENERAL.—The Secretary shall manage the Recreation Management Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (a); and

(B) in accordance with—

(i) the purposes of the Recreation Management Area described in subsection (b); and

(ii) recreation opportunities, including mountain biking, horseback riding, snowshoeing, climbing, skiing, camping, and hunting; and

(B) IN ACCORDANCE WITH—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(3) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Recreation Management Area as the Secretary determines would further the purposes described in subsection (b).

(B) VEHICLES.—

(i) IN GENERAL.—Except as provided in clause (ii), the use of motorized vehicles in the Recreation Management Area shall be permitted to roads, vehicle classes, and periods authorized for motorized vehicle use on the date of enactment of this Act.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from—

(I) rerouting or closing an existing road or trail to protect natural resources from degradation, as the Secretary determines to be appropriate;

(II) authorizing the use of motorized vehicles for administrative purposes or roadside camping;

(III) constructing temporary roads or permitting the use of motorized vehicles to carry out pre- or post-fire watershed protection programs;

(IV) authorizing the use of motorized vehicles to carry out any activity described in subsection (d), (e)(1), or (i); or

(V) responding to an emergency.

(C) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Recreation Management Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a marketable product that is a byproduct of an activity authorized under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines is necessary to prevent, control, or mitigate fire, insects, or disease in the Recreation Management Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) WATER.—

(1) EFFECT ON WATER MANAGEMENT INFRASTRUCTURE.—Nothing in this section affects the Secretary’s decision to construct, repair, reconstruct, replace, operation, maintenance, or renovation within the Recreation Management Area of—

(A) water management infrastructure in existence on the date of enactment of this Act; or

(B) any future infrastructure necessary for the development or exercise of water rights decreed before the date of enactment of this Act.

(2) APPLICATION.—

(A)Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107-216; 116 Stat. 1058) shall apply to the Recreation Management Area.

(B) REGIONAL TRANSPORT PROJECTS.—Nothing in this section precludes the Secretary from authorizing, in accordance with applicable laws (including regulations), the use or leasing of Federal land within the Recreation Management Area for—

(i) a regional transportation project, including—

(A) highway widening or realignment; and

(B) construction of multimodal transportation systems; or

(ii) an infrastructure, activity, or safety measure associated with the implementation or use of a facility constructed under paragraph (i).

(3) APPLICABLE LAW.—Nothing in this section affects the designation of the Federal land within the Recreation Management Area as a “Williams Conservation Area”.

(2) A PPLICABLE LAW.—Section 3(e) of the Wilderness Act; or

(3) section 305 of title 49, United States Code.

(h) PERMITS.—Nothing in this section alters or limits—

(1) any permit held by a ski area or other entity; or

(2) the acceptance, review, or implementation of associated activities or facilities proposed or authorized by law or permit outside the boundaries of the Recreation Management Area.

SEC. 1715. PORCUPINE GULCH WILDLIFE CONSERVATION AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 8,287 acres of Federal land located in the White River National Forest shall be generally designated as the Porcupine Gulch Wildlife Conservation Area on the map entitled “Porcupine Gulch Wildlife Conservation Area Proposal” and dated June 24, 2019, are designated as the “Porcupine Gulch Wildlife Conservation Area” (referred to in this section as the “Wildlife Conservation Area”).

(b) PURPOSES.—The purposes of the Wildlife Conservation Area are—

(1) to conserve and restore a migratory corridor over Interstate 70; and

(2) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the scenic, watershed, roadless, and ecological resources of the Wildlife Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Wildlife Conservation Area for purposes of—

(i) a regional transportation project, including—

(I) highway widening or realignment; and

(II) construction of multimodal transportation systems; or

(ii) an infrastructure, activity, or safety measure associated with the implementation or use of a facility constructed under paragraph (i).

(B) VEHICLES.—

(i) IN GENERAL.—Except as provided in clause (ii), the use of motorized vehicles in the Recreation Management Area shall be permitted to roads, vehicle classes, and periods authorized for motorized vehicle use on the date of enactment of this Act.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from—

(I) rerouting or closing an existing road or trail to protect natural resources from degradation, as the Secretary determines to be appropriate;

(II) authorizing the use of motorized vehicles for administrative purposes or roadside camping;

(III) constructing temporary roads or permitting the use of motorized vehicles to carry out pre- or post-fire watershed protection programs;

(IV) authorizing the use of motorized vehicles to carry out any activity described in subsection (d), (e)(1), or (i); or

(V) responding to an emergency.

(C) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Recreation Management Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a marketable product that is a byproduct of an activity authorized under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines is necessary to prevent, control, or mitigate fire, insects, or disease in the Recreation Management Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) WATER.—

(1) EFFECT ON WATER MANAGEMENT INFRASTRUCTURE.—Nothing in this section affects the Secretary’s decisions to construct, repair, reconstruct, replace, operation, maintenance, or renovation within the Recreation Management Area of—

(A) water management infrastructure in existence on the date of enactment of this Act; or

(B) any future infrastructure necessary for the development or exercise of water rights decreed before the date of enactment of this Act.
(iii), the use of motorized vehicles or mechanized transport in the Wildlife Conservation Area shall be prohibited.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from—
(A) improving the interpretation of historic use of the Historic Landscape, including—
(i) improving the interpretation of historic use of the Historic Landscape, including—
(ii) the role of the Historic Landscape in local, national, and world history;
(iii) managing recreational opportunities, including the use and stewardship of—
(A) the scenic, water-shed, and ecological resources of the Historic Landscape, including—
(B) the other purposes of the Historic Landscape; and
(C) recreational opportunities, with an emphasis on the activities related to the historic use of the Historic Landscape, including skiing, snowshoeing, snowmobiling, hiking, horseback riding, climbing, other road- and trail-based activities, and other outdoor activities; and
(D) the continued environmental remedi-ation and removal of unexploded ordnance at the Camp Hale Formerly Used Defense Site and Camp Hale historic cantonment area; and
(E) the other purposes of the Historic Landscape.

(ii) New or temporary roads.—Except as provided in clause (iii), no new or temporary road shall be constructed in the Wilderness Conservation Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from—
(A) highway widening or realignment; and
(B) construction of multimodal transpor-tation systems; or
(C) constructing temporary roads or per-mitting the use of motorized vehicles or mechanized transport to carry out pre- or post-fire rehabilitation projects;
(D) Commercial Timber.—
(i) In general.—Subject to clause (ii), no project shall be carried out in the Wilderness Conservation Area for the purpose of harvesting commercial timber.

(a) Designation.—Subject to valid existing rights, the approximately 3,528 acres of Federal land in the White River National Forest in the State, as generally depicted as “Proposed Williams Fork Mountains Wildlife Conservation Area” on the map entitled “Williams Fork Mountains Proposal” and dated June 24, 2019, are designated as the “Williams Fork Mountains Wildlife Conservation Area” (referred to in this section as the “Wildlife Conservation Area”).

(b) Purposes of the Wildlife Conservation Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the wildlife, scenic, roadless, watershed, recreational, and ecological resources of the Wildlife Conservation Area.

(c) In general.—The Secretary shall manage the Wildlife Conservation Area.

(iii) Forest fuels, wildfire, and mitigation management; and

(ii) N ew or Temporary RO a ds.—Except as provided in clause (iii), no new or temporary road shall be constructed in the Wildlife Conservation Area.

(ii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—
(A) highway widening or realignment; and
(B) construction of multimodal transportation systems; or
(D) Commercial Timber.—
(i) In general.—Subject to clause (ii), no project shall be carried out in the Wilderness Conservation Area for the purpose of harvesting commercial timber.

(i) New or temporary roads.—Except as provided in clause (iii), no new or temporary road shall be constructed in the Wilderness Conservation Area for the purpose of harvesting commercial timber.

(iii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—
(A) highway widening or realignment; and
(B) construction of multimodal transportation systems; or

(iv) Responding to an emergency.

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and
(ii) any other applicable laws (including regulations) as the Secretary determines to be appropriate.

(3) MANAGEMENT PLAN.—
(B) CONTENTS.—The management plan prepared under subparagraph (A) shall include plans for—
(I) improving the interpretation of historic events, resources, features, and artifacts of the Historic Landscape, including with respect to the role of the Historic Landscape in local, national, and world history;
(II) conducting recreation and veteran outreach and engagement activities; and
(III) managing recreational opportunities, including the use and stewardship of—
(A) the road and trail systems; and
(B) dispersed recreation resources; and

(B) CONTENTS.—The management plan prepared under subparagraph (A) shall include plans for—
(1) a regional transportation project, in-cluding—
(A) highway widening or realignment; and
(B) construction of multimodal transportation systems; or

(i) the Secretary from authorizing, in accordance with applicable laws (including regulations), the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Wilderness Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(iii) participating in, or authorizing, the Secretary may carry out any activity, in accordance with the purposes described in subsection (b); and

(iv) responding to an emergency.

(iii) the use of motorized vehicles in the Wildlife Conservation Area shall be limited to designated roads and trails.

(ii) New or Temporary Roads.—Except as provided in clause (iii), no new or temporary road shall be constructed in the Wilderness Conservation Area.

(ii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—
(A) highway widening or realignment; and
(B) construction of multimodal transportation systems; or

(iii) the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Wilderness Conservation Area.

(iii) the Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Wilderness Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from—
(A) highway widening or realignment; and
(B) construction of multimodal transportation systems; or

(ii) the other purposes of the Historic Landscape.

(c) MANAGEMENT.—
(i) In general.—The Secretary shall manage the Historic Landscape in accordance with—

(i) the Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Wilderness Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(iii) Fire, Insects, and Diseases.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Wilderness Conservation Area.

(iii) responding to an emergency.

(iii) the use of motorized vehicles in the Wilderness Conservation Area shall be limited to designated roads and trails.

(i) the other purposes of the Historic Landscape.

(iii) any other applicable laws (including regulations); and

(ii) Fire, Insects, and Diseases.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Wilderness Conservation Area.
(A) to improve aquatic, riparian, and wetland conditions in and along the Eagle River and tributaries of the Eagle River;
(B) to maintain or improve recreation and interpretive opportunities and facilities and facilities;
(C) to conserve historic values in the Camp Hale area.
(2) COORDINATION.—In carrying out the projects and activities described in this Act relating to cleanup of—
(A) the Camp Hale Formerly Used Defense Site or
(B) the Camp Hale historic cantonment area,
(2) REMOVAL OF UNEXPLODED ORDNANCE.—
(A) IN GENERAL.—The Secretary of the Army may remove unexploded ordnance (as defined in section 102(e) of title 10, United States Code) from the Historic Landscape, as the Secretary of the Army determines to be appropriate in accordance with applicable law (including regulations).
(B) ACTION ON RECEIPT OF NOTICE.—On receipt from the Secretary of a notification of unexploded ordnance under subsection (c)(3), the Secretary of the Army may remove the unexploded ordnance in accordance with—
(i) the program for environmental restoration of formerly used defense sites under section 2701 of title 10, United States Code;
(ii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and
(iii) any applicable provision of law (including regulations).
(3) EFFECT OF SUBSECTION.—Nothing in this subsection modifies any obligation in existence on the date of enactment of this Act relating to cleanup of—
(A) the Camp Hale Formerly Used Defense Site or
(B) the Camp Hale historic cantonment area.
(1) IN GENERAL.—The Secretary of the Army may remove unexploded ordnance (as defined in section 102(e) of title 10, United States Code) from the Historic Landscape, as the Secretary of the Army determines to be appropriate in accordance with applicable law (including regulations).
(B) the renewal of a permit described in subparagraph (A).
(2) TREATY RIGHTS AND USES.—Subject to any terms and conditions that the Secretary determines to be necessary in accordance with applicable law, the Secretary shall allow for the continued use of the areas described in subsection (b)(1) by members of Indian Tribes—
(A) for traditional ceremonies; and
(B) as a source of traditional plants and other materials.
(2) TRADITIONAL TRIBAL USES.—Subject to any terms and conditions that the Secretary determines to be necessary in accordance with applicable law, the Secretary shall allow for the continued use of the areas described in subsection (b)(1) by members of Indian Tribes—
(A) for traditional ceremonies; and
(B) as a source of traditional plants and other materials.
(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection at the headquarters of the agency of the Secretary until expended, for activities described in subsection (e).
(4) EFFECT.—Nothing in this section—
(A) affects the jurisdiction of the State over any water law, water right, or adjudication or administration relating to any water resource;
(B) affects any water right in existence on the date of enactment of this Act; or the exercise of such a water right, including—
(i) a water right decreed within, above, or through the Historic Landscape;
(ii) a change, exchange, plan for augmentation, or other water decree with respect to a water right, including a conditional water right, in existence on the date of enactment of this Act;
(iii) any other applicable provision of law; and
(C) constitutes an express or implied reservation by the United States of any reserved or appropriative water right;
(5) FUNDING.—
(A) IN GENERAL.—There is established in the general fund of the Treasury a special account to be known as the "Camp Hale Historic Preservation and Restoration Fund".
(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Camp Hale Historic Preservation and Restoration Fund $10,000,000, to remain available until expended, for activities relating to historic interpretation, preservation, and research, carried out in and around the Historic Landscape.
(C) DESIGNATION OF OVERLOOK.—The Interpretive Overlook located beside United States Route 24 in the State, at 39.431N 106.323W, is designated as the "Sandy Treat Overlook".
SEC. 1718. WHITE RIVER NATIONAL FOREST BOUNDARY MODIFICATION.
(a) IN GENERAL.—The boundary of the White River National Forest is modified to include the approximately 120 acres comprised of the lands of the NE1/4 of the SE1/4 of sec. 1, T. 2 S., R. 80 W., 6th Principal Meridian, in Summit County in the State of Colorado, to be known as the "Camp Hale–Eagle River Headwaters Collaborative Group", to allow for the continued use of the areas described in subsection (b)(1) by members of Indian Tribes—
(A) for traditional ceremonies; and
(B) as a source of traditional plants and other materials.
(2) TRADITIONAL TRIBAL USES.—Subject to any terms and conditions that the Secretary determines to be necessary in accordance with applicable law, the Secretary shall allow for the continued use of the areas described in subsection (b)(1) by members of Indian Tribes—
(A) for traditional ceremonies; and
(B) as a source of traditional plants and other materials.
(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection at the headquarters of the appropriate offices of the Forest Service.
(e) ACQUISITION OF LAND.
SEC. 1731. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL LAND.—The term "covered land" means—
(A) land designated as wilderness under paragraphs (27) through (29) of section 2(a) of the Wilderness Act of 1964, as amended (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 1732); and
(B) a Special Management Area.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) SPECIAL MANAGEMENT AREA.—The term "Special Management Area" means each of—
(A) the Sheep Mountain Special Management Area designated by section 1733(a)(2); and
(B) the Liberty Bell East Special Management Area designated by section 1733(a)(3).

SEC. 1732. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

Section 2(a) of the Colorado Wilderness Act of 1964, as amended (16 U.S.C. 1132 note; Public Law 103–77) (as amended by section 1712(a)(3)) is amended by adding at the end the following:

"(28) LIZARD HEAD WILDERNESS ADDITION.— Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 5,314 acres, as generally depicted on the map entitled "Proposed Lizard Head Wilderness Area'' and dated September 19, 2018; and

"(29) MOUNT SNEFFELS WILDERNESS ADDITIONS.—
(A) LIBERTY BELL EAST LAST DOLLAR ADDITIONS.— Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 1,193 acres, as generally depicted on the map entitled "Proposed Liberty Bell Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area'' and dated September 6, 2018; which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

(B) WHITEHORSE ADDITIONS.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 1,246 acres, as generally depicted on the map entitled "Proposed Whitehorse Additions to the Mount Sneffels Wilderness'' and dated September 6, 2018, which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

(C) MCKENNA PEAK WILDERNESS.—Certain Federal land in the State of Colorado comprising approximately 2,163 acres, as generally depicted on the map entitled "Proposed McKenna Peak Wilderness Area'' and dated September 19, 2018, is designated as the "McKenna Peak Wilderness''.

SEC. 1733. SPECIAL MANAGEMENT AREAS.

(a) DESIGNATION.—

(1) SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests in the State comprising approximately 21,663 acres, as generally depicted on the map entitled "Proposed Sheep Mountain Special Management Area'' and dated September 19, 2018, is designated as the "Sheep Mountain Special Management Area''.

(b) LIBERTY BELL EAST SPECIAL MANAGEMENT AREA.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests in the State comprising approximately 21,663 acres, as generally depicted on the map entitled "Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area'' and dated September 6, 2018, is designated as the "Liberty Bell East Special Management Area''.

(c) DOMINGUEZ CANYON WILDERNESS STUDY AREA.—The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1762(c), as added by section 2408(a)(1)) is amended—

(1) by redesignating section 2408 as 2408(a)(2); and

(2) by inserting after that section the following:

"SEC. 2408. RELEASE. "(a) GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1762(c)), the portions of the Dominguez Canyon Wilderness Study Area not designated as wilderness by this subtitle have been adequately studied for wilderness designation.

(b) RELEASE.—Any public land referred to in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1762(c)); and

(2) shall be managed in accordance with this subtitle and any other applicable laws.

(c) MCKENNA PEAK WILDERNESS STUDY AREA.—

(1) GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1762(c)), the portions of the McKenna Peak Wilderness Study Area in San Miguel County in the State not designated as wilderness by this subtitle have been adequately studied for wilderness designation.

(b) RELEASE.—Any public land referred to in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1762(c)); and

(2) shall be released from those provisions of this Act, or any other Act, that are inconsistent with the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1762(c))."
by section 1732) have been adequately studied for wilderness designation.

(2) RELEASE.—Any public land referred to in paragraph (1) that is not designated as wilderness pursuant to section (29) of subsection (2) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 1732)—

(A) subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law.

SEC. 1735. ADMINISTRATIVE PROVISIONS.

(a) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(b) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle establishes a protective perimeter or buffer zone around covered land.

(2) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use is located on land outside of the covered land can be seen or heard from within covered land shall not preclude the activity or use outside the boundaries of the covered land.

(c) TRIBAL RIGHTS AND USES.—

(1) TRIBAL RIGHTS.—Nothing in this subtitle affects the treaty rights of any Indian Tribe, including rights under the Agreement for the Colorado River Water Settlements, prior to the date of enactment of this Act, the Secretary of the Interior, as appropriate, may determine to be necessary and in accord-ance with applicable law, the Secretary with jurisdiction over a wilderness area designated by paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) may carry out any activity in the wilderness area that the Secretary determines to be necessary for the control of fire, insects, and diseases, subject to terms and conditions as the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the covered land by members of Indian Tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other material.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 1732) and the Special Management Areas designated by paragraphs (1) through (8) of subsection (f) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 1732) on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the Forest Service.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary or the Secretary of the Interior, as appropriate, may correct any typographical errors in the maps and legal descriptions.

(3) ACCESSION.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the Forest Service.

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary or the Secretary of the Interior, as appropriate, may acquire any land or interest in land within the boundaries of a Special Management Area or the wilderness designated under paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 1732) only through exchange, donation, purchase, or from a willing seller.

(2) MANAGEMENT.—Any land or interest in land acquired under paragraph (1) shall be incorporated into, and administered as a part of, the Special Management Area in which the land or interest in land is located.

(f) GRAZING.—The grazing of livestock on covered land, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as the Secretary deems necessary to be consistent with the applicable law. Before the date of enactment of this Act, the grazing of livestock shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the Forest Service.

(g) FUGITIVE METHANE EMISSIONS.—The term ‘‘fugitive methane emissions’’ means methane gas that is emitted into the atmosphere from a non-wilderness area of the Federal land and minerals generally depicted on the Thompson Divide map as the Wolf Creek Storage Area.

(h) WOLF CREEK STORAGE FIELD DEVELOPMENT RIGHT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, as appropriate, may carry out methane storage development on the approximately 6,590 acres generally depicted on the map entitled ‘‘Proposed Naturita Canyon Mineral Withdrawal Area’’ and dated September 6, 2018, is withdrawn—

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

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

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

Subtitle C—Thompson Divide

SEC. 1741. PURPOSES.

The purposes of this subtitle are—

(1) subject to valid existing rights, to withdraw certain Federal land in the Thompson Divide area from mineral and other disposal laws in order to protect the agricultural, ranching, wildlife, air quality, recreation, ecological, and scenic values of the area; and

(2) to promote the capture of fugitive methane emissions and to prevent methane emissions otherwise be emitted into the atmosphere—

(A) to reduce methane gas emissions; and

(B) to provide—

(i) new renewable electricity supplies and other beneficial uses of fugitive methane emissions; and

(ii) increased royalties for taxpayers.

SEC. 1742. DEFINITIONS.

In this subtitle:

(1) FUGITIVE METHANE EMISSIONS.—The term ‘‘fugitive methane emissions’’ means methane gas that is emitted into the atmosphere from a non-wilderness area of the Federal land in Garfield, Gunnison, Delta, or Pitkin County in the State, as generally depicted on the pilot program map as ‘‘Fugitive Coal Mine Methane Use Program’’ that would leak or be vented into the atmosphere from an active, inactive, or abandoned underground coal mine.

(2) PILOT PROGRAM.—The term ‘‘pilot program’’ means the Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program established by section 1743(a)(1).

(3) PILOT PROGRAM MAP.—The term ‘‘pilot program map’’ means the map entitled ‘‘Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program Area’’ and dated June 13, 2019.

(4) SECURITIES.—To the term ‘‘Secretary’’ means the Secretary of the Interior.

(5) THOMPSON DIVIDE LEASE.—The term ‘‘Thompson Divide lease’’ means any oil or gas lease in effect on the date of enactment of this Act within the Thompson Divide Withdrawal and Protection Area.

(6) THOMPSON DIVIDE MAP.—The term ‘‘Thompson Divide map’’ means the map entitled ‘‘Greater Thompson Divide Map Area’’ and dated June 13, 2019.

(7) THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA.—The term ‘‘Thompson Divide Withdrawal and Protection Area’’ means the Federal land and minerals generally depicted on the Thompson Divide map as the Thompson Divide Withdrawal and Protection Area.

(8) WOLF CREEK STORAGE FIELD DEVELOPMENT RIGHT.—

(A) IN GENERAL.—The term ‘‘Wolf Creek Storage Field development right’’ means a development right for any of the Federal mineral leases numbered COC 007496, COC 007497, COC 007498, COC 007499, COC 007500, COC 007501, COC 0128018, COC 051645, and COC 051646, as generally depicted on the Thompson Divide map and the Wolf Creek Storage Agreement.

(9) EXCLUSIONS.—The term ‘‘Wolf Creek Storage Field development right’’ does not include any storage right or related activity within the area described in subparagraph (8).

SEC. 1743. THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA.

(1) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Thompson Divide Withdrawal and Protection Area is withdrawn from—

(A) 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, mineral materials, and geothermal leasing laws.

Subtitle C—Thompson Divide

SEC. 1744. THOMPSON DIVIDE LEASE EXCHANGE.

(1) IN GENERAL.—In exchange for the relinquishment by a lesseeholder of all Thompson Divide leases of the leaseholder, the Secretary may issue to the leaseholder credits for any bid, royalty, or rental payment due under any Federal oil or gas lease on Federal land in the State, in accordance with subsection (b).

(2) AMOUNT OF CREDITS.—Subject to paragraph (2), the amount of the credits issued to a leaseholder of a Thompson Divide lease relinquished under subsection (a) shall—

(A) be equal to the sum of—

(i) the amount of the bonus bids paid for the applicable Thompson Divide lease;

(ii) the amount of any rental paid for the applicable Thompson Divide lease; and

(B) the amount of accrued royalties due under applicable law to the Secretary as of the date on which the leaseholder submits to the Secretary a notice of the decision to relinquish the applicable Thompson Divide lease; and

(iii) the amount of any expenses incurred by the leaseholder of the applicable Thompson Divide leases in the preparation of any permit, record of decision, or related submission in support of the development of the applicable Thompson Divide
leases as of January 28, 2019, including any
expenses relating to the preparation of any
analysis under the National Environmental
Policy Act of 1969 (42 U.S.C. 3211 et seq.); and
(2) require the approval of the Secretary.
(2) EXCLUSION.—The amount of a credit
issued under subsection (a) shall not include
any expenses paid by the Lessee or by a
Tennessee Valley Authority.
(c) CANCELLATION.—Effective on
relinquishment under this section, and without any
additional action by the Secretary, a Thomp-
sen Divide lease—
(i) shall be permanently cancelled; and
(ii) shall not be reissued.
(d) LIMITATION.—(1) APPLICABLE LAW.—Except as otherwise
provided in this section, each exchange
under this section shall be conducted in ac-
cordance with—
(A) this title; and
(B) other applicable laws (including regu-
lations).
(2) ACCEPTANCE OF CREDITS.—The Secretary shall
accept credits issued under subsection
(a) in the same manner as cash for the pay-
ments described in that subsection.
(3) RECOVERY.—The use of a credit
issued under subsection (a) shall be subject to
the laws (including regulations) applicable
to the payments described in that sub-
section that the laws are con-
sistent with this section.
(4) TREATMENT OF CREDITS.—All amounts in
the form of credits issued under subsection
(a) accepted by the Secretary shall be con-
sidered to be amounts received for the pur-
poses of—
(A) section 35 of the Mineral Leasing Act
(30 U.S.C. 191); and
(B) section 20 of the Geothermal Steam Act of
(e) WOLF CREEK STORAGE FIELD DEVELOP-
MENT RIGHTS.—
(1) CONVENANCE TO SECRETARY.—As a con-
tinuance to the relinquishment of a
Thompson Divide lease, any Lessee of a
Wolf Creek Storage Field development
right shall permanently relinquish, transfer,
and otherwise convey the rights, to the
Secretary, in a form acceptable to the Secretary, all Wolf
Creek Storage Field development rights of the
Lessee.
(2) LIMITATION OF TRANSFER.—An interest
acquired by the Secretary under paragraph
(1)—
(A) shall be held in perpetuity; and
(B) shall not be—
(i) transferred;
(ii) reissued; or
(iii) otherwise used for mineral extraction.
SEC. 1745. GREATER THOMPSON DIVIDE FUGI-
TIVE COAL MINE METHANE USE PIL-
TOR PROGRAM.
(a) FUGITIVE COAL MINE METHANE USE PIL-
TOR PROGRAM.—
(1) ESTABLISHMENT.—There is established
in the Bureau of Land Management a pilot
program, to be known as the “Greater
Thompson Divide Fugitive Coal Mine Meth-
ane Use Pilot Program”.
(2) PURPOSE.—The purpose of the pilot
program is to promote the capture, beneficial
use, measurement, and sequestration of fugitive methane emis-
sions—
(A) to reduce methane emissions;
(B) to promote economic development;
(C) to produce bid and royalty revenues;
(D) to improve air quality; and
(E) to improve public safety.
(3) PLAN.—
(A) IN GENERAL.—Not later than 180 days
after the date of enactment of this Act, the
Secretary shall develop a plan—
(1) to complete an inventory of fugitive methane emissions in accordance with sub-
section (b); and
(ii) to provide for the leasing of fugitive methane emissions in accordance with sub-
section (c); and
(iii) to provide for the capping or destruc-
tion of fugitive methane emissions in accord-
ance with subsection (d).
(B) COORDINATION.—In developing the plan
under this paragraph, the Secretary shall co-
ordinate with—
(i) the State;
(ii) Garfield, Gunnison, Delta, and Pitkin
Counties in the State;
(iii) lessees of Federal coal within the
counties referred to in clause (ii);
(iv) interested institutions of higher edu-
cation in the State; and
(v) interested members of the public.
(b) FUGITIVE METHANE EMISSION INVEN-
TORY.—
(1) IN GENERAL.—Not later than 1 year
after the date of enactment of this Act, the
Secretary shall complete an inventory of fugi-
tive methane emissions.
(2) CONDUCT.—The Secretary may conduct
the inventory under paragraph (1) (through,
or in collaboration with—
(A) the Bureau of Land Management;
(B) the University of Colorado Geological Survey;
(C) the Environmental Protection Agency;
(D) the United States Forest Service;
(E) State departments or agencies;
(F) the Colorado Department of Natural Resources;
(G) the national Center for Atmospheric Research;
(H) institutions of higher education in the
State;
(I) lessees of Federal coal within a county
referred to in subparagraph (F);
(J) the National Oceanic and Atmospheric
Administration;
(K) the Colorado Department of Health and
Environment; and
(L) other interested entities, including
members of the public.
(3) CONTENTS.—The inventory under para-
graph (1) shall include—
(A) the general location and geographic co-
ordinates of each vent, seep, or other source
producing significant fugitive methane emis-
sions;
(B) an estimate of the volume and con-
centration of methane emissions produced
from each source of significant fugitive methane emissions,
including details of measurements taken and the basis for that
measurements estimate;
(C) an estimate of the total volume of fugi-
tive methane emissions each year;
(D) relevant data and other information available from
(i) the Environmental Protection Agency;
(ii) the Mine Safety and Health Adminis-
tration;
(iii) the Colorado Department of Natural
Resources;
(iv) the Colorado Public Utility Commis-
sion; and
(v) the office of Surface Mining Reclama-
tion and Enforcement; and
(E) such other information as may be use-
ful in advancing the purposes of the pilot
program.
(4) PUBLIC PARTICIPATION; DISCLOSURE.—
(A) Public Participation.—The Secretary shall
provide opportunities for public par-
ticipation in the inventory under this sub-
section.
(B) Availability.—The Secretary shall
make the inventory under this subsection
publicly available.
(C) DISCLOSURE.—Nothing in this sub-
section requires the Secretary to publicly re-
lease information that—
(i) poses a threat to public safety;
(ii) would disclose confidential or fiduciary
information; or
(iii) is otherwise protected from public disclosure.
(5) USE.—The Secretary shall use the inven-
tory in carrying out
(A) the leasing program under subsection
(c); and
(B) the capping or destruction of fugitive methane emissions under subsection (b).
(c) FUGITIVE METHANE EMISSION LEASING
PROGRAM.—
(1) IN GENERAL.—Subject to valid existing rights
and in accordance with this section, not later than 1 year
after the date of comple-
tion of the inventory required under sub-
section (b), the Secretary shall carry out a
program to encourage the use and destruc-
tion of fugitive methane emissions.
(2) FUGITIVE METHANE EMISSIONS FROM COAL
MINES SUBJECT TO LEASE.—
(A) IN GENERAL.—The Secretary shall au-
thorize the holder of a valid existing Federal
coal lease for a mine that is producing fugi-
tive methane emissions to capture for use, or
destroy by flaring, the fugitive methane emis-
sions.
(B) CONDITIONS.—The authorizing sub-
paragraph (A) shall be subject to—
(i) valid existing rights; and
(ii) such terms and conditions as the Sec-
retary may require.
(C) LIMITATIONS.—The program carried out
under paragraph (1) shall only include fugi-
tive methane emissions that can be captured for use, or destroyed by flaring, in a manner that does not—
(i) endanger the safety of any coal mine
worker; or
(ii) unreasonably interfere with any ongo-
ing operation at a coal mine.
(D) COOPERATION.—
(i) IN GENERAL.—The Secretary shall work
cooperatively with the holders of valid exist-
ing Federal coal leases for mines that
produce fugitive methane emissions to en-
courage
(i) the capture of fugitive methane emis-
sions for beneficial use, such as generating electricity, producing usable heat,
transporting the methane to market, or
transforming the fugitive methane emissions into a different marketable material; or
(ii) the beneficial use of fugitive methane emissions is not feasible, the de-
struction of the fugitive methane emissions by flaring.
(ii) GUIDANCE.—In furtherance of the pur-
purposes of this paragraph, not later than 1 year
after the date of enactment of this Act, the
Secretary shall issue guidance for the imple-
mentation of Federal authorities and pro-
grams to encourage the capture for use, or
destruction by flaring, of fugitive methane emissions,
while minimizing impacts on nat-
ural resources or other public interest values.
(E) ROYALTIES.—The Secretary shall deter-
mine whether any fugitive methane emis-
sions used or destroyed pursuant to this
paragraph are subject to the payment of a
royalty under applicable law.
(3) FUGITIVE METHANE EMISSIONS FROM
ABANDONED COAL MINES.—
(A) IN GENERAL.—Except as otherwise
provided in this section, notwithstanding sec-
tion 1745, subject to valid existing rights,
and in accordance with subsection 21 of the Min-
eral Leasing Act (30 U.S.C. 241) and any other
applicable law, the Secretary shall—
(i) authorize the capture for use, or de-
struction by flaring, of fugitive methane emis-
sions from abandoned coal mines on Federal land; and

(ii) make available for leasing such fugitive methane emissions from abandoned coal mines on Federal land as the Secretary considers to be in the public interest.
(B) RELATIONSHIP TO SUPPLEMENTARY SERVICES.—Where maximum extent practicable, the Secretary shall offer for lease each significant vent, seep, or other source of fugitive methane emissions from abandoned coal mines.
(C) BID QUALIFICATIONS.—A bid to lease fugitive methane emissions under this paragraph shall specify whether the prospective lessee—
(I) captures the fugitive methane emissions for beneficial use, such as generating electricity or utilizing the methane as an automotive fuel operating medium;
(II) destroys the fugitive methane emissions by flaring; or
(iii) employs a specific combination of—
(A) capturing the fugitive methane emissions for beneficial use; and
(B) destroying the fugitive methane emissions by flaring.
(D) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this Act, the Secretary shall report to Congress on the progress of the pilot program, including estimates of increased royalties and information on administrative jurisdiction over the land identified on the map as “Lands withdrawn or acquired for Bureau of Reclamation projects” that the Commissioner of Reclamation identifies as necessary for the effective operation of Bureau of Reclamation water facilities, the Secretary may—
(I) approve, approve with modifications, or disapprove the request; and
(II) if the request is approved under subclause (I), make any modifications to the map that are necessary to reflect that the Commissioner of Reclamation retains management authority over the minimum quantity of land required to fulfill the reclamation mission.
(II) TRANSFER OF LAND.—
(I) IN GENERAL.—Administrative jurisdiction over the land identified on the map as “Lands withdrawn or acquired for Bureau of Reclamation projects”, as modified pursuant to clause (I)(II), if applicable, shall be transferred from the Commissioner of Reclamation to the Director of the National Park Service not later than 1 year after the date of enactment of this Act.
(II) ACCESS TO TRANSFERRED LAND.—
(1) IN GENERAL.—Subject to items (bb) and (cc) of this paragraph, the Commissioner of Reclamation shall retain access to the land transferred to the Director of the National Park Service under clause (I) for reclamation purposes, including for the capture of methane, destruction or replacement of facilities.
(bb) MEMORANDUM OF UNDERSTANDING.—The term “memorandum of understanding” means the memorandum of understanding entered into between the Commissioner of Reclamation and the Director of the National Park Service not later than 1 year after the date of enactment of this Act.
(3) MANAGEMENT AGREEMENTS.—(B) IN GENERAL.—The Secretary may enter into cooperative management agreements or modify management agreements in existence on the date of enactment of this Act, relating to the authority of the Director of the National Park Service, the Commissioner of Reclamation, the Director of the Bureau of Land Management, or the Chief of the Forest Service to manage federal land within or adjacent to the boundary of the National Recreation Area.
(B) STATE LAND.—The Secretary may enter into cooperative management agreements for any land administered by the State that is within or adjacent to the National Recreation Area, in accordance with the provisions of the State laws.
(C) ADMINISTRATION.—
(1) IN GENERAL.—The Secretary shall establish, in accordance with applicable laws, park unit management policies for the National Recreation Area.
(2) MANAGEMENT AGREEMENTS.—(A) IN GENERAL.—The Secretary may enter into management agreements with the appropriate State agency respecting the administration of the National Recreation Area.
(B) STATE LAND.—The Secretary may enter into management agreements or modify management agreements in existence on the date of enactment of this Act, relating to the authority of the Director of the National Park Service, the Commissioner of Reclamation, the Director of the Bureau of Land Management, or the Chief of the Forest Service to manage federal land within or adjacent to the boundary of the National Recreation Area.
(D) CLOSURES; DESIGNATED ZONES.—(I) IN GENERAL.—The Secretary, acting through the Superintendent of the National Recreation Area, may designate zones in which, and establish periods during which, boating, boating-related activities, hunting, and fishing in the National Recreation Area shall be prohibited, pursuant to applicable Federal and State laws.
(2) HUMAN USE ZONES.—The Secretary may enter into cooperative management agreements for any land administered by the State that is within or adjacent to the National Recreation Area, in accordance with the provisions of the State laws.
(2) MANAGEMENT AGREEMENTS.—(B) IN GENERAL.—The Secretary may enter into cooperative management agreements for any land administered by the State that is within or adjacent to the National Recreation Area, in accordance with applicable Federal and State laws.
(2) HUMAN USE ZONES.—The Secretary may enter into cooperative management agreements for any land administered by the State that is within or adjacent to the National Recreation Area, in accordance with applicable Federal and State laws.
(2) CLOSURES; DESIGNATED ZONES.—(I) IN GENERAL.—The Secretary, acting through the Superintendent of the National Recreation Area, may designate zones in which, and establish periods during which, boating, boating-related activities, hunting, and fishing in the National Recreation Area shall be prohibited, pursuant to applicable Federal and State laws.
(5) LANDOWNER ASSISTANCE.—On the written request of an individual that owns private land located not more than 3 miles from the boundary of the National Recreation Area, the Secretary may work in partnership with the individual to enhance the long-term conservation of natural, cultural, recreational, and scenic resources in and around the National Recreation Area:

(A) by acquiring all or a portion of the private land or interests in private land located not more than 3 miles from the boundary of the National Recreation Area by purchase, exchange, or donation, in accordance with section 1753;

(B) by providing technical assistance to the individual, including cooperative assistance, through available grant programs; and

(C) by supporting conservation easement opportunities.

(6) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, all Federal land within the National Recreation Area is withdrawn from:

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

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

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

(7) GRAZING.—

(A) STATE LAND SUBJECT TO A STATE GRAZING LEASE.—

(i) IN GENERAL.—If State land acquired under this subtitle is subject to a State grazing lease in effect on the date of acquisition, the Secretary shall allow the grazing to continue for the remainder of the term of the lease, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(ii) ACQUISITION.—A lessee of State land may continue to use established routes within the National Recreation Area to access State land for purposes of administering the lease if the use was permitted before the date of enactment of this Act, subject to such terms and conditions as the Secretary may require.

(B) STATE AND PRIVATE LAND.—The Secretary shall carry out the provisions of the State livestock laws, authorize grazing on land acquired from the State or private landowners under section 1753, if grazing was established before the date of acquisition.

(C) PRIVATE LAND.—On private land acquired under section 1753 for the National Recreation Area on which authorized grazing is occurring on the date of enactment of this Act, the Secretary, in consultation with the lessee, may allow the continuation and renewal of grazing on the land based on the terms of the acquisition or by agreement between the Secretary and the lessee, subject to applicable law (including regulations).

(D) FEDERAL LAND.—The Secretary shall—

(i) if acquired with the assumption of existing leases, uses, and practices in effect as of the date of enactment of this Act, the continuation and renewal of grazing on Federal land located within the boundary of the National Recreation Area on which grazing is allowed before the date of enactment of this Act, unless the Secretary determines that grazing on that land would result in unacceptable impacts (as defined in section 14.71 of the National Park Service document entitled “Management Policies 2006; The Guide to Managed National Park Systems”) to the natural, cultural, recreational, and scenic resource values and the character of the land within the National Recreation Area; and

(ii) retain all authorities to manage grazing in the National Recreation Area.

(8) TERMINATION OF LEASES.—Within the National Recreation Area, the Secretary may—

(A) accept the voluntary termination of a lease or permit; or

(B) in the case of a lease or permit vacated for a period of 3 or more years, terminate the lease or permit.

(9) WATER RIGHTS.—Nothing in this subtitle—

(A) affects any use or allocation in existence on the date of enactment of this Act of any right, interest in water, or fish.

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States.

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) shall be considered to be a relinquishment or reduction of any water right reserved or appropriated by the United States in the State on or before the date of enactment of this Act; or

(E) constitutes an express or implied Federal reservation of any water or water rights with respect to the National Recreation Area.

(10) TREATY RIGHTS.—Nothing in this subtitle affects the treaty rights of any Indian Tribe.

(11) TRIBAL USES.—Subject to any terms and conditions as the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the National Recreation Area by members of Indian Tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other resources.

SEC. 1753. ACQUISITION OF LAND; BOUNDARY MANAGEMENT.

(1) ACQUISITION.—The Secretary may acquire any land or interest in land within the boundary of the National Recreation Area.

(2) MANNER OF ACQUISITION.—

(A) IN GENERAL.—Subject to subparagraph (B), land described in paragraph (1) may be acquired by the Secretary under this subtitle by—

(i) purchase from willing sellers with donated or appropriated funds;

(ii) transfer from another Federal agency; or

(iii) exchange.

(B) STATE LAND.—Land or interests in land owned by the State or a political subdivision of the State may only be acquired by purchase, donation, or exchange.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) FOREST SERVICE LAND.—

(A) IN GENERAL.—Administrative jurisdiction over the approximately 2,560 acres of land identified on the map as “U.S. Forest Service proposed transfer to the National Park Service” is transferred to the Secretary, to be administered by the Director of the National Park Service as part of the National Recreation Area.

(B) BOUNDARY ADJUSTMENT.—The boundary of the Gunning National Forest shall be adjusted to exclude the land transferred to the Secretary under subparagraph (A).

(2) BUREAU OF LAND MANAGEMENT LAND.—

Administrative jurisdiction over the approximately 5,860 acres of land identified on the map as “Bureau of Land Management proposed transfer to National Park Service” is transferred from the Director of the Bureau of Land Management to the Director of the National Park Service, to be administered as part of the National Recreation Area.

(3) POTENTIAL LAND EXCHANGE.—

(A) IN GENERAL.—The withdrawal for reclamation purposes of the land identified on the map as “Proposed for transfer to the Bureau of Land Management, subject to the revocation of Bureau of Reclamation withdrawal” shall be transferred to the Director of the Bureau of Land Management on relinquishment of the land by the Bureau of Reclamation and revocation by the Bureau of Land Management of any withdrawal as may be necessary.

(c) POTENTIAL LAND EXCHANGE.—

(1) IN GENERAL.—The withdrawal for reclamation purposes of the land identified on the map as “Potential priority exchange lands” shall be relinquished by the Commissioner of Reclamation and revoked by the Director of the Bureau of Land Management and the land shall be transferred to the National Park Service.

(2) EXCHANGE; INCLUSION IN NATIONAL RECREATION AREA.—On transfer of the land described in paragraph (1), the transferred land—

(A) may be exchanged by the Secretary for private land described in section 1752(c)(6)—

(i) subject to a conservation easement remaining on the transferred land, to protect the scenic resources of the transferred land; and

(ii) in accordance with the laws (including regulations) and policies governing National Park Service land exchanges; and

(B) if not exchanged under subparagraph (A), shall be added to, and managed as a part of, the National Recreation Area.

(d) ADDITION TO NATIONAL RECREATION AREA.—Any land within the boundary of the National Recreation Area that is acquired by the United States shall be added to, and managed as a part of, the National Recreation Area.

SEC. 1754. GENERAL MANAGEMENT PLAN.

Not later than 3 years after the date on which funds are made available to carry out this subtitle, the Director of the National Park Service, in consultation with the Commissioner of Reclamation, shall prepare a general management plan for the National Recreation Area.
that is organized under the laws of a foreign country or has its principal place of business in a foreign country;
(C) any foreign governmental entity operating as a business enterprise; (D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

SA 4171. 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 S. 2075 to amend the Middle EastPeace Act, the President shall submit to the appropriate committees of Congress a written determination—

(a) whether any foreign person in China knowingly exported, transferred, or engaged in trade of any item designated under Category I of the MTCR Annex to any foreign person in the previous three fiscal years; and

(b) the sanctions the President has imposed or intends to impose pursuant to section 11B(b), 11B(b), or section 11F of the Foreign Assistance Act of 1961 (as amended) for the sale of any weapon to any foreign person in China.

SEC. 1253. COUNTERING CHINA'S PROLIFERATION OF BALLISTIC MISILES AND NUCLEAR TECHNOLOGY TO THE MIDDLE-EAST.

(a) MTUR TRANSFERS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a written determination—

(1) whether any foreign person in China knowingly exported, transferred, or engaged in trade of any item designated under Category I of the MTCR Annex to any foreign person in the previous three fiscal years; and

(2) the sanctions the President has imposed or intends to impose pursuant to section 11B(b), 11B(b), or section 11F of the Foreign Assistance Act of 1961 (as amended) for the sale of any weapon to any foreign person in China.

(b) CHINA'S NUCLEAR FUEL CYCLE COOP- ERATION.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report detailing—

(1) whether any foreign person in China engaged in cooperation with any foreign person in the previous three fiscal years in connection with nuclear-related fuel cycle facility or activity that has not been notified to the IAEA and would be subject to complementary access if an Additional Protocol was in force; and

(2) the policy options required to prevent and respond to any future effort by China to export to any foreign person an item classified as “plants for the separation of isotopes of uranium” or “plants for the reprocessing of irradiated nuclear reactor fuel elements” under Part I, 119 of the Nuclear Regulatory Commission export licensing authority.

(c) FORM OF REPORT.—The determination required under subsection (a) and the report required under subsection (b) shall be unclas- sified with a classified annex.

(d) DEFINITIONS.—In this section:

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

(A) the Select Committee on Intelligence of the Senate;

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

(C) the Select Committee on Intelligence of the House of Representatives; and

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

(2) PERSON; PERSON.—The terms “foreign person” and “person” mean—

(A) a natural person that is an alien;

(B) a government, government agency, business association, partnership, society, trust, or any other non-governmental entity, organization, or group, extending the life of Minuteman III intercontinental ballistic missiles to 2050.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include the following:

(A) A comparison of the costs through 2050 of—

(i) extending the life of Minuteman III intercontinental ballistic missiles; and

(ii) deploying the ground-based strategic deterrent program.

(B) An analysis of opportunities to incor- porate technologies into the Minuteman III intercontinental ballistic missile program as part of a service life extension program that could also be incorporated in the future ground-based strategic deterrent program, including, at a minimum, opportunities to increase the resilience against adversary missile defenses.

(C) An analysis of the benefits and risks of incorporating sensors and nondestructive testing methods and technologies to reduce destructive testing requirements and in- crease the service life and number of Minute- man III missiles through 2050.

(D) An analysis and validation of the meth- ods used to estimate the operational service life of Minuteman II and Minuteman III mo- tors, taking into account the test and launch experience of motors retired after the oper- ational service life of such motors in the rocket systems launched using motors and the operational physical and chemical processes and non- destructive measurements of individual motor properties.

(F) An analysis of risks, benefits, and costs of designing and manufacturing a Trident II D5 submarine launched ballistic missile for deployment in a single-launch silo.

(G) An analysis of the impacts of the esti- mated service life of the Minuteman III force associated with decreasing the deployed intercontinental ballistic missiles delivery vehicle force from 400 to 300.

(H) An assessment on the degree to which the Columbia class ballistic missile sub- marines will possess features that will en- hance the current invulnerability of ballistic missile submarines of the United States to future antisubmarine warfare threats and the extent to which an extension of the Minuteman III force would im- pact the decision of Russian Federation to target intercontinental ballistic missiles of the United States in a crisis, as compared to proceeding with the ground-based strategic deterrent.

(I) A best case estimate of what percent- age of the strategic forces of the United States would survive a counterforce strike from the Russian Federation, broken down into intercontinental ballistic missiles, bal- listic missile submarines, and heavy bomber aircraft.

(K) The benefits, risks, and costs of relying on the W-87 warhead of Minuteman III or a new ground-based strategic de- terrent missile as compared to proceeding with the W-87 life extension.

(L) The benefits, risks, and costs of adding additional launchers or uploading sub- marine-launched ballistic missiles with addi- tional warheads to compensate for a reduced deployment of intercontinental ballistic miss- iles of the United States.

(M) An analysis of whether designing and fielding a new intercontinental ballistic mis- sile beyond at least 2050 is consistent with the obligation of the United States under Ar- ticle VI of the Treaty on the Non-Prolifera- tion of Nuclear Weapons done at Wash- ington D.C. on July 1, 1968 (22 U.S.T. 1968 (22 U.S.T. 1948) (commonly referred to as the “Nu- clear Non-Proliferation Treaty”) to pursue
negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament”.

(3) The recommendation to Department of Defense.—Not later than 180 days after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Secretary a report containing the findings of the study conducted under paragraph (1).

(4) Submission to Congress.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to the appropriate congressional committees the report required by paragraph (3), without change.

(5) Form.—The report required by paragraph (3) shall be submitted in unclassified form, but may include a classified annex.

(6) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

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

SA 4172. Mr. MARKEY (for himself, Ms. SMITH, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1545. RESTRICTION ON FIRST-USE STRIKE IN NUCLEAR WEAPONS.

(a) FINDINGS AND DECLARATION OF POLICY.—

(1) FINDINGS.—Congress finds the following:

(A) The Constitution gives Congress the sole power to declare war.

(B) The framers of the Constitution understood that the constitutional power of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities or into situations in which a military conflict is in progress against the United States, its territories or possessions, or its armed forces’.

(C) A state of war is a legal and political phenomenon that alters the legal and political status of the state or territory involved. The President can employ the armed forces in a state of war, which can result in massive death and destruction of civilized society, only by making a Declaration of War. Congress, not the President, must declare war.

(D) Nuclear weapons are uniquely powerful weapons that have the capability to instantaneously kill millions of people, create long-term health and environmental consequences for the world, destroy cities, and determine global peace, and put the United States at existential risk from retaliatory nuclear strikes.

(E) Nuclear weapons and nuclear strike carried out by the United States would constitute a major act of war.

(F) A first-use nuclear strike conducted absent a declaration of war by Congress would violate the Constitution.

(G) The President has the sole authority to authorize the use of nuclear weapons, an order which military officials of the United States must carry out in accordance with their obligations under the Uniform Code of Military Justice.

(H) Given its exclusive power under the Constitution to declare war, Congress must provide meaningful checks and balances to the President’s authority to authorize the use of a nuclear weapon.

(I) DECLARATION OF POLICY.—It is the policy of the United States that no first-use nuclear strike is conducted absent a declaration of war by Congress.

(b) PROHIBITION ON CONDUCT OF FIRST-USE NUCLEAR STRIKES.

(1) PROHIBITION.—No Federal funds may be obligated or expended to conduct a first-use nuclear strike unless such strike is conducted pursuant to a war declared by Congress that expressly authorizes such strike.

(2) FIRST-USE NUCLEAR STRIKE DEFINED.—In this subsection, the term “first-use nuclear strike” means an attack using nuclear weapons against a major nuclear power that is conducted without the Secretary of Defense and the Chairman of the Joint Chiefs of Staff first confirming to the President that there has been a major nuclear attack by the United States, its territories, or its allies (as specified in section 3(b)(2)) of the Arms Export Control Act (22 U.S.C. 2758(b)(2)).

SA 4173. 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 C of title XV, add the following:

SEC. 1546. REDUCTIONS IN SPENDING ON NUCLEAR WEAPONS; PROHIBITION ON PROCUREMENT AND DEPLOYMENT OF LOW-YIELD NUCLEAR WARHEADS.

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

(1) The United States continues to maintain an excessively large and costly arsenal of nuclear delivery systems and warheads that are a holdover from the Cold War.

(2) The nuclear arsenal of the United States includes approximately 3,800 total nuclear warheads in its military stockpile, of which approximately 1,750 are deployed nuclear weapons. An additional component of the U.S. nuclear arsenal is a nuclear cruise missile, which is a low-yield nuclear weapon.

(3) Between fiscal years 2021 and 2030, the United States will spend an estimated $634,000,000,000 to maintain and recapitalize its nuclear force, according to a January 2019 estimate from the Congressional Budget Office, an increase of $140,000,000,000 from the previous fiscal year.

(4) According to the Government Accountability Office, the National Nuclear Security Administration has not factored affordability concerns into its planning as was rec- ommended by the Government Accountability Office in 2017, with the warning that “it is essential for NNSA to present information to Congress and other key decision makers that includes prioritized modernization programs or considered trade-offs (such as deferring or cancelling specific modernization programs).

(5) The projected growin of nuclear weapons spending is coming due as the Department of Defense is seeking to replace large portions of its conventional forces to better compete with the Peoples Republic of China and the Peoples Republic of China.

(6) The government accountability office concluded that the United States will spend more than $1,000,000,000,000 through fiscal year 2016 on new nuclear weapons and modernization and infrastructure programs.

(7) In 2017, the Government Accountability Office concluded that the Nuclear Security Administration’s budget forecasts for out-year spending downplayed the fact that the agency lacked the resources to complete multiple, simultaneous billion dollar modernization projects and recommended that the National Nuclear Security Administration consider deferring the start of or can- celling specific modernization programs.

(8) According to the Government Accountability Office, the National Nuclear Security Administration has not factored affordability concerns into its planning as was rec- ommended by the Government Accountability Office in 2017, with the warning that “it is essential for NNSA to present information to Congress and other key decision makers that includes prioritized modernization programs or considered trade-offs (such as deferring or cancelling specific modernization programs).

(9) A December 2020 Congressional Budget Office analysis showed that the projected costs of nuclear forces over the next decade is approximately $13,600,000,000 by trimming back current plans, while still maintaining a triad of de- liveries systems. Even larger savings would accrue over the subsequent decade.

(10) The Department of Defense’s June 2013 nuclear policy guidance entitled “Report on Nuclear Employment Strategy of the United States” found that force levels under the April 2010 Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms between the United States and Russia were approximately known as the “New START Treaty”) “are more than adequate for what the United States needs to fulfill its national security obligations.”
(11) Former President Trump expanded the role of, and spending on, nuclear weapons in United States policy at the same time that he withdrew from, unsigned, or otherwise terminated important arms control and nonproliferation agreements.

(b) Reductions in Nuclear Forces.—

(1) Reduction of Nuclear-Armed Submarines.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 or any fiscal year thereafter for the Department of Defense may be obligated or expended for purchasing more than eight Columbia-class submarines.

(2) Reduction of Ground-Based Missiles.—Notwithstanding any other provision of law, beginning in fiscal year 2022, the forces of the Air Force shall include not more than 150 intercontinental ballistic missiles.

(3) Reduction of Deployed Strategic Warheads.—Notwithstanding any other provision of law, beginning in fiscal year 2022, the forces of the United States military shall include not more than 1,000 deployed strategic warheads, as that term is defined in the New START Treaty.

(4) Limitation on New Long-Range Penetrating Bomber Aircraft.—Notwithstanding any other provision of law, beginning in fiscal year 2022, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for purchasing more than 8 B-21 long-range penetrating bomber aircraft.

(5) Prohibition on F-35 Nuclear Mission.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation of a space-based missile defense system.

(7) Prohibition on New Air-Launched Cruise Missile.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the procurement and deployment of the W87–1 warhead for use on a W76–2 low-yield nuclear warhead or any other low-yield or nonstrategic nuclear warhead.

(10) Prohibition on New Submarine-Launched Cruise Missiles.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of a new submarine-launched cruise missile capable of delivering a low-yield or nonstrategic nuclear warhead.

(11) Limitation on Plutonium Pits Production.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 or any fiscal year thereafter for the Department of Energy may be obligated or expended for achieving production of more than 30 plutonium pits per year at Los Alamos National Laboratory, Los Alamos, New Mexico.

(12) Limitation on W-1 Warhead Procurement and Deployment.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the procurement or deployment of the W87–1 warhead for use on any missile that can feasibly employ a W76 warhead.

(3) Reduction of Ground-Based Missiles.—Notwithstanding any other provision of law, beginning in fiscal year 2022, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the procurement or deployment of the sustainment of the B83–1 bomb beyond the time at which confidence in the B61–12 stockpile is gained.

(13) Limitation on Sustainment of B83–1 Bomb.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the development, test, and evaluation of a space-based missile defense system.

(14) Prohibition on Warhead Modernization.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the procurement and deployment of a W-93 warhead on a submarine launched ballistic missile.

(c) Reports Required.—

(1) Initial Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out subsection (b).

(2) Annual Report.—Not later than March 1, 2022, and annually thereafter, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out subsection (b), including any updates to previously transmitted reports.

(3) Annual Nuclear Weapons Accounting.—Not later than September 30, 2022, and annually thereafter, the President shall transmit to the appropriate committees of Congress a report containing a comprehensive accounting by the Director of the Office of Management and Budget of the amounts obligated and expended by the Federal Government for each nuclear weapon and related nuclear program during—

(A) the fiscal year covered by the report; and

(B) the life cycle of such weapon or program.

(7) Cost Estimate Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the estimated cost savings that result from carrying out subsection (b).

(5) Report on Funding National Defense Strategy.—Not later than 180 days after the publication of a National Defense Strategy under section 113(g) of title 10, United States Code, the Secretary of Defense shall submit to the appropriate committees of Congress a report explaining how the Secretary proposes to fund the National Defense Strategy under different levels of projected defense spending, including scenarios in which—

(A) anticipated cost savings from reform do not materialize; or

(B) defense spending decreases to the levels specified by the Budget Act of 2011.

(6) Modification of Period to Be Covered by Estimates of Costs Relating to Nuclear Weapons.—Notwithstanding section 113(g)(2)(F) of title 10, United States Code, is amended in subsections (a)(2)(F) and (b)(1)(A) by striking “10-year period” each place it appears and inserting “10-year period”.

(7) Appropriating Committees of Congress Defined.—In this subsection, the term “appropriating committees of Congress” means—

(A) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.

SA 4174. Mr. MARKEY submitted an amendment intended to be proposed to amendment S 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1277. TAIWAN FELLOWSHIP PROGRAM.

(a) Short Title.—This section may be cited as the “Taiwan Fellowship Act”.

(b) Findings.—Congress finds the following:

(1) The Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) affirmed United States policy “to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area”.

(2) Consistent with the Asia Reassurance Initiative Act of 2018 (Public Law 115–143), the President and the Secretary of Defense are engaged in strategic partnership with Taiwan’s vibrant democracy of 23,000,000 people.
(3) Despite a concerted campaign by the People’s Republic of China to isolate Taiwan from its diplomatic partners and from international organizations, including the World Health Organization, Taiwan has continued as a global leader in the coronavirus global pandemic response, including by donating more than 2,000,000 surgical masks and other medical equipment to the United States.

(4) The creation of a United States fellowship program with Taiwan would support—
(A) a key priority of expanding people-to-people engagement, which was outlined in President Donald J. Trump’s 2017 National Security Strategy;
(B) the administration of Joseph R. Biden’s commitment to Taiwan, “a leading democracy and a critical economic and security partner,” as expressed in his March 2021 Interim National Security Strategic Guidance; and
(C) April 2021 guidance from the Department of State based on a review required under the Taiwan Assurance Act of 2020 (sub-title I of title II of the FY 2021 National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-260)) to “encourage U.S. government engagement with Taiwan that reflects our deepening unofficial relationship.”

(c) Purposes. The purposes of this section are—
(1) to further strengthen the United States-Taiwan strategic partnership and broaden understanding of the Indo-Pacific region by temporarily assigning officials of agencies of the United States Government to Taiwan for intensive study in Mandarin and Chinese language skills and to expand their understanding of the political economy of Taiwan and, as appropriate, the implementing partner, may modify the name of the Program; and
(2) to provide for eligible United States personnel to learn or strengthen Mandarin Chinese language skills and to expand their understanding of the political economy of Taiwan and, as appropriate, the implementing partner, may modify the name of the Program—
(A) in general.—The American Institute in Taiwan, shall—
(i) agree to meet all of the legal requirements required to operate in Taiwan; and
(ii) be composed of staff who demonstrate significant experience managing exchange programs in the Indo-Pacific region. (B) FIRST YEAR.—During the first year of each fellowship under this subsection, each fellow should provide each fellow in the first
(i) the Mandarin Chinese language;
(ii) the people, history, and political climate on Taiwan; and
(iii) the issues affecting the relationship between the United States and the Indo-Pacific region.

(B) SECOND YEAR.—During the second year of each fellowship under this subsection, each fellow should provide:
(i) the Chinese language;
(ii) the history of China, Taiwan, and the broader Indo-Pacific.

(C) FELLOWSHIPS.—The Department of State, in consultation with the American Institute in Taiwan, shall—
(i) award fellowships that reflect the diversity of the United States; and
(ii) select the fellowships on the basis of a demonstrated professional or educational background in the relationship between the United States and the implementing partner,

(D) Office; Staffing.—The implementing
partner, in consultation with the Department of State and the American Institute in Taiwan, may maintain an office and at least 1 full-time staff member in Taiwan—
(6) SUNSET.—The fellowship program under this subsection shall terminate 7 years after the date of the enactment of this Act.

(f) PROGRAM REQUIREMENTS.—The American Institute in Taiwan, without a United States Government on loan to the American Institute in Taiwan, shall—
(A) be an employee of the United States Government; and
(B) has received at least one exemplary performance review in his or her current position;
(C) is a key priority of expanding people-to-people engagement, which was outlined in President Donald J. Trump’s 2017 National Security Strategy; and
(D) has a demonstrated professional or educational background in the relationship between the United States and countries in the Indo-Pacific region and, as appropriate, the implementing partner,

(E) has demonstrated his or her commitment to further service in the United States Government.

(2) RESPONSIBILITIES OF FELLOWS.—Each recipient of a fellowship under subsection (e) shall agree, as a condition of such fellowship—
(A) to maintain satisfactory progress in language training and appropriate behavior on behalf of the United States Government; and
(B) to refrain from engaging in any intelligence or informational activity on behalf of the United States Government; and
(C) to continue Federal Government employment for a period of not less than 4 years after the conclusion of the fellowship or for not less than 2 years for a fellowship that is 1 year shorter.

(3) RESPONSIBILITIES OF IMPLEMENTING PARTNER.—
(A) SELECTION OF FELLOWS.—The implementing partner, in close coordination with the Department of State and the American Institute in Taiwan, shall—
(i) make efforts to recruit fellowship candidates who reflect the diversity of the United States; and
(ii) select the fellowships on the basis of a demonstrated professional or educational background in the relationship between the United States and the implementing partner.

(B) FIRST YEAR.—The implementing partner should provide each fellow in the first year (or shorter duration, as jointly determined by the Department of State and the American Institute in Taiwan for those who are not serving a 2-year fellowship) with—

(i) intensive Mandarin Chinese language training; and
(ii) courses in the political economy of Taiwan, China, and the broader Indo-Pacific.

(C) WAIVER OF REQUIRED TRAINING.—The Department of State and the American Institute in Taiwan, and, as appropriate, the implementing partner, may waive any of the training required under subparagraph (B) to the extent that a fellow has Mandarin language skills, knowledge of the topic described in subparagraph (B)(i), or for other related reasons approved by the Department of State and the American Institute in Taiwan.

(D) OFFICE; STAFFING.—The implementing partner, in consultation with the Department of State and the American Institute in Taiwan, may maintain an office and at least 1 full-time staff member in Taiwan—

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(i) to liaison with the American Institute in Taiwan and the governing authorities on Taiwan; and
(ii) to serve as the primary in-country point of contact for the recipients of fellowships under this section and their dependents.

(E) OTHER FUNCTIONS.—The implementing partner may perform other functions in association in support of the Taiwan Fellowship Program, including logistical and administrative functions, as prescribed by the Department of State and the American Institute in Taiwan.

(f) NONCOMPLIANCE.—
(A) IN GENERAL.—Any fellow who fails to comply with the requirements under this subsection shall reimburse the American Institute in Taiwan for—
(i) the Federal funds expended for the fellow’s participation in the fellowship, as set forth in subparagraphs (B) and (C); and
(ii) interest accrued on such funds (calculated at the prevailing rate).

(B) FULL REIMBURSEMENT.—Any fellow who violates subparagraph (A) or (B) of paragraph (2) shall reimburse the American Institute in Taiwan in an amount equal to the sum of—
(i) all of the Federal funds expended for the fellow’s participation in the fellowship;
(ii) interest on the amount specified in clause (i), which shall be calculated at the prevailing rate.

(C) PRO RATA REIMBURSEMENT.—Any fellow who violates paragraph (2)(C) shall reimburse the American Institute in Taiwan in an amount equal to the difference between—
(i) the amount specified in subparagraph (B); and
(ii) the product of—
(I) the amount the fellow received in compensation during the final year of the fellowship, including the value of any allowances and benefits received by the fellow; multiplied by
(II) the percentage of the period specified in paragraph (2)(C) during which the fellow did not remain employed by the Federal Government.

(g) ANNUAL REPORT.—Not later than 90 days after the selection of the first class of fellows under this section, and annually thereafter for 7 years, the Department of State shall offer to brief the appropriate committees of Congress regarding the following issues:

(A) An assessment of the performance of the implementing partner in fulfilling the purposes of this section.

(B) The names and sponsoring agencies of the fellows selected by the implementing partners, and the extent to which such fellows represent the diversity of the United States.

(C) The names of the parliamentary offices, ministries, other agencies of the governing authorities on Taiwan, and non-governmental institutions to which each fellow was assigned during the second year of the fellowship.

(D) Recommendations, as appropriate, to improve the implementation of the Taiwan Fellowship Program, including added flexibilities in the administration of the program.

(E) An assessment of the Taiwan Fellowship Program’s value upon the relationship between the United States and Taiwan or the United States and other countries.

(h) ANNUAL FINANCIAL AUDIT.—
(A) DETAIL AUTHORIZED.—With the approval of the Secretary of State, an agency head may detail, for a period of not more than 2 years, an employee of the agency of the United States Government who has been awarded a fellowship under this section, to the American Institute in Taiwan for the purpose of serving as a governing authority on Taiwan or an organization described in subsection (e)(4)(B)(ii).

(B) AGREEMENT.—Each detailee shall enter into a written agreement with the Federal Government before receiving a fellowship, in which the fellow shall agree—
(i) to continue in the service of the sponsoring agency for a period of at least 4 years (or at least 2 years if the fellowship duration is 1 year or shorter) unless the detailee is involuntarily separated from the service of such agency;

(ii) to pay to the American Institute in Taiwan any additional expenses incurred by the Federal Government in connection with the fellowship, including any expenses voluntarily separated from service with the sponsoring agency before the end of the period for which the detailee has agreed to continue in the service of such agency;

(iii) the acceptance of compensation or other benefits from funds available to such agency, other benefits, to be an employee of the sponsoring agency; and

(iv) the acceptance of compensation or other benefits from any foreign government by such detailee.

(2) MODIFICATION OF BENEFITS.—The American Institute in Taiwan and its implementing partner, with the approval of the Department of State, may modify the benefits set forth in subparagraph (A) if such modification is warranted by fiscal circumstances.

(i) NO FINANCIAL LIABILITY.—The American Institute in Taiwan, the implementing partner, and any governing authorities on Taiwan or nongovernmental entities in Taiwan and their employees assigned to Taiwan for the allowances and benefits listed in paragraph (1)(A) without reimbursement to the United States by the American Institute in Taiwan.

(j) ALLOWANCES AND BENEFITS.—Details may be paid by the American Institute in Taiwan for the allowances and benefits listed in paragraph (3).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the American Institute in Taiwan, for the fiscal year 2022 and for each succeeding fiscal year, $2,300,000, which shall be used to fund a cooperative agreement with the appropriate implementing partners.

(1) STUDY AND REPORT.—Not later than one year prior to the sunset of the fellowship program under subsection (e), the Comptroller General of the United States shall conduct a study and submit to the Committee on Foreign Relations of the Senate and to the Committee on Oversight and Government Reform of the House a report that includes—

(i) an analysis of the United States Government participation in this program, including the number of fellows under this subsection (e), the number of fellowships undertaken, the place of employment, and as of the
costs and benefits for participants and for the United States Government of such fellowships; (2) an analysis of the financial impact of the fellowship program on United States Government of such fellowships; and (3) recommendations, if any, on how to improve the fellowship program.

SA 4175. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3687 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1253. ESTABLISHMENT OF QUAD INTRA-PARLIAMENTARY WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 30 days after enactment of this Act, the Secretary of State shall seek to enter into negotiations with the governments of Japan, Australia, and India (collectively, with the United States, known as the “Quad”) with the goal of reaching a written agreement to establish a Quad Intra-Parliamentary Working Group for the purpose of advancing initiatives of the Quad and to facilitate closer cooperation on shared interests and values.

(b) UNITED STATES GROUP.—

(1) IN GENERAL.—At such time as the governments of the Quad countries enter into a written agreement described in subsection (a), there shall be established a United States Group, which shall represent the United States at the Quad Intra-Parliamentary Working Group.

(2) MEMBERSHIP.—

(A) HOUSE DELEGATION.—The Speaker of the House from among members of the Committee on Foreign Affairs; and Members of the House, not less than 4 of whom shall be members of the Committee on Foreign Affairs; and

(B) SENATE DELEGATION.—

(i) half shall be appointed by the President Pro Tempore of the Senate, from among Members of the Senate, not less than 4 of whom shall be members of the Committee on Foreign Relations (unless the majority leader determine otherwise).

(3) MEETINGS.—The United States Group may accept gifts or donations of services or property, subject to the review and approval of the Appropriations Committees on Ethics of the House of Representatives and the Committee on Ethics of the Senate.

(4) ANNUAL REPORT.—The United States Group shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each fiscal year for which an appropriation is made for the United States Group, which shall include a description of its expenditures under such appropriation.

SEC. 1254. ESTABLISHMENT OF QUAD INTRA-PARLIAMENTARY WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 30 days after enactment of this Act, the Secretary of State shall seek to enter into negotiations with the governments of Japan, Australia, and India (collectively, with the United States, known as the “Quad”) with the goal of reaching a written agreement to establish a Quad Intra-Parliamentary Working Group for the purpose of advancing initiatives of the Quad and to facilitate closer cooperation on shared interests and values.

(b) UNITED STATES GROUP.—

(1) IN GENERAL.—The United States Group shall seek to meet not less frequently than annually with representatives and appropriate staff of the legislatures of Japan, Australia, and India, and any other country invited by mutual agreement of the Quad countries.

(2) AUTHORIZATION.—A meeting described in subparagraph (A) may be held—

(i) in the United States;

(ii) in another Quad country during periods when one or more Members of Congress are not in session; or

(iii) virtually.

(3) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) HOUSE DELEGATION.—The Speaker of the House of Representatives shall designate the chairperson of the delegation of the United States Group from the House from among members of the Committee on Foreign Affairs.

(B) SENATE DELEGATION.—The President Pro Tempore of the Senate shall designate the chairperson of the delegation of the United States Group from the Senate from among members of the Committee on Foreign Relations.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated $1,000,000 for each fiscal years 2022 through 2025 for the United States Group.

(B) DISTRIBUTION OF APPROPRIATIONS.—

(1) IN GENERAL.—For each fiscal year for which an appropriation is made for the United States Group, the amount appropriated shall be available to the delegation from the House of Representatives and half of the amount shall be available to the delegation from the Senate.

(2) METHOD OF DISTRIBUTION.—The amounts available to the delegations of the House of Representatives and the Senate under clause (1) shall be disbursed on vouchers to be approved by the chairperson of the delegation from the House of Representatives and the chairperson of the delegation from the Senate, respectively.

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated $1,000,000 for each fiscal years 2022 through 2025 for the United States Group.

(B) DISTRIBUTION OF APPROPRIATIONS.—

(1) IN GENERAL.—For each fiscal year for which an appropriation is made for the United States Group, the amount appropriated shall be available to the delegation from the House of Representatives and half of the amount shall be available to the delegation from the Senate.

(2) METHOD OF DISTRIBUTION.—The amounts available to the delegations of the House of Representatives and the Senate under clause (1) shall be disbursed on vouchers to be approved by the chairperson of the delegation from the House of Representatives and the chairperson of the delegation from the Senate, respectively.

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—The United States Group may accept gifts or donations of services or property, subject to the review and approval of the Appropriations Committees on Ethics of the House of Representatives and the Committee on Ethics of the Senate.

(4) ANNUAL REPORT.—The United States Group shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each fiscal year for which an appropriation is made for the United States Group, which shall include a description of its expenditures under such appropriation.

SEC. 1256. ESTABLISHMENT OF QUAD INTRA-PARLIAMENTARY WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 30 days after enactment of this Act, the Secretary of State shall seek to enter into negotiations with the governments of Japan, Australia, and India (collectively, with the United States, known as the “Quad”) with the goal of reaching a written agreement to establish a Quad Intra-Parliamentary Working Group for the purpose of advancing initiatives of the Quad and to facilitate closer cooperation on shared interests and values.

(b) UNITED STATES GROUP.—

(1) IN GENERAL.—At such time as the governments of the Quad countries enter into a written agreement described in subsection (a), there shall be established a United States Group, which shall represent the United States at the Quad Intra-Parliamentary Working Group.

(2) MEMBERSHIP.—

(A) HOUSE DELEGATION.—The Speaker of the House from among members of the Committee on Foreign Affairs; and Members of the House, not less than 4 of whom shall be members of the Committee on Foreign Affairs; and

(B) SENATE DELEGATION.—

(i) half shall be appointed by the President Pro Tempore of the Senate, from among Members of the Senate, not less than 4 of whom shall be members of the Committee on Foreign Relations (unless the majority leader determine otherwise).

(3) MEETINGS.—The United States Group may accept gifts or donations of services or property, subject to the review and approval of the Appropriations Committees on Ethics of the House of Representatives and the Committee on Ethics of the Senate.

(4) ANNUAL REPORT.—The United States Group shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each fiscal year for which an appropriation is made for the United States Group, which shall include a description of its expenditures under such appropriation.

SA 4176. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3687 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1548. REDUCTION OF THREATS POSED BY NUCLEAR WEAPONS TO THE UNITED STATES.

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

(1) The use of nuclear weapons poses an existential threat to humanity, a fact that led President Ronald Reagan and Soviet Premier Mikhail Gorbachev to declare in a joint statement in 1987 that a “nuclear war cannot be won and must never be fought”.

(2) On June 12, 1982, an estimated 1,000,000 people attended the largest peace rally in United States history, in support of a move for nuclear arms race, to the effect that most countries possessing nuclear weapons as is highlighted by a more than 85-percent reduction in the United States nuclear weapons stockpile from its Cold War high of 8,800 in 1967 to 1,255 in 2017.

(3) Since the advent of nuclear weapons in 1945, millions of people around the world have stood up to demand meaningful, immediate international action to halt, reduce, and eliminate the threats posed by nuclear weapons, nuclear weapons testing, and nuclear war, to humankind and the planet.

(4) In 1970, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), entered into force, which includes a binding obligation on the 5 nuclear-weapon states (commonly referred to as the “P-5”), stating that they will pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race . . . and to nuclear disarmament.

(5) Bipartisan United States global leadership has curbed the growth in the number of countries possessing nuclear weapons and has slowed overall vertical proliferation among countries and increasing nuclear proliferation, as is highlighted by a more than 85-percent reduction in the United States nuclear weapons stockpile from its Cold War high of 8,800 in 1967 to 1,255 in 2017.

(6) The United States testing of nuclear weapons is no longer necessary as a result of the following major technical developments since the Senate’s consideration of the Comprehensive Nuclear-Test-Ban Treaty (commonly referred to as the “CTBT”) in 1999:

(A) The verification architecture of the Comprehensive Nuclear Test-Ban Treaty Organization (commonly referred to as the “CTBTO”)

(i) has made significant advancements, as seen through its network of 300 International Monitoring Stations and its International Data Centre, which together provide for the near instantaneous detection of nuclear explosives tests, including all such tests conducted by North Korea between 2006 and 2017; and

(ii) is operational 24 hours a day, 7 days a week.

(B) Since the United States signed the CTBT, confidence has grown in the science-based Stockpile Stewardship Management Plan of the Department of Energy, which forms the basis of annual certification of the President’s con- tinual safety, security, and effectiveness of the United States nuclear deterrent in the absence of nuclear testing, leading former Secretary of Energy Energy review in 2015 that “lab directors today now state that they certainly understand much more about how nuclear weapons work than during the period of nuclear testing”.

(7) Despite the progress made to reduce the number and role of, and risks posed by, nuclear weapons, and to halt the Cold War-era nuclear arms race, today’s threat from those countries that possess nuclear weapons are on the rise, key nuclear risk reduction treaties are under threat, significant stockpiles of weapons usable fissile material remain, and a qualitative global arms race is now underway with each of the countries that possess nuclear weapons spending tens of billions of dollars each year to maintain and improve their arsenals.

(8) The Russian Federation is pursuing the development of destabilizing types of nuclear weapons that are not covered under any existing arms control treaty or agreement and the People’s Republic of China, India, Pakistan, and North Korea are investing in their nuclear arsenals to diversify their more modest sized, but nonetheless very deadly, nuclear arsenals.
Former President Donald J. Trump’s 2018 Nuclear Posture Review called for the development two new nuclear weapons capabilities, which have the effect of lowering the threshold for nuclear weapons use. The Trump administration’s five-year extension of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed April 8, 2010, and entered into force on May 22, 2010, determined that it is in the national security interest of the United States to develop new nuclear weapons. Therefore, the United States should build upon its nuclear weapons employment strategy of the United States submitted under section 492 of title 10, United States Code, that the President submits to Congress an amendment to the Nuclear Nonproliferation Act that the Secretary of Energy Agency to any country found by the United Nations Security Council resolution that exports nuclear weapons or nuclear explosive test since 1998.

2. Building on the successful extension of the New START Treaty, the United States should engage with other countries that possess nuclear weapons to seek to negotiate and conclude future multilateral arms control, disarmament, and risk reduction agreements, which should contain some or all of the following provisions:

(a) An agreement by the United States and the Russian Federation to cooperate on developing a follow-on treaty or agreement to the New START Treaty that may lower the central limits of the Treaty and cover new kinds of strategic delivery vehicles or non-strategic nuclear weapons.

(b) An agreement on a verifiable freeze on the testing, deployment, and production of all nuclear weapons and delivery vehicles for such weapons.

(c) An agreement that establishes a verifiable numerical ceiling on the deployed shorter-range and intermediate-range and strategic nuclear warheads (as defined by the INF Treaty and the New START Treaty, respectively) and the nuclear warheads associated with such systems belonging to the P-5, and to the extent practicable, all other countries that possess nuclear weapons, at August 2, 2019, levels.

(d) An agreement by each country to adopt a policy of no first use of nuclear weapons or provide transparency into its nuclear declaratory policy.

(e) An agreement on a proactive United Nations Security Council resolution that expands access by the International Atomic Energy Agency to any country found by the United States to be non-compliant with its obligations under the NPT.

(f) An agreement to refrain from configuring nuclear forces in a “launch on warning” or “launch under warning” nuclear posture, which may prompt a nuclear armed adversary to launch a missile to a nuclear target in response to detection by an early-warning satellite or sensor of a suspected incoming ballistic missile.

(g) An agreement not to target or interfere in the nuclear command, control, and communications (commonly referred to as “NC3”) infrastructure of another country through a kinetic attack or a cyberattack.

(h) An agreement on transparency measures or verifiable limits, or both, on hypersonic cruise missiles and glide vehicles that are fired from sea-based, ground, and air platforms.

(i) An agreement to provide a baseline and continuous exchanges detailing the aggregated nuclear weapons and associated systems possessed by each country.

(j) The United States should reenforce efforts in the United Nations Conference on Disarmament toward the negotiation of a verified Fissile Material Treaty or Fissile Material Cut-off Treaty, or more negotiations to another international body or forum, such as a meeting of the P5. Successful conclusion of such a treaty would verifiably prevent and control the proliferation of highly enriched uranium and plutonium for use in nuclear weapons.

(k) The United States should convene a series of head-of-state level summits on nuclear disarmament modeled on the Nuclear Security Summits process, which saw the elimination of the equivalent of 3,000 nuclear warheads.

(l) The President should seek ratification by the Senate of the CTBT and mobilize all United States will provide critical momentum for defense activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal years for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1237. REPEAL OF VARIOUS AUTHORITY FOR PROVISION ASSISTANCE TO THE GOVERNMENT OF AZERBAIJAN.

Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107-115; 22 U.S.C. 5812 note) is amended, in subsection (g) of the matter under the heading “FUND TRUSTFUND FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION” under the heading “OTHER COUNTRY ASSISTANCE”—

(1) by striking paragraphs (2) through (6) and (2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “(1) Section” and inserting “(1) By”; and

(B) by redesignating subparagraphs (A) through (F) as paragraphs (1) through (6), respectively.

SA 4178. 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 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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:

SEC. 1283. PLAN FOR ENHANCING INSTITUTIONAL CAPACITY BUILDING ACTIVITIES IN NIGERIA.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall develop a plan for enhancing institutional capacity building activities in the Federal Republic of Nigeria.

(b) Report. The plan required by subsection (a) shall include the following:

(1) An assessment of the major areas of weakness in civilian oversight of—
Mr. REED and intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military construction, and for defense activities of the Department of Energy, to prescribe military and better governance and internal controls in defense establishments; and (B) addresses shortfalls in organizational structure and management.

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

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

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

SA 4179. 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 and better governance and internal controls in defense establishments; and (B) addresses shortfalls in organizational structure and management.

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

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

(2) the Committee on Foreign Affairs, the Committee on Armed Services of the Senate; and

(3) the Select Committee on Intelligence of the House of Representatives.

SEC. 1264. REPORT ON MAJOR CONSTRAINTS ON EFFECTIVENESS OF MILITARY FORCES OF NIGERIA IN COMBATING ISIS AND BOKO HARAM

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to theappropriate committees of Congress a report that includes an analysis of the major constraints on the effectiveness of the Federal Republic of Nigeria in combating ISIS and Boko Haram (to the extent Boko Haram persists) in northeastern Nigeria.

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

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

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

SA 4180. Ms. ROSEN (for herself 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 new section:

SEC. 1364. REPORT ON MAJOR CONSTRAINTS ON EFFECTIVENESS OF MILITARY FORCES OF NIGERIA IN COMBATING ISIS AND BOKO HARAM

(a) IN GENERAL.—Not later than 120 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 that includes an analysis of the major constraints on the effectiveness of the Federal Republic of Nigeria in combating ISIS and Boko Haram (to the extent Boko Haram persists) in northeastern Nigeria.

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

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

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

SA 4181. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1264. REPORT ON MAJOR CONSTRAINTS ON EFFECTIVENESS OF MILITARY FORCES OF NIGERIA IN COMBATING ISIS AND BOKO HARAM

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence 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 secur- ing the Department of Defense Information Network and associated enterprise informa- tion 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 compo- nents, and the use of the National Guard;

(C) develop a workforce development plan for military and civilian personnel that cov- ers accessions, training, education, recruit- ment, retention, fair and competitive com- pensation, enlistment standards and screen- ing tools, analysis of recruiting resources and sustainment of the workforce, and metrics to evaluate workforce size and quality;

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

(E) report on current and future general information warfare and cyber education curriculums and requirements for military and civilian personnel, including—

(1) acquisition personnel;

(2) accessions and recruiting to the military services;

(3) cadets and midshipmen at the military service academies;

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

(F) cyberspace and information environ- ment-related scholarship-for-service pro- grams, including—

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

(ii) the Defense Department Cyber Scholarship Program that would require additional data labeling, and evaluate model performance across the lifecycle of its use; and

(iii) the Defense Education, Mathematics, and Research for Trans- formation (SMART) Scholarship-for-Service Program;

(iv) the Stokes Educational Scholarship Program; and

(v) the OnRamp II Scholarship Program; and

(G) such current programs and institutions for information warfare and cyber education for military and civilian personnel, includ- ing—

(i) the military service academies;

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

(iii) the Air Force Institute of Technology; and

(iv) the National Defense University; and

(v) the Joint Special Operations University; and

(vi) any other military educational institu- tion of the Department specified by the Secretary for purposes of this section; and

(b) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense, acting through the Direc- tor of the Joint Artificial Intelligence Center or such other official as the Secretary considers appropriate, may carry out a pilot program to assess the feasibility and advis- ability of establishing data libraries for de- veloping and enhancing artificial intel- ligence capabilities to ensure that the De- partment of Defense is able to procure optimal artificial intelligence and machine learning software capabilities to meet De- partment requirements and technology de- velopment goals.

(b) APPROPRIATIONS.—In carrying out a pilot program under subsection (a), the Secretary may—

(1) establish data libraries containing De- partment data sets relevant to the develop- ment of artificial intelligence software and technology;

and

(2) allow appropriate public and private sector organizations to access such data li- braries for the purposes of developing artifi- cial intelligence models and other technical software solutions.

(c) ELEMENTS.—If the Secretary elects to carry out the pilot program under subsection (a), the data libraries established under the program—

(1) may include unclassified data rep- resentative of diverse types of information, representing Department missions, business processes, and activities; and

(2) shall be categorized and annotated to support development of an evaluation framework for artificial intelligence models and other technical software solutions.

(d) ACCESSIBILITY.—The Secretary may—

(1) make the data available to such public and private sector organizations as the Sec- retary considers appropriate to support rapid development of software and artificial intel- ligence capabilities; and

(2) shall be developed to support such other missions and activities as the Secretary con- considers appropriate.

(e) BRIEFING.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate defense committees a briefing on imple- menting this section, including an identi- fication of the types of information that the Secretary determines are feasible and advis- able to include in the data libraries under subsection (b)(1).
(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 includes Reserve and 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 December 1, 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 requirements for civilian personnel strengths for such fiscal year; and
(3) the term ‘‘education’’ includes formal education requirements, such as degrees and certification in targeted subject areas, but later than May 31, 2022, the Secretary shall include such findings in a classified setting; and

(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—

(i) reskilling;
(ii) knowledge, skills, and abilities; and
(iii) nonacademic professional development.

SA 4182. 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 defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; and which was ordered to lie on the table; as follows:

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

SEC. 1105. INFORMATION WARFARE AND CYBER EDUCATION CURRICULUM AND REQUIREMENTS FOR CIVILIAN INTELLIGENCE COMMUNITY.

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

(1) assess current general information warfare and cyber education curriculum and requirements for civilian elements of the intelligence community and other civilian personnel as the Director considers appropriate, including—

(A) acquisition personnel;
(B) information environment and cyber-space personnel;
(C) threat information environment and cyber-space personnel;
(D) cyberspace and information-environment-related scholarship-for-service programs;
(i) the CyberCorps: Scholarship for Service (SFS);
(ii) the Department of Defense Cyber Scholarship Program (DoD CySP);
(iii) the Department of Defense Science, Mathematics, and Research for Transformation (SMART) Scholarship-for-Service Program;
(iv) the Stotes Educational Scholarship Program; and
(v) the OnRamp II Scholarship Program;
and
(2) determine—
(A) the cyberspace domain and information security curriculum requirements at appropriate locations.

(b) BRIEFING AND REPORT REQUIRED.—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 December 1, 2022, the Director shall submit to such committees a report on—

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

(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 December 1, 2022, the Director shall submit to such committees a report on—

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

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

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

(d) such legislative or administrative action as the Director 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—

(i) reskilling;
(ii) knowledge, skills, and abilities; and
(iii) nonacademic professional development.

SA 4183. Mrs. SHAHEEN (for herself 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. REPORTS ON JOINT STATEMENT OF THE UNITED STATES AND GERMANY ON SUPPORTING UKRAINE, EUROPEAN ENERGY SECURITY, AND CLIMATE GOALS.

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

(1) the United States remains opposed to the completion of the Nord Stream 2 pipeline, which threatens the energy security of many European allies;

(2) actions of the United States is concerned by recent efforts by the Russian Federation to weaponize gas supplies to advance its geopolitical agenda and exploit the vulnerabilities of Eastern European companies; and

(3) the Government of Germany must take every effort—

(A) to act upon all deliverables outlined in the joint statement reached between the United States and Germany on July 15, 2021; and

(B) to comply with the regulatory framework under the European Union’s Third Energy Package with respect to Nord Stream 2.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter through September 30, 2023, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation of the United States-Germany climate and energy joint statement announced by the President on July 15, 2021.

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

(A) A description of efforts undertaken by Germany to expand its use of renewable energy and any action taken to support Ukraine in negotiations with Gazprom to extend the current transit agreement; and

(ii) to engage more deeply in the Minsk Agreements and the Normandy Format for a political solution to the Russian Federation’s illegal occupation of Crimea.

(B) An assessment of activities by the United States and Germany to advance and provide funding for the Three Seas Initiative.

(C) A description of any activity of, or support provided by, the Government of the Russian Federation—

(i) to weaponize the gas supplies of the Russian Federation so as to exert political pressure upon any European country;

(ii) to withhold gas supplies for the purpose of extracting excessive profit over European customers; or

(iii) to seek exemption from the European Union’s Third Energy Package regulatory framework.
(c). The terms "socially disadvantaged farmer or rancher; socially disadvantaged group" have the meaning given those terms in section 3535(e) of title 16, Forest and Rural Development Act (7 U.S.C. 502(e)).

(g) TECHNICAL ASSISTANCE.—The term "technical assistance" means technical expertise, information, and tools necessary to assist a farmer, rancher, or private forest landowner who is engaged in or wants to engage in a project to prevent, reduce, or mitigate greenhouse gas emissions or sequester carbon to meet a protocol.

(ii) the verification of the processes described in paragraphs (1) and (2) of subsection (a); and

(II) systems for verification, monitoring, and reporting; and

(IV) systems for verification, monitoring, and reporting; and

(ii) descriptions of qualifications for covered entities that the Secretary determines to be appropriate.

(1) IN GENERAL.—The term "agriculture or forestry credit market" means the voluntary credit markets that are designed to facilitate the participation of farmers, ranchers, and private forest landowners in voluntary environmental credit markets, including through the Program.

(ii) descriptions of qualifications for covered entities that the Secretary determines to be appropriate.

(vi) duties, and responsibilities.

II) emissions reductions achieved through—

(v) reporting; and

(vii) the provision of technical assistance to farmers, ranchers, and private forest landowners for carrying out activities described in paragraph (2); or

(iii) additionality;

(iii) additionality;

(iii) additionality;

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protocols or qualifications that meet the requirements described in subparagraphs (A) and (B) of paragraph (3).

(c) CERTIFICATION, WEBSITE, AND PUBLICATION OF PROGRAM.—

(1) CERTIFICATION.—A covered entity may self-certify under the Program by submitting to the Secretary, through a website maintained by the Secretary—

(A) a notification that the covered entity will—
   (i) maintain expertise in the protocols described in clause (i) of subsection (d)(1)(A); and
   (ii) adhere to the qualifications described in clause (ii) of subsection (d)(1)(A); and

(B) appropriate documentation demonstrating the expertise described in subparagraph (A)(i) and qualifications described in subparagraph (A)(ii).

(2) WEBSITE AND SOLICITATION.—During the 180-day period beginning on the date on which the Program is established, the Secretary shall, through an existing website maintained by the Secretary—

(A) information describing how covered entities may self-certify under the Program in accordance with paragraph (1); and

(B) information describing how covered entities may obtain, through private training programs of Agriculture, training programs, the requisite expertise—
   (i) in the protocols described in clause (i) of subsection (d)(1)(A); and
   (ii) in the protocols described in clause (ii) of that subsection;

(C) the protocols and qualifications published by the Secretary under subsection (d)(1)(A); and

(D) instructions and suggestions to assist farmers, ranchers, and private forest landowners in facilitating the development of agriculture, forestry, and private forest landowners to which the Program is established, the Secretary shall establish, a covered entity that—
   (i) subject to a civil penalty equal to such amount as the Secretary determines to be appropriate, not to exceed $1,000 per violation; and
   (ii) ineligible to certify under the Program for the 5-year period beginning on the date of the violation.

(2) SUBMISSION.—The Secretary shall notify Congress of the publication of the initial list under paragraph (3).

(3) REQUISITION.—To remain certified under the Program, a covered entity shall—

(A) to maintain expertise in the protocols described in subparagraph (A)(i) of subsection (d)(1); and

(B) to adhere to the qualifications described in subparagraph (A)(ii) of that subsection.

(4) AUDITING.—Not less frequently than quarterly, the Secretary, in consultation with the Advisory Council, shall—

(A) to a civil penalty equal to such amount as the Secretary determines to be appropriate, not to exceed $1,000 per violation; and

(B) ineligible to certify under the Program for the 5-year period beginning on the date of the violation.

(g) GREENHOUSE GAS TECHNICAL ASSISTANCE PROVIDER AND THIRD-PARTY VERIFIER CERTIFICATION PROGRAM ADVISORY COUNCIL —

(1) C ERTIFICATION.—During the 90-day period beginning on the date on which the Program is established, the Advisory Council shall establish an advisory council, to be known as the Program Advisory Council, to be known as the "Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Certification Program Advisory Council".

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Council shall be composed of members appointed by the Secretary in accordance with this paragraph.

(B) GENERAL REPRESENTATION.—The Advisory Council shall—

(i) be broadly representative of the agriculture and private forest sectors;

(ii) include socially disadvantaged groups; and

(iii) composed of not less than 51 percent farmers, ranchers, or private forest landowners.

(C) MEMBERS.—Members appointed under subparagraph (A) shall include—

(i) not more than 2 representatives of the Department of Agriculture, as determined by the Secretary; and

(ii) not more than 1 representative of the Environmental Protection Agency, as determined by the Administrator of the Environmental Protection Agency.

(D) TERMS.—The term of a member of the Advisory Council shall be 3 years, renewable once, for a total of 6 years.

(E) CHAIR.—The Chair of the Advisory Council shall be appointed by the Secretary from among the members of the Advisory Council.
(II) whether the Secretary can establish a process to enhance participation in voluntary environmental credit markets for small, beginning, and socially disadvantaged farmers, ranchers, and private forest landowners, particularly for historically underserved, socially disadvantaged, or limited resource farmers, ranchers, or private forest landowners;

(5) COMPENSATION.—The members of the Advisory Council shall serve without compensation;

(6) CONFLICT OF INTEREST.—The Secretary shall prohibit any member of the Advisory Council from—

(A) engaging in any determinations or activities of the Advisory Council that may result in the favoring of, or a direct and predictable effect on—

(i) the member or a family member, as determined by the Secretary;

(ii) stock owned by the member or a family member, as determined by the Secretary;

(iii) a business owned in whole or in part by the member or a family member, as determined by the Secretary;

(B) providing advice or recommendations regarding, or otherwise participating in, matters of the Advisory Council that—

(i) constitute a conflict of interest under section 1 of the United States Code;

(ii) may call into question the integrity of the Advisory Council, the Program, or the technical assistance or verification activities described under subsection (d)(2);

(7) FACA APPLICABILITY.—The Advisory Council shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.), except that section 3(a)(2) of that Act shall not apply.

(B) ASSESSMENT.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall—

(A) conduct an assessment, including by incorporating information from existing publications and reports of the Department of Agriculture and other entities with relevant expertise, regarding—

(i) the number and categories of non-Federal programs that have non-profit or for-profit sectors involved in buying, selling, and trading agriculture or forestry credits in voluntary environmental credit markets;

(ii) the estimated overall domestic market demand for agriculture or forestry credits at the end of the preceding 4-calendar year period, and historically, in voluntary environmental credit markets;

(iii) the total number of agriculture or forestry credits (measured in metric tons of carbon dioxide equivalent) that were estimated to be in development, generated, or sold in market transactions during the preceding 4-calendar year period, and historically, in voluntary environmental credit markets;

(iv) the estimated supply and demand of metric tons of carbon dioxide equivalent of offsets in the global marketplace for the next 4 years;

(v) the barriers to entry due to compliance and verification costs described in subsection (g)(4)(C)(iv);

(vi) the state of monitoring and measurement technologies needed to quantify long-term carbon sequestration in soils and from other activities to prevent, reduce, or mitigate greenhouse gas emissions in the agriculture and forestry sectors;

(vii) the goals and barriers to entry into voluntary environmental credit markets for small, beginning, and socially disadvantaged farmers, ranchers, and private forest landowners, if the Department of Agriculture has existing protocols in voluntary environmental credit markets for small, beginning, and socially disadvantaged farmers, ranchers, and private forest landowners;

(viii) the degree to which existing Department of Agriculture programs and other Federal programs that could improve, lower the costs, or facilitate the development of, monitoring and measurement technologies described in clause (vi);

(ix) the potential impact of Department of Agriculture activities on supply and demand of agriculture or forestry credits;

(x) the potential role of the Department of Agriculture in encouraging innovation in voluntary environmental credit markets;

(xi) the extent to which the existing regimes for generating and selling agriculture or forestry credits, as the regimes exist at the end of the preceding 4-calendar year period, and historically, and existing voluntary environmental credit markets, may be impeded or constricted, or achieve greater scale and reach; and

(xii) the extent to which the existing protocols in voluntary environmental credit markets, including verification, additionality, permanence, and reporting, adequately take into consideration and account for factors encountered by the agriculture and private forest sectors in preventing, reducing, or mitigating greenhouse gases or sequestering carbon dioxide equivalent under subsection (d)(2) of this Act or other provisions of this Act.

(B) methods to improve the ability of farmers, ranchers, and private forest landowners to overcome barriers to entry to voluntary environmental credit markets; and

(C) methods to further facilitate participation of farmers, ranchers, and private forest landowners in voluntary environmental credit markets; and

(4) any recommendations for improvements to the Program.

(j) CONFIDENTIALITY.—

(1) PROHIBITION.—Except as provided in paragraph (2), the Secretary, any other officer or employee of the Department of Agriculture, or any other person may not disclose to the public the information held
by the Secretary described in subparagraph (B).
(B) INFORMATION.—
(I) IN GENERAL.—Except as provided in clause (II), information prohibited from disclosure under subparagraph (A) is—
(1) information collected by the Secretary or published by the Secretary pursuant to this section; and
(II) personally identifiable information, including in a contract or service agreement, of a farmer, rancher, or private forest landowner, obtained by the Secretary under paragraph (7) or (8)(B)(i) of subsection (e); and
(III) confidential business information in a contract or service agreement, of a farmer, rancher, or private forest landowner obtained by the Secretary under paragraph (7) or (8)(B)(i) of subsection (e).
(ii) AGREGATED RELEASE.—Information described in clause (i) may be released to the public if the information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied or is the subject of the particular information.
(iii) EXCEPTION.—Paragraph (i) shall not prohibit the disclosure of—
(A) the name of any covered entity published and submitted by the Secretary under subsection (i)(2); or
(B) by officer or employee of the Federal Government of information described in paragraph (i)(2) as otherwise directed by the Secretary or the Attorney General for enforcement purposes.
(k) FUNDING.—
(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under paragraph (2), there is authorized to be appropriated for each of fiscal years 2022 through 2026.
(D) DIRECT FUNDING.—
(A) RECISSION.—There is rescinded $14,100,000 of the unobligated balance of amounts made available by section 1003 of the American Rescue Plan Act of 2021 (Public Law 117–2).
(B) DIRECT FUNDING.—If sufficient unobligated amounts made available by section 1003 of the American Rescue Plan Act of 2021 (Public Law 117–2) are available on the date of enactment of this Act to execute the entire recision described in subparagraph (A), then on the date of the execution of the entire recision, there is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $4,100,000 to carry out this section.

SA 4186. 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 $4,100,000 of the unobligated balance of amounts made available by section 1003 of the American Rescue Plan Act of 2021 (Pub.

SA 4185. Mr. PORTMAN (for himself, Mr. COONS, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1. PROHIBITION ON OPERATION OR PROCUREMENT OF CERTAIN FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) PROHIBITION ON AGENCY OPERATION OR PROCUREMENT.—Except as provided in subsections (b), (c), and (d)(3), the Secretary of Defense and the Secretary of Homeland Security may continue to operate a UAS, an unmanned aircraft system, or a system for the detection or identification of a UAS described in any of subparagraphs (A) through (D) of subsection (b); or

(i) grants a waiver relating thereto under subsection (c); or

(A) The extent to which the Department of Defense or Department of Homeland Security may continue to operate a UAS, an unmanned aircraft system, or a system for the detection or identification of a UAS described in any of subparagraphs (A) through (D) of subsection (b); or

(B) grants a waiver relating thereto under subsection (c); or

(C) The extent to which information gathered by such a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS from a covered foreign country in operation by the Department of Defense or Department of Homeland Security, as the case may be, is deemed to be information of the component or office of the Department at issue, as of such date.

(C) EFFECTIVE DATES.—
(1) IN GENERAL.—This Act shall take effect on the date that is 120 days after the date of the enactment of this Act.

(2) WAIVER PROCESSES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security may establish a process by which the head of an office or component of the Department of Defense or Department of Homeland Security, as the case may be, may request a waiver under subsection (b).

(3) EXCEPTION.—Notwithstanding the prohibition under subsection (a), the head of an office or component of the Department of Defense or Department of Homeland Security may continue to operate a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of subparagraphs (A) through (D) of subsection (b) that was in the inventory of such office or component on the day before the effective date of this Act until, later of—

(A) the date on which the Secretary of Defense or Secretary of Homeland Security, as the case may be—

(1) grants a waiver relating thereto under subsection (b); or

(2) declines to grant such a waiver, or

(B) 1 year after the date of the enactment of this Act.

(e) DRONE ORIGIN SECURITY REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall submit to the congressional committees described in paragraph (2) a terrorism threat assessment and report that contains information relating to the following:

(A) The extent to which the Department of Defense or Department of Homeland Security, as the case may be, has previously analyzed the threat that a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS from a covered foreign country in operation by the Department of Defense or Department of Homeland Security, as the case may be, is deemed to be information of the component or office of the Department at issue, as of such date.

(B) The number of UAS, software operating systems associated with a UAS, or systems for the detection or identification of a UAS from a covered foreign country in operation by the Department of Defense or Department of Homeland Security, as the case may be, including an identification of the component or office of the Department at issue, as of such date.

(C) The extent to which information gathered by such a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS from a covered foreign country in operation by the Department of Defense or Department of Homeland Security, as the case may be, is deemed to be information of the component or office of the Department at issue, as of such date.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—This Act shall take effect on the date that is 120 days after the date of the enactment of this Act.
from a covered foreign country could be employed to harm the national or economic security of the United States.

(2) COMMITTEES DESCRIBED.—The congressional committees described in this paragraph are—

(A) in the case of the Secretary of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(B) in the case of the Secretary of Homeland Security, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(3) DEFINITIONS.—In this section:

(1) the term ‘current and former’ means a covered foreign country;

(A) the intelligence community has identified as a foreign adversary in its most recent Annual Threat Assessment; or

(B) the Secretary of Homeland Security, in coordination with the Director of National Intelligence, has identified as a foreign adversary that is not included in such most recent Annual Threat Assessment.

(2) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 403(4)).

(3) DEPARTMENT.—

(1) ‘Department’ includes the term ‘unmanned aircraft system’ and ‘UAS’ have the meaning given the term ‘unmanned aircraft system’ in section 531 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 44902 note).

SA 4187. Mrs. MURRAY (for herself and Mr. MANKOFF) submitted an amendment intended to be proposed by her to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

**Subtitle F—Toxic Exposure Safety**

**SEC. 3161. SHORT TITLE.** This subtitle may be cited as the “Toxic Exposure Safety Act of 2021”.

**SEC. 3162. PROVIDING INFORMATION REGARDING DEPARTMENT OF ENERGY FACILITIES.** Subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–6) is amended by inserting after section 3868 the following:

**SEC. 3868A. COMPLETION AND UPDATES OF SITE EXPOSURE MATRICES.**

(a) DEFINITION.—In this section, the term ‘site exposure matrices’ means an exposure assessment of a Department of Energy facility with respect to toxic substances or processes that were used in any building or process of the facility, including the trade name (if any) of the substance.

(b) IN GENERAL.—Not later than 180 days after the date of enactment of the Toxic Exposure Safety Act of 2021, the Secretary of Energy shall, in coordination with the Secretary of Energy, create or update site exposure matrices for each Department of Energy facility based on the records, files, and other data provided by the Secretary of Energy and such other information as is available, including information available from the former worker medical screening programs of the Department of Energy.

(c) PERIODIC UPDATE.—Beginning 90 days after the initial creation or update described in subsection (b), and each 90 days thereafter, the Secretary shall update the site exposure matrices with all information available as of such time from the Secretary of Energy.

(d) INFORMATION.—The Secretary of Energy shall furnish to the Secretary of Labor any information that the Secretary of Labor finds necessary or useful for the production of the site exposure matrices under this section, including records from the Department of Energy former worker medical screening programs.

(e) PUBLIC AVAILABILITY.—The Secretary of Labor shall make available to the public, on the primary website of the Department of Labor, the following:

(1) the site exposure matrices, as periodically updated under subsections (b) and (c);

(2) each site profile prepared under section 3682A;

(3) any other database used by the Secretary of Labor to evaluate claims for compensation under this title; and

(4) statistical data, in the aggregate and disaggregated by each Department of Energy facility, regarding—

(A) the number of claims filed under this subtitle;

(B) the types of illnesses claimed;

(C) the number of claims filed for each type of illness and, for each claim, whether the claim was accepted or denied;

(D) the number of claimants receiving compensation; and

(E) the length of time required to process each claim, as measured from the date on which the claim is filed to the final disposition of the claim.

(f) FUNDING.—

(1) IN GENERAL.—There is authorized and hereby appropriated to the Secretary of Energy, for fiscal year 2022 and each succeeding year, such sums as may be necessary to support the Secretary of Labor in creating or updating the site exposure matrices.

**SEC. 3163. ASSISTING CURRENT AND FORMER EMPLOYEES UNDER THE EEOICPA.**

(a) PROVIDING INFORMATION AND OUTREACH.—Subtitle A of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384d et seq.) is amended by—

(1) by redesignating section 3614 as section 3616; and

(2) by inserting after section 3613 the following:

**SEC. 3614. INFORMATION AND OUTREACH.**

(1) ESTABLISHMENT OF TOLL-FREE INFORMATION PHONE NUMBER.—By not later than January 1, 2022, the Secretary of Labor shall establish a toll-free phone number that current or former employees of the Department of Energy, current or former Department of Energy contractor employees, may use in order to receive information regarding—

(A) the compensation program under subtitle B or E; or

(B) information regarding the process of submitting a claim under either compensation program;

(2) assistance in completing the occupational health questionnaire required as part of a claim under subtitle B or E; and

(3) such other information as the Secretary determines necessary to further the purposes of this title.

(b) ESTABLISHMENT OF RESOURCE AND ADVOCACY CENTERS.—(1) IN GENERAL.—By not later than January 1, 2024, the Secretary of Energy, in coordination with the Secretary of Labor, shall establish a resource and advocacy center at each Department of Energy facility where cleanup operations are being carried out, or have been carried out, under the environmental management program of the Department of Energy. Each such resource and advocacy center shall assist current or former Department of Energy employees and current or former Department of Energy contractor employees, by enabling the employees and contractor employees to—

(A) receive information regarding all related programs available to them relating to potential claims under this title, including—

(i) programs under subtitles B and E; and

(ii) the former worker medical screening programs of the Department of Energy; or

(B) navigate all such related programs.

(2) COORDINATION.—The Secretary of Energy shall integrate other programs available to current or former Department of Energy contractor employees, which are related to the purposes of this title, with the resource and advocacy centers established under paragraph (1), as appropriate.

(3) INFORMATION.—The Secretary of Labor shall provide the copy of records described in paragraph (1) to an employee in electronic or paper form, as selected by the employee.

(4) CONTACT OF EMPLOYEES BY INDUSTRIAL HYGIENISTS.—The Secretary of Labor shall allow industrial hygienists to contact and interview current or former employees or Department of Energy contractor employees regarding the employee’s claim under subtitle B or E.

(b) EXTENDING APPEAL PERIOD.—Section 3677(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–6(a)) is amended by striking “60 days” and inserting “180 days”.

(c) FUNDING.—Section 3684 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–13) is amended—

(1) by striking “There is authorized” and inserting the following:

“(a) IN GENERAL.—There is authorized;”

(2) by inserting before the period at the end the following: “, including the amounts necessary to carry out the requirements of section 3681A;” and

(3) by adding at the end the following:

“ADMINISTRATION OF THE DEPARTMENT OF ENERGY.—There is authorized and hereby appropriated to the Secretary of Energy for fiscal year 2022 and each succeeding year, such sums as may be necessary to support the Secretary in carrying out the requirements of this title, including section 3681A.

(d) ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.—Section 3687 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–16) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(F), by striking “and” after the period at the end, and

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and
(C) by adding at the end the following: 

"(3) develop recommendations for the Secretary of Health and Human Services regarding whether there is a class of Department of Energy employees, or other individuals at any Department of Energy facility who were at least as likely as not exposed to toxic substances found at Department of Energy cleanup sites, the National Academy of Sciences shall, for the period of the agreement—

"(A) for each area recommended for additional study under the health studies report under section 3614(f)(2) of the Toxic Exposure Safety Act of 2021, review and summarize the scientific evidence relating to the area, including—

"(i) studies by the Department of Energy and Department of Labor; and

"(ii) any other available and relevant scientific studies, to the extent such studies are relevant to the occupational exposures that have occurred at Department of Energy cleanup sites; and

"(B) review and summarize the scientific and medical evidence concerning the association between exposure to toxic substances found at Department of Energy cleanup sites and resultant diseases.

"(2) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—In conducting each review of scientific evidence under subparagraphs (A) and (B) of paragraph (1), the National Academy of Sciences shall—

"(A) assess the strength of such evidence; 

"(B) assess whether a statistical association between exposures to toxic substances found at Department of Energy cleanup sites and a disease exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect an association; and

"(C) assess the increased risk of disease among those exposed to the toxic substance during service during the production and cleanup eras of the Department of Energy cleanup sites;

"(D) survey to capture the health of the toxic substance, focusing on hematologic, renal, urologic, hepatic, gastrointestinal, neurologic, dermatologic, respiratory, endocrine, ocular, ear, nasal, and oropharyngeal diseases, including dementia, leukemia, chemical sensitivities, and chronic obstructive pulmonary disease; and

"(E) determine whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the toxic substance and disease.

"ADDITIONAL SCIENTIFIC STUDIES.—If the National Academy of Sciences determines, in the course of conducting the studies under subsection (d), that additional studies are needed to resolve areas of continuing scientific uncertainty relating to toxic exposure at Department of Energy cleanup sites, the National Academy of Sciences shall include, in the next report submitted under subsection (f), recommendations for areas of additional study, consisting of—

"(1) a list of diseases and toxics that require further evaluation and study;

"(2) a review the current information available, as of the date of the report, relating to such diseases and toxics;

"(3) the value of the information that would result from the additional studies; and

"(4) the feasibility of carrying out additional studies.

"(F) REPORTS.—

"(1) IN GENERAL.—By not later than 18 months after the date of the agreement under subsection (c), and every 2 years thereafter, the National Academy of Sciences shall prepare and submit a report to—

"(A) the Secretary;

"(B) the Committee on Education, Labor, and Pensions and the Committee on Appropriations, Committee on Armed Services, Committee on Finance, and the Committee on Energy and Natural Resources of the Senate; and

"(C) the Committee on Natural Resources, the Committee on Education and Labor, and
the Committee on Energy and Commerce of the House of Representatives.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the 18-month or 2-year period covered by the report—

(A) a description of—

(i) the reviews and studies conducted under this section;

(ii) the determinations and conclusions of the National Academy of Sciences with respect to such reviews and studies; and

(iii) the evidence and reasoning that led to such conclusions;

(B) the recommendations for further areas of study made under subsection (e) for the relevant period that were supported by the National Academy of Sciences;

(C) a description of any employees that, based on the results of the reviews and studies, could qualify as a Special Exposure Cohort; and

(D) the identification of any illness that the National Academy of Sciences has determined, as a result of the reviews and studies, should be a covered illness.

(ii) The determinations and conclusions of the National Academy of Sciences with respect to such reviews and studies, could qualify as a Special Exposure Cohort;

(iii) the scientific evidence and reasoning that led to such conclusions;

(C) a description of any classes of employees that, based on the results of the reviews and studies, could qualify as a Special Exposure Cohort; and

(D) the identification of any illness that the National Academy of Sciences has determined, as a result of the reviews and studies, should be a covered illness.

(2) LIMITATION ON AUTHORITY.—The authority to enter into agreements under this section shall be effective for a fiscal year to personnel strengths for such fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under subsection (f)."

SEC. 3166. CONFORMING AMENDMENTS.

The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7884 et seq.) is amended—

(1) in the table of contents—

(A) by redesignating the item relating to section 3614 as the item relating to section 3616;

(B) by inserting after the item relating to section 3614 the following:

``Sec. 3615. National Academy of Sciences review.''

and

(C) by inserting after the item relating to section 3614 the following:

``Sec. 361A. Completion and updates of site exposure matrices.''

and

(2) in each of subsections (b)(1) and (c) of section 3612, by striking "3614(b)" and inserting "3616(b)"

SA 4188. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4556, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 3166. CONFORMING AMENDMENTS.

The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7884 et seq.) is amended—

(1) in the table of contents—

(A) by redesignating the item relating to section 3614 as the item relating to section 3616;

(B) by inserting after the item relating to section 3614 the following:

``Sec. 3615. National Academy of Sciences review.''

and

(C) by inserting after the item relating to section 3614 the following:

``Sec. 361A. Completion and updates of site exposure matrices.''

and

(2) in each of subsections (b)(1) and (c) of section 3612, by striking "3614(b)" and inserting "3616(b)"

SEC. 3216. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY BEST PRACTICES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Education, the Attorney General, and the Secretary of Health and Human Services, shall establish a Federal Clearinghouse on School Safety Best Practices (in this section referred to as the ‘Clearinghouse’) within the Department.

(2) PURPOSE.—The Clearinghouse shall be the principal Federal Government entity to identify and publish online through SchoolSafety.gov, or any successor website, the best practices and recommendations for school safety, and local and educational agencies, institutions of higher education, State and local law enforcement agencies, health professionals, and the general public.

(B) PERSONNEL.—

(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

(B) DUTIES.—The Secretary of Education, the Secretary of Health and Human Services, and the Secretary of Homeland Security, shall detail personnel to the Clearinghouse.

(4) EXEMPTIONS.—

(A) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’) shall not apply to any rulemaking or information collection required under this section.

(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply for the purposes of carrying out this section.

(B) CLEARINGHOUSE CONTENTS.—

(1) CONSULTATION.—In identifying the best practices and recommendations for the Clearinghouse, the Secretary may consult with appropriate Federal, State, local, Tribal, private sector, and nongovernmental organizations.

(2) CRITERIA FOR BEST PRACTICES AND RECOMMENDATIONS.—The best practices and recommendations of the Clearinghouse shall, at a minimum—

(A) involve comprehensive school safety measures, including, but not limited to, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of a school upon implementation;

(B) include evidence or research rationale supporting the determination of the Clearinghouse that the best practice or recommendation under subparagraph (A) has a significant effect on improving the health, safety, and welfare of persons in school settings, including—

(i) relevant research that is evidence-based, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), supporting the best practice or recommendation;

(ii) findings from previous Federal or State commissions recommending improvements to the safety posture of a school; or

(iii) other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the safety posture of a school upon implementation; and

(C) include information on Federal grant programs for which implementation of each best practice or recommendation is an eligible use for the grant.

(3) PAST COMMISSION RECOMMENDATIONS.—To the greatest extent practicable, the Clearinghouse shall present, as appropriate, Federal, State, Tribal, private sector, and nongovernmental organization issued best practices and recommendations and identify any best practice or recommendation that was previously issued by any such organization or commission.

(c) ASSISTANCE AND TRAINING.—The Secretary may produce and publish materials on the Clearinghouse to assist and train educational agencies and law enforcement agencies in the implementation of the best practices and recommendations.

(d) CONTINUOUS IMPROVEMENT.—The Secretary shall—

(A) conduct evaluation of the Clearinghouse for the purpose of continuous improvement of the Clearinghouse—

(B) establish clear, measurable, and specific goals for the improvement of the Clearinghouse; and

(C) make available to the public any evaluation conducted under this subsection.

(3) NOTIFICATION OF CLEARINGHOUSE.—

(1) NOTIFICATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b) of this section, to—

(A) every State and local educational agency; and

(B) other Department of Education partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Education.

(2) NOTIFICATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b) of this section, to—

(A) every State homeland security advisor; and

(B) every State department of homeland security; and

(C) other Department of Homeland Security partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Homeland Security.

(3) NOTIFICATION BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary

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of Health and Human Services shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b) of this section, to—

(A) every State department of public health; and

(B) other Department of Health and Human Services partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Health and Human Services.

(4) NOTIFICATION BY THE ATTORNEY GENERAL.—The Attorney General shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b) of this section, to—

(A) every State department of justice; and

(B) other Department of Justice partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Attorney General.

(5) GRANT PROGRAM REVIEW.—

(1) FEDERAL GRANTS AND RESOURCES.—The Secretary of Education, the Secretary of Homeland Security, and the Secretary of the Department of Health and Human Services, and the Attorney General shall each—

(A) review grant programs administered by their respective agencies and identify any grant program that may be used to implement best practices and recommendations of the Clearinghouse;

(B) identify any best practices and recommendations of the Clearinghouse for which there is not a Federal grant program that may be used for the purposes of implementing best practices and recommendations as applicable to the agency; and

(C) periodically report any findings under subparagraph (B) to the appropriate committees of Congress.

(2) STATE GRANTS AND RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—

(A) each agency responsible for school safety in the State, or any State that does not have such an agency designated;

(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse; and

(C) any resources other than grant programs used for the purposes of implementing best practices and recommendations of the Clearinghouse.

(e) WAIVER OF REQUIREMENTS.—Nothing in this section or the amendments made by this section shall be construed to create, satisfy, or waive any requirement under—

(A) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.);

(B) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(C) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(D) title IX of the Education Amendments of 1972 (20 U.S.C. 1881 et seq.); or

(E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

(2) PROHIBITION ON FEDERALLY DEVELOPED, MANDATED, OR ENDORSED CURRICULUM.—Nothing in this section or the amendments made by this section shall be construed to authorize any officer or employee of the Federal Government to engage in an activity otherwise prohibited under section 1030(b) of the Department of Education Organization Act (20 U.S.C. 3403(b)).
for defense activities of the Department of Energy, to 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 XIX, add the following:

SEC. 1283. NOTIFICATION OF ABANDONED UNITED STATES MILITARY EQUIP- MENT USED IN TERRORIST AT- TACKS.

(a) IN GENERAL.—Not later than 30 days after any element of the intelligence community determines, in accordance with section 3 of the National Security Act of 1947 (50 U.S.C. 3000) determines that United States military equipment abandoned or otherwise left unsecured in Afghanistan by the Taliban has been used in a terrorist attack against the United States, allies or partners of the United States, or local populations, the Director of National Intelligence shall submit to the appropriate committees of Congress a written notification of such determination.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropri- ate committees of Congress" means—

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

(2) the Committee on Armed Services, the Permanent Select Committee on Intelli- gence, and the subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SA 4191. 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 appro- priations for fiscal year 2022 for mili- tary activities of the Department of Defense, for military construction, and for defense activities of the Depart- ment of Energy, to 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. 376. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE REMOTELY PILOTED AIR- CRAFT AND RELATED EQUIPMENT TO DEPARTMENT OF HOMELAND SECURITY FOR USE BY U.S. CUSTOMS AND BORDER PATROL PURPOSES AND DEPARTMENT OF AGRICULTURE FOR U.S. FOREST SERVICE PUR- POSES.

(a) OFFER OF FIRST REFUSAL OUTSIDE DOD.—

(1) IN GENERAL.—Upon a determination that aircraft or equipment specified in sub- section (c) is excess to the requirements of the Department of De- fense, the Secretary of Defense shall offer to the Secretary of Homeland Security to transfer such aircraft or equipment to the Department of Homeland Security for use by U.S. Customs and Border Patrol.

(2) TIMING OF OFFER.—Any offer under paragraph (1) for aircraft or equipment shall be made before such aircraft or equipment is otherwise disposed of outside the Depart- ment of Defense.

(b) OFFER OF SECOND REFUSAL OUTSIDE DOD.—

(1) IN GENERAL.—Upon a determination that aircraft or equipment offered to the Secretary of Homeland Security under sub- section (a) will not be accepted by the Sec- retary of Homeland Security in accordance with that subsection, the Secretary of De- fense shall offer to the Secretary of Agri- culture to transfer such aircraft or equip- ment to the Secretary of Agriculture for use by the Forest Service for wildfire fire manage- ment purposes.

(2) TIMING OF OFFER.—Any offer under paragraph (1) for aircraft or equipment shall be made before such aircraft or equipment is otherwise disposed of outside the Depart- ment of Defense.

(c) AIRCRAFT AND EQUIPMENT.—The aircraft and equipment specified in this subsection is the following:

(1) Retired MQ–1 Predator, MQ–9 Reaper, RQ–4 Global Hawk, or other remotely piloted aircraft that are excess to the requirements of the military departments.

(2) Initial spare MQ–1 Predator, MQ–9 Reaper, RQ–4 Global Hawk, or other remotely piloted aircraft that are excess to the requirements of the military departments.

(3) Ground support equipment of the mili- tary departments for MQ–1 Predator, MQ–9 Reaper, RQ–4 Global Hawk, or other remotely piloted aircraft that are excess to the requirements of the military departments.
SA 4193. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1548. ENERGY RESILIENCY FOR CERTAIN NUCLEAR MISSIONS.

(a) AUTHORIZATION.—The Assistant Secretary for Installations, Environment, and Energy shall invest in the resiliency and redundancy of the electricity supply of covered Air Force installations for the purpose of supporting the critical mission capability of those installations during the purpose of supporting the critical mission and to support other functions of the covered Air Force installation in the event of an electric grid failure or grid separation from the primary energy provider, and renewable energy paired with storage separate from storage provided pursuant to subsection (b).

(B) The use of secondary sources of energy shall be prioritized to sustain the nuclear mission and to support other functions of the covered Air Force installation in the event of an electric grid failure or grid separation from the primary energy provider, and renewable energy paired with storage separate from storage provided pursuant to subsection (b).

(c) AUTHORIZATION OF FUNDS.—The Assistant Secretary shall issue a request for proposals under paragraph (1) that specifies the following:

(1) Secondary sources of energy described in paragraph (1) may include sources of generation on a covered Air Force installation, such as natural gas or liquid fuel generators, connections to an electric grid separate from the primary energy provider, and renewable energy paired with storage separate from storage provided pursuant to subsection (b).

(2) The use of secondary sources of energy shall be prioritized to sustain the nuclear mission and to support other functions of the covered Air Force installation in the event of an electric grid failure or grid separation from the primary energy provider, and renewable energy paired with storage separate from storage provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(C) The term ''secondary source of energy'' means any electricity necessary to support training requirements of the Air Force Security Forces.

(c) AUTHORIZATION OF FUNDS.—The Assistant Secretary for Installations, Environment, and Energy shall invest in the resiliency and redundancy of the electricity supply of covered Air Force installations for the purpose of supporting the critical mission capability of those installations during the purpose of supporting the critical mission and to support other functions of the covered Air Force installation in the event of an electric grid failure or grid separation from the primary energy provider, and renewable energy paired with storage separate from storage provided pursuant to subsection (b).

(c) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated to the Secretary $10,000,000 to be used by the Secretary for the purposes of land acquisition to carry out this section.

(d) AUGMENTATION OF RIPLF TRAINING RANGE.—There is authorized to be appropriated to the Secretary such funds as may be necessary to augment the rifle training range authorized under subsection (a) as necessary to support training requirements of the Air Force Security Forces.

SEC. 1549. ENERGY RESILIENCY FOR CERTAIN NUCLEAR MISSIONS.

(a) AUTHORIZATION.—The Assistant Secretary for Installations, Environment, and Energy shall invest in the resiliency and redundancy of the electricity supply of covered Air Force installations for the purpose of supporting the critical mission capability of those installations during the purpose of supporting the critical mission and to support other functions of the covered Air Force installation in the event of an electric grid failure or grid separation from the primary energy provider, and renewable energy paired with storage separate from storage provided pursuant to subsection (b).

(b) REQUEST FOR PROPOSALS.—The request for proposals under paragraph (1) shall specify the following:

(A) Training requirements of current and anticipated Air Force Security Forces;
"(1) DEFINITIONS.—In this subsection—

(A) the term ‘executive officer’ has the meaning given the term in section 203(f)(1) of title 17, Code of Federal Regulations, as in effect on the date of enactment of this subsection; and

(B) the term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.

(2) SUBMISSION OF DISCLOSURE.—Each issuer required to file an annual report under subsection (a) shall disclose in any proxy statement information statements relating to the election of directors filed with the Commission the following:

(A) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of—

(i) the board of directors of the issuer;

(ii) nominees for the board of directors of the issuer; and

(iii) the executive officers of the issuer.

(B) The status of any member of the board of directors of the issuer, any nominee for the board of directors of the issuer, or any executive officer of the issuer, based on voluntary self-identification, as a veteran.

(C) Whether the board of directors of the issuer, or any committee of that board of directors, as of the date on which the issuer makes a disclosure under this paragraph, has a policy, plan, or strategy to promote racial, ethnic, and gender diversity among—

(i) the board of directors of the issuer;

(ii) nominees for the board of directors of the issuer; or

(iii) the executive officers of the issuer.

(3) BEST PRACTICES.—

(A) ADVISORY GROUP.—The Commission shall establish a Diversity Advisory Group, which shall be composed of representatives from—

(1) the Federal Government and State and local government;

(2) academia; and

(3) the private sector.

(B) STUDY AND RECOMMENDATIONS.—The Advisory Group shall—

(1) carry out a study that identifies strategies that can be used to increase gender, racial, and ethnic diversity among members of boards of directors of issuers; and

(2) not later than 270 days after the date on which the Advisory Group is established, submit to the Commission the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report that—

(i) describes any findings from the study conducted under subparagraph (A); and

(ii) makes recommendations regarding strategies that issuers could use to increase gender, racial, and ethnic diversity among board members.

(4) ANNUAL REPORT.—Not later than 1 year after the date on which the Advisory Group submits the report required under paragraph (3)(B), and annually thereafter, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report that describes the status of gender, racial, and ethnic diversity among members of the boards of directors of issuers.

(5) PUBLIC AVAILABILITY OF REPORTS.—The Commission shall make all reports of the Advisory Group available to issuers and the public, including on the website of the Commission.

(6) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Advisory Group or the activities of the Advisory Group.

SA 4197. Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. BOOKER, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE—JUDICIAL SECURITY AND PRIVACY

SEC. 01. SHORT TITLE.

This title may be cited as the “Daniel Andelr Judicial Security and Privacy Act of 2021”.

SEC. 02. PURPOSE; RULES OF CONSTRUCTION.

(a) PURPOSE.—The purpose of this title is to—

(i) protect the safety and security of Federal judges, including senior, recalled, or retired Federal judges, and their immediate family, to ensure Federal judges are able to administer justice fairly without fear of personal reprisal from individuals affected by the decisions they make in the course of carrying out their public duties.

(ii) the reporting on an at-risk individual or their immediate family regarding matters of public concern;

(b) RULES OF CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this title shall be construed—

(A) to prohibit, restrain, or limit—

(I) the lawful investigation or reporting by the press of any unlawful activity or misconduct alleged to have been committed by an at-risk individual or their immediate family; or

(ii) the reporting on an at-risk individual or their immediate family regarding matters of public concern;

(B) to impair access to decisions and opinions from a Federal judge in the course of carrying out their public functions; or

(C) to limit the publication or transfer of personally identifiable information that the at-risk individual or their immediate family member voluntarily publishes on the internet after the date of enactment of this Act.

(2) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—Amounts appropriated under this title shall not be construed to favor the protection of the personally identifiable information of at-risk individuals and their immediate family.

SEC. 03. FINDINGS.

Congress finds the following:

(1) Members of the Federal judiciary perform the important function of interpreting our Constitution and administering justice in a fair and impartial manner.

(2) In recent years, partially as a result of the rise in the use of social media and online access to information, members of the Federal judiciary have been exposed to an increased number of personal threats in connection to their role. The ease of access to free or inexpensive sources of personally identifiable information has considerably lowered the effort required for malicious actors to discover where individuals live, where they spend leisure hours, and to find information about their family members.

(3) Members of the Federal judiciary have included a traitor with references to mass shootings and serial killings, calling for an “angry mob” to gather outside a judge’s home and, in reference to a United States court of appeals judge, stating how easy it would be to “get them.”

The purpose of this title is to—

(i) protect the safety and security of Federal judges, including senior, recalled, or retired Federal judges, and their immediate family, to ensure Federal judges are able to administer justice fairly without fear of personal reprisal from individuals affected by the decisions they make in the course of carrying out their public duties.

(ii) to limit the publication or transfer of personally identifiable information that the at-risk individual or their immediate family member voluntarily publishes on the internet after the date of enactment of this Act.

(2) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—Amounts appropriated under this title shall not be construed to favor the protection of the personally identifiable information of at-risk individuals and their immediate family.

SEC. 03. FINDINGS.

Congress finds the following:

(1) Members of the Federal judiciary perform the important function of interpreting our Constitution and administering justice in a fair and impartial manner.

(2) In recent years, partially as a result of the rise in the use of social media and online access to information, members of the Federal judiciary have been exposed to an increased number of personal threats in connection to their role. The ease of access to free or inexpensive sources of personally identifiable information has considerably lowered the effort required for malicious actors to discover where individuals live, where they spend leisure hours, and to find information about their family members.

(3) Members of the Federal judiciary have included a traitor with references to mass shootings and serial killings, calling for an “angry mob” to gather outside a judge’s home and, in reference to a United States court of appeals judge, stating how easy it would be to “get them.”

The purpose of this title is to—

(i) protect the safety and security of Federal judges, including senior, recalled, or retired Federal judges, and their immediate family, to ensure Federal judges are able to administer justice fairly without fear of personal reprisal from individuals affected by the decisions they make in the course of carrying out their public duties.

(ii) the reporting on an at-risk individual or their immediate family regarding matters of public concern;

(b) RULES OF CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this title shall be construed—

(A) to prohibit, restrain, or limit—

(I) the lawful investigation or reporting by the press of any unlawful activity or misconduct alleged to have been committed by an at-risk individual or their immediate family; or

(ii) the reporting on an at-risk individual or their immediate family regarding matters of public concern;

(B) to impair access to decisions and opinions from a Federal judge in the course of carrying out their public functions; or

(C) to limit the publication or transfer of personally identifiable information that the at-risk individual or their immediate family member voluntarily publishes on the internet after the date of enactment of this Act.

(2) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—Amounts appropriated under this title shall not be construed to favor the protection of the personally identifiable information of at-risk individuals and their immediate family.

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(3) Members of the Federal judiciary have included a traitor with references to mass shootings and serial killings, calling for an “angry mob” to gather outside a judge’s home and, in reference to a United States court of appeals judge, stating how easy it would be to “get them.”
(3) Between 2015 and 2019, threats and other inappropriate communications against Federal judges and other judiciary personnel increased from 926 in 2015 to approximately 4,449 in 2019.

(4) Over the past decade, several members of the Federal judiciary have experienced acts of violence against themselves or a family member, resulting in their Federal judiciary role, including the murder of the family of United States District Judge for the Northern District of Illinois Joan Leifer on September 15, 2005.

(5) On Sunday July 19, 2020, an assailant went to the home of Esther Salas, a judge for the United States District Court for the District of New Jersey, impersonating a service delivery driver, opening fire upon arrival, and killing Daniel Anderl, the 20-year-old only son of Judge Salas, and seriously wounding Mark Anderl, her husband.

(6) In the aftermath of the recent tragedy that occurred to Judge Salas and in response to the continuous rise of threats against members of the Federal judiciary, there is an immediate need for enhanced security procedures and increased availability of tools to protect Federal judges and their families.

II. DEFINITIONS.

In this title:

(1) AT-RISK INDIVIDUAL.—The term "at-risk individual" means—

(A) a Federal judge; or

(B) a senior, recalled, or retired Federal judge.

(2) DATA BROKER.—The term "data broker" means a business or commercial entity when it is engaged in collecting, assembling, or maintaining personal information concerning an individual who is not a customer, client, or employee of that entity in order to sell the information or otherwise profit from providing third party access to the information.

(3) EXCLUSION.—The following activities conducted by a business or commercial entity, and the collection and sale or licensing of personally identifiable information incidental to conducting these activities do not qualify the entity as a data broker:

(i) Engaging in reporting, newsgathering, speaking, or other activities intended to inform the public on matters of public interest or public concern.

(ii) Providing 411 directory assistance or electronic services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier.

(iii) Collecting personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for a transaction or service requested by or concerning the individual whose personal information is being transferred.

(iv) Providing publicly available information such as news or near-real-time alert services for health or safety purposes.

(v) A consumer reporting agency to the extent that it is covered by the Federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(vi) A financial institution to the extent that it is covered by the Gramm-Leach-Bliley Act (Public Law 106-102) and implementing regulations.

(vii) An entity to the extent that it is covered by the Health Insurance Portability and Accountability Act (Public Law 104-191).

(B) A financial institution that provides credit card services to a consumer.

(C) A bank account or credit or debit card number.

(D) Any other third-party user of the medium, a live-chat system, or an electronic media.

(E) The collection and sale or licensing of property tax records or held by a Federal, State, or local government agency.

(F) The collection and sale or licensing of an individual's or any other familial relative of an at-risk individual resides for part of a year.

(G) The collection and sale or licensing of a license plate number or home address displayed on vehicle registration information.

(H) The collection and sale or licensing of identification of children of an at-risk individual residing for part of a year.

(I) Full date of birth.

(J) A photograph of any vehicle that legibly displays the license plate or a photograph of evidence that legibly displays the residence address.

(K) The name and address of a school or day care facility attended by immediate family.

(L) The name and address of an employer of immediate family.

(5) PERSONALLY IDENTIFIABLE INFORMATION.—The term "personally identifiable information" means—

(A) A home address, including primary residence or secondary residences;

(B) A home or personal mobile telephone number, or the direct telephone number of a government-issued cell phone or private extension in the chambers of an at-risk individual;

(C) A personal email address;

(D) The social security number, driver's license number, or home address displayed on voter registration information;

(E) A bank account or credit or debit card information;

(F) Home or other address displayed on property tax records or held by a Federal, State, or local government agency of an at-risk individual, including a secondary residence and any investment property at which an at-risk individual resides for part of a year;

(G) License plate number or home address displayed on vehicle registration information;

(H) Identification of children of an at-risk individual residing for part of a year.

(I) Full date of birth.

(J) A photograph of any vehicle that legibly displays the license plate or a photograph of evidence that legibly displays the residence address.

(K) The name and address of a school or day care facility attended by immediate family.

(L) The name and address of an employer of immediate family.

(7) SOCIAL MEDIA.—The term "social media" means a social networking service, a social networking medium, a live-chat system, or an electronic dating service.

(A) That primarily serves as a medium for users to interact with each other and/or with other third-party users of the medium;

(B) That enables users to create accounts or profiles specific to the medium or to import profiles or other content from public records; and

(C) That enables one or more users to generate content that can be viewed by other third-party users of the medium.

(8) TRANSACTION.—The term "transaction" means to sell, license, trade, or exchange for consideration the personally identifiable information of an at-risk individual or immediate family.

SEC. 05. PROTECTING PERSONALLY IDENTIFIABLE INFORMATION IN PUBLIC RECORDS.

(a) GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Each at-risk individual may—

(A) file a written notice of the status of the individual as an at-risk individual, for themselves and immediate family, to each Government agency; and

(B) ask each Government agency described in subparagraph (A) to mark as private their personally identifiable information and that of their immediate family.

(2) No governmental agency shall publicly post or publish publicly available content that includes personally identifiable information of an at-risk individual or immediate family. Government agencies, upon receipt of a written request in accordance with subsection (a)(1)(A) of this section, shall remove the personally identifiable information of the at-risk individual or immediate family from publicly available content within 72 hours.

(b) STATE AND LOCAL GOVERNMENTS.—

(1) GRANT PROGRAM TO PREVENT DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION OF AT-RISK INDIVIDUALS OR IMMEDIATE FAMILY.

(A) AUTHORIZATION.—The Attorney General shall make grants to prevent the release of personally identifiable information of at-risk individuals and immediate family (in this subsection referred to as "judges personally identifiable information") to the detriment of such individuals or their families to an entity that—

(i) is—

(I) a State or unit of local government (as such terms are defined in section 101 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251)); or

(II) an agency of a State or unit of local government; and

(ii) operates a State or local database or registry that contains personally identifiable information.

(B) APPLICATION.—An eligible entity seeking a grant under this section shall submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to provide grants to entities described in paragraph (1) to create or expand programs designed to protect judges' personally identifiable information, including through—

(A) the creation of programs to redact or remove judges' personally identifiable information, upon the request of an at-risk individual, from public records in state agencies; these efforts may include but are not limited to hiring a third party to redact or remove judges' personally identifiable information from public records;

(B) the expansion of existing programs that the State may have enacted in an effort to protect judges' personally identifiable information from public records;

(C) the development or improvement of protocols, procedures, and policies to prevent...
the release of judges’ personally identifiable information;

(d) the defrayment of costs of modifying or improving existing databases and registries to ensure that personally identifiable information is protected from release; and

(e) the development of confidential opt out systems that will enable at-risk individuals to maintain their personal identity and financial security.

(2) REQUIRED CONDUCT.—

(A) IN GENERAL.—It shall be unlawful for a data broker to knowingly sell, license, trade for consideration, or purchase personally identifiable information of an at-risk individual or immediate family.

(B) OTHER BUSINESSES.—No person, business, or association shall publicly post or publicly publish information that personally identifies an at-risk individual or immediate family if the at-risk individual has made a written request of that person, business, or association to not disclose the personally identifiable information of the at-risk individual or immediate family.

(C) EXCEPTIONS.—The restriction in subparagraph (B) shall not apply to—

(i) the display on the internet of the personal information of an at-risk individual or immediate family if the information is relevant to and displayed as part of a news story, commentary, editorial, or other forms of online engagement and methods;

(ii) the personal identifiable information that a person, business, or association has received a written request to keep judges’ personally identifiable information out of multiple databases or registries.

(D) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Comptroller General of the United States, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an annual report that includes—

(i) a detailed amount spent by States and local governments on protection of judges’ personally identifiable information; and

(ii) where the judges’ personally identifiable information was found.

(B) STATES AND LOCAL GOVERNMENTS.—States and local governments that receive funds under this section shall submit to the Comptroller General a report on data described in clauses (i) and (ii) of subparagraph (A) to be included in the report required under paragraph (A).

(c) DATA BROKERS AND OTHER BUSINESSES.—

(1) PROHIBITION.—

(A) DATA BROKERS.—It shall be unlawful for a data broker to knowingly sell, license, trade for consideration, or purchase personally identifiable information of an at-risk individual or immediate family.

(B) OTHER BUSINESSES.—No person, business, or association shall publicly post or publicly publish information that personally identifies an at-risk individual or immediate family if the at-risk individual has made a written request of that person, business, or association to not disclose the personally identifiable information of the at-risk individual or immediate family.

(2) PENALTIES AND DAMAGES.—Upon a knowing and willful violation of any order granting injunctive or declaratory relief obtained pursuant to this subsection, the court issuing such order may—

(A) if the violator is an individual, impose a fine not exceeding $4,000 and require the violator to pay the plaintiff’s costs and reasonable attorney’s fees; and

(B) if the violator is a person, business, or association, award damages to the affected at-risk individual or immediate family in an amount up to a maximum of 3 times the actual damages, but not less than $10,000, and require the payment of court costs and reasonable attorney’s fees.

SEC. 6. VULNERABILITY MANAGEMENT CAPABILITY.

(a) AUTHORIZATION.—

(1) VULNERABILITY MANAGEMENT CAPABILITY.—The Federal judiciary is authorized to perform all necessary functions consistent with the provisions of this title, and to support the development of management capabilities within the United States Marshals Service and other relevant Federal law enforcement and security agencies. Such functions may include—

(A) monitor the protection of at-risk individuals and judiciary assets;

(B) manage the monitoring of websites for personal identification of at-risk individuals or immediate family and remove or limit the publication of such information; and

(C) receive, review, and analyze complaints by at-risk individuals of threats, whether direct or indirect, and report to law enforcement agencies.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a) of title 28, United States Code is amended—

(B) by redesigning paragraph (24) as paragraph (25);

(c) by inserting after paragraph (24) the following:

"(25) Establish and administer a vulnerability management program in the judicial branch; and"

(b) EXPANSION OF CAPABILITIES OF OFFICE OF PROTECTIVE INTELLIGENCE.—There is authorized to be appropriated such sums as may be necessary to establish the United States Marshals Service to expand the current capabilities of the Office of Protective Intelligence to include additional intelligence analysts, United States deputy marshals, and other relevant personnel to ensure that the Office of Protective Intelligence is ready and able to perform all necessary functions, consistent with the provisions of this title, in order to anticipate and deter threats to the judiciary, including—

(1) assigning personnel to State and major urban area fusion and intelligence centers for the specific purpose of identifying potential threats against the judiciary, and coordination of responses to potential threats.

(2) expanding the use of investigative analysts, intelligence directors, and intelligence analysts at the 94 judicial districts and territories to enhance the management of local and distant threats and investigations;

(3) increasing the number of United States Marshal Service personnel for the protection of the judicial function and assigned to protective operations and details for the judiciary.

(c) REPORT.—

(A) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Department of Justice, in consultation with the Administrative Office of the United States Courts, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of Federal judges arising from the Federal prosecutions and civil litigation.

(B) DESCRIPTION.—The report required under paragraph (1) shall describe—

(1) the number and nature of threats and assaults against at-risk individuals handling prosecutions and other matters described in paragraph (1) and the reporting requirements applied; and

(B) the security measures that are in place to protect the at-risk individuals handling prosecutions described in paragraph (1), including the methods, protocols, procedures, availability of security systems and other devices, firearms licensing such as

(1) TRAINING AND EDUCATION.—

The there authorized to be appropriated to the Federal judiciary such sums as may be necessary for biennial judicial security training for active duty and recalled Federal judges and their immediate family, including—

(1) best practices for using social media and other forms of online engagement and for maintaining online privacy;

(a) home security program and maintenance;

(b) understanding removal programs and requirements for personally identifiable information;

(c) other judicial security training that the United States Marshals Service and the Administrative Office of the United States Courts determines is relevant.
deputations, and other measures designed to protect the at-risk individuals and immediate family of an at-risk individual; and (C) for each requirement, measure, or policy description (A) and (B) when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

SEC. 90. SEVERABILITY.

If any provision of this title or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title and the application of such provision to any person or circumstance shall not be affected hereby.

SA 4199. 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 subtitle G of title X, add the following:

SEC. 1064. COMPTROLLER GENERAL ASSESSMENT, STANDARDS, AND FEEDBACK.

(a) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the quality and nutrition of food available at military installations for members of the Armed Forces.

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

(1) the impacts of the mission on readiness, support of the mission; and
(2) costs incurred by the National Guard in support of the mission.

SEC. 1054. REPORT ON IMPACT OF OPERATION ALLIES WELCOME.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense considers appropriate.

SEC. 1020. 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 end of subtitle G of title X, add the following:

SEC. 1054. REPORT ON IMPACT OF OPERATION ALLIES WELCOME ON THE NATIONAL GUARD.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the impacts of the Afghan resettlement mission, Operation Allies Welcome, on the National Guard. The report shall include:

(1) the impacts of the mission on readiness, training, maintenance, and equipment; and the ability of the National Guard to support duties under title 10 and title 32, United States Code;
(2) costs incurred by the National Guard in support of the mission; and
(3) and any other matters the Secretary of Defense considers appropriate.

SA 4204. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2815. PUBLICATION OF INFORMATION ON PERFORMANCE METRICS AND USE OF INCENTIVE FEES FOR PRIVATIZED MILITARY HOUSING.

Section 2891c(b)(1) of title 10, United States Code, is amended, in the matter preceding subparagraph (A), by striking "make available, upon request of a tenant, at the applicable installation housing office" and inserting "publish, on a publicly accessible website.".
SA 4205. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 607. PILOT PROGRAM FOR PROVISION OF DEFENSE COMMISSARY FOR MILITARY PERSONNEL.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall designate the senior official from among members who are appointed to a position in the Department by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:

(1) Oversight of policy, strategy, and planning for efforts of the Department of Defense to combat food insecurity among members of the Armed Forces and their families.

(2) Coordinating with other Federal agencies with respect to combating food insecurity.

(c) Other matters as the Secretary considers appropriate.

SA 4207. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 318. STUDY ON FEASIBILITY AND ADVISABILITY OF DEPARTMENT OF DEFENSE ENTERING INTO COOPERATIVE FIRE PROTECTION AGREEMENTS WITH STATE OR LOCAL AGENCIES FOR SHARING RESOURCES IN CONDUCTING WILDFIRE SUPPRESSION ACTIVITIES.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasibility and advisability of the Secretary entering into cooperative fire protection agreements with State or local agencies for sharing resources in conducting wildfire suppression activities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a).

SEC. 15. REPORT ON SENSING CAPABILITIES OF THE DEPARTMENT OF DEFENSE TO ASSIST FIGHTING WILDFIRES.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence and such other head of an agency or department as the Secretary determines appropriate, submit to the appropriate congressional committees a report on the capabilities of the Department of Defense to assist fighting wildfires through the use and analysis of satellite and other aerial survey technology.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An examination of the current and future sensing requirements for the wildfire fighting and analysis community.

(2) Identification of assets of the Department that can provide data that is relevant to the requirements under paragraph (1), including an examination of such assets that—

(A) are currently available; and

(B) are in development; and

(C) have been formally proposed by a department or agency of the Federal Government, but which have not yet been approved by Congress.

(3) With respect to the assets identified under paragraph (2)(A), an examination of how close the data such assets provide comes to meeting the wildfire management and suppression community needs.

(d) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 1401 and available as specified in the funding table in section 4501 for the working capital fund of the Defense Commissary Agency is hereby increased by $550,000, with the amount of the increase to be available to carry out the pilot program required by subsection (a).

SEC. 4208. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Add at the appropriate place in title XV, insert the following:

SEC. 1064. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO TRANSFER EXCESS AIRCRAFT TO OTHER DEPARTMENTS OF THE FEDERAL GOVERNMENT.

Section 1061 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 2576 note) is amended—

(1) An examination of the current and future sensing requirements for the wildfire fighting and analysis community.

(2) Identification of assets of the Department that can provide data that is relevant to the requirements under paragraph (1), including an examination of such assets that—

(A) are currently available; and

(B) are in development; and

(C) have been formally proposed by a department or agency of the Federal Government, but which have not yet been approved by Congress.

(3) With respect to the assets identified under paragraph (2)(A), an examination of how close the data such assets provide comes to meeting the wildfire management and suppression community needs.

(d) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 1401 and available as specified in the funding table in section 4501 for the working capital fund of the Defense Commissary Agency is hereby increased by $550,000, with the amount of the increase to be available to carry out the pilot program required by subsection (a).
(4) An identification of the total and breakdown of costs reimbursed to the Department of Defense during the five-year period preceding the date of the report for reimbursement for assistance from lead times, departments or agencies of the Federal Government responding to natural disasters, including an assessment of the feasibility of not charging or requiring reimbursement for satellite time used in emergency response for wildfires.

(5) A discussion of the feasibility of establishing capabilities at civilian agencies such as the National Oceanic and Atmospheric Administration or the National Aeronautics and Space Administration to replicate or supplement the FireGuard program.

(6) A discussion of issues involved in producing unclassified products using unclassified classified assets, and policy options for Congress regarding that translation, including by explicitly addressing classification choices that could ease the application of data from such assets to wildfire detection and tracking.

(7) Identification of options to address gaps between requirements and capabilities to be met by existing systems, whether from the Department of Defense, the intelligence community, or from the civil or commercial domain.

(8) A retrospective analysis to determine whether the existing data could have been used to defend against past fires.

(b) CONTENTS.—At a minimum, the report required by subsection (a) shall include the following:

(1) A description of how the immediate procurement of daily, actionable satellite imagery for intelligence, surveillance, target acquisition, and reconnaissance (ISR), complements existing or nonexistent manned and unmanned systems, and enhances and improves surveillance, target acquisition, and reconnaissance assets for United States Special Operations Command personnel conducting missions around the world.

(2) An assessment of the value of having access to global daily taskless satellite imagery, particularly in combatant commands with autonomous nations such as United States Africa Command and United States Pacific Command, in areas such as the following:

(A) Global digital elevation or surface model (DEM) generation.

(B) Identification and analysis of mobility corridors, particularly daily revisits.

(C) Global identification of underground facility signatures.

(D) Identifying population and industrial growth.

(E) Imagery partner sharing restrictions.

(F) Android Tactical Assault Kit (ATAK) data loading.

(3) Identification of what intelligence, surveillance, target acquisition, and reconnaissance gaps or shortfalls, including any special operations-specific requirements, that could be addressed by use of commercial taskless daily global imagery.

(4) Such recommendation as the Secretary considers appropriate.

(5) Such other matters as the Secretary considers appropriate.

(b) ESTABLISHMENT OF NATIONAL TECHNICAL NUCLEAR FORENSICS CENTER.—

SEC. 3265. ESTABLISHMENT OF NATIONAL TECHNICAL NUCLEAR FORENSICS CENTER.

(a) ESTABLISHMENT.—There is established within the Administration a National Technical Nuclear Forensics Center established within the Countering Weapons of Mass Destruction Office of the Department of Homeland Security, to be known as the Center, to serve as a focal point for Federal efforts to analyze, interpret, and draw inferences from the examination of relevant objects that are likely to have been used in connection with activities related to nuclear weapons proliferation.

(b) MISSION.—The mission of the Center shall be to coordinate stewardship, planning, assessment, technical analysis, exercises, improvement, expertise development, and integration for all Federal nuclear forensics and attribution activities to ensure an enduring national technical nuclear forensics capability to strengthen the collective response of the United States to nuclear terrorism or other nuclear attacks.

(c) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by adding after the item relation to section 3264 the following new item:

"Sec. 3265. Establishment of National Technical Nuclear Forensics Center."
the Higher Education Act of 1965 (20 U.S.C.
for defense activities of the Depart-
defense, for military construction, and
military activities of the Department of
military, and for other purposes; which was
lie on the table; as follows:
and for other purposes; which was
in subsection (c)—
(A) by redesigning paragraph (2) as para-
(B) by inserting after paragraph (1) the fol-
(2) in subsection (c)—
(2) HISTORY.—The term ‘historically Black col-
university’ means the meaning given
the part B institution’ in section 322 of
Higher Education Act of 1965 (20 U.S.C.
(3) MINORITY SERVING INSTITUTION.—The
terms ‘minority serving institution’ means
instituted in section 371(a) of the
Higher Education Act of 1965 (20 U.S.C.
SA 4212. Mr. PADILLA submitted an
amendment intended to be proposed to
amendment SA 3867 submitted by Mr.
and intended to be proposed to
bill H.R. 4350, to authorize appro-
ations for fiscal year 2022 for mili-
activities of the Department of
Defense, for military construction, and
military requirements for such fiscal
year, and for other purposes; which was
lie on the table; as follows:
At the end of subtitle B of title XXVIII,
add the following:
SEC. 318. AUTHORIZATION OF APPROPRIATIONS
FOR MODULAR AIRBORNE FIRE FIGHTING SYSTEMS.
There are authorized to be appropriated to
the Department of Defense $15,000,000 for
fiscal year 2022 for the Modular Airborne Fire
Fighting Systems.
SA 4213. Mr. PADILLA submitted an
amendment intended to be proposed to
amendment SA 3867 submitted by Mr.
and intended to be proposed to
bill H.R. 4350, to authorize appro-
ations for fiscal year 2022 for mili-
activities of the Department of
Defense, for military construction, and
for defense activities of the Depart-
military, and for other purposes; which was
ordered to lie on the table; as follows:
At the end of subtitle E of title V, add the
following:
SEC. 511. SOUTH FORK TRINITY-MAD RIVER
RESTORATION AREA.
(a) DEFINITIONS.—In this section:
(1) COLLABORATIVELY DEVELOPED.—The
term ‘collaboratively developed’ means,
with respect to a restoration project, the
development and implementation of the
restoration project through a collaborative
process that—
(A) includes—
(i) appropriate Federal, State, and local
agencies; and
(ii) multiple interested persons rep-
resenting diverse interests; and
(B) is transparent and nonexclusive.
(2) PLANTATION.—The term ‘plantation’ means
a forest area that has been artifi-
cially established by planting or seeding.
(3) RESTORATION.—The term ‘restoration’ means
the process of assisting the recovery
of an ecosystem that has been degraded,
damaged, or destroyed by establishing the
composition, structure, pattern, and ecologi-
cal processes necessary to facilitate terres-
trial and aquatic ecosystem sustainability,
resilience, and health under current and
future conditions.
(4) RESTORATION AREA.—The term ‘restora-
tion area’ means the South Fork Trinity-
Mad River Restoration Area established by
subsection (b).
(5) SHARED FUEL BREAK.—The term ‘shared fuel
break’ means a vegetation treatment that—
(A) effectively addresses slash gen-
erated by a project; and
(B) retains, to the maximum extent prac-
tically feasible—
(i) adequate canopy cover to suppress plant
regrowth in the forest understory following
treatment;
(ii) the longest living trees that provide
the most shade over the longest period of
time;
(iii) the healthiest and most vigorous trees
with the greatest potential for crown growth
in—
(I) plantations; and
(II) natural stands adjacent to plantations; and
(iv) mature hardwoods.
(6) STEWARDSHIP CONTRACT.—The term
‘stewardship contract’ means an agreement
entered into under section 644 of
the Healthy Forests Restoration Act of 2003
Federal land administered by the Forest Service or the National Wilderness Preservation System by this title (including an amendment made by this title).

(B) RESOLUTION OF CONFLICT.—If there is a conflict between a law applicable to a component of a forest or scenic river with respect to land managed by the Bureau of Land Management and a law applicable to the National Forest System or the National Wild and Scenic Rivers System, the more restrictive provision shall control.

(3) USES.—
   (A) IN GENERAL.—The Secretary shall only allow uses of the restoration area that the Secretary determines would further the purposes described in subsection (c).
   (B) PRIORITY.—The Secretary shall give priority to restoration activities within the restoration area.

(C) LIMITATIONS.—Nothing in this section limits the authority of the Secretary to plan, approve, or prioritize activities outside of the restoration area.

(4) WILDLAND FIRE.
   (A) IN GENERAL.—Nothing in this section prohibits the Secretary, in cooperation with Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the restoration area, consistent with the purposes of this section.
   (B) PRIORITY.—To the maximum extent practicable, the Secretary may use prescribed burning and managed wildland fire to achieve the purposes of this section.

(5) ROAD DECOMMISSIONING.
   (A) DEFINITION OF DECOMMISSION.—In this paragraph, the term “decommission” means, with respect to a road—
      (i) to reestablish vegetation on the road; and
      (ii) to restore any natural drainage, watershed function, or other ecological process that is disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism.
   (B) DECOMMISSIONING.—To the maximum extent practicable, the Secretary shall decommission any unneeded National Forest System road or any unauthorized road identified for decommissioning within the restoration area.
      (i) subject to appropriations;
      (ii) consistent with applicable laws.

(6) USES.—
   (A) IN GENERAL.—The Secretary shall only allow the following activities that are consistent with the purposes described in subsection (c).
   (B) ROAD DECOMMISSIONING.—To the maximum extent practicable, the Secretary shall decommission any unauthorized road identified for decommissioning within the restoration area in which a fish or wildlife habitat is significantly compromised as a result of past management practices (including road decommissioning).
   (C) ROAD DECOMMISSIONING.—To the maximum extent practicable, the Secretary shall decommission any unauthorized road identified for decommissioning within the restoration area in which a fish or wildlife habitat is significantly compromised as a result of past management practices (including road decommissioning).
   (D) ADDITIONAL REQUIREMENT.—In making determinations with respect to the decommissioning of a road under subparagraph (B), the Secretary shall consult with—
      (i) members of the public;
      (ii) appropriate State, Tribal, and local governmental entities; and
      (iii) members of the public.

(7) GRAZING.—
   (A) EXISTING GRAZING.—The grazing of livestock in the restoration area established before the date of enactment of this Act shall be permitted to continue—
      (i) subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary;
      (ii) in accordance with applicable law (including regulations); and
      (iii) in a manner consistent with the purposes described in section (c).
   (B) TARGETED NEW GRAZING.—The Secretary may issue annual targeted grazing permits for the grazing of livestock in an area of the restoration area in which the grazing of livestock is not authorized before the date of enactment of this Act, and shall be permitted to continue—
      (i) subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary;
      (ii) in accordance with applicable law (including regulations); and
      (iii) in a manner consistent with the purposes described in section (c).
   (C) BEST AVAILABLE SCIENCE.—The Secretary shall use the best available science in determining whether to issue targeted grazing permits under subparagraph (B) within the restoration area.

(8) WITHDRAWAL.—Subject to valid existing rights, the restoration area is withdrawn from—
   (1) all forms of entry, appropriation, and disposal under the public land laws;
   (2) location, entry, and patent under the mining laws; and
   (3) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(f) USE OF STEWARDSHIP CONTRACTS.—To the maximum extent practicable, the Secretary shall—
   (1) use stewardship contracts to carry out this section; and
   (2) use revenue derived from stewardship contracts under paragraph (1) to carry out restoration and other activities within the

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restoration area, including staff and administrative costs to support timely consultation activities for restoration projects.

(g) Collaborations.—In developing and carrying out restoration projects in the restoration area, the Secretary shall consult with collaborative groups with an interest in the restoration area.

(b) A MULTIPLE RISK REVIEW.—A collaboratively developed restoration project within the restoration area may be carried out in accordance with the provisions for hazardous fuel reduction projects in sections 101, 105, and 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6514, 6515, 6516), as applicable.

(1) Multiparty Monitoring.—The Secretary of Agriculture shall—

(1) in collaboration with the Secretary of the Interior and other interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of restoration projects within the restoration area; and

(2) incorporate the monitoring results into the management of the restoration area.

(i) Available Authorities.—The Secretary shall use any available authorities to secure the funding necessary to fulfill the purposes of the restoration area.

(k) Forest Residue Utilization.—

(1) In general.—In accordance with applicable law (including regulations) and this section, the Secretary may use forest residues from restoration projects, including shaded fuel breaks, in the restoration area for research and development of bio-based products that result in net carbon sequestration.

(2) Partnerships.—In carrying out paragraph (1), the Secretary may enter into partnerships with organizations of higher education, nongovernmental organizations, industry, Tribes, and Federal, State, and local governmental agencies.

SEC. 5112. REDWOOD NATIONAL AND STATE PARKS RESTORATION.

(a) Partnership Agreements.—The Secretary of the Interior may carry out initiatives to restore degraded redwood forest ecosystems in Redwood National and State Parks in partnership with the State, local agencies, and nongovernmental organizations.

(b) Applicable Law.—In carrying out an initiative under subsection (a), the Secretary of the Interior shall comply with applicable law.

SEC. 5113. CALIFORNIA PUBLIC LAND REMEDIATION PARTNERSHIP.

(a) Definitions.—In this section:

(1) Partnership.—The term ‘partnership’ means the California Public Land Remediation Partnership established by subsection (b).

(2) Priority Land.—The term ‘priority land’ means Federal land in the State that is determined by the partnership to be a high priority location.

(3) Remediation.—

(A) In general.—The term ‘remediation’ means to facilitate the recovery of land or other assistance to carry out this section.

(B) Inclusions.—The term ‘remediation’ includes—

(i) the removal of trash, debris, or other material; and

(ii) establishing the composition, structure, and ecological processes necessary to facilitate terrestrial or aquatic ecosystem sustainability, resilience, or health under current and future conditions.

(c) Purposes.—The purposes of the partnership are—

(1) to coordinate the activities of Federal, State, Tribal, and local authorities and the private sector to restore priority land in the State affected by illegal marijuana cultivation or another illegal activity; and

(2) to use the resources and expertise of each agency, authority, or entity referred to in paragraph (1) in implementing remediation activities on priority land in the State.

(d) Members of the partnership shall include the following:

(1) The Secretary of Agriculture (or a designee) to represent the Forest Service.

(2) The Secretary of the Interior (or a designee) to represent—

(A) the United States Fish and Wildlife Service;

(B) the Bureau of Land Management; and

(C) the National Park Service.

(3) The Director of the Office of National Drug Control Policy (or a designee).

(4) The Secretary of the State Natural Resources Agency (or a designee) to represent the California Department of Fish and Wildlife.

(5) A designee of the California State Water Resources Control Board.

(6) A designee of the California State Water Resources Control Board.

(7) A member to represent federally recognized Indian Tribes, to be appointed by the Secretary of Agriculture.

(8) A member to represent nongovernmental organizations with an interest in Federal land remediation, to be appointed by the Secretary of Agriculture.

(9) A member to represent local governmental interests, to be appointed by the Secretary of Agriculture.

(10) A law enforcement official from each of the following:

(A) the United States Fish and Wildlife Service (referred to in this section as the ‘Service’);

(B) the United States Forest Service;

(C) the Bureau of Land Management; and

(D) the Department of Justice.

(11) A scientist to provide expertise and advice on methods needed for remediation efforts, to be appointed by the Secretary of Agriculture.

(12) A designee of the National Guard Counterdrug Program.

(e) Duties.—To further the purposes of this section, the partnership shall—

(1) identify priority land for remediation in the State;

(2) secure resources from Federal sources and non-Federal sources for remediation of priority land in the State;

(3) support efforts by Federal, State, Tribal, and local governmental organizations in carrying out remediation of priority land in the State;

(4) support research and education on the impacts of, and solutions to, illegal marijuana cultivation and other illegal activities on priority land in the State;

(5) involve other Federal, State, Tribal, and local governmental organizations, and the public in remediation efforts on priority land in the State, to the maximum extent practicable; and

(6) carry out any other administrative or advisory activities necessary to address remediation of priority land in the State.

(f) Authorities.—Subject to the prior approval of the Secretary of Agriculture, the partnership may—

(1) provide grants to the State, political subdivisions of the State, nonprofit organizations, and other appropriate entities to carry out the purposes of this section.

(2) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested persons;

(3) hire and compensate staff;

(4) obtain funds or services from any source, including—

(A) Federal funds (including funds and services provided under any other Federal law or program) and

(B) non-Federal funds;

(5) contract for goods or services; and

(6) support—

(A) activities of partners; and

(B) any other activities that further the purposes of this section.

(g) Procedures.—The partnership shall establish any rules and procedures that the partnership determines to be necessary or appropriate.

(h) Local Hiring.—The partnership shall, to the maximum extent practicable and in accordance with existing law, give preference to local entities and individuals in carrying out this section.

(i) Service Without Compensation.—A member of the partnership shall serve without pay.

(j) Duties and Authorities of the Secretaries.—

(1) In general.—The Secretary of Agriculture shall convene the partnership on a regular basis to carry out this section.

(2) Technical and Financial Assistance.—The Secretary of Agriculture and the Secretary of the Interior may provide technical and financial assistance, on a reimbursable or nonreimbursable basis, as determined to be appropriate by the Secretary of Agriculture, to the Secretary of the Interior, as applicable, to the partnership or any member of the partnership to carry out this section.

(k) Cooperative Agreements.—The Secretary of Agriculture and the Secretary of the Interior may enter into cooperative agreements with the partnership, any member of the partnership, or any other public or private entity that the Secretary determines to be appropriate, a visitor center in Weaverville, California—

(1) to serve visitors; and

(2) to assist in fulfilling the purposes of the Whiskeytown-Shasta-Trinity National Recreation Area.

(l) Requirements.—The Secretary shall ensure that the visitor center authorized under subsection (a) is designed to provide for the interpretation of the scenic, biological, cultural or natural, historical, scientific, paleontological, recreational, ecological, wilderness, and cultural resources of the Whiskeytown-Shasta-Trinity National Recreation Area and other Federal land in the vicinity of the visitor center.

(m) Coordinating Committees.—In a manner consistent with this section, the Secretary may establish, in cooperation with any other public or private entity that the Secretary determines to be appropriate, an advisory committee to provide advice and technical assistance to the partnership and other appropriate institutions and organizations to carry out the purposes of this section.

SEC. 5114. TRINITY LAKE VISITOR CENTER.

(a) In General.—The Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the ‘Secretary’, may establish, in cooperation with any other public or private entity that the Secretary determines to be appropriate, a visitor center in Weaverville, California—

(1) to serve visitors; and

(2) to assist in fulfilling the purposes of the Whiskeytown-Shasta-Trinity National Recreation Area.

(b) Requirements.—The Secretary shall—

(1) conform the visitor center to the standards of the Secretary of Agriculture; and

(2) establish such facilities and provide such services as are necessary to carry out the purposes of this section.

SEC. 5115. DEL NORTE COUNTY VISITOR CENTER.

(a) In General.—The Secretary of Agriculture and the Secretary of the Interior may enter into cooperative agreements with the partnership, any member of the partnership, or any other public or private entity that the Secretary determines to be appropriate, a visitor center in Del Norte County, California—

(1) to serve visitors; and

(2) to assist in fulfilling the purposes of the Whiskeytown-Shasta-Trinity National Recreation Area and other Federal land in the vicinity of the visitor center.
(b) REQUIREMENTS.—The Secretaries shall ensure that the visitor center authorized under subsection (a) is designed to interpret the scenic, biological, natural, historical, scientific, paleontological, recreational, ecological, wilderness, and cultural resources of Redwood National State Parks, the Smith River National Recreation Area, and any other Federal land in the vicinity of the visitor center.

SEC. 5116. MANAGEMENT PLANS.

(a) In General.—In revising the land and resource management plan for each of the Shasta-Trinity, Six Rivers, Klamath, and Mendocino National Forests, the Secretary shall—

(1) consider the purposes of the South Fork Trinity-Mad River Restoration Area established by section 5111(b); and

(2) include or update the fire management plan for a wilderness area or wilderness addition established by this title.

(b) REQUIREMENT.—In making the revisions under subsection (a), the Secretary shall—

(1) develop spatial fire management plans in accordance with—

(A) the Guidance for Implementation of Federal Wildland Fire Management Policy, dated December 16, 2009, including any amendments to the guidance; and

(B) other appropriate policies; and

(2) ensure that a fire management plan—

(A) prescribes that managed or managed fire can be used to achieve ecological management objectives of wilderness and other natural or primitive areas; and

(B) in the case of a wilderness area to which land is added under section 5131, provides consistent direction regarding fire management to the entire wilderness area, including the wilderness addition; and

(3) consult with—

(A) appropriate State, Tribal, and local governmental entities; and

(B) members of the public; and

(4) comply with applicable law (including regulations).

SEC. 5117. STUDY; PARTNERSHIPS RELATED TO OVERNIGHT ACCOMMODATIONS.

(a) STUDY.—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with interested Federal, State, Tribal, and local entities and private and nonprofit organizations, shall conduct a study to evaluate the feasibility and suitability of establishing overnight accommodations in the case of Redwood National and State Parks on—

(1) Federal land that is—

(A) at the northern boundary of Redwood National State Parks; or

(B) on land within 20 miles of the northern boundary of Redwood National and State Parks; and

(2) Federal land that is—

(A) at the southern boundary of Redwood National and State Parks; or

(B) on land within 20 miles of the southern boundary of Redwood National and State Parks.

(b) PARTNERSHIPS.—

(1) AGREEMENTS AUTHORIZED.—If the Secretary determines, based on the study conducted under subsection (a), that establishing the accommodations described in that subsection is suitable and feasible, the Secretary may, in accordance with applicable law, enter into 1 or more agreements with qualified private and nonprofit organizations for the development, operation, and management of accommodations.

(2) CONTENTS.—Any agreement entered into under paragraph (1) shall clearly define the role and responsibility of the Secretary and the participating nonprofit organization entering into the agreement.

(3) EFFECT.—Nothing in this subsection—

(A) reduces or diminishes the authority of the Secretary to manage land and resources under the jurisdiction of the Secretary; or

(B) amends or modifies the application of any law (including regulations) applicable to land under the jurisdiction of the Secretary.

Subtitle B—Recreation

SEC. 5121. HORSE MOUNTAIN SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established the Horse Mountain Special Management Area (referred to in this section as the “special management area”) comprising approximately 7,382 acres of Federal land administered by the Forest Service in Humboldt County, California. Said area is depicted on the map entitled “Horse Mountain Special Management Area” and dated May 15, 2020.

(b) PURPOSE.—The purpose of the special management area is to enhance the recreational and scenic values of the special management area while conserving the plants, wildlife, and other natural resource values of the area.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the special management area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, Tribal, and local governmental entities; and

(B) members of the public.

(3) ADDITIONAL REQUIREMENT.—The management plan required under paragraph (1) shall ensure that recreational use within the special management area does not cause significant adverse impacts on the plants and wildlife of the special management area.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the special management area—

(A) in furtherance of the purpose described in subsection (b); and

(B) in accordance with—

(i) the laws (including regulations) generally applicable to the National Forest System; and

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) RECREATION.—The Secretary shall continue to authorize, maintain, and enhance the recreational use of the special management area, including hiking, fishing, camping, bicycling, horseback riding, sightseeing, nature study, hang gliding, motorized recreation on authorized routes, and other recreational activities, if the recreational use is consistent with—

(A) the purpose of the special management area;

(B) this section; and

(C) other applicable law (including regulations).

(3) ADDITIONAL REQUIREMENT.—(A) In general.—Except as provided in subparagraph (B), the use of motorized vehicles in the special management area shall be permitted only on roads and trails designated for such use under the Secretary’s regulations.

(B) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the special management area—

(i) during the winter season; and

(ii) subject to any terms and conditions determined to be necessary by the Secretary.

(e) NON-MOTORIZED USE.—

(A) IN GENERAL.—The Secretary may construct new trails for motorized or non-motorized recreation within the special management area in accordance with—

(i) the laws (including regulations) generally applicable to the National Forest System; and

(ii) this section; and

(iii) any other applicable law (including regulations).

(f) SECURITY.—In establishing new trails within the special management area, the Secretary shall—

(i) prioritize the establishment of loops that provide high-quality, diverse recreational experiences; and

(ii) consult with members of the public.

(g) HORSE MOUNTAIN.—Subject to valid existing rights, the special management area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

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

(3) disposition under laws relating to mineral and other subsurface leasing.

SEC. 5122. BIGFOOT NATIONAL RECREATION TRAIL.

(a) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Agriculture referred to in this section as the “Secretary”) in cooperation with the Secretary of the Interior, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a study that describes the feasibility of establishing a non-motorized Bigfoot National Recreation Trail that follows the route described in paragraph (2).

(2) ROUTE.—The route referred to in paragraph (1) shall extend from the Ides Cove Trailhead in the Mendocino National Forest to Crescent City, California, following the route as generally depicted on the map entitled “Bigfoot National Recreation Trail—Proposed” and dated July 29, 2016.

(3) ADDITIONAL REQUIREMENT.—(A) In general.—On a determination by the Secretary that the Bigfoot National Recreation Trail is feasible and meets the requirements for a National Recreation Trail under section 4 of the National Trails System Act (16 U.S.C. 1243), the Secretary shall designate the Bigfoot National Recreation Trail (referred to in this section as the “trail”) in accordance with—

(i) the National Trails System Act (16 U.S.C. 1241 et seq.);

(ii) this title; and

(iii) other applicable law (including regulations).

(B) ADMINISTRATION.—On designation by the Secretary, the trail shall be administered by the Secretary, in consultation with—

(A) other Federal, State, Tribal, regional, and local agencies;

(B) private landowners; and

(C) other interested organizations.

(C) PRIVATE PROPERTY RIGHTS.—

(A) IN GENERAL.—No portions of the trail may be located on non-Federal land without the written consent of the landowner.

(B) PROHIBITION.—The Secretary shall not acquire for the trail any land or interest in land outside the exterior boundary of any Federal land managed by the Secretaries of the interior of the owner or interest in the land.
(C) EFFECT.—Nothing in this section—
(i) requires any private property owner to allow public access (including Federal, State, or local government access) to private property;
(ii) modifies any provision of Federal, State, or local law with respect to public access to or use of private land;
(c) CLOSURE.—In carrying out this section, the Secretary may enter into cooperative agreements with State, Tribal, and local government entities and private entities—
(1) to complete necessary trail construction, reconstruction, realignment, or maintenance; or
(2) carry out education projects relating to the trail.
(d) MAP.—
(1) MAP REQUIRED.—On designation of the trail, the Secretary shall prepare a map of the trail.
(2) PUBLIC AVAILABILITY.—The map referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 5123. ELK CAMP RIDGE RECREATION TRAIL.
(a) DESIGNATION.—
(1) IN GENERAL.—In accordance with paragraph (2), the Secretary of Agriculture (referred to in this section as the “Secretary”), after providing an opportunity for public comment, shall designate a trail (which may include a system of trails) for use by off-highway vehicles, mountain bicycles, or both; and
(b) to be known as the “Elk Camp Ridge Recreation Trail” (referred to in this section as the “trail”).
(2) REQUIREMENTS.—In designating the trail under paragraph (1), the Secretary shall carry out the following:
(A) that is—
(i) in existence as of the date of the closure of the portion of the trail;
(ii) located in proximity to the trail; and
(iii) open to motorized or mechanized use; and
(B) if the Secretary determines that the construction of the trail would not significantly increase or decrease the length of the trail.
(3) NOTICE OF AVAILABLE ROUTES.—The Secretary shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—
(A) the placement of appropriate signage along the trail; and
(B) the distribution of maps, safety education materials, and other information that the Secretary determines to be appropriate.
(4) ENSURE ACCESS.—The Secretary shall ensure that the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).
(5) MAINTENANCE; RECONSTRUCTION; REALIGNMENT; OR MAIN- TENANCE; OR
(d) MAP.—
(1) MAP REQUIRED.—On designation of the trail, the Secretary shall prepare a map of the trail.
(2) PUBLIC AVAILABILITY.—The map referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 5124. TRINITY LAKE TRAIL.
(a) TRAIL DESIGNATION.—
(1) TRAIL AND CONSTRUCTION.—
(A) TRAIL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall study the feasibility and public interest of constructing a recreational trail for nonmotorized uses around Trinity Lake (referred to in this section as the “trail”).
(B) CONSTRUCTION.—
(1) CONSTRUCTION AUTHORIZED.—Subject to appropriations and in accordance with paragraph (3), if the Secretary determines under paragraph (1) that the construction of the trail is feasible, the Secretary may provide for the construction of the trail.
(2) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—The trail may be constructed under this section through the acceptance of volunteer services and contributions from non-Federal sources to reduce or eliminate the need for Federal expenditures to construct the route.
(3) COMPLIANCE.—In carrying out this section, the Secretary shall comply with—
(A) the laws (including regulations) generally applicable to the National Forest System; and
(B) this title.
(b) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 5125. TRINITY LAKE TRAIL STUDY.
(a) TRAIL AND CONSTRUCTION.—
(1) TRAIL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall study the feasibility and public interest of constructing a recreational trail for nonmotorized uses around Trinity Lake (referred to in this section as the “trail”).
(B) CONSTRUCTION.—
(1) CONSTRUCTION AUTHORIZED.—Subject to appropriations and in accordance with paragraph (3), if the Secretary determines under paragraph (1) that the construction of the trail is feasible, the Secretary may provide for the construction of the trail.
(2) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—The trail may be constructed under this section through the acceptance of volunteer services and contributions from non-Federal sources to reduce or eliminate the need for Federal expenditures to construct the route.
(3) COMPLIANCE.—In carrying out this section, the Secretary shall comply with—
(A) the laws (including regulations) generally applicable to the National Forest System; and
(B) this title.
(b) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 5126. CONSTRUCTION OF MOUNTAIN BICYCLING ROUTES.
(a) TRAIL CONSTRUCTION.—
(1) FEASIBILITY STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall study the feasibility and public interest of constructing recreational trails for mountain bicycling and other nonmotorized uses on the routes as generally depicted in the map entitled “Trail Study for Smith River National Recreation Area Six Rivers National Forest” and dated 2016.
(b) CONSTRUCTION.—
(1) CONSTRUCTION AUTHORIZED.—Subject to appropriations and in accordance with paragraph (3), if the Secretary determines under paragraph (1) that the construction of 1 or more routes described in paragraph (2) is feasible and in the public interest, the Secretary may provide for the construction of the routes.
(b) MODIFICATIONS.—The Secretary may modify the routes, as determined to be necessary by the Secretary.
(c) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—Routes shall be constructed under this section through the acceptance of volunteer services and contributions from non-Federal sources to reduce or eliminate the need for Federal expenditures to construct the route.
(3) COMPLIANCE.—In carrying out this section, the Secretary shall comply with—
(A) the laws (including regulations) generally applicable to the National Forest System; and
(B) this title.
(b) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 5127. PARTNERSHIPS.
(a) AGREEMENTS AUTHORIZED.—The Secretary may enter into agreements with qualified private and nonprofit organizations to carry out the following activities on Federal land in Mendocino, Humboldt, Trinity, and Del Norte Counties in the State:
(1) Trail and campground maintenance.
(2) Public education, visitor contacts, and outreach.
(3) Visitor center staffing.
(b) CONTENTS.—An agreement entered into under subsection (a) shall clearly define the role and responsibility of the Secretary and the private or nonprofit organization.
(c) COMPLIANCE.—The Secretary shall enter into agreements under subsection (a) in accordance with existing law.

SEC. 5128. CONSTRUCTION OF MOUNTAIN BICYCLING ROUTES.
(a) TRAIL CONSTRUCTION.—
(1) FEASIBILITY STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall study the feasibility and public interest of constructing recreational trails for moun- tain bicycling and other nonmotorized uses on the routes as generally depicted in the re- port entitled “Trail Study for Smith River National Recreation Area Six Rivers National Forest” and dated 2016.

SEC. 5129. DESIGNATION OF WILDERNESS.
(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(1) BLACK BUTTE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 11,155 acres, as generally depicted on the map entitled “Black Butte River Wilderness— Proposed” and dated May 15, 2000, which shall be known as the “Black Butte River Wilderness”.
(2) CHANCELLOR WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 6,382 acres, as generally depicted on the map entitled ""
the map entitled “Chancelula Wilderness Additions—Proposed” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Chancelula Wilderness designated by section 3(2) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109–362; 120 Stat. 2063).

(12) SISKIYOU WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 23,913 acres, as generally depicted on the map entitled “Siskiyou Wilderness Additions—Proposed (North)” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Siskiyou Wilderness, as designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1626).

(13) SOUTH FORK EEL RIVER WILDERNESS ADDITION.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 11,243 acres, as generally depicted on the map entitled “South Fork Eel River Wilderness Additions—Proposed” and dated October 24, 2019, which is incorporated in, and considered to be a part of, the South Fork Eel River Wilderness designated by section 3(10) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1626).

(14) SOUTH FORK TRINITY RIVER WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 6,115 acres, as generally depicted on the map entitled “South Fork Trinity River Wilderness Additions—Proposed” and dated May 15, 2020, which shall be known as “South Fork Trinity River Wilderness”.

(15) TRINITY ALPS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 61,187 acres, as generally depicted on the maps entitled “Trinity Alps Proposed Wilderness Additions EAST” and “Trinity Alps Wilderness Additions WEST—Proposed” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Trinity Alps Wilderness designated by section 101(a)(3) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1623).

(16) UNDERWOOD WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 15,068 acres, as generally depicted on the map entitled “Underwood Wilderness—Proposed” and dated May 15, 2020, which shall be known as the “Underwood Wilderness”.

(17) YOLLA BOLLY-MIDDLE EEL WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service and the Bureau of Land Management in the State, comprising approximately 11,243 acres, as generally depicted on the map entitled “North Fork Eel Wilderness Additions” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the North Fork Wilderness designated by section 101(a)(19) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1623).

(18) YUKI WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service and the Bureau of Land Management in the State, comprising approximately 11,076 acres, as generally depicted on the map entitled “Yuki Wilderness Additions—Proposed” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Yuki Wilderness designated by section 3(3) of the California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109–362; 120 Stat. 2065).

(b) REDesignation of North Fork Wilderness as North Fork Eel River Wilderness.

(1) In General.—Section 101(a)(19) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1621) is amended by striking “which shall be known as the North Fork Wilderness” and inserting “which shall be known as the ‘North Fork Eel River Wilderness’”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, or other record of the United States to the “North Fork Wilderness” shall be considered to be a reference to the “North Fork Eel River Wilderness”.

(c) ELKHORN RIDGE WILDERNESS MODIFICATION.—The boundary of the Elkhorn Ridge Wilderness established by section 6(d) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109–362; 120 Stat. 2070) is modified by removing approximately 30 acres of Federal land, as generally depicted on the map entitled “Proposed Elkhorn Ridge Wilderness Additions” and dated October 24, 2019.

SEC. 5132. ADMINISTRATION OF WILDERNESS.

(a) In General.—Subject to valid existing rights, a wilderness area or wilderness addition established by this Act as a ‘wilderness area or addition’ shall be administered by the Secretary of Agriculture in accordance with this title and the Wilderness Act (16 U.S.C. 1133 et seq.), except that—

(1) any reference in the Wilderness Act to the effective date of this Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) FIRE MANAGEMENT AND RELATED ACTIVITIES.

(1) In General.—The Secretary may carry out any activities in a wilderness area or addition as are necessary for the control of fire, insects, or disease in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 1487 of the 98th Congress (House Report 98–40).

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire or fuels management in a wilderness area or addition.

(3) ADMINISTRATION.—In accordance with paragraph (1) and any other applicable Federal law, to ensure a timely and efficient response to a fire emergency in a wilderness area or addition, the Secretary of Agriculture shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency official) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(c) GRAZING.—The grazing of livestock in a wilderness area or addition, if established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) A land under the jurisdiction of the Secretary of Agriculture, the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 1487 of the 98th Congress (H. Rept. 98–617); and

(B) land under the jurisdiction of the Secretary of Agriculture, the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the
(c) APPLICABLE LAWS.—Access to the wilderness areas and wilderness additions under this subsection shall be in accordance with—

(1) Public Law 95–341 (commonly known as the “American Freedom of Religion Freedom Act”) (42 U.S.C. 1996 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

3. Incorporation of acquired land and interests.—Any land within the boundary of a wilderness area or addition that is acquired by the Secretary—

(1) become part of the wilderness area or addition in which the land is located;

(2) be withdrawn in accordance with subsection (h); and

(3) be managed in accordance with—

(1) this section;

(2) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(3) any other applicable law.

4. Climatological data collection.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in a wilderness area or addition if the Secretary determines that the devices are necessary to the access to a flood warning, flood control, or water reservoir operation activity.

5. Affected events.—The Secretary may continue to authorize the competitive equestrian event permitted since 2012 in the Chinquapin Wilderness established by section 5131(a) of this Act.

6. Recreational climbing.—Nothing in this title prohibits recreational rock climbing activities in the wilderness areas or additions, such as the placement, use, and maintenance of fixed anchors, including any fixed anchor established prior to the date of the enactment of this Act—

(1) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 5133. DESIGNATION OF POTENTIAL WILDERNESS.

(a) Designation.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as potential wilderness areas:

(1) Certain Federal land managed by the Forest Service, comprising approximately 3,100 acres, as generally depicted on the map entitled “Redwood National Park—Potential Wilderness” and dated October 9, 2019.

(2) Certain Federal land managed by the National Park Service, comprising approximately 3,100 acres, as generally depicted on the map entitled “South Fork Trinity River Proposed Potential Wilderness” and dated May 15, 2020.

(3) Certain Federal land managed by the Forest Service, comprising approximately 1,256 acres, as generally depicted on the map entitled “Trinity Alps Proposed Potential Wilderness” and dated May 15, 2020.

(4) Certain Federal land managed by the Forest Service, comprising approximately 486 acres, as generally depicted on the map entitled “Yolla Bolly Middle-Eel Proposed Potential Wilderness” and dated May 15, 2020.

(b) Management.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage each potential wilderness area or addition as a part of, the Yolla Bolly-Middle Eel Wilderness designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(c) Wild and Scenic Rivers.—Nothing in this title prohibits the designation of the Yolla Bolly-Middle Eel Wilderness as a part of, the Yuki Wilderness designated by section 3 of the California Wild and Scenic Rivers Act of 1984 (16 U.S.C. 1232 note; Public Law 98–425; 98 Stat. 1623); and

(d) Conservation.—Nothing in this title prohibits the designation of the Yolla Bolly-Middle Eel Wilderness as a part of, the Yuki Wilderness designated by section 3 of the California Wild and Scenic Rivers Act of 1984 (16 U.S.C. 1232 note; Public Law 98–425; 98 Stat. 1623); and

(e) Indian Tribes.—Nothing in this title prohibits the designation of the Yolla Bolly-Middle Eel Wilderness as a part of, the Yuki Wilderness designated by section 3 of the California Wild and Scenic Rivers Act of 1984 (16 U.S.C. 1232 note; Public Law 98–425; 98 Stat. 1623); and
section 3(3) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109-362; 120 Stat. 2065) and expanded by section 513(a)(3).

(6) Roads other than 3 years after the date of enactment of this Act, and every 3 years thereafter until the date on which the potential areas are designated as wilderness under subsection (d), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the status of ecological restoration within the potential wilderness areas; and

(2) the progress toward the eventual designation of the potential wilderness areas as wilderness under subsection (d).

SEC. 5124. DESIGNATION OF WILD AND SCENIC RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

``(231) SOUTH FORK TRINITY RIVER.—The following segments from the source tributaries in the Yolla Bolly-Middle Eel Wilderness, to be administered by the Secretary of Agriculture:

(A) The 18.3-mile segment from its multiple tributary confluence with the Cedar Basin of the Yolla Bolly-Middle Eel Wilderness in sec. 15, T. 27 N., R. 10 W., to 0.25 miles downstream of the Wild Mad Road, as a wild river.

(B) The 2.5-mile segment from 0.25 miles upstream of Wild Mad Road to the confluence with the unnamed tributary approximately 0.4 miles downstream of the Wild Mad Road in sec. 29, T. 28 N., R. 11 W., as a scenic river.

(C) The 9.8-mile segment from 0.75 miles downstream of Wild Mad Road to Silver Creek, as a wild river.

(D) The 5.4-mile segment from Silver Creek confluence to Farley Creek, as a scenic river.

(E) The 3.6-mile segment from Farley Creek to Cave Creek, as a recreational river.

(F) The 5.6-mile segment from Cave Creek to the confluence of the unnamed creek upstream of Hidden Valley Ranch in sec. 15, T. 15, R. 7 E., as a wild river.

(G) The 2.3-mile segment from the unnamed creek confluence upstream of Hidden Valley Ranch to the confluence with the unnamed creek flowing west from Bear Valley in sec. 32, T. 1 N., R. 7 E., as a scenic river.

(H) The 3.8-mile segment from the unnamed creek confluence in sec. 29, T. 1 N., R. 7 E., to Plummer Creek, as a wild river.

(I) The 4.2-mile segment from Plummer Creek to the confluence with the unnamed tributary north of McClellan Place in sec. 6, T. 1 N., R. 7 E., as a scenic river.

(J) The 5.4-mile segment from the unnamed tributary confluence in sec. 6, T. 1 N., R. 7 E., to Hitchcock Creek, as a wild river.

(L) The 7-mile segment from Eltopam Creek to the Grouse Creek, as a scenic river.

(N) The 5-mile segment from Grouse Creek to Coon Creek, as a wild river.

''(232) CALIFORNIA EAST FORK TRINITY RIVER.—The following segments, to be administered by the Secretary of Agriculture:

(A) The 8.4-mile segment from its source in the Trinity Alps Wilderness boundary upstream of the Yolla Bolly-Middle Eel Wilderness in sec. 10, T. 3 S., R. 10 W., to 0.25 miles upstream of the Wild Mad Road, as a wild river.

(B) The 2.6-mile segment from 0.25 miles upstream of the Wild Mad Road to the South Fork Trinity River, to be administered by the Secretary of Agriculture as a recreational river.

(C) BUTTER CREEK.—The 7-mile segment from 0.25 miles downstream of the Road 3N08 to 0.25 miles upstream of the Trinity Alps Wilderness, to be administered by the Secretary of Agriculture as a scenic river.

(D) HAYFORK CREEK.—The following segments, to be administered by the Secretary of Agriculture:

(A) The 3.2-mile segment from Little Creek to the Hayfork Reservoir, as a recreational river.

(B) The 13.2-mile segment from Bear Creek to the northern boundary of sec. 19, T. 3 N., R. 7 E., as a scenic river.

(C) The 2.8-mile segment from the confluence of its source tributaries in sec. 5, T. 3 N., R. 7 E., to the northern boundary of sec. 24, T. 3 N., R. 7 E., to be administered by the Secretary of the Interior as a scenic river.

(D) RUSCH CREEK.—The 3.2-mile segment from 0.25 miles downstream of the 32N11 Road crossing to Hayfork Creek, to be administered by the Secretary of Agriculture as a recreational river.

(E) ELTAPOM CREEK.—The 3.4-mile segment from its source tributary to the South Fork Trinity River, to be administered by the Secretary of Agriculture as a scenic river.

(F) The 5.6-mile segment from Cave Creek to the South Fork Trinity River, as a recreational river.

(G) MADDEN CREEK.—The following segments, to be administered by the Secretary of Agriculture:

(A) The 6.8-mile segment from the confluence of its unnamed tributary in sec. 18, T. 5 N., R. 5 E., to Fourmile Creek, as a wild river.

(B) The 1.6-mile segment from Fourmile Creek to the South Fork Trinity River, as a recreational river.

(H) CANON CREEK.—The following segment, to be administered by the Secretary of Agriculture and the Secretary of the Interior:

(A) The 6.6-mile segment from the outlet of lower Canyon Creek Lake to Bear Creek upstream of Ripstein, as a scenic river.

(B) The 1.2-mile segment from Bear Creek upstream of Ripstein to the southern boundary of sec. 34, T. 11 N., R. 11 W., as a recreational river.

(C) NORTH FORK TRINITY RIVER.—The following segment, to be administered by the Secretary of Agriculture:

(A) The 12-mile segment from the confluence of source tributaries in sec. 24, T. 8 N., R. 12 W., to the Trinity Alps Wilderness boundary upstream of Hobo Gulch, as a wild river.

(B) The 0.5-mile segment from where the river leaves the Trinity Alps Wilderness to the confluence with Coyote Creek, as a scenic river.

(C) The 13.9-mile segment from where the river leaves the Trinity Alps Wilderness downstream of Hobo Gulch, as a scenic river.

(D) The 14.3-mile segment from the confluence with Gilman Creek to the Six Rivers National Forest boundary, to be administered by the Secretary of Agriculture as a scenic river.

(E) RED MOUNTAIN CREEK, CALIFORNIA.—The following segments, to be administered by the Secretary of Agriculture:

(A) The 5.25-mile segment from its source west of Mike’s Rock in sec. 23, T. 26 N., R. 12 E., to the confluence with Littlefield Creek, as a wild river.

(B) The 1.6-mile segment from the confluence with Littlefield Creek to the confluence with the unnamed tributary in sec. 32, T. 26 N., R. 8 E., as a scenic river.

(C) The 1.25-mile segment from the confluence with the unnamed tributary in sec. 32, T. 4 R. E., to the Redwood National Park boundary of Orick in sec. 34, T. 11 N., R. 1 E., as a scenic river.

(D) REDWOOD CREEK.—The following segments, to be administered by the Secretary of the Interior:

(A) The 6.2-mile segment from the confluence with Lacks Creek to the confluence with Jackson Creek, as a scenic river, on publication by the Secretary of the Interior of a notice in the Federal Register that sufficient inholdings within the boundaries of the segments have been acquired in fee title to establish a manageable addition to the National Wild and Scenic Rivers System.

(B) The 19.1-mile segment from the confluence with Coyote Creek, in sec. 2, T. 8 N., R. 2 E., to the Redwood National Park boundary of Orick in sec. 34, T. 11 N., R. 1 E., as a scenic river.

(C) The 2.3-mile segment of Emerald Creek (also known as Harry Weir Creek) from its source in sec. 29, T. 10 N., R. 2 E., to the confluence with Redwood Creek, as a scenic river.

(D) LACKS CREEK.—The following segment, to be administered by the Secretary of the Interior:

(A) The 3.1-mile segment from the confluence with 2 unnamed tributaries in sec. 14, T. 7 N., R. 3 E., to Kings Crossing in sec. 27, T. 8 N., R. 3 E., as a wild river.

(B) The 2.7-mile segment from Kings Crossing to the confluence with Redwood Creek, as a scenic river, on publication by
the Secretary of a notice in the Federal Register that sufficient inholdings within the segment have been acquired in fee title or as scenic easements to establish a manageable addition to the National Wild and Scenic Rivers System.

“(250) LOST MAN CREEK.—The following segments, to be administered by the Secretary of the Interior as a wild river:

“(A) The 6.4-mile segment of Lost Man Creek from its source in sec. 5, T. 10 N., R. 2 E., to 0.25 miles upstream of the Prairie Creek recreational river to be administered by the Secretary of the Interior as a wild river.

“(B) The 2.3-mile segment of Larry Dam Creek from its source in sec. 8, T. 11 N., R. 2 E., to the confluence with Lost Man Creek, as a recreational river.

“(251) LITTLE LOST MAN CREEK.—The 3.6-mile segment of Little Lost Man Creek from its source in sec. 24, T. 10 N., R. 2 E., to the confluence with Lost Man Creek, as a wild river.

“(252) SOUTH FORK ELK RIVER.—The following segments, to be administered by the Secretary of the Interior through a cooperative management agreement with the State of California:

“(A) The 3.6-mile segment of the Little South Fork Elk River from the source in sec. 21, T. 3 N., R. 1 E., to the confluence with the South Fork, as a wild river.

“(B) The 2.2-mile segment of the unnamed tributary of the Little South Fork Elk River from its source in sec. 15, T. 3 N., R. 1 E., to the confluence with Little South Fork Elk River, as a wild river.

“(C) The 3.6-mile segment of the South Fork Elk River from the confluence of the Little South Fork Elk River to the confluence with Tom Gulch, as a recreational river.

“(253) SALMON CREEK.—The 4.6-mile segment from its source in sec. 27, T. 3 N., R. 1 E., to the Headwaters Forest Reserve boundary in sec. 18, T. 3 N., R. 1 E., to be administered by the Secretary of the Interior through a cooperative management agreement with the State of California.

“(254) SOUTH FORK EEL RIVER.—The following segments, to be administered by the Secretary of the Interior:

“(A) The 6.2-mile segment from the confluence with Jack of Hearts Creek to the southern boundary of the South Fork Eel Wilderness in sec. 8, T. 22 N., R. 16 W., as a recreational river to be administered by the Secretary of the Interior through a cooperative management agreement with the State of California.

“(B) The 6.1-mile segment from the southern boundary of the South Fork Eel Wilderness to the boundary of the South Fork Eel Wilderness in sec. 29, T. 23 N., R. 16 W., as a wild river.

“(255) ELDER CREEK.—The following segments, to be administered by the Secretary of the Interior through a cooperative management agreement with the State of California:

“(A) The 3.6-mile segment from its source north of Signal Peak in sec. 6, T. 21 N., R. 15 W., to the confluence with the unnamed tributary near the center of sec. 28, T. 22 N., R. 16 W., as a wild river.

“(B) The 1.3-mile segment from the confluence with the unnamed tributary near the center of sec. 28, T. 22 N., R. 15 W., to the confluence with the South Fork Eel River, as a recreational river.

“(C) The 2.1-mile segment of Paralyze Canyon from its source south of Signal Peak in sec. 25, T. 22 N., R. 15 W., to the confluence with Elder Creek, as a wild river.

“(256) CEDAR CREEK.—The following segments, to be administered as a wild river by the Secretary of the Interior:

“(A) The 7.7-mile segment from its source in sec. 22, T. 24 N., R. 16 W., to the southern boundary of the Red Mountain unit of the South Fork Eel Wilderness.

“(B) The 1.9-mile segment of North Fork Cedar Creek from its source in sec. 28, T. 24 N., R. 16 E., to the confluence with Cedar Creek.

“(257) EAST BRANCH SOUTH FORK EEL RIVER.—The following segments, to be administered by the Secretary of the Interior as a wild river:

“(A) The 2.3-mile segment of Cruso Cabin Creek from the confluence of 2 unnamed tributaries in sec. 18, T. 24 N., R. 15 W., to the confluence with Elkhorn Creek.

“(B) The 1.8-mile segment of Elkhorn Creek from the confluence of 2 unnamed tributaries in sec. 22, T. 24 N., R. 16 W., to the confluence with Cruso Cabin Creek.

“(C) The 14.2-mile segment of the East Branch South Fork Eel River from the confluence of Cruso Cabin and Elkhorn Creeks to the confluence with Rays Creek.

“(D) The 1.7-mile segment of the unnamed tributary from its source on the north flank of Red Mountain's north ridge in sec. 2, T. 24 N., R. 17 W., to the East Branch South Fork Eel River.

“(E) The 1.3-mile segment of the unnamed tributary from its source on the north flank of Red Mountain's north ridge in sec. 1, T. 24 N., R. 17 W., to the confluence with the East Branch South Fork Eel River.

“(F) The 1.8-mile segment of Tom Long Creek from the confluence with the unnamed tributary in sec. 12, T. 5 S., R. 4 E., to the confluence with the East Branch South Fork Eel River.

“(258) MATTOLE RIVER ESTUARY.—The 1.5-mile segment from the confluence of Stansberry Creek to the Pacific Ocean, to be administered as a recreational river by the Secretary of the Interior.

“(259) HONEYDEW CREEK.—The following segments, to be administered as a wild river by the Secretary of the Interior:

“(A) The 5.1-mile segment of Honeydew Creek from its source in the southwest corner of sec. 25, T. 3 S., R. 1 W., to the eastern boundary of the South Fork Eel Wilderness in sec. 10, T. 3 S., R. 1 W., as a wild river.

“(260) BEAR CREEK.—The following segments, to be administered by the Secretary of the Interior:

“(A) The 1.9-mile segment of North Fork Bear Creek from the confluence with the unnamed tributary downstream of the Horse Mountain Road crossing to the confluence with the South Fork, as a scenic river.

“(B) The 6.1-mile segment of South Fork Bear Creek from the confluence in sec. 2, T. 5 S., R. 1 W., with the unnamed tributary flowing from the southwest flank of Queen Peak to the confluence with the North Fork, as a scenic river.

“(C) The 3-mile segment of Bear Creek from the confluence with the North and South Forks to the Pacific Ocean in sec. 11, T. 4 S., R. 1 E., as a wild river.

“(261) GITCHELL CREEK.—The 3.8-mile segment of Gitchell Creek from its source near King Peak in sec. 23, T. 3 S., R. 1 W., to the confluence with Big Flat Creek.

“(262) BIG FLAT CREEK.—The following segments, to be administered by the Secretary of the Interior as a wild river:

“(A) The 4.1-mile segment of Big Flat Creek from its source near King Peak in sec. 36, T. 3 S., R. 1 W., to the Pacific Ocean.

“(B) The 0.8-mile segment of the unnamed tributary from its source in sec. 35, T. 3 S., R. 1 W., to the confluence with Big Flat Creek.

“(C) The 2.7-mile segment of North Fork Big Flat Creek from the source in sec. 34, T. 3 S., R. 1 W., to the Pacific Ocean.

“(D) The 1.9-mile unnamed tributary from its source in sec. 32, T. 3 S., R. 1 W., to the Pacific Ocean.

“(E) The 1.4-mile segment from its source with Lookout Creek to its confluence with Deep Hole Creek, to be jointly administered by the Secretary of Agriculture and the Secretary of the Interior as a wild river.

“(F) The 4.3-mile segment from the private property boundary in the northwest quarter of sec. 27, T. 21 N., R. 12 W., to the eastern boundary of the Eel River, to be administered by the Secretary of the Interior as a wild river.

“(265) DENNIS CREEK.—The 2.7-mile segment from the private property boundary in the southwest quarter of sec. 13, T. 20 N., R. 12 W., to the confluence with the Eel River, to be administered by the Secretary of the Interior as a wild river.

“(266) INDIAN CREEK.—The 3.3-mile segment from 300 feet downstream of the jeep trail in sec. 13, T. 20 N., R. 13 W., to the confluence with the Eel River, to be administered by the Secretary of the Interior as a wild river.

“(267) FISH CREEK.—The 4.2-mile segment from the source at Buckhorn Spring to the Pacific Ocean, to be administered by the Secretary of the Interior as a wild river.”.

SEC. 5135. SANHEDRIN SPECIAL CONSERVATION MANAGEMENT AREA.

(a) Establishment.—Subject to valid existing rights, there is established the Sanhedrin Special Conservation Management Area (“the conservation management area”), comprising approximately 12,254 acres of Federal land designated as the Sanhedrin Special Conservation Management Area in sec. 30, T. 3 S., R. 1 W., with the unnamed tributary from its source near King Peak in Mendocino County, California, as generally depicted on the map entitled “Sanhedrin Conservation Management Area” and dated May 15, 2020.

(b) Purposes.—The purposes of the conservation management area are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wild-life, recreational, roadless, cultural, historical, educational, and scientific resources of the conservation management area;

(2) to protect and restore late-successional forest structure, oak woodlands, aquatic habitat, and anadromous fisheries within the conservation management area;

(3) to protect and restore the wilderness character of the conservation management area; and

(4) to allow visitors to enjoy the scenic, natural, cultural, and educational values of the conservation management area.

(c) Management.—

(1) In General.—The Secretary shall manage the conservation management area in a manner consistent with the purposes described in subsection (b); and...
(B) in accordance with—
(i) the laws (including regulations) generally applicable to the National Forest System;
(ii) this section; and
(iii) any other applicable law (including regulations).
(2) Units.—The Secretary shall only allow uses of the conservation management area that the Secretary determines would further the purposes described in subsection (b).
(d) MOTORIZED VEHICLES.—
(1) IN GENERAL.—Except as provided in paragraph (3), the use of motorized vehicles in the conservation management area shall be permitted only on existing roads, trails, and areas designated for use by such vehicles as part of, the conservation management area.
(2) NEW OR TEMPORARY ROADS.—Except as provided in paragraph (3), no new or temporary roads shall be constructed within the conservation management area.
(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prevents the Secretary from—
(a) rerouting or closing an existing road or trail to protect natural resources from degradation, or to protect public safety, as determined to be appropriate by the Secretary;
(b) designating routes of travel on land acquired from the sale of property or exchange of property by the Secretary as part of, the conservation management area; or
(c) responding to an emergency.
(4) DECOMMISSIONING OF TEMPORARY ROADS.—
(A) DEFINITION OF DECOMMISSION.—In this paragraph, the term “decommission” means, with respect to a road—
(i) to reestablish vegetation on the road; and
(ii) to restore any natural drainage, watershed function, or other ecological processes that may have been disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism.
(B) REQUIREMENT.—Not later than 3 years after the date on which the applicable vegetation management project is completed, the Secretary shall decommission any temporary road constructed under paragraph (3)(C).
(e) TIMBER HARVEST.—
(1) IN GENERAL.—Except as provided in paragraph (2), no harvesting of timber shall be allowed within the conservation management area.
(2) EXCEPTIONS.—The Secretary may authorize harvesting of timber in the conservation management area—
(A) if the Secretary determines that the harvesting is necessary to further the purposes of the conservation management area; or
(B) in a manner consistent with the purposes described in subsection (b); and
(C) subject to—
(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and
(ii) applicable law (including regulations); and
(2) in a manner consistent with the purposes described in subsection (b).
(g) WILDLIFE, INSECT, AND DISEASE MANAGEMENT.—Consistent with this section, the Secretary may carry out any activities within the conservation management area that the Secretary determines to be necessary to control wildlife, insects, or diseases, including the coordination of those activities with a State or local agency.
(h) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—
(1) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land acquired by the Secretary under paragraph (1) shall be—
(A) incorporated into, and administered as part of, the conservation management area; and
(B) withdrawn in accordance with subsection (i).
(2) WITHDRAWAL.—Subject to valid existing rights, all Federal land located in the conservation management area is withdrawn from—
(i) all forms of entry, appropriation, and disposal under the public land laws;
(ii) location, entry, and patenting under the mining laws; and
(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.
Subtitle D—Miscellaneous
SEC. 5141. MAPS AND LEGAL DESCRIPTIONS.
(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare maps and legal descriptions of—
(1) the South Fork Trinity-Mad River Restoration Area established by section 5111(b); (2) the Horse Mountain Special Management Area established by section 5121(a);
(3) the wilderness areas and wilderness additions described in section 5131(a); and
(4) the potential wilderness areas designated by section 5133(a); and
(b) SUBMISSION OF MAPS AND LEGAL DESCRIPTIONS.—The Secretary shall file the maps and legal descriptions prepared under subsection (a) with—
(1) the Committee on Energy and Natural Resources of the House of Representatives;
(2) the Committee on Natural Resources of the Senate; and
(3) the laws (including regulations) generally applicable to the National Park Service, as applicable.
(c) ORANGE.—The grazing of livestock in the conservation management area, where established by the date of enactment of this Act, shall be permitted to continue—
(i) subject to—
(A) such reasonable regulations, policies, and practices as the Secretary considers necessary; and
(B) applicable law (including regulations); and
(2) in a manner consistent with the purposes described in subsection (b).
(3) USES.—The Secretary shall only allow uses of the conservation management area that are generally applicable to the National Forest System.
(4) DECOMMISSIONING OF TEMPORARY ROADS.—Except as provided in paragraph (3), no new or temporary roads shall be constructed within the conservation management area.
(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prevents the Secretary from—
(a) rerouting or closing an existing road or trail to protect natural resources from degradation, or to protect public safety, as determined to be appropriate by the Secretary;
(b) designating routes of travel on land acquired from the sale of property or exchange of property by the Secretary as part of, the conservation management area; or
(c) responding to an emergency.
(4) DECOMMISSIONING OF TEMPORARY ROADS.—
(A) DEFINITION OF DECOMMISSION.—In this paragraph, the term “decommission” means, with respect to a road—
(i) to reestablish vegetation on the road; and
(ii) to restore any natural drainage, watershed function, or other ecological processes that may have been disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism.
(B) REQUIREMENT.—Not later than 3 years after the date on which the applicable vegetation management project is completed, the Secretary shall decommission any temporary road constructed under paragraph (3)(C).
(e) TIMBER HARVEST.—
(1) IN GENERAL.—Except as provided in paragraph (2), no harvesting of timber shall be allowed within the conservation management area.
(2) EXCEPTIONS.—The Secretary may authorize harvesting of timber in the conservation management area—
(A) if the Secretary determines that the harvesting is necessary to further the purposes of the conservation management area; or
(B) in a manner consistent with the purposes described in subsection (b); and
(C) subject to—
(i) such reasonable regulations, policies, and practices as the Secretary determines to be appropriate; and
(ii) all applicable laws (including regulations).
(f) GRAZING.—The grazing of livestock in the conservation management area, where established by the date of enactment of this Act, shall be permitted to continue—
(i) subject to—
SEC. 5142. UPDATES TO LAND AND RESOURCE MANAGEMENT PLANS.
As soon as practicable after the date of enactment of this Act, the Secretary shall incorporate the designations and studies required by this title into updated management plans for units covered by this title.
SEC. 5143. PACIFIC GAS AND ELECTRIC COMPANY UTILITIES FACILITIES AND RIGHTS-OF-WAY.
(a) EFFECT OF TITLE.—Nothing in this title—
(1) affects any validly issued right-of-way for the customary operation and maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized activity (including the use of any motorized vehicle, helicopter, and other aerial device) in a right-of-way acquired by or issued, granted, or permitted to Pacific Gas and Electric Company (including any successor or assign) that is located on land included in—
(A) the South Fork Trinity-Mad River Restoration Area established by section 5111(b);
(B) the Horse Mountain Special Management Area established by section 5121(a);
(C) the Bigfoot National Recreation Trail established under section 5122(b)(1); and
(D) the Sanhedrin Special Conservation Management Area established by section 5133(a); or
(2) prohibits the upgrading or replacement of any—
(A) utility facilities of the Pacific Gas and Electric Company, including those utility facilities in existence on the date of enactment of this Act within—
(i) the South Fork Trinity-Mad River Restoration Area known as—
(I) “Gas Transmission Line 177A or rights-of-way”;
(II) “Gas Transmission Line DFM 1312-02 or rights-of-way”;
(III) “Electric Transmission Line Bridgeville-Cottonwood 115 kV or rights-of-way”;
(IV) “Electric Transmission Line Humboldt-Trinity 60 kV or rights-of-way”;
(V) “Electric Transmission Line Humboldt-Trinity 115 kV or rights-of-way”;
(VI) “Electric Transmission Line Maple Creek-Hoopa 60 kV or rights-of-way”;
(VII) “Electric Transmission Line-Willow Creek 110 kV or rights-of-way”;
(VIII) “Electric Transmission Line-Willow Creek 110 12 kV or rights-of-way”;
(IX) “Electric Transmission Line-Low Gap 110 kV or rights-of-way”;
(X) “Electric Transmission Line-Fort Seward 112 12 kV or rights-of-way”;
(XI) “Forest Glen Border District Regulator Station or rights-of-way”;
(XII) “Durrett District Gas Regulator Station or rights-of-way”;
(XIII) “Gas Distribution Line 4296C or rights-of-way”;
(XIV) “Gas Distribution Line 43991 or rights-of-way”;
(XV) “Gas Distribution Line 4995D or rights-of-way”;
(XVI) “Sportsmans Club District Gas Regulator Station or rights-of-way”;
(XVII) “Highway 36 and Zenia District Gas Regulator Station or rights-of-way”;
(XVIII) “Dimondale Lodge 2nd Stage Gas Regulator Station or rights-of-way”;
(XIX) “Electric Distribution Line-Wildwood 1101 12 kV or rights-of-way”;
(XX) “Low Gap Substation”;
(XXI) “Electric Distribution Line-Trinity County Substation” or “Wildwood Substation”;
(XXII) the Bigfoot National Recreation Trail known as—
(I) “Electric Transmission Line 177A or rights-of-way”;
(II) “Electric Transmission Line Humboldt-Trinity 115 kV or rights-of-way”;
(III) “Gas Transmission Line Bridgeville-Cottonwood 115 kV or rights-of-way”; or
(B) applicable law (including regulations); and
Public Inspection
(d) PUBLIC AVAILABILITY.—The maps and legal descriptions prepared under subsection (a) shall be on file and available for public inspection in the appropriate offices of the Forest Service, the Bureau of Land Management, or the National Park Service, as applicable.
SEC. 5201. DEFINITIONS.

In this title:

(1) SCENIC AREA.—The term “scenic area” means a scenic area designated by section 5297(a).

(2) SECRETARY.—The term “Secretary” means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary of the Interior; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) WITHIN.—The term “within” means the State of California.

(4) WILDERNESS AREA.—The term “wilderness area” means a wilderness area or wilderness addition designated by section 5292(a).

SEC. 5202. DESIGNATION OF WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1132 et seq.), the following areas in the State are designated as wilderness areas as and components of the National Wilderness Preservation System:

(1) The Bakersfield Field Office of the Bureau of Land Management comprising approximately 35,116 acres, as generally depicted on the map entitled “Caliente Mountain Wilderness” and dated November 13, 2019, which shall be known as the “Caliente Mountain Wilderness”.

(2) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 13,332 acres, as generally depicted on the map entitled “Proposed Caliente Mountain Wilderness” and dated June 25, 2019, which shall be known as the “Soda Lake Wilderness”.

(3) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 12,985 acres, as generally depicted on the map entitled “Proposed Temblor Range Wilderness” and dated June 25, 2019, which shall be known as the “Temblor Range Wilderness”.

(4) Certain land in the Los Padres National Forest comprising approximately 23,670 acres, as generally depicted on the map entitled “Chumash Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the Chumash Wilderness as designated by section 2(5) of the Los Padres Condor Range and River Protection Act (16 U.S.C. 1132 note; Public Law 102–301; 106 Stat. 242).


(6) Certain land in the Los Padres National Forest and the Bakersfield Field Office of the Bureau of Land Management comprising approximately 12,985 acres, as generally depicted on the map entitled “Garcia Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the Garcia Wilderness as designated by section 2(4) of the Los Padres Condor Range and River Protection Act (16 U.S.C. 1132 note; Public Law 102–301; 106 Stat. 242).

(7) Certain land in the Los Padres National Forest and the Bakersfield Field Office of the Bureau of Land Management comprising approximately 30,184 acres, as generally depicted on the map entitled “Matilija Mountain Wilderness—Proposed Additions” and dated October 30, 2019, which shall be incorporated into and managed as part of the Matilija Mountain Wilderness as designated by section 101(a)(38) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 96 Stat. 1620).

(8) Certain land in the Los Padres National Forest comprising approximately 23,969 acres, as generally depicted on the map entitled “San Rafael Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the San Rafael Wilderness as designated by section 101(a)(6) of the Public Law 90–271 (16 U.S.C. 1132 note; 82 Stat. 51).

(9) Certain land in the Los Padres National Forest comprising approximately 2,921 acres, as generally depicted on the map entitled “Santa Lucia Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the Santa Lucia Wilderness as designated by section 2(2) of the Los Padres Condor Range and River Protection Act (16 U.S.C. 1132 note; Public Law 102–301; 106 Stat. 242).

(b) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the wilderness areas with—

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

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

SEC. 5203. DESIGNATION OF THE MACHEÑA MOUNTAIN POTENTIAL WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Los Padres National Forest comprising approximately 2,359 acres, as generally depicted on the map entitled “Machesna Mountain Potential Wilderness” and dated March 29, 2019, is designated as the Machesna Mountain Potential Wilderness Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Machesna Mountain Potential Wilderness Area (referred to in this section as the “potential wilderness area”) with—

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

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) TRAIL USE, CONSTRUCTION, RECONSTRUCTION, REALIGNMENT, AND RECONSTRUCTION.

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary may reconstruct, re-align, or reroute the Pine Mountain Trail.

(2) REQUIREMENT.—In carrying out the reconstruction, realignment, or rerouting under paragraph (1), the Secretary shall—

(A) comply with all existing laws (including regulations); and

(B) to the maximum extent practicable, use the minimum tool or administrative practice necessary to accomplish the reconstruction, realignment, or rerouting with the least amount of adverse impact on wilderness character and resources.

(3) MOTORIZED VEHICLES AND MACHINERY.—In accordance with paragraph (2), the Secretary may use motorized vehicles and machinery to carry out the trail reconstruction, realignment, or rerouting authorized by this subsection.

(4) MOTORIZED AND MECHANIZED VEHICLES.—The Secretary shall ensure that motorized vehicles and machinery on the existing Pine Mountain Trail shall comply with existing law (including regulations) and this subsection until such date as the potential
wilderness area is designated as wilderness in accordance with subsection (h).

(e) Withdrawer.—Subject to valid existing rights, the Federal land in the potential wilderness area is withdrawn from all forms of disposal, except:

(1) entry, appropriation, or disposal under the public land laws;
(2) location, entry, and patent under the mining laws;
(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) Cooperative Agreements.—In carrying out this section, the Secretary may enter into cooperative agreements with State, Tribal, and local governmental entities and private persons to initiate the trail reconstruction, realignment, or rerouting authorized by subsection (d).

(g) Boundaries.—The Secretary shall modify the boundary of the potential wilderness area to exclude any area within 150 feet of the centerline of the new location of any trail that has been reconstructed, realigned, or rerouted under subsection (d).

(h) Wilderness Designation.—

(1) In General.—The potential wilderness area, as modified under subsection (g), shall be determined and established as a component of the National Wilderness Preservation System on the earlier of:

(A) the date on which the Secretary publishes in the Federal Register notice that the trail reconstruction, realignment, or rerouting authorized by subsection (d) has been completed; and

(B) the date that is 20 years after the date of enactment of this Act.

(2) Administration of Wilderness.—On designation as wilderness under this section, the potential wilderness area shall be:

(A) incorporated into the Machesna Mountain Wilderness Area, as designated by section 101(a)(39) of the California Wilderness Act of 1984 (Public Law 98–425; 98 Stat. 1624) and expanded by section 5232; and

(B) administered in accordance with section 5234 and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 5234. ADMINISTRATION OF WILDERNESS.

(a) In General.—Subject to valid existing rights, the wilderness shall be administered by the Secretary in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness area.

(b) Fire Management and Related Activities.—

(1) In General.—The Secretary may take any necessary fire management actions that are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(2) Funding Priorities.—Nothing in this title limits funding for fire and fuels management in the wilderness areas.

(3) Revision and Development of Local Fire Management Plans.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management reference system or individual operational plan that applies to the land designated as a wilderness area.

(c) Modification.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas, the Secretary shall enter into agreements with appropriate State or local firefighting agencies.

(d) Grazing.—The grazing of livestock in the wilderness areas, if established before the date of enactment of this Act, shall be permitted to continue in accordance with any reasonable regulations as the Secretary considers necessary in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4));

(2) the guidelines set forth in Appendix A of House Report 101–405, accompanying H.R. 2570 of the 101st Congress for land under the jurisdiction of the Secretary of the Interior;

(3) the guidelines set forth in House Report 96–617, accompanying H.R. 5887 of the 96th Congress for land under the jurisdiction of the Secretary of Agriculture; and

(4) all other laws governing livestock grazing on Federal public land.

(e) Fish and Wildlife.—

(1) In General.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects the jurisdiction or responsibilities of the State with respect to fish and wildlife on public land in the State.

(2) Management Activities.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas, if the management activities are—

(A) consistent with relevant wilderness management principles; and

(B) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405; and

(C) in accordance with memoranda of understanding between the Federal agencies and the State Department of Fish and Wildlife.

(f) Buffer Zones.—

(1) In General.—Congress does not intend for the designation of wilderness areas by this title to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) Activities or Uses Up to Boundaries.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not be considered as a violation of those activities or uses up to the boundary of the wilderness area.

(g) Military Activities.—Nothing in this title precludes the Secretary of Defense, or any other department or agency of the United States, from—

(1) low-level overflights of military aircraft over the wilderness areas;

(2) the designation of new units of special airspace over the wilderness areas; or

(3) the use or establishment of military flight training routes over wilderness areas.

(h) Horses.—Nothing in this title precludes the Secretary, in order to afford access to any non-Federal land:

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

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(i) Incorporation of Acquired Land and Interior Projects.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may incorporate any land that is acquired by the United States as—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with—

(A) this section;

(B) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(C) any other applicable law.

(j) Treatment of Existing Water Diversion Systems in the San Rafael Wilderness Additions.—

(1) Authorization for Continued Use.—The Secretary of Agriculture may issue a special use authorization to the owners of the existing water transport or diversion facility, including non-Federal roads (each referred to in this subsection as a “facility”), located on National Forest System land in the San Rafael Wilderness Additions in the Moon Canyon unit (T. 11 N., R. 30 W., secs. 13 and 14) and the Peak Mountain unit (T. 10 N., R. 28 W., secs. 23 and 25) for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(A) the facility was in existence on the date on which the land on which the facility is located was withdrawn as part of the National Wilderness Preservation System (referred to in this subsection as “the date of designation”); and

(B) the facility has been in substantially continuous use to deliver water for the beneficial use on the non-Federal land of the owner since the date of designation.

(k) Treatment of Existing Electrical Distribution Line in the San Rafael Wilderness Additions.—

(1) Authorization for Continued Use.—The Secretary of Agriculture may issue a special use authorization to the owners of the existing electrical distribution line to the Plowshare Peak communication site (referred to in this subsection as a “facility”) located on National Forest System land in the San Rafael Wilderness Additions in the Moon Canyon unit (T. 11 N., R. 30 W., secs. 2,
(1) The 3.5-mile segment of Mono Creek from the Ogilvy Ranch private property boundary to the southern boundary of sec. 35, T. 6 N., R. 26 W., as a recreational river.

(2) The 2.1-mile segment of Mono Creek from 0.25 miles upstream of Don Victor Fire Road in sec. 28, T. 7 N., R. 25 W., to 0.25 miles downstream of Don Victor Fire Road in sec. 34, T. 7 N., R. 25 W., as a recreational river.

(3) The 14.7-mile segment of Mono Creek from 0.25 miles downstream of Don Victor Fire Road in sec. 28, T. 7 N., R. 25 W., to the Ogilvy Ranch private property boundary in sec. 22, T. 6 N., R. 26 W., as a wild river.

(4) The 3.5-mile segment of Mono Creek from its source on the north of Ranger Peak in sec. 32, T. 8 N., R. 29 W., to 300 feet upstream of its confluence with Sunset Valley Creek, as a wild river.

(5) The 0.5-mile segment of Munch Canyon from its source, to 300 feet upstream of its confluence with Munch Canyon, as a recreational river.

(6) The 2.6-mile segment of Fish Creek from 500 feet downstream of Sunset Valley Road to its confluence with Munch Canyon, as a wild river.

(7) The 1.5-mile segment of East Fork Fish Creek from its source in sec. 26, T. 8 N., R. 29 W., to its confluence with Fish Creek, as a wild river.

(8) The 1.7-mile segment of Piru Creek from the private property boundary in sec. 4, T. 7 N., R. 21 W., to its confluence with the Gold Hill Road, as a scenic river.

(9) The 4.1-mile segment of Piru Creek from 0.25 miles downstream of Gold Hill Road to the confluence with Trail Canyon, as a wild river.

(10) The 7.2-mile segment of Piru Creek from the confluence with Trail Canyon to its confluence with Buck Creek, as a scenic river.

(11) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramidal Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

(12) The 13.5-mile segment of Piru Creek from the boundary of the Sespe Wilderness to the boundary of the Sespe Wilderness, as a wild river.

(13) The 2.2-mile segment of Piru Creek from the boundary of the Sespe Wilderness to the upper limit of Piru Reservoir, as a recreational river.

(14) The 7.2 mile segment of Piru Creek from the confluence with Trail Canyon to its confluence with Buck Creek, as a scenic river.

(15) The designation of additional miles of Piru Creek under subsection (d) shall not affect valid water rights in existence at the date of enactment of this Act.

(f) MOTORIZED USE OF TRAILS.—Nothing in this section (including the amendments made by this section) affects the motorized use of trails designated by the Forest Service for motorized use that are located adjacent to and crossing upper Piru Creek, if the use is consistent with the protection and enhancement of river values under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

SEC. 5206. DESIGNATION OF THE FOX MOUNTAIN POTENTIAL WILDERNESS AREA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Los Padres National Forest containing approximately 41,082 acres, as generally depicted on the map entitled “Fox Mountain Potential Wilderness Area” and dated November 14, 2019, is designated as the Fox Mountain Potential Wilderness Area.

(b) MAP AND LEGAL DESCRIPTION.—(1) GENERAL.—As practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of the Fox Mountain Potential Wilderness Area referred to in this section as the “potential wilderness area” with
(a) the Committee on Energy and Natural Resources of the Senate; and
(b) the Committee on Natural Resources of the House of Representatives.

(2) The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct any clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1311 et seq.).

(d) TRAIL USE CONSTRUCTION, RECONSTRUCTION, AND REALIGNMENT.—(1) GENERAL.—In accordance with paragraph (2), the Secretary of Agriculture may—

(A) construct a new trail for use by hikers, equestrians, and mechanized vehicles that connects the Aliso Park Campground to the Bull Ridge Trail; and

(B) reconstruct or realign—

(i) the Bull Ridge Trail; and

(ii) the Rocky Ridge Trail.

(2) REQUIREMENTS.—In carrying out the construction, reconstruction, or alignment under paragraph (1), the Secretary shall—

(A) comply with all existing laws (including regulations); and

(B) to the maximum extent practicable, use the minimum tool or administrative practice necessary to accomplish the construction, reconstruction, or alignment, with the least amount of adverse impact on wilderness character and resources.

(3) MOTORIZED VEHICLES AND MACHINERY.—In accordance with paragraph (2), the Secretary may use mechanized vehicles and machinery to carry out the trail construction, reconstruction, or realignment authorized by this subsection.

(4) MECHANIZED VEHICLES.—The Secretary may permit the use of mechanized vehicles on the existing Bull Ridge Trail and Rocky Ridge Trail in accordance with existing law (including regulations) and this subsection until such date as the potential wilderness area is designated as wilderness in accordance with subsection (b).

(e) WITHDRAWAL.—Subject to valid existing rights, the Federal land in the potential wilderness area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into cooperative agreements with State, Tribal, or national and local agencies; and private entities to complete the trail construction, reconstruction, and realignment authorized by subsection (d).

(g) BOUNDARIES.—The Secretary shall modify the boundary of the potential wilderness area to exclude any area within 50 feet of the centerline of the new location of any trail that is constructed, reconstructed, or realigned under subsection (d).

(h) WILDERNESS DESIGNATION.—(1) In general.—The potential wilderness area, as modified under subsection (g), shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the trail construction, reconstruction, or alignment authorized by subsection (d) has been completed; and

(B) the date that is 20 years after the date of enactment of this Act.

(2) ADMINISTRATION OF WILDERNESS.—On designation as wilderness under this section, the potential wilderness area shall be—

(A) incorporated into the San Rafael Wilderness, as designated by Public Law 90–271 (16 U.S.C. 1312 note; 82 Stat. 51) and expanded by section 5202; and

(B) administered in accordance with section 5204 and the Wilderness Act (16 U.S.C. 1311 et seq.).

SEC. 5207. DESIGNATION OF SCENIC AREAS.

(a) IN GENERAL.—Subject to valid existing rights, there are established the following scenic areas:

(1) CONDOR RIDGE SCENIC AREA.—Certain land in the Los Padres National Forest comprising approximately 16,666 acres, as generally depicted on the map entitled ''Condor Ridge Scenic Area—Proposed'' and dated March 29, 2019, which shall be known as the ''Condor Ridge Scenic Area''.

(2) BLACK MOUNTAIN SCENIC AREA.—Certain land in the Los Padres National Forest comprising approximately 16,216 acres, as generally depicted on the map entitled ''Black Mountain Scenic Area—Proposed'' and dated March 29, 2019, which shall be known as the ''Black Mountain Scenic Area''.

(b) MAPS AND LEGAL DESCRIPTIONS.—(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the Condor Ridge Scenic Area and Black Mountain Scenic Area with—

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

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

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct any clerical and typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(4) PURPOSE.—The purpose of the scenic areas is to conserve, protect, and enhance for future generations the ecological, scenic, wild, recreational, cultural, historical, natural, educational, and scientific resources of the scenic areas.

(5) MANAGEMENT.—(1) IN GENERAL.—The Secretary shall administer the scenic areas—

(A) in a manner that conserves, protects, and enhances the resources of the scenic areas; and

(B) in accordance with—

(i) this section; and


(2) Permanent structures.

(3) PERMANENT STRUCTURES.—(A) The Secretary may authorize permanent structures—

(i) for the purpose of conserving, protecting, and enhancing the scenic and natural character of the area;

(ii) necessary for the health and safety—

(I) the Secretary determines would further the purposes described in subsection (a) or

(II) the Secretary determines are necessary for the scenic character, natural, and cultural resources of the Los Padres National Forest.

(B) The Secretary shall—

(i) the establishment of temporary roads.

(2) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—The Secretary may authorize temporary roads—

(iii) other interested organizations.

(ii) private landowners; and

(i) other Federal, State, Tribal, regional, and local agencies;

(a) FINDING.—Congress finds that the Condor National Scenic Trail established under paragraph (31) of section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is named after the California Condor, a critically endangered bird species that lives along the corridor of the Condor National Scenic Trail.

(b) PURPOSE.—The purposes of the Condor National Scenic Trail are—

(1) to provide a continual extended hiking corridor that connects the southern and northern portions of the Los Padres National Forest, spanning the entire length of the forest along the coastal mountains of southern and central California; and

(2) to provide for the public enjoyment of the nationally significant scenic, historic, natural, and cultural resources of the Los Padres National Forest.

(c) AMENDMENT.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(31) CONDOR NATIONAL SCENIC TRAIL.—"(A) IN GENERAL.—The Condor National Scenic Trail, a trail extending approximately 400 miles from Lake Piru in the northern portion of the Los Padres National Forest to the Bottons Gap Campground in the northern portion of the Los Padres National Forest.

(b) ADJACENT MANAGEMENT.—The fact that an otherwise authorized activity or use can be seen or heard within a scenic area shall not preclude the activity or use outside the boundary of the scenic area.

SEC. 5208. CONDOR NATIONAL SCENIC TRAIL.

(a) FINDING.—Congress finds that the Condor National Scenic Trail established under paragraph (31) of section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is named after the California Condor, a critically endangered bird species that lives along the corridor of the Condor National Scenic Trail.

(b) PURPOSE.—The purposes of the Condor National Scenic Trail are—

(1) to provide a continual extended hiking corridor that connects the southern and northern portions of the Los Padres National Forest, spanning the entire length of the forest along the coastal mountains of southern and central California; and

(2) to provide for the public enjoyment of the nationally significant scenic, historic, natural, and cultural resources of the Los Padres National Forest.

(3) Permanent structures.

(3) PERMANENT STRUCTURES.—(A) In general.—The Secretary shall—

(i) authorize temporary roads—


(2) Permanent structures.

(3) PERMANENT STRUCTURES.—(A) In general.—The Secretary shall—

(i) authorize temporary roads—

(ii) the Secretary determines would further the purposes described in subsection (c).

(iii) other interested organizations.

(ii) private landowners; and

(iii) other Federal, State, Tribal, regional, and local agencies;
“(D) PRIVATE PROPERTY RIGHTS.—

“(1) PROHIBITION.—The Secretary shall not acquire for the Condor National Scenic Trail any land or interest in land outside the exterior boundary of a federal forest or any area of federal ownership which is managed for multiple-use purposes without the consent of the owner of land or interest in land.

“(ii) EFFECT.—Nothing in this paragraph—

(A) shall require any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(E) REALIGNMENT.—The Secretary of Agriculture shall make any realignment or alternative segment modifications in the Condor National Scenic Trail as necessary to fulfill the purposes of the Condor National Scenic Trail.”

(d) STUDY.—

(1) STUDY REQUIRED.—Not later than 3 years after the date of enactment of this Act, in accordance with this subsection, the Secretary of Agriculture shall conduct a study that—

(A) addresses the feasibility of, and alternatives for, connecting the northern and southern portions of the Los Padres National Forest by establishing a trail across the suitable water sources; and

(B) considers realignment of the Condor National Scenic Trail or construction of new segments for the Condor National Scenic Trail to avoid existing segments of the Condor National Scenic Trail that allow motorized vehicles.

(2) CONTENTS.—In carrying out the study required by paragraph (1), the Secretary of Agriculture shall—

(A) comply with the requirements for studies for a national scenic trail described in section 648 of the National Trails System Act (16 U.S.C. 1244(b));

(B) provide for a continual hiking route through and connecting the southern and northern sections of the Los Padres National Forest;

(C) promote recreational, scenic, wilderness, and cultural values;

(D) ensure compatibility with the overall system of National Forest System trails;

(E) consider new connectors and realignment of existing trails; and

(F) emphasize safe and continuous public access, dispersal from high-use areas, and cultural values.

(3) ADDITIONAL REQUIREMENT.—In completing the study required under paragraph (1), the Secretary of Agriculture shall—

(A) appropriate Federal, State, Tribal, regional, and local agencies;

(B) private landowners;

(C) governmental organizations; and

(D) members of the public.

(4) SUBMISSION.—The Secretary of Agriculture shall submit the study required under paragraph (1) to—

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

(B) the Committee on Natural Resources of the House of Representatives.

(5) ADDITIONS AND ALTERATIONS TO THE CONDOR NATIONAL SCENIC TRAIL.—

(A) IN GENERAL.—On completion of the study required under paragraph (1), if the Secretary of Agriculture determines that additional or alternative trail segments are feasible for inclusion in the Condor National Scenic Trail, the Secretary of Agriculture shall include the segment in the Condor National Scenic Trail.

(B) EFFECTIVE DATE.—An addition or alteration to the Condor National Scenic Trail determined to be feasible under subparagraph (A) shall take effect on the date on which the Secretary publishes in the Federal Register notice that the additional or alternative segments are included in the Condor National Scenic Trail.

(2) COORDINATE STUDIES.—In carrying out this section (including the amendments made by this section), the Secretary of Agriculture may enter into cooperative agreements with State, Tribal, and local government entities and private entities to complete necessary construction, reconstruction, and realignment projects authorized for the Condor National Scenic Trail under this section (including the amendments made by this section).

S. 5209. FOREST SERVICE STUDY.

Not later than 6 years after the date of enactment of this Act, the Secretary of Agriculture shall study the feasibility of opening a new trail, for vehicles measuring 50 inches or less, connecting Forest Service Highway 95 to the existing off-highway vehicle trail system in the Ballinger Canyon off-highway vehicle area.

S. 5210. NONMOTORIZED RECREATION OPPORTUNITIES.

Not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture shall study the feasibility of, and alternative segments are included

(A) a water right;

(B) surface water management; or

(C) groundwater management.

(2) ADVISORY COUNCIL.—The term “Advisory Council” means the San Gabriel National Recreation Area Public Advisory Council established under section 5317(a).

(3) FEDERAL LAND.—The term “Federal land” means—

(A) public land under the jurisdiction of the Secretary; and

(B) land under the jurisdiction of the Secretary of Defense, acting through the Chief of Engineers.

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Recreation Area required under section 5314(d).

(5) PARTNERSHIP.—The term “Partnership” means the San Gabriel National Recreation Area Partnership established by section 5318(a).

(6) PUBLIC WATER SYSTEM.—The term “Public water system” has the meaning given the term in—

(A) section 1410 of the Safe Drinking Water Act (42 U.S.C. 300f); or

(B) section 116275 of the California Health and Safety Code.

(7) RECREATION AREA.—The term “Recreation Area” means the San Gabriel National Recreation Area established by section 5316(a).

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(9) UTILITY FACILITY.—The term “utility facility” means—

(A) any electric substation, communication facility, tower, pole, line, ground wire, communication circuit, or other structure; and

(B) any related infrastructure; and

(C) any facility associated with a public water system.

(10) WATER RESOURCE FACILITY.—The term “water resource facility” means—

(A) an irrigation or pumping facility;

(B) a dam or reservoir;

(C) a flood control facility;

(D) a water conservation works (including a debris protection facility); and

(E) a rain gauge or stream gauge.

TITLE LIII—SAN GABRIEL MOUNTAINS FOOTHILLS AND RIVERS PROTECTION

SEC. 5301. DEFINITION OF STATE.

In this title, the term “State” means the State of California.

Subtitle A—San Gabriel National Recreation Area

SEC. 5311. PURPOSES.

The purposes of this subtitle are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Recreation Area;

(2) to provide expanded educational and interpretive services to increase public understanding of, and appreciation for, the natural and cultural resources of the Recreation Area;

(3) to improve access to and from the Recreation Area;

(4) to provide expanded educational and interpretive services to increase public understanding of, and appreciation for, the natural and cultural resources of the Recreation Area;

(5) to facilitate the cooperative management of the land and resources within the Recreation Area, in collaboration with—

(A) the State;

(B) political subdivisions of the State;

(C) historical, business, cultural, civic, recreational, tourism, and other nongovernmental organizations; and

(D) the public; and

(6) to allow the continued use of the Recreation Area by all individuals, entities, and local government agencies in activities relating to integrated water management, flood protection, water conservation, water quality, water rights, water supply, ground-water recharge and monitoring, wastewater treatment, public roads and bridges, and utilities within or adjacent to the Recreation Area.

SEC. 5312. DEFINITIONS.

In this subtitle:

(1) ADJUDICATION.—The term “adjudication” means any final judgment, order, ruling, or decree entered in any judicial proceeding adjudicating or affecting—

(A) a water right;

(B) surface water management; or

(C) groundwater management.

(2) ADVISORY COUNCIL.—The term “Advisory Council” means the San Gabriel National Recreation Area Public Advisory Council established under section 5317(a).

(3) FEDERAL LAND.—The term “Federal land” means—

(A) public land under the jurisdiction of the Secretary; and

(B) land under the jurisdiction of the Secretary of Defense, acting through the Chief of Engineers.

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Recreation Area required under section 5314(d).

(5) PARTNERSHIP.—The term “Partnership” means the San Gabriel National Recreation Area Partnership established by section 5318(a).

(6) PUBLIC WATER SYSTEM.—The term “Public water system” has the meaning given the term in—

(A) section 1410 of the Safe Drinking Water Act (42 U.S.C. 300f); or

(B) section 116275 of the California Health and Safety Code.

(7) RECREATION AREA.—The term “Recreation Area” means the San Gabriel National Recreation Area established by section 5316(a).

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(9) UTILITY FACILITY.—The term “utility facility” means—

(A) any electric substation, communication facility, tower, pole, line, ground wire, communication circuit, or other structure; and

(B) any related infrastructure; and

(C) any facility associated with a public water system.

(10) WATER RESOURCE FACILITY.—The term “water resource facility” means—

(A) an irrigation or pumping facility;

(B) a dam or reservoir;

(C) a flood control facility;

(D) a water conservation works (including a debris protection facility);

(E) a sediment placement site;

(F) a rain gauge or stream gauge;

(G) a water quality facility; and

(H) a water storage tank or reservoir;
SEC. 5313. SAN GABRIEL NATIONAL RECREATION AREA.

(a) Establishment; Boundaries.—Subject to valid existing rights, there is established as a unit under the jurisdiction of the Secretary of the Interior, a national recreation area to be known as the "San Gabriel National Recreation Area".

(b) Authority.—The Secretary shall:

(A) establish a comprehensive management plan for the area;

(B) develop an environmental assessment associated with the plan;

(C) provide for public inspection of the plan;

(D) consider recommendations of the Partnership.

(c) Lands.—Nothing in this subsection affects the jurisdiction of the State with respect to any Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, or any other State or political subdivision of any State with respect to any Federal land with respect to any person injured in the use of any land or interest in land acquired by the United States within the boundaries of the Recreation Area.

(d) Management Plan.—To the maximum extent practicable, the Secretary shall incorporate into the management plan the visitor services plan described in section 5311.

(e) Easements.—Nothing in this subsection affects the jurisdiction of the State with respect to any Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, or any other State or political subdivision of any State with respect to any Federal land with respect to any person injured in the use of any land or interest in land acquired by the United States within the boundaries of the Recreation Area.

(f) Prohibition on Use of Eminent Domain.—Nothing in this subsection authorizes the use of eminent domain to acquire land or interest in land.

(g) Waivers.—Nothing in this subsection waives any existing right, privilege, immunity, or defense with respect to any person injured in the use of any land or interest in land acquired by the United States within the boundaries of the Recreation Area.

SEC. 5315. ACQUISITION OF NON-FEDERAL LAND WITHIN RECREATION AREA.

(a) Limited Acquisition Authority.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire non-Federal land within the boundaries of the Recreation Area by exchange, donation, or purchase from a willing seller.

(2) USE OF EXISTING PLANS.—In developing the management plan, the Secretary may incorporate any provision of a land use or other regulatory authority.

(b) Authority.—

(A) LANDS.—Nothing in this subsection affects the jurisdiction of the State with respect to any Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, or any other State or political subdivision of any State with respect to any Federal land with respect to any person injured in the use of any land or interest in land.

(B) Prohibition on Use of Eminent Domain.—Nothing in this subsection authorizes the use of eminent domain to acquire land or interest in land.

(C) Waivers.—Nothing in this subsection waives any existing right, privilege, immunity, or defense with respect to any person injured in the use of any land or interest in land acquired by the United States within the boundaries of the Recreation Area.
FACILITIES.—Nothing in this subtitle or section 5322 affects—

(1) authorizes any agency or employee of a public water system, court of competent jurisdiction, or public agency pursuant to any Federal or State law, rule, or regulation, including any action relating to—

(A) the use, operation, maintenance, repair, construction, destruction, removal, relocation, construction, alteration, addition, relocations, improvement, or replacement of a utility facility or appurtenant right-of-way within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument;

(B) increases the liability of an agency or public water system carrying out flood protection, water conservation, water supply, groundwater recharge, water transfers, or water quality operations.

(2) affects access to a utility facility or right-of-way within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument;

(3) precludes the establishment of a new utility facility or right-of-way (including instream sites, routes, and areas) within the Recreation Area or San Gabriel Mountains National Monument if such a facility or right-of-way is necessary for public health and safety, electricity supply, or other utility services.

(4) diverts or uses water.—Nothing in this subtitle or section 5322 authorizes or requires the use of water or water rights in, or the diversion of water to, the Recreation Area or San Gabriel Mountains National Monument.

(c) UTILITY FACILITIES AND RIGHTS OF WAY.—Nothing in this subtitle or section 5322—

(1) affects the use, operation, maintenance, repair, construction, destruction, reconfiguration, expansion, inspection, renewal, reconstruction, alteration, addition, relocation, improvement, or removal of a utility facility or appurtenant right-of-way within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument.

(2) affects access to a utility facility or right-of-way within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument.

(3) affects the use, operation, maintenance, repair, construction, destruction, removal, relocation, construction, alteration, addition, relocation, improvement, or removal of a utility facility or appurtenant right-of-way within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument.

(4) interferes or conflicts with any action by a watermaster, water agency, public water system, court of competent jurisdiction, or public agency pursuant to any Federal or State law, rule, or regulation, including any action relating to—

(A) water conservation;

(B) water quality;

(C) surface water diversion or impoundment;

(D) groundwater recharge;

(E) water treatment;

(F) conservation or storage of water;

(G) the pollution, waste discharge, or transportation, or public agency pursuant to any Federal or State law, rule, or regulation, including any action relating to—

(1) operated or maintained by a non-Federal entity; and

(ii) open to the public; or

(ii) used by a public agency or utility for the operation, maintenance, improvement, repair, removal, relocation, construction, de-struction, or rehabilitation of infrastructure, a utility facility, or a right-of-way.

(B) 7 shall be appointed for a term of 1 year; and

(ii) I open to vehicular use by the public; or

(ii) used by a public agency or utility for the operation, maintenance, improvement, repair, removal, relocation, construction, reconstruction, alteration, addition, relocations, improvement, or replacement of a utility facility or public water system within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument if such a facility or right-of-way is necessary for public health and safety, electricity supply, or other utility services.

(d) ROADS; PUBLIC TRANSIT.—

(1) DEFINITIONS.—In this subsection:

(A) PUBLIC ROAD.—The term "public road" means any paved road or bridge (including any appurtenant structure and right-of-way) that is—

(1) operated or maintained by a non-Federal entity; and

(ii) I open to the public; or

(ii) used by a public agency or contractor for the operation, maintenance, repair, construction, or rehabilitation of infrastructure, a utility facility, or a right-of-way.

(2) No EFFECT ON PUBLIC ROADS OR PUBLIC TRANSIT.—Nothing in this subtitle or section 5322—

(A) authorizes the Secretary to take any action that would affect the operation, maintenance, improvement, or construction of any public road or public transit (including activities necessary to comply with Federal or State safety or public transit standards); or

(B) creates any new liability, or increases any existing liability, of an owner or operator of a public road.
(1) select a chairperson from among the members of the Advisory Council; and
(2) establish such rules and procedures as the Advisory Council considers to be necessary.
(b) Service without pay.—A member of the Advisory Council shall serve without pay.
(c) Term.—The Advisory Council shall terminate on—
(1) the date that is 5 years after the date on which the management plan is adopted by the Secretary; or
(2) such later date as the Secretary considers to be appropriate.
SEC. 5318. SAN GABRIEL NATIONAL RECREATION AREA
(a) Establishment.—There is established a partnership, to be known as the “San Gabriel National Recreation Area Partnership”.
(b) Purposes.—The purposes of the Partnership are—
(1) to coordinate the activities of Federal, State, Tribal, and local authorities and the private sector in advancing the purposes of this subtitle; and
(2) to use the resources and expertise of each agency in improving management and recreational opportunities within the Recreation Area.
(c) Membership.—The Partnership shall include—
(1) The Secretary (or a designee) to represent the National Park Service.
(2) The Secretary of Defense (or a designee) to represent the Corps of Engineers.
(3) The Secretary of Agriculture (or a designee) to represent the Forest Service.
(4) The Secretary of the Natural Resources Agency of the State (or a designee) to represent—
(A) the California Department of Parks and Recreation; and
(B) the Rivers and Mountains Conservancy.
(5) A designee of the Los Angeles County Board of Supervisors.
(6) A designee of the Puente Hills Habitat Preservation Authority.
(7) A designee of the San Gabriel Council of Governments, of whom 1 shall be selected from a local land conservancy.
(8) A designee of the San Gabriel Valley Economic Partnership.
(9) A designee of the Los Angeles County Flood Control District.
(10) A designee of the San Gabriel Valley Water Association.
(12) A designee of the Main San Gabriel Basin Watermaster.
(13) A designee of a public utility company, to be appointed by the Secretary.
(14) A designee of the Watershed Conservation Authority.
(15) A designee of the Advisory Council for the period during which the Advisory Council remains in effect.
(16) A designee of San Gabriel Mountains National Monument Community Collaborative.
(d) Duties.—To advance the purposes described in section 5311, the Partnership shall—
(1) make recommendations to the Secretary regarding development and implementation of the management plan;
(2) review and comment on the visitor services plan under section 5319a(2), and facilitate the implementation of that plan;
(3) assist units of local government, regional planning organizations, and nonprofit organizations in advancing the purposes of the Recreation Area;
(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Recreation Area;
(B) establishing and maintaining interpretive exhibits and programs within the Recreation Area;
(C) developing recreational and educational opportunities in the Recreation Area in accordance with the purposes of this subtitle;
(D) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Recreation Area;
(E) ensuring that signs identifying points of public access and sites of interest are posted throughout the Recreation Area;
(F) promoting a wide range of partnerships among government agencies, non-Federal landowners, and individuals to advance the purposes of the Recreation Area; and
(G) ensuring that management of the Recreation Area takes into consideration—
(i) local ordinances and land-use plans; and
(ii) adjacent residents and property owners;
(4) make recommendations to the Secretary regarding the appointment of members to the Advisory Council; and
(5) carry out any other actions necessary to achieve the purposes of this subtitle.
(e) Authorities.—Subject to approval by the Secretary, for the purposes of preparing and implementing the management plan, the Partnership may use Federal funds made available under this section—
(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons to coordinate the activities of Federal, State, and local agencies, and other interested parties;
(2) to enter into cooperative agreements with, or provide grants or technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;
(3) to hire and compensate staff;
(4) to obtain funds or services from any source, including funds and services provided under any other Federal law or program;
(5) to contract for goods or services; and
(6) to support activities of partners and any other activities that—
(A) advance the purposes of the Recreation Area; and
(B) are in accordance with the management plan.
(f) Terms of Office; Reappointment; Vacancies.—
(1) Terms.—A member of the Partnership shall be appointed for a term of 3 years.
(2) Reappointment.—A member may be reappointed to serve on the Partnership on the expiration of the term of service of the member.
(3) Vacancy.—A vacancy on the Partnership shall be filled in the same manner in which the original appointment was made.
(g) Quorum.—
(1) In General.—11 members of the Partnership shall constitute a quorum.
(2) No Effect on Operations.—The operations of the Partnership shall not be impaired by the fact that a member has not yet been appointed if a quorum has been attained under paragraph (1).
(h) Chairperson; Procedures.—The Partnership shall—
(1) select a chairperson from among the members of the Partnership; and
(2) establish such rules and procedures as the Partnership considers to be necessary or desirable.
(i) Service without Compensation.—A member of the Partnership shall serve without compensation.
(j) Duties and Authorities of Secretary.
(1) In General.—The Secretary shall convene the Partnership on a regular basis to carry out this subtitle.
(I) to expand opportunities for high-demand recreational activities, in accordance with the purposes described in section 5311;

(II) to better manage Recreation Area resources to improve the experience of Recreation Area visitors through—

(aa) expanded interpretive and educational services and facilities; and

(bb) improved agreements; and

(III) to better manage Recreation Area resources to reduce negative impacts on the environment, ecology, and integrated water management activities in the Recreation Area;

(vi) in coordination and consultation with affected owners of non-Federal land, assess opportunities to retitle non-Federal opportunities on non-Federal land into the Recreation Area—

(I) in a manner consistent with the purposes and uses of the non-Federal land; and

(II) with the consent of the non-Federal landowner;

(vii) assess opportunities to provide recreational opportunities that connect with adjacent National Forest System land; and

(viii) be developed and carried out in accordance with applicable Federal, State, and local laws and ordinances.

(C) CONSULTATION.—In developing the visitor services plan, the Secretary shall—

(I) consult with—

(aa) the appropriate States; and

(bb) the Advisory Council;

(II) give appropriate consideration to, and notify, appropriate State and local agencies; and

(III) interested nongovernmental organizations; and

(ii) involve members of the public.

(b) VISITOR USE FACILITIES.—Each facility under paragraph (1) shall be developed in accordance with applicable Federal, State, and local—

(A) laws (including regulations); and

(B) plans.

(c) DONATIONS.—

(I) IN GENERAL.—The Secretary may accept and use donated funds, property, in-kind contributions, and services to carry out this subtitle.

(2) REQUIREMENTS.—Each facility under paragraph (1) shall be developed in accordance with applicable Federal, State, and local—

(A) laws (including regulations); and

(B) plans.

(3) SHEEP MOUNTAIN WILDERNESS ADDITIONS.—

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of National Forest System land in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(I) CONDOR PEAK WILDERNESS.—Certain Federal land in the Angeles National Forest, comprising approximately 8,207 acres, as generally depicted on the map entitled "Condor Peak Wilderness—Proposed" and dated June 6, 2019, which shall be known as the "Condor Peak Wilderness".

(II) SAN GABRIEL WILDERNESS ADDITIONS.—Certain Federal land in the Angeles National Forest, comprising approximately 2,032 acres, as generally depicted on the map entitled "San Gabriel Wilderness Additions" and dated June 6, 2019, which is incorporated in, and considered to be a part of, the San Gabriel Wilderness designated by Public Law 90-318 (16 U.S.C. 1132 note; 82 Stat. 131).

(III) SHEEP MOUNTAIN WILDERNESS ADDITIONS.—Certain Federal land in the Angeles National Forest, comprising approximately 6,694 acres, as generally depicted on the map entitled "Sheep Mountain Wilderness Additions" and dated June 6, 2019, which shall be known as the "Sheep Mountain Wilderness".

(b) MAP AND LEGAL DESCRIPTION.—

(I) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133 note), the Secretary shall amend, as applicable, any reference in that Act to the effective date of enactment of this Act.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire or fuels management in a wilderness area or addition.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend, as applicable, any local fire management plan that applies to a wilderness area or addition.

(4) ADMINISTRATION.—In accordance with paragraph (1) and any other applicable Federal law, to ensure a timely and efficient response to a fire emergency in a wilderness area or addition, the Secretary may—

(A) commissioners, District Manager, or other agency officials; and

(B) local fire service organizations and agencies.

(c) FUNDING PRIORITIES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133 note; Public Law 90-318; 90 Stat. 425; 82 Stat. 1623).

(d) WILDERNESS ACT OF 2019.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133 note), nothing in this Act affects the jurisdiction or responsibility of the State with respect to fish or wildlife on public land in the State.

(2) MANAGEMENT ACTIVITIES.—

(A) IN GENERAL.—In support of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activity that the Secretary determines to be necessary to maintain or restore a fish or wildlife population or habitat in a wilderness area or addition, if the activity is conducted in accordance with—

(i) applicable wilderness management plans; and

(ii) appropriate policies, such as the policies established in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-465).

(B) INCLUSIONS.—A management activity under paragraph (A) may include the construction of vehicle use trails; the closing or fencing of public lands to motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations; and the construction of wildlife corridors that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

SEC. 5324. ADMINISTRATION OF WILDERNESS AREAS AND ADDITIONS.

(a) IN GENERAL.—The Secretary shall administer the wilderness areas and additions established by this Act in accordance with the purposes described in section 5311 and the Wilder- ness Act (16 U.S.C. 1131 et seq.), except that if the Secretary determines that the areas and additions have not been managed or administered in accordance with this Act, the Secretary shall take corrective action and provide for public inspection in the appropriate offices of the Forest Service.

(b) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary is authorized to carry out such activities in a wilderness area or addition as are necessary for the control of fire, insects, or diseases in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133 note); and

(B) House Report 98-40 of the 98th Congress.

(c) VISITOR USE.—In accordance with subsection (a), the Secretary shall—

(I) give appropriate consideration to, and notify, appropriate State and local agencies and local fire service organizations and agencies; and

(ii) involve members of the public.

(2) REQUIREMENTS.—Each facility under paragraph (1) shall be developed in accordance with the laws (including regulations); and

(B) plans.


(3) INCLUSIONS.—A management activity under paragraph (A) may include the construction of vehicle use trails; the closing or fencing of public lands to motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations; and the construction of wildlife corridors that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.
(C) EXISTING ACTIVITIES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and other appropriate polecies (such as the policies established in Appendix B of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405)), the State shall—(i) permit any activities that are not prohibited by the Act and are clearly consistent with the Act; and (ii) approve any new activity outside of a wilderness area or addition if the Secretary determines that the activity is consistent with the Act.

(2) LOW-LEVEL OVERFLIGHTS.—No aircraft, including small aircraft, helicopters, or gliders, shall fly within 1,000 feet of any wilderness boundary.

(3) LIMITATION.—No aircraft, including small aircraft, helicopters, or gliders, shall fly within 1,000 feet of any wilderness boundary.

(4) DRUG INTERDICTION.—No aircraft shall fly within 1,000 feet of any wilderness boundary.

(5) WATER CONVEYANCE.—No aircraft shall fly within 1,000 feet of any wilderness boundary.

(6) PURSUITS.—No aircraft, including small aircraft, helicopters, or gliders, shall fly within 1,000 feet of any wilderness boundary.

(7) LAND CONSTRUCTION.—No aircraft, including small aircraft, helicopters, or gliders, shall fly within 1,000 feet of any wilderness boundary.

(8) MINING.—No aircraft, including small aircraft, helicopters, or gliders, shall fly within 1,000 feet of any wilderness boundary.

(9) MINING.—No aircraft, including small aircraft, helicopters, or gliders, shall fly within 1,000 feet of any wilderness boundary.

(10) MINING.—No aircraft, including small aircraft, helicopters, or gliders, shall fly within 1,000 feet of any wilderness boundary.

(11) MINING.—No aircraft, including small aircraft, helicopters, or gliders, shall fly within 1,000 feet of any wilderness boundary.

(12) MINING.—No aircraft, including small aircraft, helicopters, or gliders, shall fly within 1,000 feet of any wilderness boundary.

SEC. 5326. DESIGNATION OF WILD AND SCENIC RIVERS

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) (as amended by this Act) is amended by adding at the end the following:

"(272) EAST FORK SAN GABRIEL RIVER, CALIFORNIA.—The following segments of the East Fork San Gabriel River shall be administered by the Secretary of Agriculture in the following classes:

(A) The 10-mile segment from the confluence of the Canadian Fork and Vincent Gulch to 100 yards upstream of the Heaton Flats trailhead and day use area, as a wild river.

(B) The 2.7-mile segment from 100 yards upstream of the Heaton Flats trailhead and day use area to 100 yards upstream of the confluence with Williams Canyon, as a recreational river.

(273) NORTH FORK SAN GABRIEL RIVER, CALIFORNIA.—The 4.3-mile segment of the North Fork San Gabriel River from the confluence with Santiago Canyon to 25 miles downstream of the confluence with the West Fork San Gabriel River, to be administered by the Secretary of Agriculture as a recreational river.

(274) WEST FORK SAN GABRIEL RIVER, CALIFORNIA.—The following segments of the West Fork San Gabriel River shall be administered by the Secretary of Agriculture in the following classes:

(A) The 6.7-mile segment from 25 miles downstream of its source near Red Box Gap in sec. 14, T. 2 N., R. 12 W., to the confluence with the unnamed tributary 0.25 miles downstream of the power lines in sec. 22, T. 2 N., R. 11 W., 11, as a wild river.

(B) The 1.6-mile segment of the West Fork from 0.25 miles downstream of the powerlines in sec. 22, T. 2 N., R. 11 W., to the confluence with Bobcat Canyon, as a recreational river.

(275) LITTLE ROCK CREEK, CALIFORNIA.—The following segments of Little Rock Creek and tributaries, to be administered by the Secretary of Agriculture in the following classes:

(A) The 10.3-mile segment from its source on Mt. Williamson in sec. 6, T. 3 N., R. 9 W., to 100 yards upstream of the confluence with the South Fork Little Rock Creek, as a wild river.

(B) The 6.6-mile segment from 100 yards upstream of the confluence with the South Fork Little Rock Creek to the confluence with Santiago Canyon, as a recreational river.

(C) The 1-mile segment of Cooper Canyon Creek from 0.25 miles downstream of Highway 2 to 100 yards downstream of Cooper Canyon Campground, as a scenic river.

(D) The 1.3-mile segment of Cooper Canyon Creek from 100 yards downstream of Cooper Canyon Campground to the confluence with Little Rock Creek, as a wild river.

(E) The 1-mile segment of Buckhorn Creek from 100 yards downstream of the Buckhorn Campground to its confluence with Cooper Canyon Creek, as a wild river.

(b) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(c) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(d) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(e) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(f) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(g) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(h) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(i) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(j) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(k) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(l) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(m) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(n) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(o) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(p) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(q) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(r) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(s) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(t) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(u) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(v) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(w) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(x) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(y) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.

(z) WATER RESOURCES.—No new water resource facilities shall be constructed, and no existing water resource facilities shall be expanded, if the expansion or other activity will be outside of a wilderness area or addition.
substantive requirements under State law to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to—

(1) the San Gabriel Mountains National Monument;

(2) the wilderness areas and additions; and

(3) the components of the national and wild and scenic rivers designated in paragraphs (272), (273), (274), and (275) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by section 5235(a)).

SA 4216. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. GLOBAL CLIMATE ASSISTANCE FUNDS.

(a) In General.—The amount authorized to be appropriated for fiscal year 2022 by this Act is the aggregate amount authorized to be appropriated for fiscal year 2022 by this Act minus one percent.

(b) Allocation.—The allocation of the reduction under subsection (a) shall be derived from the additional $25,626,879,000 provided by the House of Representatives to the discretionary authorizations within the jurisdiction of the Committee on Armed Services of the Appropriations, as set forth on page 350 of the report of the Committee on Armed Services of the House of Representatives accompanying H.R. 4350 of the 117th Congress (H. Rept. 117–116).

(c) Use of Funds.—Amounts from the reduction under subsection (a) shall be used by the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, as appropriate, to increase the authorization of appropriations for funds to global climate assistance accounts, programs, organizations, and international financial institutions described in subsection (d) for the following purposes:

(1) To reduce the risks to United States national security due to climate change, as set forth in the national intelligence estimate of the National Intelligence Council entitled “Climate Change and International Responses Increasing Challenges to US National Security Through 2040” (NIE-NIC-2021-10030-A).

(2) To provide public climate financing to developing countries, with the objective of limiting any global temperature rise at or below 1.5 degrees Celsius above pre-industrial levels.

(d) Global Climate Assistance Accounts, Programs, Organizations, and International Financial Institutions Described.—The global climate assistance accounts, programs, organizations, and international financial institutions described in this subsection are the following:

(1) The Green Climate Fund.

(2) Global Environment Facility.

(3) Adaptation, the Global Environment Facility.

(4) Sustainable Landscapes.

(5) Clean Energy Programs.

(6) Biodiversity Programs.

(7) Global Environment Technology Fund.

(8) Migration and Refugee Assistance.

(9) International Disaster Assistance.


(12) The Adaptation Fund.

SA 4217. Mr. CORYN (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3. STUDY ON SUPPLY CHAINS CRITICAL TO NATIONAL SECURITY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, for defense activities of the Department of Energy, to 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. GLOBAL CLIMATE ASSISTANCE FUNDS.

(a) In General.—The amount authorized to be appropriated for fiscal year 2022 by this Act is the aggregate amount authorized to be appropriated for fiscal year 2022 by this Act minus one percent.

(b) Allocation.—The allocation of the reduction under subsection (a) shall be derived from the additional $25,626,879,000 provided by the House of Representatives to the discretionary authorizations within the jurisdiction of the Committee on Armed Services of the Appropriations, as set forth on page 350 of the report of the Committee on Armed Services of the House of Representatives accompanying H.R. 4350 of the 117th Congress (H. Rept. 117–116).

(c) Use of Funds.—Amounts from the reduction under subsection (a) shall be used by the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, as appropriate, to increase the authorization of appropriations for funds to global climate assistance accounts, programs, organizations, and international financial institutions described in subsection (d) for the following purposes:

(1) To reduce the risks to United States national security due to climate change, as set forth in the national intelligence estimate of the National Intelligence Council entitled “Climate Change and International Responses Increasing Challenges to US National Security Through 2040” (NIE-NIC-2021-10030-A).

(2) To provide public climate financing to developing countries, with the objective of limiting any global temperature rise at or below 1.5 degrees Celsius above pre-industrial levels.

(d) Global Climate Assistance Accounts, Programs, Organizations, and International Financial Institutions Described.—The global climate assistance accounts, programs, organizations, and international financial institutions described in this subsection are the following:

(1) The Green Climate Fund.

(2) Global Environment Facility.

(3) Adaptation, the Global Environment Facility.

(4) Sustainable Landscapes.

(5) Clean Energy Programs.

(6) Biodiversity Programs.

(7) Global Environment Technology Fund.

(8) Migration and Refugee Assistance.

(9) International Disaster Assistance.


(12) The Adaptation Fund.

SA 4217. Mr. CORYN (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3. STUDY ON SUPPLY CHAINS CRITICAL TO NATIONAL SECURITY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, for defense activities of the Department of Energy, to 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. GLOBAL CLIMATE ASSISTANCE FUNDS.

(a) In General.—The amount authorized to be appropriated for fiscal year 2022 by this Act is the aggregate amount authorized to be appropriated for fiscal year 2022 by this Act minus one percent.

(b) Allocation.—The allocation of the reduction under subsection (a) shall be derived from the additional $25,626,879,000 provided by the House of Representatives to the discretionary authorizations within the jurisdiction of the Committee on Armed Services of the Appropriations, as set forth on page 350 of the report of the Committee on Armed Services of the House of Representatives accompanying H.R. 4350 of the 117th Congress (H. Rept. 117–116).

(c) Use of Funds.—Amounts from the reduction under subsection (a) shall be used by the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, as appropriate, to increase the authorization of appropriations for funds to global climate assistance accounts, programs, organizations, and international financial institutions described in subsection (d) for the following purposes:

(1) To reduce the risks to United States national security due to climate change, as set forth in the national intelligence estimate of the National Intelligence Council entitled “Climate Change and International Responses Increasing Challenges to US National Security Through 2040” (NIE-NIC-2021-10030-A).

(2) To provide public climate financing to developing countries, with the objective of limiting any global temperature rise at or below 1.5 degrees Celsius above pre-industrial levels.

(d) Global Climate Assistance Accounts, Programs, Organizations, and International Financial Institutions Described.—The global climate assistance accounts, programs, organizations, and international financial institutions described in this subsection are the following:

(1) The Green Climate Fund.

(2) Global Environment Facility.

(3) Adaptation, the Global Environment Facility.

(4) Sustainable Landscapes.

(5) Clean Energy Programs.

(6) Biodiversity Programs.

(7) Global Environment Technology Fund.

(8) Migration and Refugee Assistance.

(9) International Disaster Assistance.


(12) The Adaptation Fund.
Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1064. SENSE OF CONGRESS REGARDING CRISIS AT THE SOUTHWEST LAND BORDER.

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

(1) There were 1,300,000 illegal crossings between January, 2021, and July, 2021, across the Southwest land border of the United States.

(2) The 212,672 migrant encounters at the Southwest land border in July 2021 was a 21-year high.

(3) Noncitizens with criminal convictions are routinely encountered at ports of entry and between ports of entry on the Southwest land border.

(4) Some of the inadmissible individuals encountered at the Southwest land border are known or suspected terrorists.

(5) International criminal organizations routinely move illicit drugs, counterfeit products, and trafficked humans across the Southwest land border.

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

(1) the current level of illegal crossings and trafficking on the Southwest border represents a national security threat;

(2) the Department of Defense has rightly contributed personnel to aid the efforts of the United States Government to address the crisis at the Southwest border;

(3) the National Guard and active duty members of the Armed Forces are to be commended for their hard work and dedication in the response to the crisis at the Southwest border;

(4) border security is a matter of national security and the failure to address the crisis at the Southwest land border introduces significant risk to the people of the United States.

SA 4222. 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 in title V, insert the following:

SEC. 1088. PERFORMANCE REPORTS ON VETERANS BENEFITS.

(a) FINDINGS.—Congress finds that—

(1) the Department of Veterans Affairs has a legal and moral obligation to ensure the timely provision of necessary care and services to our Nation's veterans; and

(2) the Department of Veterans Affairs has had a history of failing to timely provide veterans with their benefits and services.

(b) REPORTS.—The Secretary of Veterans Affairs shall submit to Congress a report on the performance of the Department of Veterans Affairs in the provision of benefits and services to veterans.
(3) the looming fiscal crisis faced by the United States must be addressed.

SA 4224. 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 mili-
tary activities of the Department of Defense, for military construction, and
for defense activities of the Depart-
ment of Energy, to 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. STUDY ON RESEARCH PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) STUDY REQUIRED.—The Secretary of De-
fense shall conduct a study on the research
programs of the Department of Defense.

(b) ELEMENTS.—The study required by sub-
section (a) shall include the following:

(1) Identification of all research programs of the Department.

(2) Identification of which programs identified under paragraph (1) are duplicates of each other and which programs are dupli-
cates of programs of other Federal agencies.

(3) For each program of the Department identified under paragraph (2) that is a dupli-
cate of another program of the Department but is carried out by a different military de-
partment or Defense Agency, identification of which military department or Defense Agency is the most appropriate entity to carry out the program.

**AUTHORITY FOR COMMITTEES TO MEET**

Mr. BENNET. Mr. President, I have 7 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are au-
Authorized to meet during today’s session of the Senate:

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**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

The Committee on Agriculture, Nu-
trition, and Forestry is authorized to meet during the session of the Senate on Tuesday, November 2, 2021, at 10 a.m., to conduct a hearing.

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, November 2, 2021, at 10 a.m., to conduct a hearing.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, November 2, 2021, at 10 a.m., to conduct a business meeting on nomi-
nations.

**COMMITTEE ON FOREIGN RELATIONS**

The Committee on Foreign Relations is authorized to meet during the ses-
sion of the Senate on Tuesday, November 2, 2021, at 10 a.m., to conduct a hearing on nominations.

**COMMITTEE ON THE JUDICIARY**

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, November 2, 2021, at 10 a.m., to conduct a hearing.

**SELECT COMMITTEE ON INTELLIGENCE**

The Select Committee on Intel-
ligence is authorized to meet during the session of the Senate on Tuesday, November 2, 2021, at 2:30 p.m., to con-
duct a closed briefing.

**SUBCOMMITTEE ON STATE DEPARTMENT AND USAID MANAGEMENT, INTERNATIONAL OPERATIONS, AND BILATERAL INTERNATIONAL DEVELOPMENT**

The Subcommittee on State Depart-
ment and USAID Management, Interna-
tional Operations, and Bilateral International Development of the Com-
mittee on Foreign Relations is author-
ized to meet during the session of the Senate on Tuesday, November 2, 2021, at 2:30 p.m., to conduct a hearing.

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HONORING THE INDIVIDUALS FIGHTING AND THE INDIVIDUALS WHO HAVE FALLEN RESPONDING TO WILDLAND FIRES DURING THE ONGOING 2021 WILDFIRE SEASON

Mr. PETERS. Madam President, I ask unanimous consent that the Sen-
ate proceed to the consideration of S. Res. 436, submitted earlier today.

THE PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 436) honoring the in-
dividuals fighting and the individuals who have fallen responding to wildland fires dur-
ing the ongoing 2021 wildfire season.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**THE PRESIDENT.** Without objection, it is so ordered.

**THE PRESIDENT.** I further ask that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

**DIRECTING THE SECRETARY OF VETERANS AFFAIRS TO SUBMIT A CONGRESSIONAL REPORT ON THE USE OF CAMERAS IN MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS**

Mr. PETERS. Madam President, I ask unanimous consent that the Com-
mittee on Veterans’ Affairs be dis-
charged and the Senate now proceed to the immediate consideration of S. Res. 1510.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

The bill (H.R. 1510) was passed.

Mr. PETERS. I further ask that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1510) was ordered to a third reading, was read the third time, and passed.

**SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBERSECURITY AWARENESS MONTH**

Mr. PETERS. Madam President, I ask unanimous consent that the Com-
mittee on Homeland Security and Gov-
ernmental Affairs be discharged from further consideration of S. Res. 410 and the Senate proceed to its immediate consideration.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

The bill (H.R. 1510) was ordered to a third reading, was read the third time, and passed.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**THE PRESIDING OFFICER.** The bill clerk will report the bill by title.

The bill clerk read as follows:

A resolution (S. Res. 410) supporting the goals and ideals of National Cybersecurity Awareness Month to raise awareness and en-
hance the state of cybersecurity in the United States.
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 3867 submitted an 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 3874. Mr. O'SSOF (for himself, Mr. TILLIS, Mr. SCOTT of South Carolina, Mr. King, Mr. White, Mr. Mr. KELLY, 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, supra, which was ordered to lie on the table.

SA 3875. Mr. DUBIN (for himself and Mr. CASSIDY) submitted an 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 3876. Mr. BRAUN (for himself, Mr. TILLIS, Mrs. GILLIBRAND, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.

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

SEC. 1043. ADDITIONS TO THE SMITH RIVER NATIONAL RECREATION AREA AND IDENTIFICATION OF COMPONENTS OF THE NATIONAL WILDERNESS SYSTEM.

(a) ADDITIONS TO THE SMITH RIVER NATIONAL RECREATION AREA.—

(1) DEFINITIONS.—Section 3 of the Smith River National Recreation Area Act (16 U.S.C. 460bb(b)-1) is amended—

(A) in paragraph (1), by striking “referred to in section 4(b)” and inserting “Proposed Additions to the Smith River National Recreation Area” and dated July 1990”; and

(B) in paragraph (2), by striking “the Six Rivers National Forest” and inserting “an applicable unit of the National Forest System”;

(2) BOUNDARIES.—Section 4(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bb(b)-1) is amended—

(A) in paragraph (1),—

(i) in the first sentence, by inserting “and on the map entitled ‘Proposed Additions to the Smith River National Recreation Area’ and dated November 14, 2019” after “1990”; and

(ii) in the second sentence, by striking “map” and inserting “maps described in paragraph (1)”;

(B) in paragraph (2),—

(i) in paragraph (1),—

(A) providing the Indian Tribes with access to the portions of the recreation area in the State of Oregon to conduct historical and cultural activities, including the production of traditional products and materials for traditional and cultural purposes; and

(B) the development of interpretive information (including the public on the history of the Indian Tribes and the use of the recreation area by the Indian Tribes).
(b) WILD AND SCENIC RIVER DESIGNATIONS.—

(1) NORTH FORK SMITH ADDITIONS, OREGON.—
(A) FINDING.—Congress finds that the source tributaries of the North Fork Smith River in the State of Oregon possess outstandingly remarkable wild and scenic fish and historic, cultural, botanical, recreational, and water quality values.

(B) DESIGNATION.—Section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)) is amended—

(i) in subparagraph (B), by striking “scene* and inserting “wild’’;

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(iii) in the matter preceding clause (i) as so redesignated, by striking “The 13-mile” and inserting the following:

‘‘(A) IN GENERAL.—The 13-mile; and

(iv) by adding at the end the following:

‘‘(B) ADDITIONS.—The following segments of the source tributaries of the North Fork Smith River, to be administered by the Secretary of Agriculture in the following classes:

(i) The 13.26-mile segment of Balface Creek from its headwaters, including all perennial tributaries, to the confluence with the North Fork Smith in T. 39 S., R. 10 W., T. 40 S., R. 11 W., and T. 41 S., R. 11 W., Willamette Meridian, as a wild river.

(ii) The 3.58-mile segment from the headwaters of Taylor Creek to the confluence with Balface Creek, as a wild river.

(iii) The 3.48-mile segment from the headwaters of the unnamed tributary to Biscuit Creek and the headwaters of Biscuit Creek to the confluence with Balface Creek, as a wild river.

(iv) The 2.27-mile segment from the headwaters of Spokane Creek to the confluence with Biscuit Creek, as a wild river.

(v) The 1.25-mile segment from the headwaters of Rock Creek to the confluence with Balface Creek, flowing south from sec. 19, T. 39 S., R. 10 W., Willamette Meridian, as a wild river.

(vi) The 1.31-mile segment from the headwaters of the unnamed tributary number 2 to the confluence with Balface Creek, flowing north from sec. 27, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

(vii) The 3.65-mile segment from the 2 headwaters of the unnamed tributary number 3 to the confluence with Balface Creek, flowing south from secs. 9 and 10, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

(viii) The 2.02-mile segment from the headwaters of the unnamed tributary number 4 to the confluence with Balface Creek, flowing north from sec. 26, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

(ix) The 0.92-mile segment from the headwaters of the unnamed tributary number 5 to the confluence with Balface Creek, flowing north from sec. 25, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

(x) The 4.90-mile segment from the headwaters of Cedar Creek to the confluence with North Fork Smith River, as a wild river.

(xi) The 2.38-mile segment from the headwaters of Packaddle Gulch to the confluence with North Fork Smith River, as a wild river.

(xii) The 2.4-mile segment from the headwaters of Harithac Creek to the confluence with North Fork Smith River, as a wild river.

(xiii) The 2.21-mile segment from the headwaters of the unnamed creek to the confluence with North Fork Smith River, flowing east from sec. 29, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

(xiv) The 3.06-mile segment from the headwaters of Horse Creek to the confluence with North Fork Smith River, as a wild river.

(xv) The 2.61-mile segment of Fall Creek from Oregon State border to the confluence with North Fork Smith River, as a wild river.

(xvi) Except as provided in subclause (II), the 4.57-mile segment from the headwaters of North Fork Diamond Creek to the confluence with Diamond Creek, as a wild river.

(xvii) Notwithstanding subclause (i), the portion of the segment described in that subclause that starts 100 feet above Forest Service Road 4402 and ends 100 feet below Forest Service Road 4402 shall be administered as a scenic river.

(xviii) The 1.14-mile segment from the headwaters of Acorn Creek to the confluence with Horse Creek, as a wild river.

(xix) The 8.58-mile segment from the headwaters of Chrome Creek to the confluence with North Fork Smith River, as a wild river.

(xx) The 2.98-mile segment from the headwaters of Chrome Creek tributary number 1 to the confluence with Chrome Creek, 0.62 miles upstream from the confluence of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 15, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

(xx) The 1.27-mile segment from the headwaters to Biscuit Creek, 3.33 miles upstream from the mouth of Biscuit Creek, as a wild river.

(xxii) The 1.26-mile segment of Fall Creek from Oregon State border to the confluence with North Fork Smith River, as a wild river.

(xxiii) The 2.21-mile segment from the headwaters of Chrome Creek tributary number 2 to the confluence with Chrome Creek, 3.33 miles upstream from the mouth of Chrome Creek, as a wild river.

(xxiv) The 3.06-mile segment from the headwaters of Hardtack Creek to the confluence with North Fork Smith River, as a wild river.

(xxv) The 8.58-mile segment from the headwaters of Horse Creek to the confluence with North Fork Smith River, as a wild river.

(xxvi) The 2.98-mile segment from the headwaters of Chrome Creek tributary number 2 to the confluence with Chrome Creek, 3.33 miles upstream from the mouth of Chrome Creek, as a wild river.

(xxvii) The 8.58-mile segment from the headwaters of Chrome Creek tributary number 3 to the confluence with Chrome Creek, 4.28 miles upstream from the mouth of Chrome Creek, in the Kalmiopsis Wilderness, flowing south from sec. 12, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

(xxviii) The 2.27-mile segment from the headwaters of Chrome Creek tributary number 4 to the confluence with Chrome Creek, 6.13 miles upstream from the mouth of Chrome Creek, flowing south from Chetco Peak in the Kalmiopsis Wilderness, in sec. 41, T. 39 S., R. 11 W., Willamette Meridian, as a wild river.

(xxvii) The 2.19-mile segment from the headwaters of Chrome Creek tributary number 4 to the confluence with Chrome Creek, flowing south from sec. 17, T. 41 S., R. 10 W., Willamette Meridian, as a wild river.

(xxix) The 0.66-mile segment from the headwaters of Wimer Creek to the border between Oregon and California, flowing south from sec. 17, T. 41 S., R. 10 W., Willamette Meridian, as a wild river.

(2) CHROME CREEK.—

(A) EXPANSION OF SMITH RIVER, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (111) and inserting the following:

‘‘(111) SMITH RIVER, CALIFORNIA AND OR- EGON.—The 4.90-mile segment of Biscuit Creek to the Six Rivers National Forest boundary, including the following Water Resources Development Areas and tributaries, to be administered by the Secretary of Agriculture in the following classes:

(A) MAINSTEM.—The segment from the confluence of the Middle Fork Smith River and the South Fork Smith River to the Six Rivers National Forest boundary, as a re- creational river.

(B) ROWDY CREEK.—

(i) UPPER.—The segment from and including the headwaters to the California-Oregon State Line, as a wild river.

(ii) LOWER.—The segment from the Cali- fornia-Oregon State line to the Six Rivers National Forest boundary, as a recreational river.’’

SA 4226. 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 mili- tary activities of the Department of Defense, for military construction, and 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 X, add the following:

SEC. 19. SUTTON MOUNTAIN AND PAINTED HILLS AREA WILDFIRE RESILIENCY PRESERVATION AND ECONOMIC EN- HANCEMENT.

(a) DEFINITIONS.—In this section:

(1) ACTIVE HABITAT RESTORATION.—The term ‘‘active habitat restoration’’ means, with respect to an area, to restore and en- hance the ecological health of the area through the use of management tools consistent with this section.

(2) CITY.—The term ‘‘City’’ means the city of Mitchell, Oregon.

(3) COUNTY.—The term ‘‘County’’ means Wheeler County, Oregon.

(4) ECOCOLOGICAL HEALTH.—The term ‘‘ecolo- gical health’’ means the ability of the eco- logical processes of a native ecosystem to function in a manner that maintains the structure, composition, activity, and resilience of the ecosystem over time, including an ecologically appropriate diversity of plant, animal, and microbial communities; and conditions that are sustainable through successional processes.

(5) LANDOWNER.—The term ‘‘landowner’’ means an owner of land that enters into a land exchange with the Secretary under subsection (c)(1).

(6) LOWER UNIT.—The term ‘‘Lower Unit’’ means the area that consists of the approxi- mately 27,184 acres of land generally depicted as ‘‘Proposed National Monument-Lower Unit’’ on the Map.

(7) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Monument developed by the Secretary under subsection (b)(4)(B).


(9) MONUMENT.—The term ‘‘Monument’’ means the Sutton Mountain National Monu- ment established by subsection (b)(1).

(10) PASSIVE HABITAT MANAGEMENT.—The term ‘‘passive habitat management’’ means those actions that are proposed or imple- mented to address degraded or non-func- tional resource conditions that are ex- pected to improve the ecological health of the area without additional on-the-ground actions, such that resource objectives and desired outcomes are anticipated to be reached without additional human interven-
(11) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(12) STATE.—The term "State" means the State of Oregon.

(13) UPPER UNIT.—The term "Upper Unit" means the area that consists of the approximately 36,023 acres of land generally depicted as "Proposed National Monument—Upper Unit" on the Map.

(b) ESTABLISHMENT OF SUTTON MOUNTAIN NATIONAL MONUMENT.—

(1) IN GENERAL.—There is established in the State the Sutton Mountain National Monument, consisting of the following 2 management units, as generally depicted on the Map:

(A) Upper Unit.

(B) Lower Unit.

(2) PURPOSES.—The purposes of the Monument are—

(A) to increase the wildfire resiliency of Sutton Mountain and the surrounding area; and

(B) to conserve, protect, and enhance the long-term ecological health of Sutton Mountain and the surrounding area for present and future generations.

(3) OBJECTIVES.—To further the purposes of the Monument described in paragraph (2), and consistent with those purposes, the Secretary shall manage the Monument for the benefit of present and future generations—

(A) to support and promote the growth of local communities and economies;

(B) to promote the scientific and educational values of the Monument;

(C) to maintain sustainable grazing on the Federal land within the Upper Unit and Lower Unit, in accordance with applicable Federal law;

(D) to promote recreation, historical, cultural, and other uses that are sustainable, in accordance with applicable Federal law;

(E) to ensure the conservation, protection, restoration, and improved management of the ecological, social, and economic environment of the Monument, including geological, paleontological, biological, wildlife, riparian, and scenic resources;

(F) to reduce the risk of wildfire within the Monument and the surrounding area, including through juniper removal and habitat restoration; and

(G)(i) to allow for active habitat restoration in the Lower Unit; and

(ii) to allow for passive habitat management in the Upper Unit.

(4) MANAGEMENT AUTHORITIES.—

(A) IN GENERAL.—The Secretary shall manage the Monument—

(i) in accordance with—

(I) the Federal Land Policy and Management Act of 1976 (33 U.S.C. 1701 et seq.) and other applicable laws; and

(ii) in a manner that—

(aa) improves wildfire resiliency; and

(bb) ensures the conservation, protection, and enhancement of the ecological, social, and economic environment of the Monument, including geological, paleontological, biological, wildlife, riparian, and scenic resources, North American Indian Tribal and cultural and archaeological resource sites, and additional cultural and historic sites and culturally significant native species;

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term conservation and management of the Monument that fulfills the purposes of the Monument described in paragraph (2).

(ii) REQUIREMENTS.—The management plan developed under clause (i) shall—

(I) describe the appropriate uses and management of each of the Upper Unit and the Lower Unit, consistent with the purposes and objectives of this section;

(II) include an assessment of ecological conditions of the Monument, including an assessment of—

(aa) the status, causes, and rate of juniper encroachment on the Monument; and

(bb) the ecological impacts of the juniper encroachments on the Monument;

(III) identify science-based, short-term and long-term, active and passive fire management actions—

(aa) to reduce wildfire risk and improve the resilience of native plant communities; and

(bb) to restore historical native vegetation communities, including the prioritization of the removal of invasive annual grasses and juniper trees in the Lower Unit;

(IV) include a habitat restoration opportunities component that prioritizes—

(aa) restoration within the Lower Unit; and

(bb) maintenance of the existing wildness character of the Upper Unit;

(V) include a riparian conservation and restoration component to support anadromous fish, native fish, wildlife, and other riparian resources and values in the Monument;

(VI) include a recreational enhancement component that prioritizes—

(aa) new and expanded opportunities for mechanized and nonmechanized recreation in the Lower Unit; and

(bb) enhancing nonmechanized, primitive, and unconfined recreation opportunities in the Upper Unit;

(VII) include an active habitat restoration component that prioritizes, with respect to the Lower Unit—

(aa) the restoration of native ecosystems; and

(bb) the enhancement of recreation and grazing activities; and

(VIII) include a passive habitat management component that prioritizes, with respect to the Upper Unit—

(aa) the restoration of native ecosystems; and

(bb) management activities that will reduce the risk of wildfire;

(IX) determine measurable and achievable management objectives consistent with the management objectives described in paragraph (3), to ensure the ecological health of the Monument;

(X) develop a monitoring program for the Monument so that progress towards ecological health objectives can be determined;

(XI) include, as an integral part, a comprehensive transportation plan developed in accordance with paragraph (5); and

(XII) include, as an integral part, a wildfire mitigation plan developed in accordance with subparagraph (D).

(C) WILDFIRE RISK ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Governor’s Council on Wildfire Response, shall conduct a wildfire risk assessment of the State, in cooperation with other Federal, State, and local agencies, as appropriate, to conduct wildfire fire operations at the Monument, consistent with the purposes of this section.

(D) WILDFIRE MITIGATION PLAN.—

(i) IN GENERAL.—Not later than 2 years after the date on which the wildfire risk assessment is conducted under subparagraph (C), the Secretary shall develop, in cooperation with other Federal, State, and local agencies, a wildfire mitigation plan for the Monument so that progress towards ecological health objectives can be determined;

(ii) the maintenance and closure of motorized and nonmotorized use; and

(iii) the use of motorized and mechanized vehicles in the Monument shall be permitted only on roads designated by the transportation plan developed under subparagraph (A).

(E) PROHIBITION OF MOTORIZED AND MECHANIZED USE IN THE UPPER UNIT.—Except as provided in subparagraphs (C), (D), and (G), motorized and mechanized use shall be prohibited in the Upper Unit.

(F) PROHIBITION OF OFF-ROAD MOTORIZED TRAVEL.—Except in cases in which motorized and mechanized use is provided for administratively, purposes, ecological restoration projects, or to respond to an emergency, the use of motorized or mechanized vehicles in the Monument shall be prohibited.

(G) PROHIBITION OF NEW CONSTRUCTION.—Except as provided in subparagraphs (C), (D), (E), and (F), no new motorized routes of any type shall be constructed within the Monument unless the Secretary determines, in consultation with the Governor’s Council on Wildfire Response, that the motorized route is necessary for public safety in the Upper Unit or Lower Unit.
(E) TEMPORARY MOTORIZED ROUTES IN THE LOWER UNIT.—Notwithstanding subparagraph (D), temporary motorized routes may be developed in the Lower Unit to assist with the removal of debris from the facility.

(F) TRAILS.—Nothing in this paragraph limits the authority of the Secretary to construct or maintain trails for nonmotorized or mechanized use in the Upper or Lower Unit.

(G) ACCESS TO INHOLDINGS.—The Secretary shall provide reasonable access to inholdings within the boundaries of the Monument to provide private landowners the reasonable use of the inholdings, in accordance with section 206 of the National Research and Range Lands Conservation Act (16 U.S.C. 2310b).

(H) MODIFICATIONS TO EXISTING ROADS.—

(i) IN GENERAL.—Consistent with the purposes described in paragraph (4), the existing roads described in clause (ii) may be modified or altered within 50 feet on either side of the applicable road, as the Secretary determines to be necessary to support use of motorized or mechanized vehicles for access, utility development, or public safety.

(ii) DESCRIPTION OF ROADS.—The roads referred to in clause (i) are Burnt Ranch Road, Twickenham Road, Girds Creek Road, and the Logging Road, as depicted on the Map.

(iii) RIGHT-OF-WAY.—The Secretary shall grant a right-of-way for maintenance and repair within 50 feet of Twickenham Road and Girds Creek Road.

(i) IN GENERAL.—The grazing of livestock in the Monument, if established before the date of enactment of this Act, shall be allowed to continue—

(1) subject to—

(A) such reasonable regulations, policies, and practices as the Secretary considers necessary and

(B) applicable law (including regulations); and

(2) in a manner consistent with the authorities described in paragraph (4).

(B) VOLUNTARY RELINQUISHMENT OF GRASSING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the voluntary relinquishment of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the Monument, to the extent that—

(1) the owner of the non-Federal land to be relinquished, or a permit or lease voluntarily relinquished under clause (i), the Secretary shall—

(A) terminate the grazing permit or lease; and

(B) ensure a permanent end to grazing on the land covered by the permit or lease;

(ii) PRACTICAL REQUISITES.—

(A) IN GENERAL.—If a person holding a valid grazing permit or lease voluntarily relinquishes less than the full level of grazing use authorized thereunder, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the voluntary relinquishment; and

(bb) modify the permit or lease to reflect the revised level.

(B) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease voluntarily relinquished under subclause (i), the Secretary shall not allow grazing use to exceed the authorized level established under that subsection.

(7) PROHIBITION ON CONSTRUCTION OF NEW FACILITIES.—No new facilities may be constructed in the Monument unless the Secretary determines that the facility—

(A) will be minimal in nature;

(B) is consistent with the purposes of the Monument described in paragraph (2); and

(C) is generated—

(i) to enhance botanical, fish, wildlife, or watershed conditions;

(ii) to provide for public information, health, or safety;

(iii) for the management of livestock; or

(iv) for the management, but not promotion, of the Monument.

(8) RELEASE OF WILDERNESS STUDY AREA.—

(A) FINDING.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1762(c)), any portion of Federal land designated as a wilderness study area within the Monument as of the date of enactment of this Act has been adequately studied for wilderness designation.

(B) RELEASE.—The land described in subpart (A) and

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1762(c)); and

(ii) shall be managed in accordance with—

(A) this section; and

(B) applicable land use plans adopted under section 206 of that Act (43 U.S.C. 1712).

(9) EFFECT ON EXISTING RIGHTS.—Nothing in this subsection—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits for a non-Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.

(10) WATER RIGHTS AND INFRASTRUCTURE.—

(a) Nothing in this subsection—

(A) constitutes an express or implied claim or denial on the part of the Federal Government regarding an exemption from State water laws; or

(B) prohibits access to existing water infrastructure within the boundaries of the Monument.

(b) TRIBAL RIGHTS.—Nothing in this subsection alters, modifies, enlarges, diminishes, or arrogates the treaty rights of any Indian Tribe.

(c) LAND EXCHANGES.—

(i) SURPLUS OF FEDERAL LAND.—If the value of the Federal land to be conveyed, as determined by the agency with jurisdiction over the Monument, to the Federal land described in clause (ii)(I) is the approximate value of the non-Federal land to be exchanged under paragraph (1) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) DESCRIPTION OF LAND.—The Federal land referred to in clause (i) is the approximately 236 acres of non-Federal land identified on the Map as "BLM to Quant".

(iii) EFFECT ON EXISTING RIGHTS.—Nothing in this paragraph—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits for a non-Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.

(iv) EFFECT ON EXISTING RIGHTS.—Nothing in this subsection—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits for a non-Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.

(v) EFFECT ON EXISTING RIGHTS.—Nothing in this subsection—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits for a non-Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.

(vi) EFFECT ON EXISTING RIGHTS.—Nothing in this subsection—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits for a non-Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.

(vii) EFFECT ON EXISTING RIGHTS.—Nothing in this subsection—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits for a non-Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.

(viii) EFFECT ON EXISTING RIGHTS.—Nothing in this subsection—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits for a non-Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.

(ix) EFFECT ON EXISTING RIGHTS.—Nothing in this subsection—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits for a non-Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.
(A) IN GENERAL.—Subject to valid existing
interests, the Federal land and any interest in
the Federal land included within the
Monument is withdrawn from—

(A) entry, appropriation, new rights-of-
way, and disposal under the public land laws; and

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

(c) operation of

(A) the mineral leasing and geothermal
leasing laws; and

(ii) except as provided in paragraph (2), the
minerals materials laws.

(2) ROAD MAINTENANCE.—As the Secretary
determines to be consistent with the pur-
poses of this section and the management plan,
the Secretary may permit the develop-
ment of non-mineral resources, for road
maintenance use only, in a location identi-
cified on the Map as an existing “gravel pit”
within the area withdrawn by paragraph (1), if
the development was authorized before the
date of enactment of this Act.

(e) TREATMENT OF STATE LAND AND MIN-
ERAL INTERESTS.—

(1) ACQUISITIONS REQUIRED.—The Secretary
shall acquire, for approximately equal value
and as agreed to by the Secretary and the
State, any land and interests in land owned by
the State to be within the area withdrawn by
subparagraph (A). (1)

(2) ACQUISITION METHODS.—The Secretary
shall acquire the State land and interests in
land withdrawn by paragraph (1) in exchange
for—

(A) the conveyance of Federal land or Fed-
eral mineral interests that are outside the
boundaries of the area withdrawn by sub-
paragraph (A); and

(B) a payment to the State; or

(C) a combination of the methods described
in subparagraphs (A) and (B).

(f) CONVEYANCES OF BUREAU OF LAND MAN-
AGEMENT LAND TO THE CITY OF MITCHELL,
OREGON, AND WHEELEn COUNTY, OREGON.—

(1) IN GENERAL.—Notwithstanding the land
use plans and management plans of sections 292
and 203 of the Federal Land Policy and Man-
agement Act of 1976 (43 U.S.C. 1712, 1713)—

(A) on the request of the City, the Sec-
retary shall convey to the City, without con-
ideration, the approximately 1,327 acres of
Federal land generally depicted on the Map
as “City of Mitchell Conveyance”; and

(B) on request of the County, the Secretary
shall convey to the County, without consid-
eration, the approximately 195 acres of Fed-
eral land generally depicted on the Map as
“Wheeler County Conveyance”;

(2) USE OF CONVEYED LAND.—

(A) IN GENERAL.—Subject to subparagraphs
(B) and (C), the Federal land conveyed
under paragraph (1) shall be used for recreation
or other public purposes consistent with the
Act of June 14, 1926 (commonly known as the
“Recreation and Public Purposes Act”) (44
Stat. 741, chapter 578; 43 U.S.C. 669 et seq.).

(B) AFFORDABLE OR SENIOR HOUSING.—Not
more than 50 acres of the Federal land con-
veyed under paragraph (1)(A) may be used for
the construction of affordable or senior hous-
ing.

(C) ECONOMIC DEVELOPMENT.—Not more than
50 acres of the Federal land conveyed
under paragraph (1)(A) may be used to sup-
port economic development.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable
after the date of enactment of this Act, the
Secretary shall finalize legal descriptions of
the parcels of land to be conveyed under
paragraph (1).

(B) CORRECTIONS OF ERRORS.—The Sec-
retary may correct minor errors in the Map or
the legal descriptions.

(C) AVAILABILITY.—The Map and legal
descriptions shall be on file and available for
public inspection in the appropriate offices
of the Bureau of Land Management.

(4) REVERSION.—

(A) IN GENERAL.—If any parcel of land con-
veyed under paragraph (1) ceases to be used
for the purposes described in paragraph (2),
the land shall, at the discretion of the
Secretary based on the determination of the
Secretary of the Interior, be returned to the
United States.

(B) RESPONSIBILITY OF LOCAL GOVERN-
MENTAL ENTITY.—If the Secretary determines
under subparagraph (A) that the land should
revert to the United States, the land shall, at
the discretion of the Secretary

(1) be removed from the boundaries of the
area withdrawn by subsection (b);

(2) be subject to any easements, rights-of-
way, and other valid rights in existence on the
date of enactment of this Act.

(5) DEADLINE FOR COMPLETION OF LAND EX-
CHANGE.—It is the intent of Congress that
the land exchanges under paragraph (1) be
completed by the date that is not later than 2
years after the date of enactment of this Act.

(d) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing
rights, the Federal land and any interest in the
Federal land included within the Monument
is withdrawn from—

(A) entry, appropriation, new rights-of-
way, of, and other valid rights in existence on the
date of enactment of this Act.

(B) use of conveyed land.

(2) USE OF CONVEYED LAND.—

(A) IN GENERAL.—Subject to subparagraphs
(B) and (C), the Federal land conveyed
under paragraph (1) shall be subject to any eas-
ements, rights-of-way, and other valid rights
in existence on the date of enactment of this
Act.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable
after the date of enactment of this Act, the
Secretary shall finalize legal descriptions of
the parcels of land to be conveyed under
paragraph (1).

(B) CORRECTIONS OF ERRORS.—The Sec-
retary may correct minor errors in the Map or
the legal descriptions.

(C) AVAILABILITY.—The Map and legal
descriptions shall be on file and available for
public inspection in the appropriate offices
of the Bureau of Land Management.

(4) REVERSION.—

(A) IN GENERAL.—If any parcel of land con-
veyed under paragraph (1) ceases to be used
for the purposes described in paragraph (2),
the land shall, at the discretion of the
Secretary based on the determination of the
Secretary of the Interior, be returned to the
United States.

(B) RESPONSIBILITY OF LOCAL GOVERN-
MENTAL ENTITY.—If the Secretary determines
under subparagraph (A) that the land should
revert to the United States, the land shall, at
the discretion of the Secretary

(1) be removed from the boundaries of the
area withdrawn by subsection (b);

(2) be subject to any easements, rights-of-
way, and other valid rights in existence on the
date of enactment of this Act.

(5) DEADLINE FOR COMPLETION OF LAND EX-
CHANGE.—It is the intent of Congress that
the land exchanges under paragraph (1) be
completed by the date that is not later than 2
years after the date of enactment of this Act.

(d) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing
rights, the Federal land and any interest in the
Federal land included within the Monument
is withdrawn from—

(A) entry, appropriation, new rights-of-
way, of, and other valid rights in existence on the
date of enactment of this Act.

(B) use of conveyed land.

(2) USE OF CONVEYED LAND.—

(A) IN GENERAL.—Subject to subparagraphs
(B) and (C), the Federal land conveyed
under paragraph (1) shall be subject to any eas-
ements, rights-of-way, and other valid rights
in existence on the date of enactment of this
Act.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable
after the date of enactment of this Act, the
Secretary shall finalize legal descriptions of
the parcels of land to be conveyed under
paragraph (1).

(B) CORRECTIONS OF ERRORS.—The Sec-
retary may correct minor errors in the Map or
the legal descriptions.

(C) AVAILABILITY.—The Map and legal
descriptions shall be on file and available for
public inspection in the appropriate offices
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way, of, and other valid rights in existence on the
date of enactment of this Act.

(B) use of conveyed land.

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veyed under paragraph (1) ceases to be used
for the purposes described in paragraph (2),
the land shall, at the discretion of the
Secretary based on the determination of the
Secretary of the Interior, be returned to the
United States.

(B) RESPONSIBILITY OF LOCAL GOVERN-
MENTAL ENTITY.—If the Secretary determines
under subparagraph (A) that the land should
revert to the United States, the land shall, at
the discretion of the Secretary

(1) be removed from the boundaries of the
area withdrawn by subsection (b);

(2) be subject to any easements, rights-of-
way, and other valid rights in existence on the
date of enactment of this Act.

(5) DEADLINE FOR COMPLETION OF LAND EX-
CHANGE.—It is the intent of Congress that
the land exchanges under paragraph (1) be
completed by the date that is not later than 2
years after the date of enactment of this Act.
“(6) ADDITIONAL ASSISTANCE FOR UNDERPERFORMING STATES.—Upon application by a recipient that is located in an underperforming State, the Administrator may—
(A) provide additional assistance to the recipient; and
(B) waive the matching requirements described in clause (i) that is receiving SBIR or STTR programs.

(7) LIMITATIONS.—The Administrator may only make 1 award or enter into 1 cooperative agreement per State in a fiscal year.

(b) AWARD OF AID.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—
(1) 25 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in an underperforming State, as calculated using the data from the previous fiscal year; and
(2) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) that is receiving SBIR or STTR first phase awards, as described in paragraphs (4) and (6), respectively, of section 9(e).

(iv) by adding at the end the following:
(A) the number of awards made under the SBIR or STTR program;
(B) the number of applications submitted under the SBIR or STTR program;
(C) any amounts left unused in the third year of the period at the end and inserting a semicolon; and
(v) by adding at the end the following:
(D) a description of the process used to ensure that underperforming States are given priority application status under the FAST program; and
(E) in paragraph (D)—
(1) in the paragraph heading, by striking “ANNUAL” and inserting “BIENNIAL”;
(2) in the matter preceding subparagraph (A), by striking “ANNUAL” and inserting “BIENNIAL”; and
(3) in subparagraph (B), by striking “and” and inserting “or.”

SEC. 318. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FOR STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:
“(2) The term ‘State-owned National Guard facility’ means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.”

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2701(a)(1) of such title is amended, in the first sentence, by inserting “and at State-owned National Guard facilities” before the period.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:
“(D) Each State-owned National Guard facility being used for training at the time of actions leading to contamination by hazardous substances or pollutants or contaminants.”

SEC. 4229. MR. CRAMER submitted an amendment intended to be proposed to amendment SA 3687 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Energy, for defense activities of the Department of Energy, to 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. ACTIVE PROTECTION OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) AUTHORITY.—The Secretary of Defense may take, and may authorize members of the Armed Forces and officers and civilian employees of the Department of Defense to take, such action as the Secretary may determine to be necessary to protect the Major Range and Test Facility Base from acts of terrorism, sabotage, or other criminal acts.

(b) ACTIONS AUTHORIZED.—The actions described in this subsection are the following:
(1) To detect, identify, monitor, and track space-based assets without consent.
(2) To perform its intended function and meet operational and security requirements.

SEC. 4230. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3687 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. AUTHORIZATION TO AWARD MEDAL OF HONOR TO PRIVATE FIRST CLASS CHARLES R. JOHNSON FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 7271 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Private First Class (PFC) Charles R. Johnson for the acts of valor described in subsection (b).

(b) ACTS OF VALOR.—The acts of valor referred to in subsection (a) are the acts of PFC Charles R. Johnson on June 1-
SEC. 1071. ESTABLISHMENT OF COUNCIL ON MILITARY, NATIONAL, AND PUBLIC SERVICE.

(a) Establishment.—There is established in the Executive Office of the President a Council on Military, National, and Public Service (in this section referred to as the "Council").

(b) Composition.—The Council shall—

(1) advise the President with respect to promoting and expanding opportunities for military service, national service, and public service; and

(2) coordinate policies and initiatives of the executive branch to promote and expand opportunities for military service, national service, and public service; and

(c) Responsibilities of the Council.—The Council shall—

(1) assist and advise the President and the heads of Executive agencies in the establishment of policies, goals, objectives, and priorities to promote service and civic responsibility among all people of the United States;

(2) develop and recommend to the President and the heads of Executive agencies policies of common interest to Executive agencies for increasing the participation, and portraying the importance of the United States, in participating in, military service, national service, and public service in order to address national security and other current and future needs of the United States including policies of—

(A) reevaluating benefits for the Federal public service and national service programs in order to increase awareness of and reduce barriers to entry into such programs;

(B) ensuring that the participation in and leadership of the military, the Federal public service, and national service programs reflects the diversity of the United States including by race, gender, ethnicity, and disability status; and

(C) establishing pathways to service for high school graduates, college students, and returning college graduates;

(3) serve as the interagency lead for identifying critical skills to address gaps in military, national security, and other needs of the United States, with responsibility for coordinating governing, and implementing, opportunities to address gaps in critical skills and identifying methods to recruit and retain individuals possessing such critical skills;

(4) serve as a forum for Federal officials responsible for military service, national service, and public service programs to coordinate and develop interagency, cross-service initiatives;

(5) lead the effort of the Federal Government to develop joint awareness and recruitment, retention, and marketing initiatives involving military service, national service, and public service, including the sharing of marketing and recruiting research between and among service agencies;

(6) consider approaches for assessing impacts of service on the needs of the United States and individuals participating in and benefitting from such service;

(7) consult, as the Council considers advisable, with representatives of non-Federal entities, including State, local, and Tribal governments, State and local educational agencies, State Commissions, institutions of higher education, nonprofit organizations, philanthropic organizations, and the private sector, in order to promote and develop initiatives to foster and reward military service, national service, and public service;

(8) oversee the response and implementation of, as appropriate, the recommendations of the Quadrennial Military Study to address the needs of the United States, and among service agencies;

(9) consider issues related to military service, national service, and public service programs;

(10) serve as a forum for Federal officials responsible for coordinating governing and implementing initiatives by Federal, State, local, and Tribal governments and by nongovernmental entities to increase awareness of and participation in service programs;

(11) prepare, for inclusion in the annual Quadrennial Military Study submitted under section 5313 of title 5, United States Code, a detailed, separate analysis by budget function, by agency, and by initiative area for mandatory and discretionary amounts;

(12) develop a joint national service messaging strategy that incorporates domestic and international service to theCorporation for National and Community Service and the Peace Corps would promote; and

(13) perform such other functions as the President may direct.

(d) Responsibilities of the Director of the Council.—In addition to duties relating to the responsibilities of the Council as described in subsection (c), the Director of the Council shall—

(1) coordinate with the Assistant to the President for National Security Affairs for any matter that may affect national security;

(2) at the discretion of the President, serve as spokesperson of the executive branch on issues related to military service, national service, and public service; and

(3) upon request by a committee or subcommittee of the Senate or of the House of Representatives, appear before any such committee or subcommittee to represent the position of the executive branch within the scope of the responsibilities of the Council; and

(e) Organizational Matters.—

(1) Assistant to the President for Military, National, and Public Service.—The President may direct.

(2) Staff.—The Council may employ officers and employees as necessary to carry out the functions of the Council. Such officers and employees of the Council shall be compensated at a rate not more than the rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code.

(3) Experts and Consultants.—The Council may, as necessary to carry out the functions of the Council, establish advisory committees composed of experts and consultants from outside the Federal Government.

(4) Advisory Committees.—The Council may, in carrying out the functions of the Council, establish advisory committees composed of experts and consultants from outside the Federal Government.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) Conforming Amendment.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

"(4) a separate statement of the amount of appropriations requested for the Council including National, Public Service, and National Service in the Executive Office of the President;"

"(5) a detailed, separate analysis by budget function, by agency, and by initiative area for previous fiscal year, the current fiscal year, and the fiscal years for which the budget is submitted, identifying the amounts of gross and net appropriations or obligations for mandatory and discretionary amounts;"

"(6) a detailed national service messaging strategy that incorporates domestic and international service to the Corporation for National and Community Service and the Peace Corps would promote; and

"(7) perform such other functions as the President may direct.

(2) CONFORMING AMENDMENT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

"(40) a separate statement of the amount of appropriations requested for the Council including National, Public Service, and National Service in the Executive Office of the President;"

"(41) a detailed, separate analysis by budget function, by agency, and by initiative area for the current fiscal year, the current fiscal year, and the fiscal years for which the budget is submitted, identifying the amounts of gross and net appropriations or obligations for mandatory and discretionary amounts;"

"(6) a joint national service messaging strategy that incorporates domestic and international service to the Corporation for National and Community Service and the Peace Corps would promote; and

"(7) perform such other functions as the President may direct."
National, and Public Service Strategy required by section 1071(c)(9) of the National Defense Authorization Act for Fiscal Year 2022, with separate displays for mandatory and voluntary.

SEC. 1072. INTERNET-BASED SERVICE PLATFORM.

(a) DECLARATION OF POLICY.—It is the policy of the United States, in promoting a culture of service in the United States and meeting the recruiting needs for military, national service, and public service programs, to provide a comprehensive, interactive, and integrated internet-based platform to enable the people of the United States to learn about and connect with service organizations and other entities and assist in the recruiting needs of service organizations.

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the Council on Military, National, and Public Service.

(2) MEMBER.—The term "member" means an individual who is a member of the Service Platform under this section.

(3) SERVICE MISSION.—The term "service mission" means the objectives of a service organization or a service opportunity.

(4) SERVICE OPPORTUNITY.—The term "service opportunity" means any paid, volunteer, or other position with a service organization.

(5) SERVICE ORGANIZATION.—The term "service organization" means any military service, national service, or public service organization that participates in the Service Platform.

(6) SERVICE PLATFORM.—The term "Service Platform" means the comprehensive, interactive, and integrated internet-based platform established by this section.

(7) SERVICE TYPE.—The term "service type" means the period and form of service with a service organization, including part-time, full-time, temporary, episodic, or emergency options for paid, volunteer, or stipend-based service.

(8) STATE.—The term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(9) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given such term in subsection (a)(5) of section 101 of title 10, United States Code.

(c) ESTABLISHMENT OF THE SERVICE PLATFORM.—The Director, in coordination with the Director of the Office of Management and Budget, shall determine, and connect with organizations and opportunities related to military service, national service, or public service and for such organizations to identify people of the United States and States with the skills necessary to address the needs of such organizations.

(d) OPERATION OF SERVICE PLATFORM.—

(1) IN GENERAL.—The Director, in coordination with the Director of the Office of Management and Budget, shall determine, and make accessible to the public, information about service organizations and service opportunities, without any requirement that an individual seeking such access become a member.

(2) MEMBERS.—

(A) IN GENERAL.—Any individual meeting criteria established by the Director by regulation may register as a member under subparagraph (B).

(B) REGISTRATION.—

(i) IN GENERAL.—An individual that registers under this subparagraph as a member shall be entitled to access information in the Service Platform.

(ii) INFORMATION AND CONSENT FROM INDIVIDUAL.—An individual meeting the criteria established under paragraph (A) and seeking to become a member shall provide the Director such information as the Director may determine necessary to facilitate the functionality of the Service Platform.

(iii) VERIFICATION.—Upon receipt of the information and, as relevant, consent from an individual under clause (ii), the Director shall—

(I) verify that the individual has not previously registered as a member; and

(II) if such individual has not previously registered as a member, register such individual as a member and by written notice (including any identification), notify such member of such registration.

(3) USE OF SERVICE PLATFORM.—

(A) ADDITIONAL INFORMATION.—The Service Platform shall enable a member to provide additional information to improve the functionality of the Service Platform, as determined relevant by the Director, including information regarding the member's—

(i) educational background;

(ii) employment background;

(iii) professional skills, training, licenses, and certifications;

(iv) service organization preferences;

(v) service type preferences;

(vi) service mission preferences; and

(vii) geographic preferences.

(B) UPDATES.—A member may, at any time, update the personal and other information of the member available on the Service Platform.

(c) RENEWAL OF CONSENT REGARDING MILITARY SERVICE.—The Director shall send to a member who consents to serve under paragraph (2)(B)(ii)(V) an annual request to confirm the continued consent to serve by the member.

(d) WITHDRAWAL OF MEMBERS.—A member may withdraw as a member by submitting to the Director a request to withdraw. Not later than 30 days after receipt of such request to withdraw, all records regarding such member shall be removed from the Service Platform and any other data storage locations the Director identifies to connect such member with the Service Platform, notwithstanding any obligations under chapter 31 of title 44, United States Code (commonly known as the "Federal Records Act of 1950").

(e) SERVICE ORGANIZATIONS.—

(1) EXECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—All Executive agencies and military departments shall participate in the Service Platform as service organizations.

(2) NON-FEDERAL SERVICE ORGANIZATIONS.—State, local, and Tribal organizations and service organizations and service opportunities available through the Service Platform.

(i) INFORMATION AND CONSENT FROM INDIVIDUAL.—An individual meeting the criteria established under this section and seeking to become a member shall provide the Director such information as the Director may determine necessary to facilitate the functionality of the Service Platform.

(ii) INFORMATION ON THE AVAILABILITY OF SERVICE OPPORTUNITIES BY SERVICE TYPE.—The Service Platform shall link to websites of such service organization.

(iii) ADDITIONAL PLATFORMS NOT PRECLUDED.—Nothing in this subsection shall prevent any service organization from establishing or maintaining a separate internet-based system or platform to recruit individuals for employment or for volunteer or other service opportunities.

(f) MINIMUM DESIGN REQUIREMENTS.—The Service Platform shall—

(1) provide the public with access to information on service organizations and service opportunities, through an internet-based system that is user-friendly, interactive, accessible, and fully functional through mobile applications and other widely used communication media, with a requirement that any person seeking such access register as a member;

(2) provide an individual with the ability to register as a member in order to customize their experience in accordance with subsection (d)(3)(A), including providing mechanisms to—

(A) connect such member with service organizations and service opportunities that match the interests of the member; and

(B) ensure robust search capabilities to facilitate the ability of members to explore service organizations and service opportunities;

(3) include mechanisms to enable a service organization to connect with members who have consented to be contacted and meet the needs of such service organization;

(4) incorporate, to the extent permitted by law and regulation, the ability of a member to securely upload information on education, employment, and skills related to the service organizations and service opportunities from internet-based professional, social media systems, and other widely used communication media, consistent with security requirements;

(5) ensure compatibility with relevant information systems of Executive agencies and military departments;

(6) use state-of-the-art technology and analytical tools to facilitate the efficacy of the Service Platform in connecting members with service opportunities and service organizations; and

(7) retain all personal information in a manner that protects the privacy of members in accordance with section 502a of title 5, United States Code, and other applicable law, provide access to information relating to the member only in accordance with the consent of the member or as required by applicable law, and incorporate data security and control policies that are adequate to ensure the confidentiality and security of information provided and maintained on the Service Platform.

(g) DEVELOPMENT OF SERVICE PLATFORM PLAN.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this Act, the Director, in coordination with the Director of the Office of Management and Budget, shall develop a detailed plan to implement the Service Platform that complies with all the requirements of this section.

(2) ADMINISTRATION.—In carrying out the plan under this subsection, the Director shall consult with the Secretary of Defense,
the Chief Executive Officer of the Corporation for National and Community Service, the Director of the Office of Personnel Management, the head of the United States Digital Service, and the head of other Executive agencies. Such consultation may include seeking assistance in the design, development, and creation of the Service Platform.

(3) TECHNICAL ADVICE PERMITTED.—
(A) IN GENERAL.—In developing the plan under this subsection, the Director may—
(i) seek and receive technical advice from experts outside of the Federal Government; and
(ii) form a committee of such experts to assist in the design and development of the Service Platform.
(B) VOLUNTEER SERVICE.—Notwithstanding section 133(b) of title 31, United States Code, the Director may accept the voluntary services of such experts under this paragraph.
(C) FEDERAL ADVISORY COMMITTEE.—A committee of the experts formed under this paragraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).
(D) INFORMATION COLLECTION AUTHORIZED.—
(A) IN GENERAL.—In developing the plan under this subsection, the Director may collect information from the public through focus groups, surveys, and other mechanisms.

(B) PAPERWORK REDUCTION ACT.—The requirements under subchapter I of chapter 35 of title 44, United States Code (commonly known as the ‘‘Paperwork Reduction Act’’) shall not apply to activities authorized under this paragraph.

(2) procedures that enable State, local, and Tribal government agencies to participate in the Service Platform as service organizations;

(2) procedures that enable nongovernmental organizations that undertake national service programs to participate in the Service Platform as service organizations; and

(3) a timeline to implement the procedures described in paragraphs (A) and (B).

(1) REPORTS TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations to carry out this section including—
(i) procedures that enable State, local, and Tribal government agencies to participate in the Service Platform as service organizations;
(ii) procedures that enable nongovernmental organizations that undertake national service programs to participate in the Service Platform as service organizations; and
(iii) a timeline to implement the procedures described in paragraphs (A) and (B).

(2) The number of individuals visiting the Service Platform, the number of service organizations participating in the platform, and the number of service opportunities available in the preceding 12-month period.

(3) INFORMATION ON ANY CYBERSECURITY OR PRIVACY ISSUES.

(4) RESULTS OF ANY SURVEYS OR STUDIES undertaken to increase the use and efficacy of the Service Platform.

(4) INFORMATION ON ANY CYBERSECURITY OR PRIVACY ISSUES.

(5) RESULTS OF ANY SURVEYS OR STUDIES undertaken to increase the use and efficacy of the Service Platform.

(6) Any additional information the Director or the President considers appropriate.

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Service Platform as service organizations such sums as may be necessary to carry out this section.

(1) AUTHORIZATION OF APPROPRIATIONS.—The Director of Selective Service shall provide to the Corporation for National and Community Service, and the Director of the Peace Corps may carry out a joint market research, market studies, recruiting, and advertising program to complement the existing programs of the military departments, the national service programs administered by the Corporation, and the Peace Corps.

(2) INFORMATION SHARING PERMITTED.—Section 1143(c)(1) of title 10, United States Code, is amended—
(A) by striking ‘‘the Secretary of Defense;’’; and
(B) by inserting ‘‘‘and the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service’’ after ‘‘the Secretary of Veterans Affairs’’.

(3) TECHNICAL ADVICE PERMITTED.—There are authorized to be appropriated such sums as may be necessary for carrying out this section.

SEC. 1073. PILOT PROGRAM TO COORDINATE MILITARY, NATIONAL, AND PUBLIC SERVICE RECRUITMENT.

(A) PILOT PROGRAM AUTHORIZED.—The Director of the Office of Personnel Management and the Secretary of Defense, the Secretary of Veterans Affairs, the Director of Selective Service, the Director of the Peace Corps, and the Director of the Corporation for National and Community Service shall—

(i) carry out a pilot program to coordinate military, national, and public service opportunities, including—

(ii) establish a joint plan to provide information on public service opportunities, including—

(iii) the Corporation for National and Community Service, and the Director of the Peace Corps shall—

(1) carry out a joint market research, market studies, recruiting, and advertising program to complement the existing programs of the military departments, the national service programs administered by the Corporation, and the Peace Corps.

(2) INFORMATION SHARING PERMITTED.—Section 1143(c)(1) of title 10, United States Code, is amended—
(A) by striking ‘‘the Secretary of Defense;’’; and
(B) by inserting ‘‘‘and the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service’’ after ‘‘the Secretary of Veterans Affairs’’.

(3) TECHNICAL ADVICE PERMITTED.—There are authorized to be appropriated such sums as may be necessary for carrying out this section.

SEC. 1074. JOINT MARKET RESEARCH AND RECRUITMENT PROGRAM TO ADVANCE MILITARY AND NATIONAL SERVICE.

(A) PROGRAM AUTHORIZED.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps may carry out a joint market research, market studies, recruiting, and advertising program to advance the recruitment and affordability of careers with the Federal Government.

(B) INFORMATION SHARING PERMITTED.—Section 503 of title 10, United States Code, shall not be construed to prohibit the sharing of information among, or joint marketing efforts of, the Department of Defense, the Corporation for National and Community Service, and the Peace Corps.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for carrying out this section.

SEC. 1075. INFORMATION SHARING TO ADVANCE MILITARY AND NATIONAL SERVICE.

(A) ESTABLISHMENT OF PLAN.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall establish a joint plan to—

(1) establish a joint plan to—

(2) coordinates the efforts of the Department of Defense, the Corporation for National and Community Service, and the Peace Corps.

(B) INFORMATION SHARING PERMITTED.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall—

(i) carry out a joint market research, market studies, recruiting, and advertising program to advance the recruitment and affordability of careers with the Federal Government.

(2) The Director of Selective Service, the Director of the Peace Corps, and the Director of the Corporation for National and Community Service shall—

(i) establish a joint plan to—

(ii) carry out a joint market research, market studies, recruiting, and advertising program to advance the recruitment and affordability of careers with the Federal Government.

(iii) carry out a joint market research, market studies, recruiting, and advertising program to advance the recruitment and affordability of careers with the Federal Government.

(iv) carry out a joint market research, market studies, recruiting, and advertising program to advance the recruitment and affordability of careers with the Federal Government.

SEC. 1076. TRANSITION OPPORTUNITIES FOR MILITARY SERVICE MEMBERS AND NATIONAL SERVICE PARTICIPANTS.

(A) EMPLOYMENT ASSISTANCE.—Section 1143(c)(1) of title 10, United States Code, is amended by inserting ‘‘the Corporation for National and Community Service’’ after ‘‘State employment agencies’’.

(B) EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES: DEPARTMENT OF LABOR.—Section 1144 of title 10, United States Code, is amended—

(1) by inserting ‘‘the Secretary of Veterans Affairs’’ after ‘‘the Secretary of Defense’’; and

(2) by inserting ‘‘the Secretary of Veterans Affairs’’ after ‘‘the Secretary of Defense’’.

(3) TECHNICAL ADVICE PERMITTED.—There are authorized to be appropriated such sums as may be necessary for carrying out this section.

SEC. 1077. JOINT MARKET RESEARCH AND RECRUITMENT PROGRAM TO ADVANCE MILITARY AND NATIONAL SERVICE.

(A) PROGRAM AUTHORIZED.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps may carry out a joint market research, market studies, recruiting, and advertising program to advance the recruitment and affordability of careers with the Federal Government.

(B) INFORMATION SHARING PERMITTED.—Section 503 of title 10, United States Code, shall not be construed to prohibit the sharing of information among, or joint marketing efforts of, the Department of Defense, the Corporation for National and Community Service, and the Peace Corps.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for carrying out this section.

SEC. 1078. TRANSITION OPPORTUNITIES FOR MILITARY SERVICE MEMBERS AND NATIONAL SERVICE PARTICIPANTS.
(as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

(2) Inform members of the armed forces that the Department of Defense and the Department of Homeland Security are required, under section 1143(a) of this title, to provide proper certification or verification of job skills and experience acquired, while on active duty that may have application to services in programs of the Corporation for National and Community Service.

(3) Work with military and veterans’ service organizations and other appropriate organizations in promoting and publicizing job fairs for such members.

(4) Provide information about disability-related employment and education protections.

(2) CONFORMING AND CLERICAL AMENDMENTS

(A) HEADING AMENDMENT.—The heading of section 1144 of such title is amended to read as follows:

"1144. Employment assistance, job training assistance, and other transitional services: Department of Labor and the Corporation for National and Community Service."

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 58 of such title is amended to read as follows:

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SEC. 1075. ANOMALOUS HEALTH INCIDENTS.

(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 Incidents Interagency Coordinator 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 House of Representatives;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

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

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

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

(I) the Committee on Homeland Security of the House of Representatives; and

(J) the Committee on the Judiciary of the House of Representatives.

(3) INTERAGENCY COORDINATOR.—The term "Interagency Coordinator" means the Anomalous Health Incidents Interagency Coordinator designated pursuant to subsection (b)(1).

(4) RELEVANT AGENCIES.—The term "relevant agencies" means—

(A) the Department of Defense;

(B) the Department of State;

(C) the Office of the Director of National Intelligence;

(D) the Department of Justice;

(E) the Department of Homeland Security; and

(F) other agencies and bodies designated by the Interagency Coordinator.

(b) ANOMALOUS HEALTH INCIDENTS INTERAGENCY COORDINATOR.—

(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an appropriate 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 stable 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, and subsequently, the President shall—

(A) establish and maintain a secure reporting mechanism for individuals to self-report any suspected exposure that could be an anomalous health incident;

(B) ensure that personnel receive information from the Office of the National Intelligence through existing programs about potential health threats; and

(C) in order to provide a secure mechanism for personnel, dependents, and other appropriate individuals to self-report any suspected exposure that could be an anomalous health incident;

(D) known defensive techniques; and

(E) rules and regulations governing the use of such systems;

(v) an update on new or persistent incidents;

(vi) threat prevention and mitigation efforts to include personnel training;

(F) ELEMENTS.—The briefings required under subparagraph (A) shall include—

(i) the threat posed by anomalous health incidents;

(ii) detailed roles and responsibilities of the Interagency Coordinator and the Interagency Coordination Leads consider appropriate.

(G) RETENTION OF AUTHORITY.—The appointee of the Interagency Coordinator shall not deprive any Federal agency of any authority to independently perform its authorized functions.

(H) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit—

(i) the President’s authority under article II of the United States Constitution; or

(ii) the provision of health care and benefits to afflicted individuals, consistent with existing laws.

(4) DEVELOPMENT AND DISSEMINATION OF WORKFORCE GUIDANCE.—The President shall—

(A) ensure the 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 personnel receive information from the Office of the Director of National Intelligence through existing programs about potential health threats; and

(C) in order to provide a secure mechanism for personnel, dependents, and other appropriate individuals to self-report any suspected exposure that could be an anomalous health incident;

(ii) detailed roles and responsibilities of the Interagency Coordinator and the Interagency Coordination Leads consider appropriate.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit—

(i) the President’s authority under article II of the United States Constitution; or

(ii) the provision of health care and benefits to afflicted individuals, consistent with existing laws.

(6) SECURE REPORTING MECHANISMS.—Not later than 90 days after the date of the enactment of this Act, the President shall—

(A) establish and maintain a secure reporting mechanism for individuals to self-report any suspected exposure that could be an anomalous health incident;

(B) ensure that personnel receive information from the Office of the National Intelligence through existing programs about potential health threats; and

(C) in order to provide a secure mechanism for personnel, dependents, and other appropriate individuals to self-report any suspected exposure that could be an anomalous health incident;

(ii) the threat posed by anomalous health incidents;

(vii) detailed roles and responsibilities of the Interagency Coordinator and the Interagency Coordination Leads consider appropriate.

(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit—

(i) the President’s authority under article II of the United States Constitution; or

(ii) the provision of health care and benefits to afflicted individuals, consistent with existing laws.

(B) E LEMENTS.—The briefings required under subparagraph (A) shall include—

(i) the threat posed by anomalous health incidents;

(ii) detailed roles and responsibilities of the Interagency Coordinator and the Interagency Coordination Leads consider appropriate.

(2) ELEMENTS.—The briefings required under subparagraph (A) shall include—

(i) the threat posed by anomalous health incidents;

(ii) detailed roles and responsibilities of the Interagency Coordinator and the Interagency Coordination Leads consider appropriate.

(G) RETENTION OF AUTHORITY.—The appointee of the Interagency Coordinator shall not deprive any Federal agency of any authority to independently perform its authorized functions.

(H) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit—

(i) the President’s authority under article II of the United States Constitution; or

(ii) the provision of health care and benefits to afflicted individuals, consistent with existing laws.

(C) DEVELOPMENT AND DISSEMINATION OF WORKFORCE GUIDANCE.—The President shall—

(A) ensure the 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 personnel receive information from the Office of the Director of National Intelligence through existing programs about potential health threats; and

(C) in order to provide a secure mechanism for personnel, dependents, and other appropriate individuals to self-report any suspected exposure that could be an anomalous health incident;

(ii) the threat posed by anomalous health incidents;

(vii) detailed roles and responsibilities of the Interagency Coordinator and the Interagency Coordination Leads consider appropriate.

(5) RETENTION OF AUTHORITY.—The appointee 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—

(i) the President’s authority under article II of the United States Constitution; or

(ii) the provision of health care and benefits to afflicted individuals, consistent with existing laws.

(7) SECURE REPORTING MECHANISMS.—Not later than 90 days after the date of the enactment of this Act, the President shall—

(A) establish and maintain a secure reporting mechanism for individuals to self-report any suspected exposure that could be an anomalous health incident;

(B) ensure that personnel receive information from the Office of the National Intelligence through existing programs about potential health threats; and

(C) in order to provide a secure mechanism for personnel, dependents, and other appropriate individuals to self-report any suspected exposure that could be an anomalous health incident;

(ii) the threat posed by anomalous health incidents;

(vii) detailed roles and responsibilities of the Interagency Coordinator and the Interagency Coordination Leads consider appropriate.

(5) RETENTION OF AUTHORITY.—The appointee 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—

(i) the President’s authority under article II of the United States Constitution; or

(ii) the provision of health care and benefits to afflicted individuals, consistent with existing laws.

(7) SECURE REPORTING MECHANISMS.—Not later than 90 days after the date of the enactment of this Act, the President shall—

(A) establish and maintain a secure reporting mechanism for individuals to self-report any suspected exposure that could be an anomalous health incident;

(B) ensure that personnel receive information from the Office of the National Intelligence through existing programs about potential health threats; and

(C) in order to provide a secure mechanism for personnel, dependents, and other appropriate individuals to self-report any suspected exposure that could be an anomalous health incident;

(ii) the threat posed by anomalous health incidents;

(vii) detailed roles and responsibilities of the Interagency Coordinator and the Interagency Coordination Leads consider appropriate.
“with agencies of the Department of Defense” and inserting “with agencies and departments of the Federal Government”.

(b) RULEMAKING.—Not later than 180 days after the enactment of this Act, in order to carry out the amendments made by subsection (a), the Administrator of the Small Business Administration, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations; and

(2) the Federal Acquisition Regulatory Council under section 1942 of title 41, United States Code, shall amend the Federal Acquisition Regulation.

SEC. 4238. 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 H of title XII, add the following:

SEC. 1253. LIMITATION ON SECURITY ASSISTANCE, MILITARY AND SECURITY COOPERATION WITH BURMA.

(a) IN GENERAL.—No agency or instrumentality of the United States may supply any security assistance, grant permission to re-transfer defense articles originating in the United States to, or engage in any military-to-military programs with the armed forces or security forces in the Republic of the Union of Myanmar (referred to in this section as “Burma”), including through training, observation, or participation in regional exercises, until the date on which the Secretary of Defense, in consultation with the Secretary of State, certifies to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives:

(1) the armed forces of Burma (referred to in this section as the “Tatmadaw”) have returned control of the Government of Burma to duly elected leadership;

(2) the Government of Burma is clearly on the path to civilian control over its security forces, including:

(A) instituting constitutional reforms to relinquish military participation in Government decision making;

(B) respecting by international human rights standards; and

(C) undertaking meaningful and significant security sector reform, including transparency in accountability, to prevent future abuses; and

(3) each of the criteria described in subsection (b) have been met.

(b) THE CRITERIA DESCRIBED IN THIS SUBSECTION ARE—

(1) adherence by the Tatmadaw to international humanitarian law and international human rights law, including a pledge to stop future human rights abuses;

(2) support by the Tatmadaw for efforts to carry out meaningful and comprehensive investigations of human rights abuses, including—

(A) taking steps to hold accountable those members of the Tatmadaw who are responsible for human rights violations; and

(B) taking steps to provide survivors, including through cooperating with the Independent International Fact-Finding Mission on Myanmar, established by the United Nations Human Rights Council in March 2017;

(3) the Government of Burma, including the Tatmadaw, (A) allowing immediate and unfettered humanitarian access to communities in areas affected by conflict, including Rohingya communities in Rakhine State;

(B) cooperating with the United Nations High Commissioner for Refugees and organizations affiliated with the United Nations to ensure—

(i) the protection of displaced persons; and

(ii) the safe and voluntary return of refugees and internally displaced persons; and

(C) extending protection of human rights to all the people of Rakhine State, including the Rohingyas;

(4) the cessation of Tatmadaw attacks on ethnic minority groups and the constructive participation of the Tatmadaw in the conclusion of a credible, nationwide cease-fire agreement, political accommodation, and constituencies between the United States Armed Forces and the Tatmadaw, the Burma Police Force, and armed ethnic groups;

(5) an assessment of the progress of the Tatmadaw in the illicit trade in jade and other natural resources; and

(6) a description and assessment of the Tatmadaw’s strategy for security sector reform, including governance and constitutional reforms to ensure civilian control;

(7) a description and assessment of the Government of Burma’s strategy and plans for—

(A) to end the involvement of the Tatmadaw in the illicit trade in jade and other natural resources; and

(B) to implement reforms to end corruption and illicit drug trafficking;

(8) a list of past military activities conducted by the United States Government with the Government of Burma;

(9) a description of the United States strategy for any future military-military engagements with the Government of Burma, including—

(A) cooperation with the United States Armed Forces and the Tatmadaw, the Burma Police Force, and armed ethnic groups;

(B) an assessment of the progress of the Tatmadaw towards developing a framework to implement human right reforms, including steps taken by the Tatmadaw to demonstrate respect for and implementation of international human law and international human rights law;

(10) an assessment of the extent to which the Tatmadaw has ceased attacks on ethnic minority groups, including actions taken by the Tatmadaw to adhere to cease-fire agreements and withdraw forces from conflict zones;

(D) an assessment of the Tatmadaw’s recruitment and use of children as soldiers; and

(11) an assessment of the Tatmadaw’s use of violence against women, sexual violence, or other gender-based violence as a tool of terror, war, or ethnic cleansing.

SEC. 4239. Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year; and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Saudi Arabia Accountability for Gross Violations of Human Rights Act

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the “Saudi Arabia Accountability for Gross Violations of Human Rights Act.”

SEC. 1292. FINDINGS.

Congress finds the following:

(1) On October 2, 2018, Washington Post journalist Jamal Khashoggi was murdered by Saudi Government agents in Istanbul. According to the Special Rapporteur’s June 2019 report, Mr. Khashoggi contacted the Saudi Embassy in Washington regarding required documentation needed to obtain travel from Saudi authorities and “was told to obtain the document from the Saudi embassy in Turkey.”

(2) According to press reports, Mr. Khashoggi’s associates were subjected after having their phones infiltrated by spymaster.

(3) On July 15, 2019, the House of Representatives passed by a margin of 405-4 the Saudi Arabia Human Rights and Accountability Act of 2019 (H.R. 2037), which required—

(A) an unclassified report by the Director of National Intelligence on parties responsible for Khashoggi’s murder, a requirement ultimately inserted into and passed as part of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92);

(B) visa sanctions on all persons identified in such report; and

(C) a report on human rights in Saudi Arabia.

(4) On February 26, 2021, the Director of National Intelligence released the report pursuant to the above mandate, which stated, “we assess that Saudi Arabia’s Crown Prince Muhammad bin Salman approved an operation in Istanbul, Turkey to secure the killing of Jamal Khashoggi.”. The report also identified several individuals who “participated in, or were otherwise responsible for the death of Jamal Khashoggi on behalf of Muhammad bin Salman. We do not know whether these individuals knew in advance that the operation would result in Khashoggi’s death.”

(5) Section 703(c) of division K of the Consolidated Appropriations Act, 2021 states that “the Secretary of State shall certify to the Congress, not later than 30 days after the date of the President’s submission of the budget for fiscal year 2021 that the Secretary of State has credible information about the immediate foreign policy goals of the Saudi Arabian Government that the Secretary of State has credible information about the immediate foreign policy goals of the Saudi Arabian Government that are inimical to the National security and foreign policy interests of the United States.”

(6) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country whose Government the President is engaged in a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States.”

(7) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country whose Government the President is engaged in a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States.”

(8) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country whose Government the President is engaged in a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States.”

(9) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country whose Government the President is engaged in a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States.”

(10) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country whose Government the President is engaged in a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States.”

(11) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country whose Government the President is engaged in a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States.”

(12) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country whose Government the President is engaged in a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States.”

(13) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country whose Government the President is engaged in a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States.”
security assistance programs of the United States in a manner which will “promote and advance human rights and avoid identification of the United States, through such programs, with governments or their agents which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States”.

(9) Secretary of State Antony Blinken on February 26, 2021, stated: “As a matter of safety, with governments on our borders, perpetrators targeting perceived dissenters on behalf of any foreign government should not be permitted to reach American soil. . . . We have made absolutely clear that extraterritorial threats and assaults by Saudi Arabia against activists, dissidents, and journalists must end.”

SEC. 1293. SANCTIONS WITH RESPECT TO FOREIGN PERSONS LISTED IN THE REPORT OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE MURDER OF JAMAL KHASHOGGI.

(a) IMPOSITION OF SANCTIONS.—On and after the date that is 60 days after the date of the enactment of this Act, the other conditions described in subsection (b) shall be imposed with respect to each foreign person listed in the Office of the Director of National Intelligence report titled “Assessing the Saudi Government’s Role in the Killing of Jamal Khashoggi”, dated February 11, 2021.

(b) Current Visas Revoked.—

(1) Revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(2) Ineligibility to receive a visa or other documentation to enter the United States.

(3) Ineligibility to otherwise 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.).

(c) Current Visas Revoked.—

(1) Revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(2) Ineligibility to receive a visa or other documentation to enter the United States.

(3) Ineligibility to otherwise 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.).

SEC. 1294. REPORT ON INTIMIDATION OR HARASSMENT DIRECTED AGAINST INDIVIDUALS IN THE UNITED STATES AND OTHERS.

(a) In General.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report identifying any entities, instrumentalities, or agents of the Government of Saudi Arabia engaged in “a consistent pattern of acts of intimidation or harassment directed against individuals in the United States” pursuant to section 6 of the Arms Export Control Act (22 U.S.C. 2756).

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

(1) A detailed description of such acts in the preceding period.

(2) A certification of whether such acts during the preceding period constitute a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States” pursuant to section 6 of the Arms Export Control Act (22 U.S.C. 2756).

(c) A determination of whether any United States-origin defense articles were used in the commission of such acts.

(d) A determination of whether entities, instrumentalities, or agents of the Government of Saudi Arabia supported or received support from foreign governments, including China, in the commission of such acts.

(5) Any actions taken by the United States Government to deter incidents of intimidation or harassment directed against individuals in the United States.

(c) Suspensions or Sanctions.—

(1) The Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

SEC. 1295. REPORT ON EFFORTS TO UPHOLD HUMAN RIGHTS IN UNITED STATES SECURITY ASSISTANCE PROGRAMS WITH THE GOVERNMENT OF SAUDI ARABIA.

(a) 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 report on efforts of the Department of State to ensure that United States security assistance programs with Saudi Arabia are formulated in a manner that will “avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms” in accordance with section 562B of the Foreign Assistance Act of 1961 (22 U.S.C. 2338).

(b) 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 House of Representative.
SEC. 1296. REPORT ON CERTAIN ENTITIES CON-NECTED TO FOREIGN PERSONS ON THE MURDER OF JAMAL KHASHOGGI.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of appropriate agencies, shall submit to the appropriate congressional committees a report on private, commercial, and nongovernmental entities, including nonprofit foundations, controlled in whole or in part by any foreign person named in the Of-fice of the Director of National Intelligence report titled “Assessing the Saudi Government’s Role in the Killing of Jamal Khashoggi,” dated February 11, 2021.

(b) Matters to be included.—The report required by subsection (a) shall include the following:

(1) A description of such entities.

(2) A detailed assessment, based in part on credible open sources and other publicly available information, of the roles, if any, such entities played in the murder of Jamal Khashoggi or any other gross violations of internationally recognized human rights.

(3) A certification of whether any such entity is subject to sanctions pursuant to the Global Magnitsky Human Rights Accountability Act (P.L. 116-53).

(c) Form.—The report required by sub-section (a) shall be submitted in unclassified form, but may include a classified annex.

(d) Committee of Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Permanent Select Committee on Intelli-gence of the House of Representatives; and

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

SA 4240. Mr. MENENDEZ (for himself, Mr. RURO, Mr. MERKLEY, 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 2020 for military activities of the Department of Defense, for military construction, and for defense activi-ties of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to be stricken without prejudice.

SEC. 1253. SAFE HARBOR FOR HONG KONG REFUGEES.

(a) Designation of Certain Residents of Hong Kong as Priority 2 Refugees.—

(1) In general.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall designate, as Priority 2 refugees of special humanitarian concern, the following categories of aliens:

(A) Individuals who are residents of the Hong Kong Special Administrative Region who suffered persecution, or have a well-founded fear of persecution, on account of their personal opposition of political con-censions or peaceful participation in political ac-tivities or associations.

(B) Individuals who have been formally charged or convicted on account of their peaceful actions as described in section 206(b)(2) of the United States-Hong Kong Pol-icy Act of 1992 (22 U.S.C. 5728).

(C) Children, parents (as such terms are defined in subsections (a) and (b) of section 101 of the Immigration and Na-tionality 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 Hong Kong Refugees.—

The processing of individuals described in paragraph (1) for classification as refugees may occur in Hong Kong or in a third coun-try.

(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.—An appli-cant for admission to the United States from the Hong Kong Special Administrative Re-gion may not be denied primarily on the basis of a politically motivated arrest, de-tention, or other adverse government action taken against such applicant as a result of the participation by such applicant in protest or other activities.

(5) Exclusion from Numerical Limita-tions.—Aliens provided refugee status under this subsection shall not be counted against any numerical limitation specified in 201, 202, 203, or 207 of the Immigration and Na-tionality Act (8 U.S.C. 1151, 1152, 1153, and 1157).

(6) Reporting Requirements.—

(A) In general.—Not later than 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Homeland Se-curity shall submit a report regarding the matters described in subparagraph (B) to—

(i) the Committee on the Judiciary and the Committee on Foreign Relations of the Senate; and

(ii) the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representa-tives.

(B) Matters to be included.—Each report required under subparagraph (A) shall in-clude—

(i) the total number of applications that are pending at the end of the reporting pe-riod.

(ii) the average wait-times for all appli-cants who are currently pending—

(I) employment verification;

(II) a pre-screening interview with a reset-tlement service provider; or

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

(IV) the completion of security checks; and

(iii) the number of denials of applications for refugee status, disaggregated by the rea-son for such denial.

(C) Form.—The report required under sub-paragraph (A) shall be submitted in unclassi-fied 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.

(7) Satisfaction of Other Require-ments.—Aliens granted status under this subsection as Priority 2 refugees of special humanitarian concern under the refugee re-settlement priority system shall be considered to satisfy the requirements under sec-tion 207 of the Immigration and Nationality Act (8 U.S.C. 1157) for admission to the United States.

(b) Waiver of Immigrant Status Pre-sumption.—

(1) In general.—The presumption under the first sentence of section 214(b) of the Im-migration 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) Waiver.—The President shall make the determination—

(A) in general.—An alien described in this paragraph is an alien who—

(i) is a resident of the Hong Kong Special Administrative Region on February 8, 2021; and

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

(B) had a leadership role in civil society organizations supportive of the protests in Hong Kong relating to the Hong Kong ex-tradition bill and the encroachment on the autonomy of Hong Kong by the People’s Re-public of China;

(c) Contact with Hong Kong Personnel.—

(1) In general.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report on private, commercial, and nongovernmental organizations supportive of the protests in Hong Kong relating to the Hong Kong extradition bill and the encroachment on the autonomy of Hong Kong by the People’s Republic of China.

SEC. 1297. REPORT ON CERTAIN ENTITIES CON-NECTED TO FOREIGN PERSONS ON THE MURDER OF JAMAL KHASHOGGI.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of appropriate agencies, shall submit to the appropriate congressional committees a report on private, commercial, and nongovernmental entities, including nonprofit foundations, controlled in whole or in part by any foreign person named in the Office of the Director of National Intelligence report titled “Assessing the Saudi Government’s Role in the Killing of Jamal Khashoggi,” dated February 11, 2021.

(b) Matters to be included.—The report required by subsection (a) shall include the following:

(1) A description of such entities.

(2) A detailed assessment, based in part on credible open sources and other publicly available information, of the roles, if any, such entities played in the murder of Jamal Khashoggi or any other gross violations of internationally recognized human rights.

(3) A certification of whether any such entity is subject to sanctions pursuant to the Global Magnitsky Human Rights Accountability Act (P.L. 116-53).

(c) Form.—The report required by sub-section (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.

(2) Changed Circumstances.—For purposes of paragraph (1), the term “section 207 of the Immigration and Nationality Act” includes, in addition to section 207 of the Immigration and Nationality Act (8 U.S.C. 1158), the revocation of the citizen-ship, nationality, or residency of an indi-vidual having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the immigration laws as de-fined in section 101(a) of such Act (8 U.S.C. 1101(a)) shall be considered to have suffered persecution on account of political opinion.

(B) Nationals of the People’s Republic of China.—For purposes of paragraphs (1) and (2) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1158), a na-tional of the People’s Republic of China who is a resident of the Hong Kong Special Administrative Region, or any other area within the jurisdiction of the People’s Re-public of China, as determined by the Secretary of State, is revoked for having sub-mitted 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.

(C) Statement of Policy on Encouraging Allies and Partners to Make Similar Accom-modations.—It is the policy of the United States to encourage allies and part-ners of the United States to make accom-modations similar to the accommodations made under this Act for residents of the
Hong Kong Special Administrative Region who are fleeing oppression by the Government of the People’s Republic of China.

(e) TERMINATION.—This section shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

SA 421. Mr. MENENDEZ submitted an amendment to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for certain activities of the Department of Energy, to 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—Combating International Cybercrime

SEC. 1291. 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 Banking, Housing, and Urban Affairs of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

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

(2) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” means systems and assets, whether physical or virtual, that are so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on the security, economic or national security, public health, or safety of the United States.

(3) CYBERCRIME GROUP.—The term “cybercrime group” means any group practicing, or which has significant subgroups which practice, international cybercrime.

(4) INTERNATIONAL CYBERCRIME.—The term “international cybercrime” means unlawful activity involving citizens, territory, or infrastructure of at least 1 country that is intended—

(A) to disrupt the confidentiality, integrity, or availability of information systems or financial gain; or in order to economically benefit a third party;

(B) to damage, delete, deteriorate, alter, or suppress information systems or information;

(C) to damage, delete, deteriorate, alter, or suppress information systems or to make data unreadable, undetectable, or inaccessible.

(5) MAJOR CYBERCRIME INCIDENT.—The term “major cybercrime incident” means an act of cybercrime, or a series of such acts, that—

(A) results in the death of, or bodily injury to, 1 or more United States citizens;

(B) results in or causes harm or loss to United States persons in excess of—

(i) $5,000,000 in any single act of cybercrime; or

(ii) $50,000,000 in a series of acts of cybercrime; or

(C) materially disrupts United States critical infrastructure.

(6) STATE SPONSOR OF INTERNATIONAL CYBERCRIME.—The term “state sponsor of international cybercrime” means a country, the government of which systematically—

(A) authorizes or carries out international cybercrime;

(B) supports, facilitates, encourages, or expressly consents to international cybercrime by third parties, including contractors, proxies, and other intermediaries; or

(C) fails to take reasonable steps to detect, investigate, or address cybercrime occurring within its territory or through the use of its infrastructure.

SEC. 1292. FINDINGS.

Congress finds the following:

(1) Information and communication technologies underpin the economic and national security of the United States. However, the widespread use of these technologies also poses serious risks. In particular, cybercriminal activity using digital means presents an acute and growing threat to the economic, strategic, and security interests of the United States and its allies and partners.

(2) Cybercriminals cause massive harm. According to National Institute of Standards and Technology estimates, in 2021 United States businesses and individuals lost $147,000,000,000 and $770,00,000,000 to cybercrime, corresponding to between 0.9 percent and 4.1 percent of the total United States gross domestic product of that year. The related risk and harm to public health and safety is incalculable and can only be expected to grow as digital technologies become more intertwined in daily life.

(3) Using a wide variety of tactics, cybercriminals—

(A) steal United States intellectual property and sensitive personal information;

(B) defraud United States businesses and citizens; and

(C) disrupt infrastructure critical to Americans’ health and safety.

(4) The use of ransomware (malicious software that encrypts and thereby prevents access to data) until a ransom, often costing millions of dollars, is paid is an especially destructive form of cybercrime.

(5) In 2021, ransomware groups—

(A) crippled or endangered some of the United States’ most critical infrastructure, including water utilities, hospitals, meat packing plants, and a critical fuel pipeline; and

(B) extracted hundreds of millions of dollars in ransom from United States businesses and their insurers.

(6) United States allies and partners have also suffered major losses from cybercrime. Recent ransomware victims include Swedish supermarkets, Ireland’s national health service, a leading German chemical manufacturer, and a leading European insurer, a major German chemical manufacturer.

(7) The Council of Europe’s Convention on Cybercrime, done at Budapest November 23, 2001, obligates its parties to take an effective fight against cybercrime requires increased, rapid and well-functioning international cooperation in criminal matters and requires parties to establish an effective, coordinated, and robust system of international property theft through digital means, and offenses against confidentiality, integrity, and availability of computer data and systems, among other misconduct.

(8) In July 2021, the United Nations Group of Governmental Experts on Advancing responsible State behavior in cyberspace, which includes experts from the United States, Russia, and China, issued a report stating that countries are expected to “take all appropriate and reasonably available and feasible measures to investigate and address” known criminal cyberactivity emanating from within their borders.

(9) Certain nations, including China, Russia, Iran, and North Korea, ignore, facilitate, or directly participate in cybercrime as a matter of national policy.

(10) Russia and China are global havens for cybercriminals. Russian cybercriminal groups responsible for attacks on fuel pipelines, meat packing plants, and supermarkets in the United States and in Europe have long enjoyed a 25-year old legal framework freely and with the Kremlin’s tacit approval. By allowing cybercrime to operate with impunity, Russia threatens international stability, undermines international institutions, and disregards international norms.

(11) The People’s Republic of China uses cybercrime—

(A) to undermine United States’ interests; and

(B) to victimize United States’ businesses and government agencies.

(12) In July 2021, Secretary of State Blinken stated, “The PRC’s Ministry of State Security (MSS) has fostered an ecosystem of criminal contract hackers who carry out both state-sponsored activities and cybercrime for their own financial gain. ... These contract hackers cost governments and companies billions of dollars in stolen intellectual property, ransom payments, and cybersecurity mitigation efforts, all while the MSS has them on its payroll.”

(13) Cybercrime is central to North Korea’s geopolitical strategy, helping the Kim Jong Un regime maintain its grip on power and providing essential resources for the country’s nuclear weapons program.

(14) In February 2021, the Department of Justice indicted 3 North Korean military intelligence agents for a “wide-ranging criminal conspiracy to commit destructive cyberattacks, to steal and extort more than $3 billion of money and cryptocurrency from financial institutions and technology companies, to create and deploy multiple malicious cryptocurrency applications, and to develop and fraudulently market a blockchain platform.”

(15) North Korean hackers are responsible for many of the most brazen cybercrime campaigns, including—

(A) the 2017 WannaCry global ransomware incident.

(B) the 2014 cyberattack on Sony Pictures; and

(C) the attempt to steal of nearly $1,000,000,000 from the Central Bank of Bangladesh in 2016.

(16) The Iranian regime is a prolific sponsor of cybercrime. Hackers linked to Iran’s Islamic Revolutionary Guard Corps target businesses, academic institutions, and research organizations around the world.

(17) In 2018, the Department of Justice indicted 17 Iranians for a coordinated campaign of cyber intrusions into computer systems belonging to 144 United States universities, 176 universities across 21 foreign countries, 47 domestic and foreign private sector companies, the Department of Labor, the Federal Energy Regulatory Commission, the State of Hawaii, the State of Indiana, the United Nations, and the United Nations Children’s Fund.

SEC. 1293. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) all nations must take reasonable steps to stop cybercriminal activities from taking place within their territories or through their infrastructure;

(2) governments that tolerate, facilitate, or participate in cybercrime threaten the economic and national security of the United States, United States allies and partners, and the international community; and

(3) the rising threat of international cybercrime requires a robust, coordinated response from the United States Government, United States allies and partners, and the private sector—

(A) to prevent and counter international cybercriminal activity; and

(B) to impose significant and tangible costs on cybercriminal groups and on governments that tolerate, facilitate, or participate in cybercrime.

SEC. 1294. STATEMENT OF POLICY.

It shall be the policy of the United States—
(1) to prioritize efforts to counter international cybercrime in United States diplomatic, national security, and law enforcement activities related to cybersecurity and information technology; and
(2) to cooperate with United States allies and partners to develop and implement strategies, policies, and institutions to address international cybercrime, including joint law enforcement efforts and efforts to develop effective international law and norms related to cybercrime control; and
(3) to take steps to minimize costs on foreign governments that enable or engage in international cybercrime.

SEC. 1295. DESIGNATION OF STATE SPONSORS OF INTERNATIONAL CYBERCRIME.

(a) Identifying State Sponsors of International Cybercrime.—

(1) in paragraph (1) of section 1295 of the National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 2251 note), by inserting after the word “United” the words “and other foreign governments”;

(2) in subsection (a) of section 1295(a) of such Act, in the matter preceding paragraph (1), by inserting “and each report required by subsection (b) of section 1295(c) of such Act” after “shall include”;

(3) in subsection (b) of such section, by inserting “and the Committee on Foreign Affairs of the House of Representatives,” after “the Senate,”;

(4) in subsection (c) of such section, by inserting “and the Committee on Foreign Affairs of the House of Representatives,” after “the Senate,”;

(5) in subsection (e) of such section, by inserting “and the Committee on Financial Services of the House of Representatives,” after “the Committee on Banking, Housing, and Urban Affairs of the Senate,”;

(b) Annual Report on International Cybercrime.—

(1) in subsection (a) of such section, in the matter preceding paragraph (1), by inserting “and not less frequently than annually thereafter the date of the enactment of this Act,” after “included in the list described in paragraph (1)(A) unilaterally provided support for acts of international terrorism; or”;

(2) in paragraph (1), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “is hereby prohibited.”;

(3) in subsection (b), in the matter preceding paragraph (2), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(4) in subsection (c), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “including any activity that the Secretary determines willfully aids or abets.”;

(5) in subsection (e), in the matter preceding paragraph (1), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(6) in paragraph (2)(B), in the matter preceding paragraph (iii), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(7) in paragraph (3), in the matter preceding paragraph (i), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(8) in the section heading, by adding at the end the words “and the Committee on Foreign Affairs of the House of Representatives”,

(c) Prohibitions and Restrictions on State Sponsors of International Cybercrime.—

(1) in the section heading, by adding at the end the words “and the Committee on Financial Services of the House of Representatives,”;

(2) in paragraph (1), by adding “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “is hereby prohibited.”;

(3) in paragraph (2)(B), in the matter preceding paragraph (iii), by adding “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(4) in paragraph (3), in the matter preceding paragraph (i), by adding “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(5) in subsection (a), by adding “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “is hereby prohibited.”; and

(6) in subsection (e), in the matter preceding paragraph (1), by adding “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”.

(d) Restriction on Foreign Assistance to State Sponsors of International Cybercrime.—Section 629(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)) is amended to read as follows:—


“(1) the Secretary of State determines that the government of such country has repeatedly provided support for acts of international terrorism; or

“(2) the government of such country has been a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.”.

(e) Annual Country Report on International Cybercrime.—

(1) in the section heading, by inserting at the end the words “and the Committee on Foreign Affairs of the House of Representatives,”;

(2) in paragraph (a), in the matter preceding paragraph (1), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(3) in paragraph (b), in the matter preceding paragraph (1), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(4) in paragraph (c), in the matter preceding paragraph (1), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(5) in paragraph (d), in the matter preceding paragraph (1), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(6) in paragraph (e), in the matter preceding paragraph (1), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”; and

(f) Definitions.—In this section—

(1) the term ‘major cybercrime incident’ means an incident described in paragraph (1)(A) of section 1295(c) of the National Defense Authorization Act for Fiscal Year 2021; and

(2) the term ‘state sponsor of international cybercrime’ means any country, person, or entity that has transferred to the United States or its allies if the items transferred in-country were used for international cybercrime, including any activity that the Secretary determines willfully aids or abets.

(g) Authority for Executive Action.—

(1) in paragraph (4), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(2) in paragraph (5), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(3) in paragraph (6), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(4) in paragraph (7), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(5) in paragraph (8), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(6) in paragraph (9), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”;

(7) in paragraph (10), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”; and

(8) in paragraph (11), by inserting “as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.” after “that—”.

(h) Authorization for Executive Action for Fiscal Year 2021.—

(1) in subparagraph (B), by striking “the date of the enactment of this Act,” and inserting “the date of the enactment of this Act, and not less frequently than annually thereafter the date of the enactment of this Act,”; and

(2) in subparagraph (C), by striking “the date of the enactment of this Act,” and inserting “the date of the enactment of this Act, and not less frequently than annually thereafter the date of the enactment of this Act,”.

(1) to prioritize efforts to counter international cybercrime in United States diplomatic, national security, and law enforcement activities related to cybersecurity and information technology; and
(2) to cooperate with United States allies and partners to develop and implement strategies, policies, and institutions to address international cybercrime, including joint law enforcement efforts and efforts to develop effective international law and norms related to cybercrime control; and
(3) to take steps to minimize costs on foreign governments that enable or engage in international cybercrime.
section (1), to the extent practicable—
(i) direct involvement in international cybercrime, if any, by each country that is the subject of such report;
(ii) significant support for international cybercrime, if any, by each country that is the subject of such report, including—
(I) political and financial support;
(II) technical assistance;
(III) the use of state infrastructure or personnel;
(iv) protection from detection, prosecution, or extradition, whether by action or inaction; and
(V) intelligence;
(ii) the extent of knowledge by the government of each country that is the subject of such report with respect to international cybercrime occurring within its territory or through the use of its infrastructure;
(iv) the efforts of each country that is the subject of such report to detect, investigate, and address international cybercrime occurring within its territory or through the use of its infrastructure, including, as appropriate, steps taken in cooperation with the United States or with other international bodies and fora of each country that is the subject of such report;
(v) the positions (including voting records) on matters relating to cybercrime in the General Assembly of the United Nations and other international bodies and fora of each country that is the subject of such report;
(vi) the response of the judicial system of each country that is the subject of such report with respect to matters—
(I) relating to international cybercrime affecting United States citizens or interests; or
(II) that have, in the opinion of the Secretary, a significant impact on United States efforts relating to international cybercrime, including responses to extradition requests; and
(B)(i) any significant direct financial support provided to, or support for the activities of, groups or organizations referred to in paragraph (1)(B) by the government of each country that is the subject of such report;
(ii) any significant training, equipment, or other in-kind support to such groups or organizations by such governments; and
(iii) prosecution given by any such government to the members of such groups or organizations who are responsible for the commission, attempt, or planning of a major cyberincident;
(C) to the extent practicable, complete statistical information regarding the economic, security, and health and safety impacts of international cybercrime on the United States; and
(D) an analysis, as appropriate, of trends in international cybercrime, including changes in tactics, techniques, and procedures, demographic information on cybercriminals, and other appropriate information.
3. CLASSIFICATION OF REPORT.—
(A) GENERAL.—Except as provided in subparagraph (B), the report required under paragraph (1), to the extent practicable—
(i) shall be submitted in an unclassified form; and
(ii) may be accompanied by a classified annex.
(B) EXCEPTION.—If the Secretary of State determines that the submission of the information with respect to a foreign country under subparagraph (C) or (D) of paragraph (1) in classified form would make more likely the commission of a major cyberincident in a foreign country, the Secretary may submit such information in classified form.

SEC. 1296. IMPOSITION OF SANCTIONS WITH RESPECT TO MAJOR CYBERCRIME INCIDENTS.
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall—
(i) identify a foreign person that the President determines—
(A) knowingly engages in activities responsible for, or intended to cause, a major cybercrime incident;
(B) is owned or controlled by, or acts or purports to act for or on behalf of, directly or indirectly, a person described in subparagraph (A); or
(C) knowingly materially assists, sponsors, provides financial, material, or technological support for, or goods or services in support of—
(i) an activity described in subparagraph (A); or
(ii) a person described in subparagraph (A) or (B), the property and interests in property of which are blocked pursuant to this section;
(ii) except as provided under subsection (d), impose the sanctions described in subsection (b) with respect to each individual identified under paragraph (1); and
(iii) impose the sanctions described in subsection (d) with respect to each entity identified under paragraph (1).

(b) ADDITIONAL PROVISIONS.—In addition to the provisions under subsection (a), the President, or the Secretary of State, may prescribe such additional sanctions as the President or Secretary deems necessary to further any of the purposes of this section, including—
(1) in classified form; and
(2) in unclassified form.

(c) ADDITIONAL SANCTIONS.—The sanctions referred to in subsection (a)(2)(A) shall have the force of law and shall be the same in all respects as those described in subsection (a)(2)(B) and (C).

(d) EFFECTS OF SANCTIONS.—Any of the sanctions referred to in subsection (a) that have been selected shall—
(1) in the case of an individual, be imposed by the Department of Treasury or the Department of Justice;
(2) in the case of an entity, be imposed by the Department of Treasury or the Department of Justice;
(3) prohibit all transactions in all property and interests in property—
(A) owned or controlled by, or acting on behalf of, or for the benefit of, an entity identified under subsection (a)(1); or
(B) of which are blocked pursuant to this section;
(4) impose civil monetary penalties on persons identified under subsection (a)(1) to the extent that such person—
(A) owns or controls, directly or indirectly, an entity identified under subsection (a)(1); or
(B) has an interest in an entity identified under subsection (a)(1), including any interest in the entity identified under subsection (a)(1) that is a financial institution;
(5) prohibit any transactions in all property of any entity identified under subsection (a)(1) that is a financial institution;
(6) prohibit any transactions in all property owned or controlled by any entity identified under subsection (a)(1) that is a financial institution;
(7) prohibit any transactions in all property of any entity identified under subsection (a)(1) for any reason;
(8) prohibit any transactions in all property of any entity identified under subsection (a)(1) for any reason.

(e) ECONOMIC AND FOREIGN POLICY.—Nothing in this section shall—
(1) prohibit the export of goods, services, or technology to any entity identified under subsection (a)(1); or
(2) prohibit the purchase of goods, services, or technology from any entity identified under subsection (a)(1).

(f) OBLIGATIONS OF OTHER GOVERNMENTS.—The President shall direct the Secretary of State to enter into agreements with each foreign government identified under subsection (a)(1) to ensure that such government—
(1) prohibits any transactions in all property of any entity identified under subsection (a)(1); or
(2) prohibits any transactions in all property of any entity identified under subsection (a)(1) for any reason.

(g) LIMITATIONS.—The President shall not impose any of the sanctions referred to in subsection (a) unless—
(1) the President determines that—
(A) the failure to impose such sanctions would be contrary to the national security or foreign policy interests of the United States;
(B) the failure to impose such sanctions would be contrary to the national security or foreign policy interests of the United States; or
(C) such sanctions would be inconsistent with the laws and policies of that foreign country; or
(2) the President determines that—
(A) the failure to impose such sanctions would be contrary to the national security or foreign policy interests of the United States;
(B) the failure to impose such sanctions would be contrary to the national security or foreign policy interests of the United States; or
(C) such sanctions would be inconsistent with the laws and policies of that foreign country.

(h) PERSONS SUBJECT TO SANCTIONS.—The President shall ensure that each entity identified under subsection (a)(1) is subject to all sanctions referred to in subsection (a).

(i) ECONOMIC AND FOREIGN POLICY.—Nothing in this section shall—
(1) prohibit the export of goods, services, or technology to any entity identified under subsection (a)(1); or
(2) prohibit the purchase of goods, services, or technology from any entity identified under subsection (a)(1).

(j) OBLIGATIONS OF OTHER GOVERNMENTS.—The President shall direct the Secretary of State to enter into agreements with each foreign government identified under subsection (a)(1) to ensure that such government—
(1) prohibits any transactions in all property of any entity identified under subsection (a)(1); or
(2) prohibits any transactions in all property of any entity identified under subsection (a)(1) for any reason.

(k) LIMITATIONS.—The President shall not impose any of the sanctions referred to in subsection (a) unless—
(1) the President determines that—
(A) the failure to impose such sanctions would be contrary to the national security or foreign policy interests of the United States;
(B) the failure to impose such sanctions would be contrary to the national security or foreign policy interests of the United States; or
(C) such sanctions would be inconsistent with the laws and policies of that foreign country; or
(2) the President determines that—
(A) the failure to impose such sanctions would be contrary to the national security or foreign policy interests of the United States;
(B) the failure to impose such sanctions would be contrary to the national security or foreign policy interests of the United States; or
(C) such sanctions would be inconsistent with the laws and policies of that foreign country.
(9) Property transactions.—Pursuant to such regulations as the President may prescribe, the President may prohibit any person from, or in furtherance of an interest in, (i) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which such person is not a national and is not a lawful permanent resident of the United States; (ii) engaging in or conducting any transaction involving such property; (iii) conducting any transaction involving such property on the extent to which foreign mercenaries are directly or indirectly sponsored or directed by the governments of their countries of origin; or, (iv) engaging in any transaction with or for the benefit of any entity identified under subsection (a)(1) that has any interest; (B) dealing in or exercising any right, power, or privilege with respect to such property; (C) conducting any transaction involving such property.

(10) Ban on investment in equity or debt of sanctioned persons.—Pursuant to such regulations or guidelines as the President may prescribe, the President may prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of any entity identified under subsection (a)(1).

(11) Exclusion of corporate officers.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines to be the principal owner or officer of, or a shareholder with a controlling interest in, any entity identified under subsection (a)(1).

(12) Sanctions on principal executive officers.—The President may impose on the principal executive officer or officers of any entity identified under subsection (a)(1), or on persons performing similar functions and with similar authorities as such officer or officers with respect to such entity, any of the sanctions under this subsection.

(d) National Security Waivers.—(1) INTERAGENCY TASK FORCE.—The President may waive any Sanctions under this section with respect to a foreign person, if the President—(A) determines that such a waiver is in the national security interests of the United States; and (B) not more than 15 days after issuing such waiver, submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

SEC. 1242. Mr. MENENDEZ submitted an amendment intended to be proposed to section 1283 of the Arms Export Control Act of 1976, as amended, to add a new subsection—

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

(9) Property transactions.—Pursuant to such regulations as the President may prescribe, the President may prohibit any person from, or in furtherance of an interest in, (i) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which such person is not a national and is not a lawful permanent resident of the United States; (ii) engaging in or conducting any transaction involving such property; (iii) conducting any transaction involving such property on the extent to which foreign mercenaries are directly or indirectly sponsored or directed by the governments of their countries of origin; or, (iv) engaging in any transaction with or for the benefit of any entity identified under subsection (a)(1) that has any interest; (B) dealing in or exercising any right, power, or privilege with respect to such property; (C) conducting any transaction involving such property.

(10) Ban on investment in equity or debt of sanctioned persons.—Pursuant to such regulations or guidelines as the President may prescribe, the President may prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of any entity identified under subsection (a)(1).

(11) Exclusion of corporate officers.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines to be the principal owner or officer of, or a shareholder with a controlling interest in, any entity identified under subsection (a)(1).

(12) Sanctions on principal executive officers.—The President may impose on the principal executive officer or officers of any entity identified under subsection (a)(1), or on persons performing similar functions and with similar authorities as such officer or officers with respect to such entity, any of the sanctions under this subsection.

(d) National Security Waivers.—(1) INTERAGENCY TASK FORCE.—The President may waive any Sanctions under this section with respect to a foreign person, if the President—(A) determines that such a waiver is in the national security interests of the United States; and (B) not more than 15 days after issuing such waiver, submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

SEC. 1243. Mr. MENENDEZ submitted an amendment intended to be proposed to section 1283 of the Arms Export Control Act of 1976, as amended, to add a new subsection—

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

(9) Property transactions.—Pursuant to such regulations as the President may prescribe, the President may prohibit any person from, or in furtherance of an interest in, (i) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which such person is not a national and is not a lawful permanent resident of the United States; (ii) engaging in or conducting any transaction involving such property; (iii) conducting any transaction involving such property on the extent to which foreign mercenaries are directly or indirectly sponsored or directed by the governments of their countries of origin; or, (iv) engaging in any transaction with or for the benefit of any entity identified under subsection (a)(1) that has any interest; (B) dealing in or exercising any right, power, or privilege with respect to such property; (C) conducting any transaction involving such property.

(10) Ban on investment in equity or debt of sanctioned persons.—Pursuant to such regulations or guidelines as the President may prescribe, the President may prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of any entity identified under subsection (a)(1).

(11) Exclusion of corporate officers.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines to be the principal owner or officer of, or a shareholder with a controlling interest in, any entity identified under subsection (a)(1).

(12) Sanctions on principal executive officers.—The President may impose on the principal executive officer or officers of any entity identified under subsection (a)(1), or on persons performing similar functions and with similar authorities as such officer or officers with respect to such entity, any of the sanctions under this subsection.

(d) National Security Waivers.—(1) INTERAGENCY TASK FORCE.—The President may waive any Sanctions under this section with respect to a foreign person, if the President—(A) determines that such a waiver is in the national security interests of the United States; and (B) not more than 15 days after issuing such waiver, submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

SEC. 1244. Mr. MENENDEZ submitted an amendment intended to be proposed to section 1283 of the Arms Export Control Act of 1976, as amended, to add a new subsection—

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

(9) Property transactions.—Pursuant to such regulations as the President may prescribe, the President may prohibit any person from, or in furtherance of an interest in, (i) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which such person is not a national and is not a lawful permanent resident of the United States; (ii) engaging in or conducting any transaction involving such property; (iii) conducting any transaction involving such property on the extent to which foreign mercenaries are directly or indirectly sponsored or directed by the governments of their countries of origin; or, (iv) engaging in any transaction with or for the benefit of any entity identified under subsection (a)(1) that has any interest; (B) dealing in or exercising any right, power, or privilege with respect to such property; (C) conducting any transaction involving such property.

(10) Ban on investment in equity or debt of sanctioned persons.—Pursuant to such regulations or guidelines as the President may prescribe, the President may prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of any entity identified under subsection (a)(1).

(11) Exclusion of corporate officers.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines to be the principal owner or officer of, or a shareholder with a controlling interest in, any entity identified under subsection (a)(1).

(12) Sanctions on principal executive officers.—The President may impose on the principal executive officer or officers of any entity identified under subsection (a)(1), or on persons performing similar functions and with similar authorities as such officer or officers with respect to such entity, any of the sanctions under this subsection.

(d) National Security Waivers.—(1) INTERAGENCY TASK FORCE.—The President may waive any Sanctions under this section with respect to a foreign person, if the President—(A) determines that such a waiver is in the national security interests of the United States; and (B) not more than 15 days after issuing such waiver, submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

SEC. 1253. ESTABLISHMENT OF JOINT INTERAGENCY TASK FORCE ON USE OF GRAY-ZONE TACTICS IN THE INDO- PACIFIC MARITIME DOMAIN.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall establish a joint interagency task force to assess, respond to, and coordinate with United States allies and partners the proliferation of gray-zone tactics by state and nonstate actors in the Indo-Pacific maritime domain. (b) Activities.—The task force established under subsection (a) shall—(1) conduct domain awareness operations, intelligence fusion, and multi-sensor correlation to detect, monitor, disrupt, and deter suspected gray-zone activities; (2) promote security cooperation and capacity building to respond to, disrupt, and defeat the use of gray-zone tactics by adversaries; and (3) coordinate United States and partner country initiatives, including across diplomatic, political, economic, and military domains, to counter the use of gray-zone tactics by adversaries.
and vote of the United States in the international financial institutions (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 2321(c))) to suspend or condone loans or debt relief to Sudan until the Secretary of State submits the certification described in subsection (b)(2).

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

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

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

SA 4245. Mr. CRAPO (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:

SEC. 150. REPORT TO CONGRESS ON AIR FORCE ACQUISITIONS, TECHNOLOGY, AND RESEARCH SUPPORT FOR 2022.

(a) REMOVAL FROM ENTITY LIST.—The President may not remove SMIC from the Entity List unless—

(1) the President certifies to the appropriate congressional committees that SMIC—

(A) has ceased the activities that were the basis for its addition to the Entity List; and

(B) does not pose a threat to the national security of the United States or its allies;

(2) the status of near-peer competitor efforts in the area of active denial of GPS capabilities;

(3) the level of investment made by the Air Force for acquisition, technology, and logistics, in coordination with the Air Combat Command, with respect to an entity, means any other entity that owns or controls, is owned or controlled by, or is under common ownership or control with, the entity;

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(1) the Committee on Banking, Housing, and Urban Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives.

(c) DENIED PERSONS LIST.—The term "denied persons list" means the list maintained by the Bureau of Industry and Security of the Department of Commerce and pursuant to section 731(a)(2) of the Export Administration Regulations.

(d) ENTITY LIST.—The term "Entity List" means the list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in part 744 of the Export Administration Regulations.

(e) EXPORT; EXPORT ADMINISTRATION REGULATIONS; "IN-COUNTRY TRANSFER"; "ITEMS"; "REEXPORT."—The terms "export", "Export Administration Regulations," "in-country transfer", "items", and "reexport" have the meanings given those terms in section 772 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

(f) SMIC.—The term "SMIC" means the Semiconductor Manufacturing International Corporation and any of its successor entities or affiliates.

SA 4247. 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 appropriate place, insert the following:

SEC. 1255. EXPORT CONTROL MEASURES RELATING TO SEMICONDUCTOR MANUFACTURING INTERNATIONAL CORPORATION AND HUAWEI TECHNOLOGIES CO., LTD.

(a) REMOVAL FROM ENTITY LIST.—The President may not remove SMIC from the Entity List unless—

(1) the President certifies to the appropriate congressional committees that SMIC—

(A) has ceased the activities that were the basis for its addition to the Entity List; and

(B) does not pose a threat to the national security of the United States or its allies; or

(2) the President removes SMIC from the Entity List in order to include SMIC on the Denied Persons List.

(b) REVISION OF LICENSING REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall publish in the Federal Register a final rule revising the Export Administration Regulations to require that the following be subject to a presumption of denial:

(1) An application for a license or other authorization for the export, re-export, or in-country transfer to SMIC of items capable of supporting the development or production of semiconductors at technology nodes 16 nanometers or below.

(2) An application for a license or other authorization for exports, re-exports, or in-country transfer to SMIC of items that are capable of supporting the development or production of semiconductors at technology nodes 16 nanometers or below.

(c) REPORT REQUIRED.—(1) In general.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit to the appropriate congressional committees a report on application for licenses for the export, re-export, or in-country transfer of items to SMIC that were issued, denied, or returned without action during the year preceding submission of this report.

(2) MATTERS TO BE INCLUDED.—For each application for a license described in subparagraph (A), the report required by that paragraph (A) shall include—

(A) an identification of the items to which the application is related;

(B) a description of the end-uses of the items;

(C) a description of the capabilities of the items;

(D) the quantity and value of the items;

(E) the identities of the entities seeking the license; and

(F) if the application was approved, a statement of how the approval of the license is consistent with the national security and foreign policy interests of the United States.

(d) DEFINITIONS.—In this section—

(1) AFFILIATE.—The term "affiliate", with respect to an entity, means any other entity that owns or controls, is owned or controlled by, or is under common ownership or control with, the entity.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(1) the Committee on Banking, Housing, and Urban Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1256. REPORT TO CONGRESS ON ACQUISITIONS, TECHNOLOGY, AND RESEARCH SUPPORT FOR 2022.

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

(1) An explanation of how narrow-beam directed energy technologies will enable the Air Force to train pilots operating in GPS-degraded environments;

(2) The level of investment made by the Air Force for acquisition, technology, and logistics, in training an aircrew to perform with a GPS-jamming beam; and

(3) A five-year plan, executable under the Program Objective Memorandum of the Air Force for fiscal year 2022, that will significantly advance the capabilities of the Air Force to train pilots in GPS-degraded environments.

(b) RECOMMENDATIONS FOR ADDITIONAL RESEARCH AND DEVELOPMENT.—The report required by subsection (a) shall include recommendations for additional research and development of GPS jamming technologies that will enable development of Air Force capabilities and training in GPS-degraded environments, including systems that—

(1) can incorporate GPS jamming technology components that the Air Force has already invested in;

(2) leverage commercial-off-the-shelf technology to the fullest extent possible;

(3) use high-speed processors with a command and control that fuses tracks;

(4) possess automatic tracking capabilities that enable the targeting of individual aircraft; and

(5) are highly mobile and capable of being rapidly deployed to remote operational environments with minimal organic support.

(c) PRESENTATION OF CURRENT SYSTEMS, RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The report required by subsection (a) shall include—

(1) a presentation of current systems, research, development, test, and evaluation of GPS-related systems and other activities or technologies of near-peer competitors, including the People's Republic of China and the Russian Federation, that are being carried out with the capability to actively deny GPS-related technologies.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form.
The Office shall be under the National Intelligence Program.

(b) DIRECTOR.—

(1) GENERAL.—The Office shall be headed by the Director of the Office of Intelligence, who shall be an employee in the Senior Executive Service and who shall be appointed by the Secretary. The Director shall report directly to the Secretary.

(2) QUALIFICATIONS.—The Secretary shall select an individual to serve as the Director from among individuals who have significant experience serving in the intelligence community.

(3) STAFF.—The Director may appoint and fix the compensation of such staff as the Director considers appropriate, except that the Director may not appoint more than 5 full-time equivalent positions at an annual rate of pay that is greater than the rate of basic pay for GS-15 of the General Schedule.

(4) DETAIL OF PERSONNEL OF INTELLIGENCE COMMUNITY.—Upon the request of the Director, the head of an element of the intelligence community may detail any of the personnel of such element to assist the Office in carrying out its duties. Any personnel detailed to assist the Office shall not be taken into account in determining the number of full-time equivalent positions of the Office under paragraph (3).

(c) DUTIES.—The Office shall carry out the following duties:

(1) The Office shall be responsible for leveraging the capabilities of the intelligence community and National Laboratories intelligence-related research, to ensure that the Secretary is fully informed of threats by foreign actors to United States agriculture.

(2) The Office shall focus on understanding foreign efforts to:

(A) steal United States agriculture knowledge and technology; and

(B) develop and deploy biological warfare attacks, cyber or clandestine operations, or other means of sabotaging and disrupting United States agriculture.

(3) The Office shall prepare, conduct, and facilitate intelligence briefings for the Secretary and appropriate officials of the Department.

(4) The Office shall operate as the liaison between the Secretary and the intelligence community, with the authority to request intelligence coordination and analysis on matters related to United States agriculture.

(5) The Office shall collaborate with the intelligence community to downgrade intelligence assessments for broader dissemination within the Department.

(6) The Office shall facilitate sharing information on foreign activities related to agriculture, as acquired by the Department with the intelligence community.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Office $970,000 for fiscal year 2022.

(2) The terms 'intelligence community' and 'National Intelligence Program' have the meaning given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) The term 'Office' means the Office of Intelligence of the Department established under subsection (a).''

(2) CONFORMING AMENDMENTS.—

(A) Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by redesignating the first section 225 (relating to Food Access Liaison) (7 U.S.C. 6925) as section 224.

(B) Section 226(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended by adding at the end the following:

(1) THE AUTHORITY OF THE SECRETARY TO CARRY OUT SECTION 224.

(b) CONFORMING AMENDMENTS RELATING TO DISTRICT OF COLUMBIA.—

(1) Section 334 of the District of Columbia Appropriations Act, 2001 (42 U.S.C. 6177) is amended by adding at the end the following:

(2) AUTHORITY OF DIRECTOR OF OFFICE OF INTELLIGENCE TO CARRY OUT SECTION 224.

(C) Section 221(e) of the Department of Agriculture Reorganization Act of 1994 is amended by striking 

"the Office shall exercise'' and inserting 

"the Office shall be authorized to exercise''.

(D) Section 221(f) of the Department of Agriculture Reorganization Act of 1994 is amended by striking "the Office shall receive'' and inserting "the Office shall be authorized to receive''.

(E) Section 222(c) of the Department of Agriculture Reorganization Act of 1994 is amended by striking "the Office shall exercise'' and inserting "the Office shall be authorized to exercise''.

(F) Section 222(d) of the Department of Agriculture Reorganization Act of 1994 is amended by striking "the Office shall receive'' and inserting "the Office shall be authorized to receive''.

(G) Section 223 of the Department of Agriculture Reorganization Act of 1994 is amended by striking "the Office shall exercise'' and inserting "the Office shall be authorized to exercise''.

(H) Section 221(b) of the Department of Agriculture Reorganization Act of 1994 is amended by striking "the Office shall receive'' and inserting "the Office shall be authorized to receive''.

(3) The term 'Office' means the Office of Intelligence of the Department established under subsection (a).''

(4) AUTHORIZATION OF APPROPRIATIONS.—

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

SEC. 1224. ASSESSMENT OF THE COUNTER-UAS CRITICAL INFRASTRUCTURE SECTOR.—

(a) ESTABLISHMENT.—There is established a task force under the Department of Homeland Security to assess the threat posed to United States agriculture by small unmanned aerial systems (UAS). The task force shall be co-chaired by the Secretary of Agriculture and the Secretary of Homeland Security.

(b) DUTIES.—The task force shall carry out the following duties:

(1) The task force shall carry out an assessment of—

(A) the current level of counter-UAS training and equipment available to partner forces in Iraq, including in the Iraqi Kurdistan Region; and

(B) the availability of counter-UAS systems and equipment required to maximize partner forces' counter-UAS capability.

(2) The task force shall report to the Congress on recommendations to enhance the capabilities and activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 4248. Ms. DUCKWORTH (for herself and Ms. ENSN) submitted an amendment intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: 

SEC. 4245. Mr. WHITEHOUSE (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 4248. Ms. DUCKWORTH (for herself and Ms. ENSN) submitted an amendment intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1237. INCLUSION OF PORTUGAL AMONG COUNTRIES OF THE MIGRATION AND NATIONALITY ACT WHOSE NATIONALS ARE ELIGIBLE FOR E VISAS.

(a) Short Titles.—This section may be cited as the “Advancing Mutual Interests and Strengthening Our Success Act” or the “AMIGOS Act”.

(b) Nonimmigrant Traders and Investors.—For purposes of clauses (i) and (ii) of section (a)(10)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), Portugal shall be considered to be a foreign state described in such section if the Government of the United States recognizes the immigrant status to nationals of the United States.

SA 4251. Mr. PÁDILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military construction, and for defense activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 NAGORNO KARABAKH CONFLICT.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the 2020 conflict in Nagorno Karabakh, including any potential violations of the Arms Export Control Act (22 U.S.C. 2751 et seq.), sanctions laws, or other prohibitions of United States law related to the use of United States-origin parts and technology in a conflict.

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

(1) An assessment of the use of any United States-origin parts and technology in the 2020 conflict in Nagorno Karabakh, including any potential violations of the Arms Export Control Act (22 U.S.C. 2751 et seq.), sanctions laws, or other prohibitions of United States law related to the use of United States-origin parts and technology in a conflict.

(2) An assessment of the use of white phosphorus, cluster bombs, and other prohibited munitions in the conflict, including an assessment of any potential violations of United States or international law related to the use of such munitions.

(3) A description of the involvement of foreign actors in the conflict, including a description of the military activities, influence operations, and diplomatic engagements by foreign countries before, during, and after the conflict, and any efforts by parties to the conflict or foreign actors to recruit or employ foreign fighters during the conflict.

(4) Any other matter the Secretary of State considers important.

SA 4252. Mr. PÁDILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military construction, and for defense activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. APPROPRIATION OF AMOUNTS FOR CLEANUP OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) Appropriation.—There is appropriated to the Secretary of Defense for operation and maintenance, out of amounts in the Treasury not otherwise appropriated, $59,000,000, to be used for testing and response actions relating to perfluoralkyl and polyfluoralkyl substances.

(b) Availability.—The amount appropriated under subsection (a) shall be made available as follows:

(1) For the Department of the Army, $100,000,000.

(2) For the Department of the Navy, $174,000,000.

(3) For the Department of the Air Force, $175,000,000.

(4) For the Department of Defense for cleanup at formerly used defense sites, $100,000,000.

(c) Emergency Disposition.—

(1) In General.—The amounts appropriated under subsection (a) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931).

(2) Designation in Senate.—In the Senate, subsection (a) is designated as an emergency requirement pursuant to section 412(a)(1) of H. Con. Res. 71, which concurs with the concurrent resolution on the budget for fiscal year 2018.

SA 4253. 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 A of title XV, add the following:

SEC. 1516. SPACE TECHNOLOGY ADVISORY COMMITTEE.

(a) Definitions.—In this section:

(1) Administrator.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) Application.—The term “application” means an application, petition, or other request to transfer a limited liability company, or other authority to transfer a limited liability company, or other request to transfer a license, including an application, petition, or other request to transfer a license that has already been issued.

(3) Commission.—The term “Commission” means the Federal Communications Commission.

(4) Committee.—The term “Committee” means the committee established by subsection (b)(1).

(5) Committee advisor.—The term “Committee advisor” means an individual described in subsection (b)(2)(C).

(6) Committee member.—The term “Committee member” means an individual described in subsection (b)(2)(B).

(7) Lead member.—The term “lead member” means a Committee member designated under subsection (b)(4) to carry out a specific duty of the Committee.

(8) License.—The term “license” means a license for—

(A) a launch site;

(B) a launch and reentry vehicle;

(C) a commercial spacecraft;

(D) a commercial Earth remote sensing satellite; or

(E) commercial satellite communications.

(9) Secretary.—The term “Secretary” means the Secretary of Commerce.

(b) COMMITTEE TO ADVISE SPACE LICENSING AUTHORITY.—

(1) ESTABLISHMENT.—There is established a committee to advise the Administrator, the Secretary, and the Commission in conducting reviews of applications and licenses for the purpose of ensuring whether granting the applications or maintaining the licenses poses a risk to the national security or law enforcement or public safety interests of the United States.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The committee shall be comprised of the following members:

(i) The head, or a senior executive-level designee of the head, of each of the following:

(I) The Department of Defense.


(III) The Department of Justice.

(IV) The Office of the Director of National Intelligence.

(V) The Federal Aviation Administration.

(VI) The National Space Council.

(VII) The Department of Commerce.

(ii) The head of any other executive department of agency, or any Assistant to the President, as the President considers appropriate.

(B) ADVISORY MEMBERS.—In addition to the members of the Committee, the Secretary shall serve as a Committee advisor:

(i) The head, or a senior executive-level designee of the head, of each of the following:

(I) The Department of State.

(II) The Office of the United States Trade Representative.

(III) The Department of the Treasury.

(IV) The Securities and Exchange Commission.

(V) The Federal Communications Commission.

(VI) The Environmental Protection Agency.

(VII) The Department of the Interior.

(VIII) The Office of Science and Technology Policy.

(IX) The Federal Bureau of Investigation.

(ii) The Assistant to the President for National Security Affairs.

(C) CHAIRPERSON.—

(A) IN GENERAL.—The Secretary of Defense shall serve as the chairperson of the Committee.

(B) EXCLUSIVE AUTHORITY.—The chairperson shall have the exclusive authority to act, or to authorize any other Committee member to act, on behalf of the Committee, including by communicating with the Administrator, the Secretary, the Commission, and applicants and licensees.

(D) LEAD MEMBERS.—The chairperson shall designate one or more Committee members to serve as a lead member for carrying out a Committee duty, consistent with the Committee member’s statutory authority.

(E) ASSISTANT SECRETARY FOR SPACE REVIEW.—

(A) IN GENERAL.—The chairperson shall establish within the Office of the Under Secretary of Defense for Acquisition and Sustainment the position of Assistant Secretary for Space Review, which position shall be principally related to the Committee, as delegated by the Secretary of Defense.

(B) DUTIES.—The duties of the Assistant Secretary for Space Review shall be—
(I) with respect to each such application or license—
   (aa) submit additional questions or requests for information to the applicant, licensee, or other entity that failed to respond to such questions or requests for additional information, the Committee may make a recommendation to the Administrator, the Secretary, or the Commission, as applicable, of any extension of such period, or (BB) to rescind the license concerned.
   (ii) FAILURE TO RESPOND.—
      (aa) to deny the application concerned—
      (I) IN GENERAL.—The Committee shall—
         (A) keep the Committee fully informed of the applicant’s or licensee’s activities on behalf of the Committee; and
         (B) consult the Committee before taking any material action under this section.
   (D) REQUESTS FOR ADDITIONAL INFORMATION.—
      (i) IN GENERAL.—The Committee shall—
         (A) conduct a secondary assessment of each application and license received;
         (B) with respect to each such application and license—
            (aa) submit additional questions or requests for information to the applicant, licensee, or other entity that failed to respond to such questions or requests for additional information, the Committee may make a recommendation to the Administrator, the Secretary, or the Commission, as applicable, of whether such extension is complete; and
            (bb) to rescind the license concerned.
      (II) NOTIFICATION.—
         (aa) to deny the application concerned—
         (I) IN GENERAL.—The Committee shall—
            (A) conduct a secondary assessment of each application and license received;
            (B) with respect to each such application and license—
               (aa) submit additional questions or requests for information to the applicant, licensee, or any other entity pursuant to an application or license, as applicable, on whether such extension is complete; and
               (bb) to rescind the license concerned.
      (III) NOTIFICATION.—
         (a) IN GENERAL.—The Committee shall determine such a risk exists, determine whether, as applicable—
            (AA) the application should be granted or denied; or
            (BB) the license should be maintained or revoked; and
         (b) in the case of an application or license determined to pose such a risk that may be addressed through approval with conditions—
            (AA) not later than 30 days after the date on which the Committee receives such application or license for review, propose to the Administrator, the Secretary, or the Commission, as applicable, the measures necessary to address the risk, and recommend that the application only be granted, or the license only maintained, on the condition of compliance by the applicant or licensee with such measures; and
            (BB) if the Administrator, the Secretary, or the Commission approves the measures proposed under subitem (AA) and grants the application or maintains the license, communicate with the applicant or licensee with respect to such measures; and
            (CC) monitor compliance with such measures.
   (ii) TIMELINE.—Not later than 30 days after the date on which the Committee determines such a risk exists, determine whether, as applicable—
      (AA) the application should be granted or denied; or
      (BB) the license should be maintained or revoked; and
   (iii) IN GENERAL.—The Committee shall—
      (I) conduct a review and assessment of each application and license received; and
      (II) with respect to each such application or license—
         (aa) submit additional questions or requests for information to the applicant, licensee, or other entity that failed to respond to such questions or requests for additional information, the Committee may make a recommendation to the Administrator, the Secretary, or the Commission, as applicable, of whether the application should be denied or the license should be revoked.
   (B) REVIEW OF APPLICATIONS AND LICENSES.—
      (i) IN GENERAL.—The Committee shall—
         (A) receive all applications and licenses submitted to the Committee; and
         (B) consult the Committee before taking any material action under this section.
      (ii) NOTIFICATION.—The Administrator, the Secretary, and the Commission shall refer all applications and licenses, for review and determination.
   (C) SECONDARY ASSESSMENT OF APPLICATIONS AND LICENSES.—
      (i) IN GENERAL.—The Committee shall—
         (A) keep the Committee fully informed of the applicant’s or licensee’s activities on behalf of the Committee; and
         (B) consult the Committee before taking any material action under this section.
      (ii) TIMELINE.—Not later than 90 days after the date on which the Committee determines that a secondary assessment under this subparagraph is warranted, the Committee shall complete the secondary assessment.
      (iii) NOTIFICATION.—The chairperson, in coordination with the Administrator, the Secretary, and the Commission, shall notify the National Security Council and the President of any application or license with respect to which the Committee recommends a denial or revocation.
   (D) REQUESTS FOR ADDITIONAL INFORMATION.—
      (i) IN GENERAL.—Not later than 15 days after receiving a response to a question or request for additional information, the Committee shall make a determination as to whether such response is complete; and
      (ii) FAILURE TO RESPOND.—
         (aa) to deny the application concerned—
         (I) IN GENERAL.—In the case of an application or license for review, propose to the Administrator, the Secretary, or the Commission, as applicable, on whether the Committee does not have a recommendation—
            (A) to rescind the license concerned.
            (aa) to deny the application concerned—
               (I) IN GENERAL.—The Committee shall—
                  (A) keep the Committee fully informed of the applicant’s or licensee’s activities on behalf of the Committee; and
                  (B) consult the Committee before taking any material action under this section.
                  (II) NOTIFICATION.—
                     (aa) to deny the application concerned—
                        (I) IN GENERAL.—The Committee shall—
                           (A) keep the Committee fully informed of the applicant’s or licensee’s activities on behalf of the Committee; and
                           (B) consult the Committee before taking any material action under this section.
                           (II) NOTIFICATION.—
                              (aa) to deny the application concerned—
                                 (I) IN GENERAL.—The Committee shall—
                                    (A) keep the Committee fully informed of the applicant’s or licensee’s activities on behalf of the Committee; and
                                    (B) consult the Committee before taking any material action under this section.
                                    (II) NOTIFICATION.—
                                       (aa) to deny the application concerned—
                                          (I) IN GENERAL.—The Committee shall—
                                             (A) keep the Committee fully informed of the applicant’s or licensee’s activities on behalf of the Committee; and
                                             (B) consult the Committee before taking any material action under this section.
(2) GUIDELINES.—The Secretary shall award fellowships under the program required by paragraph (1) pursuant to guidelines that the Secretary shall establish and using such balances and programs available to the Secretary.

(3) EQUAL ACCESS.—In carrying out the program required by paragraph (1), the Secretary shall require procedures to ensure that minority, geographically diverse, and economically disadvantaged students have equal access to fellowship opportunities under the program.

(b) 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) IN GENERAL.—At such time as the Secretary determines, the Comptroller General shall submit to the congressional defense committees a final report on whether the National Quantum Initiative Program is necessary for the Department of Defense to carry out the National Security Strategy.

(2) FINAL REPORT.—At a date agreed to by the congressional defense committees a final report on the preliminary findings of the Comptroller General with respect to such program shall be submitted to the congressional defense committees.

(3) CLARIFICATION OF PURPOSE OF MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—In carrying out the program under subsection (a), the Secretary of Commerce acting through the National Science Foundation, and such other Federal agencies participating in the National Quantum Initiative Program, shall consult with each other and the heads of other relevant Federal agencies, including the Secretary of Defense and the Director of the National Institute of Standards and Technology, and the Director of the National Institute of Standards and Technology, to ensure the full integration of the Department of Defense and the intelligence community into the goals of the National Quantum Initiative Program.

(4) REPORTING TO ADDITIONAL COMMITTEES OF CONGRESS.—

(1) In subsection (e)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (3) the following new paragraph:

(2) INVOLVEMENT 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 into the goals of the National Quantum Initiative Program.
(2) a comparison of the cost of reconditioning existing legacy systems compared to the cost of replacing such systems with next-generation air start carts;

(3) an analysis of the long-term maintenance and fuel savings that would be realized by the Air Force if such systems were upgraded to next-generation air start carts;

(4) a discussion of the tactical and operational benefits of transitioning from current aerospace ground equipment systems to modern systems;

(5) an overview of existing and future plans to replace legacy air start carts with modern aerospace ground equipment technology.

SA 4575. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection A of title XV, add the following:

SEC. 1516. PROHIBITION ON THE USE OF AIR FORCE PERSONNEL TO PROVIDE OPERATING SUPPORT TO SPACE FORCE INSTALLATIONS.

(a) In General.—Subject to subsection (b), the Secretary of the Air Force may not use Air Force personnel to provide operating support to Space Force installations after October 1, 2024.

(b) Waiver.—The Secretary may waive the application of subsection (a) on a case-by-case basis if the Secretary certifies to the congressional defense committees that only Air Force personnel are capable of providing the specific support necessary.

SA 4528. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1. REQUIREMENT FOR OPERATIONAL USE OF F135 ENGINES.

(a) In General.—The Secretary of the Defense may not change inspection criteria limits for the F135 engine to allow cracks in fan blades until submittal of the report under subsection (b).

(b) Analysis and Report.—

(1) In General.—The Secretary of Defense shall enter into a contract with a federally funded research and development center to provide an independent analysis of and report on the following:

(A) The risk associated with expanding limits for cracked blades or other vulnerabilities in F135 engine operations.

(B) Mitigation of risk associated with expanding such limits.

(C) Alternative courses of action to increase engine time for the engine.

(D) Other topics as the Secretary considers appropriate.

(2) Submittal to Congress.—Not later than June 1, 2022, the Secretary shall submit to the congressional defense committees the report described in paragraph (1).

SA 4529. Mr. LUJAN (for himself, Mr. CRAPO, Mr. KELLY, Mr. HENRICH, Ms. ROSEN, Ms. CORTEZ MASTO, and 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 subsection B of title XXXI, add the following:

SEC. 3157. IDENTIFICATION OF STATES IN FINDINGS, PURPOSE, AND APOLOGY RELEASING TO FALLOUT EMITTED DURING THE GOVERNMENT'S ATMOSPHERIC AND COSMIC NUCLEAR TESTS.

Section 2(a)(1) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended by inserting “—including individuals in New Mexico, Idaho, Nevada, Colorado, Arizona, Utah, Texas, Wyoming, Oregon, Washington, South Dakota, North Dakota, Nebraska, Montana, Guam, and the Northern Mariana Islands,” after “tests exposed individuals”:

SA 4526. Mr. LUJAN (for himself, Mr. CRAPO, Mr. KELLY, Mr. HENRICH, Ms. ROSEN, Ms. CORTEZ MASTO, and 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. 3. EXTENSION OF FUND.

Section 3(d) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended—

(1) by striking the first sentence and inserting “The Fund shall terminate 2 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2022’’; and

(2) by striking “2-year” and inserting “2-year”.

SA 4261. Mr. TESTER (for himself, Mr. GRASSLEY, Mr. BOOKER, Mr. DAINES, and Mr. Round) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 211. OFFICE OF THE SPECIAL INVESTIGATOR FOR COMPETITION MATTERS.

(a) A CCELERATING GLOBAL COVID–19 V ACINE DISTRIBUTION STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Secretary of Health and Human Services, the Administrator of the United States Agency for International Development, 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, as determined by the President, shall develop and implement a strategy to expand access to, and accelerate the global distribution of, COVID–19 vaccines to other countries.

(b) CONTENTS.—The strategy developed pursuant to subsection (a) shall—

(1) 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, consulates, and international Department of Defense Outside Contiguous United States sites, as appropriate; and

(2) give priority for COVID-19 vaccine delivery to:

(A) countries in which United States citizens are deemed ineligible or low priority in the national vaccination deployment plan; and

(B) countries that are not presently distributing a COVID-19 vaccine that—

(i) has been approved by the United States Food and Drug Administration for emergency use; or

(ii) has met the necessary criteria for safety and efficacy established by the World Health Organization.

(c) Submission of Strategy.—Not later than 90 days after the date of the enactment of this section, the Secretary of State shall submit to the Senate the strategy developed pursuant to subsection (a) to—

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

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

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Health, Education, Labor, and Pensions of the Senate;

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

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

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

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

SA 4263. Mr. MURPHY (for himself and 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 subtitle G of title XII, add the following:

SEC. 1283. AMENDMENT OF WAR POWERS RESOLUTION AND TERMINATION OF ACTIVITIES RELATING TO HOSTILITIES.

(a) Authorization of Activities.—Section 4 of the War Powers Resolution (50 U.S.C. 1543) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

‘‘(1) into hostilities or a situation where there is a serious risk of hostilities either because of the threat of hostilities upon the United States, its territories or possessions, its armed forces, or other United States citizens overseas or because the concrete, specific threat of such a sudden attack, and the time required to provide Congress with a briefing necessary to inform a vote to obtain prior authorization from Congress within 72 hours would prevent an effective defense against the attack or threat of immediate attack’’;

(B) in the matter following paragraph (3)—

(1) by redesignating subparagraphs (A), (B), and (C), as clauses (i), (ii), and (iii), respectively, and moving such clauses (as so redesignated) 2 ems to the right; and

(2) by striking ‘‘shall’’ and inserting the following: ‘‘shall—’’;

(‘‘A) with respect to paragraph (1)—

(i) within 48 hours, inform Congress of the President’s decision to introduce the action taken, the justification for proceeding without prior authorization, and certify either that hostilities have concluded or that they are continuing;

(ii) not later than 7 calendar days after such introduction, submit to Congress a hostilities report and request for specific statutory authorization or certification in cases where a certification is submitted to Congress that the President—

(1) has withdrawn, removed, and otherwise ceased the use of United States Armed Forces from the situation that triggered this requirement; and

(2) does not intend to reintroduce such forces; and

(B) with respect to paragraphs (2) and (3)’’; and

(2) by adding at the end the following subsection:

(d) Definition of Hostilities Report.—In this joint resolution, the term ‘‘hostilities report’’ means a written report that sets forth the following information:

(1) The circumstances necessitating the introduction of United States Armed Forces into hostilities or a situation where there is a serious risk of hostilities, or retaining them in a location where hostilities or the serious risk of hostilities has developed.

(2) The estimated cost of such operations.

(3) The specific legislative and constitutional authority for such action.

(4) Any international law implication related to such action.

(5) The estimated scope and duration of United States Armed Forces’ participation in hostilities, including an accounting of the personnel and weapons to be deployed.

(6) The foreign country (or countries) in which the operations or deployment of United States Armed Forces are to occur or are ongoing.

(7) A description of their mission and the mission objectives that would indicate the mission is complete.

(8) Any other partner force or multinational organization that may be involved in the operations.

(9) The name of the specific foreign country (or countries) or armed group (or groups) against which the use of force is authorized.

(10) The risk to United States Armed Forces or other United States persons or property involved in the operations.

(11) Any other information as may be required to fully inform Congress of the introduction of United States Armed Forces into hostilities or a situation where there is a serious risk of hostilities.

(12) The manner in which United States Armed Forces shall withdraw, remove, and otherwise cease the use of United States Armed Forces.

(13) Any other information as may be required to fully inform Congress of the withdrawal, removal, and otherwise cessation of United States Armed Forces.

(14) The proposed period of time that United States Armed Forces will remain in hostilities.

(15) Any other information as may be required to fully inform Congress of the remaining period of time that United States Armed Forces will remain in hostilities.

(b) Hostilities Report; Termination of Activities.—Section 5 of the War Powers Resolution (50 U.S.C. 1544) is amended—

(1) in subsection (a), striking ‘‘report’’ each place it appears and inserting ‘‘hostilities report’’; and

(2) by striking subsection (b) and inserting the following:

‘‘(b) If Congress does not enact a specific statutory authority for United States Armed Forces to engage in hostilities or a situation where there is a serious risk of hostilities, the President shall withdraw, remove, and otherwise cease the use of United States Armed Forces. This 20-day period shall be extended for not more than an additional 10 days if the President determines, certifies, and justifies to Congress in writing that unavoidable military necessity involving the safety of the forces requires the continued use of the forces for the sole purpose of bringing about their safe removal from hostilities.’’

SA 4265. Mr. MURPHY (for himself and 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 subtitle G of title XII, add the following:

SEC. 1283. AMENDMENT OF WAR POWERS RESOLUTION AND TERMINATION OF CERTAIN TERMS.

(a) Section 4 of the War Powers Resolution (50 U.S.C. 1543) is amended—

(1) in subsection (a), by striking in which the United States Armed Forces are introduced” and inserting “the introduction of United States Armed Forces”;

(2) by striking “hostilities” and inserting “hostilities”;

(b) by inserting “occurs” after “section”;

(b) Section 8 of the War Powers Resolution (50 U.S.C. 1547) is amended by striking subsection (c) and inserting the following:

(c) Definitions.—In this joint resolution:

‘‘(1) INTRODUCTION OF UNITED STATES ARMED FORCES; INTRODUCE UNITED STATES ARMED FORCES.—The terms ‘Introduction of United States Armed Forces’ and ‘introduce United States Armed Forces’ mean—

(A) with respect to hostilities or a situation where there is a serious risk of hostilities, any commitment, engagement, or other involvement of United States Armed Forces, whether or not constituting self-defense measures by United States Armed Forces in response to an attack or serious risk of an attack in any foreign country (including the airspace, cyberspace, or territorial waters of such foreign country) or otherwise outside the United States and whether or not United States forces are present or operating remotely launched, piloted, or directed at targets;

(B) the assigning or detailing of members of United States Armed Forces to command,
advise, assist, accompany, coordinate, or provide logistical or material support or training for any foreign regular or irregular military forces if . . .

"(ii) such activities by United States forces make the United States a party to a conflict, or increase the threat of a conflict, that the United States forces have been or are likely to be engaged in through the use of lethal or potentially lethal force by or against United States Armed Forces (or for purposes of assigning or detailing of members of United States Armed Forces to command, accompany, coordinate, or provide logistical or material support or training for any foreign regular or irregular military forces on territory of the domain, whether such force is deployed remotely, or the intermittency thereof. The term does not include activities undertaken pursuant to section 503 of the National Security Act of 1947 (50 U.S.C. 3093) if such action is intended to have exclusively non-lethal effects.

SA 4267. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1064. AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE COALITION FOR EPIDEMIC PREPAREDNESS IN- TERRING (CEPI).

(A) IN GENERAL.—The United States is authorized to participate in the Coalition for Epidemic Preparedness Innovations (referred to in this section as “CEPI”) as an initial designation. The President shall designate an employee of the United States Government to represent the United States on the Board of Directors of CEPI, as a Member of the Investors Council.

(b) INVESTORS COUNCIL AND BOARD OF DIRECTORS.—

(1) INITIAL DESIGNATION.—The President shall designate an employee of the United States Agency for International Development to represent the United States on the Board of Directors of CEPI, to represent the United States on the Board of Directors during the period beginning on the date of such designation and ending on September 30, 2022.

(2) 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 represent the United States on the Board of Directors.

(3) QUALIFICATIONS.—Any employee designated pursuant to paragraph (1) or (2) shall have qualifications 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 under subsection (c).

(c) CONSULTATION.—Not later than 60 days after the date of the enactment of this Act, the President shall consult with the appropriate congressional committees regarding—

(1) whether such force is deployed remotely, or the intermittency thereof. The term does not include activities undertaken pursuant to section 503 of the National Security Act of 1947 (50 U.S.C. 3093) if such action is intended to have exclusively non-lethal effects;

"(2) the estimated cost of such action;

"(3) the estimated scope and duration of United States Armed Forces’ participation in hostilities, including an accounting of the use of lethal or potentially lethal force by or against United States Armed Forces (or, for purposes of paragraph 4(B), by or against foreign regular or irregular forces), irrespective of the domain, whether such force is deployed remotely, or the intermittency thereof. The term does not include activities undertaken pursuant to section 503 of the National Security Act of 1947 (50 U.S.C. 3093) if such action is intended to have exclusively non-lethal effects.

"(4) the estimated cost of such operations;

"(5) how participation in CEPI is expected to support—

(A) the United States Government Global Health Security Agenda;

(B) 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

(C) any other relevant programs relating to global health security and biodefense.

(5) REPORTING.—Not later than 15 days before a contribution is made available pursuant to paragraph (1), the President shall notify the appropriate congressional committees of the amount of such contribution and the purposes and national interests served by such contribution.

SA 4268. Mr. MURPHY (for himself, Mr. LEE, 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:

At the end of title X, add the following:


SEC. 1071. SHORT TITLE.

This subtitle may be cited as the “National Security Powers Act of 2021”.

PART I—WAR POWERS REFORM

SEC. 1073. DEFINITIONS.

In this part:

(1) COUNTRY.—The term “country”, when used in a geographic sense, includes territories (whether or not disputed and possessions, territorial waters, and airspace.

(2) HOSTILITIES.—The term “hostilities” means any situation involving any use of lethal or potentially lethal force by or against United States forces and weapons to be deployed; and the introduction of United States Armed Forces into hostilities, including an accounting of the use of lethal or potentially lethal force by or against United States Armed Forces.

(3) HOSTILITIES REPORT.—The term “hostilities report” means a written report that sets forth the following information:

(A) The circumstances necessitating the introduction of United States forces into hostilities or a situation where there is a serious risk of hostilities, or retaining them in a location where hostilities or the serious risk thereof has developed;

(B) whether such force is deployed remotely, or the intermittency thereof.

(C) the specific legislative and constitutional authority for such action.

(4) MILITARY SECURITY POWERS ACT.—The Military Security Powers Act of 2021, should immediately make a determination on the serious risk thereof, or retaining them in a location where hostilities or the serious risk thereof has developed.

(1) the serious risk thereof.

(2) the estimated cost of such operations;

(3) the specific legislative and constitutional authority for such action.

(4) any international law implications related to such action if applicable.

(5) the estimated cost of such operations.

(6) the specific legislative and constitutional authority for such action.

(7) the estimated scope and duration of United States Armed Forces’ participation in hostilities, including an accounting of the use of lethal or potentially lethal force by or against United States Armed Forces (or, for purposes of paragraph 4(B), by or against foreign regular or irregular forces).

The term includes activities undertaken pursuant to section 503 of the National Security Act of 1947 (50 U.S.C. 3093) if such action is intended to have exclusively non-lethal effects.
(H) Any foreign partner forces or multilateral organizations that may be involved in the operations.

(I) The name of the specific country (or countries, or international armed groups) against which the use of force is authorized.

(J) The risk to United States forces or other United States persons or property involved in the operations.

(K) Any other information as may be required to fully inform Congress.

(4) INTRODUCE.—The term ‘‘introduce’’ means—

(A) with respect to hostilities or a situation where there is a serious risk of hostilities, any commitment, engagement, or other involvement of United States forces, whether or not constituting self-defense measures, or whatever the number of United States forces in response to an attack or serious risk thereof in any foreign country (including its airspace, cyberspace, or territorial waters) or otherwise outside the United States and whether or not United States forces are present or operating remotely launched, piloted, or directed attacks; or

(B) the assigning or detailing of members of United States forces to command, advise, assist, accompany, coordinate, or provide logistical or material support or training for any foreign regular or irregular military forces if—

(i) those foreign forces are involved in hostilities; and

(ii) such activities by United States forces make the United States a party to a conflict or are more likely than not to do so.

(5) CLASSIFICATION AND USE OF MILITARY FORCES.—The term ‘‘serious risk of hostilities’’ means any situation where it is more likely than not that the United States forces will become engaged in hostilities, irrespective of whether the primary purpose of the mission is training or assistance.

(6) SPECIFIC STATUTORY AUTHORIZATION.—The term ‘‘specific statutory authorization’’ means any joint resolution or bill introduced after the date of the enactment of this Act and enacted into law to authorize the use of military force that includes, at a minimum, the following elements:

(A) A clearly defined mission and operational objectives and the identities of all individuals, organizations, or groups against which hostilities by the United States forces are authorized.

(B) The President seek from the Congress a subsequent specific statutory authorization for any expansion of the mission to include new operational objectives, additional countries, or organized armed groups.

(C) A termination of the authorization for such use of United States forces within two years of the enactment of a subsequent specific statutory authorization for such use of United States forces.

(D) In cases where the use of military force in a particular situation is being reauthorized, an estimate and analysis prepared by the Congressionally Budget Office of costs to United States taxpayers to date of operations conducted pursuant to the prior authorization or authorizations for that situation, and of prospective costs to United States taxpayers for operations to be conducted pursuant to the proposed authorization.

(7) SUBSTANTIALLY ENLARGE.—The term ‘‘substantially enlarge’’ means, for any two-year period, the number of United States forces that causes the total number of forces in a foreign country to exceed the lowest number of forces in that country counted by 25 percent or more, or any increase of 1,000 or more forces. Temporary duty and rotational forces shall be included in the number of United States forces for the purposes of this part.

(8) TRAINING.—When used with respect to any foreign regular or irregular forces, the term ‘‘training’’ has the meaning given the term ‘‘military education and training’’ in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2463), but does not include training that is—

(i) directed primarily and essentially on the observance and respect for the law of armed conflict, human rights and fundamental freedoms, the rule of law, and civilian control of the military.

(ii) United States forces. The term ‘‘United States forces’’ means any individual employed by, or under contract to, an agency of the United States Government who are—

(A) deployed military or paramilitary personnel; or

(B) military or paramilitary personnel who use lethal or potentially lethal force in the cyberspace domain.

SEC. 1075. SUNSET OF EXISTING AUTHORIZATIONS FOR THE USE OF MILITARY FORCE.

Effective 180 days after the date of the enactment of this Act, the following laws are hereby repealed:


SEC. 1076. REPEAL OF THE WAR POWERS RESOLUTIONS.

The War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.) is hereby repealed.

SEC. 1077. NOTIFICATION.

The President shall notify Congress, in writing, within 48 hours after United States forces enter the territory, airspace, or waters of a foreign country—

(1) while equipped for combat, except for deployments which relate solely to transportation, supply, replacement, or training of such United States forces; or

(2) in numbers that substantially enlarge the number of United States forces already located in a foreign nation.

SEC. 1078. REQUIREMENT FOR AUTHORIZATION PRIOR TO AUTHORIZATION FOR CERTAIN ACTIVITIES RELATING TO HOSTILITIES.—Except as provided in subsection (b), before introducing United States forces into hostilities or a situation where there is a serious risk of hostilities, the President shall provide a hostilities report to Congress and obtain a specific statutory authorization for such introduction of forces.

SEC. 1079. TRANSMITTAL.—Each report submitted pursuant to subsection (a), (b), or (d) shall be submitted to Congress in unclassified form without any designation relating to dissemination control and may include a classified annex only to the extent required to protect the national security of the United States.

(a) TRANSMITTAL.—Any report submitted pursuant to subsection (a), (b), or (d) shall be submitted to Congress in unclassified form without any designation relating to dissemination control and may include a classified annex only to the extent required to protect the national security of the United States.

(b) TERMINATION OF ACTIVITIES RELATED TO HOSTILITIES.—If Congress does not enact a specific statutory authorization for United States forces to engage in hostilities in response to a request in accordance with subsection (b) within 30 days after the introduction of United States forces into hostilities or a situation where there is a serious risk of hostilities, the President shall withdraw, remove, and otherwise cease the use of United States forces. This 30-day period shall be extended for not more than 10 days if the President determines, certifies, and justifies to Congress in writing that unavoidable military necessity involving the safety of the forces or the continued use of the forces for the sole purpose of bringing about their safe removal from hostilities.

(c) TERMINATION OF ACTIVITIES RELATED TO HOSTILITIES.—If Congress does not enact a specific statutory authorization for United States forces to engage in hostilities in response to a request in accordance with subsection (b) within 30 days after the introduction of United States forces into hostilities or a situation where there is a serious risk of hostilities, the President shall withdraw, remove, and otherwise cease the use of United States forces. This 30-day period shall be extended for not more than 10 days if the President determines, certifies, and justifies to Congress in writing that unavoidable military necessity involving the safety of the forces or the continued use of the forces for the sole purpose of bringing about their safe removal from hostilities.

(d) CONTINUING HOSTILITIES REPORTS.—If the President obtains specific statutory authority, the President shall continue to provide hostilities reports to Congress on the United States forces’ engagement or possible engagement in hostilities whenever there is a material change in the information previously reported under this section and in no event less frequently than every 30 days from the delivery of the first hostilities report.

(e) FORM.—Any report submitted pursuant to subsection (a), (b), or (d) shall be submitted to Congress in unclassified form without any designation relating to dissemination control and may include a classified annex only to the extent required to protect the national security of the United States.

(f) TRANSMITTAL.—Each report submitted pursuant to subsection (a), (b), or (d) shall be submitted to Congress in unclassified form without any designation relating to dissemination control and may include a classified annex only to the extent required to protect the national security of the United States.
SEC. 1079. EXPEDITED PROCEDURES FOR CONGRESSIONAL ACTION.

(a) CONSIDERATION BY CONGRESS.—Any resolution of disapproval described in subsection (b) may be considered by Congress using the expedited procedures set forth in this section.

(b) RESOLUTION OF DISAPPROVAL.—For purposes of this section, the term ‘‘resolution of disapproval’’ means only a joint resolution of the two Houses of Congress—

(1) the title of which is as follows: ‘‘A joint resolution disapproving the use of the United States Armed Forces in the prosecution of certain conflict.’’;

(2) which does not have a preamble; and

(3) the sole matter after the resolving clause of which is as follows: ‘‘That Congress does not approve the use of military force in the prosecution of such period, discharged from further consideration of the House of Representatives; and

(4) Vote on Final Passage.—Immediately following the conclusion of the debate on the resolution and a single quorum call at the conclusion of the debate if requested in accordance with the procedures of the House, the vote on final passage of the resolution shall occur.

(4) APPEALS FROM DECISIONS OF CHAIR.—Appeals from decisions relating to the consideration of the joint resolution are governed by the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(f) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of a resolution of that House described in subsection (b) introduced in the Senate, the President receives from the other House a resolution described in subsection (b), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) The consideration as described in (e) in that House shall be the same as if no resolution had been received from the other House; but

(d) DISCHARGE.—If the committee to which a resolution described in subsection (b) is referred has not reported such resolution (or an identical resolution) by the end of 10 calendar days following the date of introduction, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(c) REFFERAL.—A resolution described in subsection (b) introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. A resolution described in subsection (b) that is introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives.

(g) VETOES.—If the President vetoes a resolution, the Senate of any veto message within 10 days after the President has received from the other House a resolution described in subsection (b), then the following procedures shall apply:

(h) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the consideration of a resolution described in subsection (b), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with respect to a consideration 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. 1080. TERMINATION OF FUNDING.

Notwithstanding any other provision of law, no funds appropriated or otherwise made available under any law may be obligated or expended for any activity by United States forces for which prior congressional authorization is required under this part but has not been obtained, or for which authorization is required under this part but has not been obtained by the deadline specified in section 2776(a) of this Act, without regard to the dollar amount of such sale, except as specified in subsection (c).

(c) A covered agreement is any agreement involving the lease under chapter 6 of the Foreign Assistance Act of 1961 (22 U.S.C. 2762) for a license for the export of any item described in section 21 or 22 of the Arms Export Control Act (22 U.S.C. 2776), except as specified in subsection (c).
(b) **Congressional Authorization Required.**—

(1) **Prior Congressional Authorization.**—No letter of offer may be issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.) with respect to a proposed sale of any item described in subsection (c) to any country or international organization (other than a country or international organization described in paragraph (2)), no license may be issued under such Act with respect to a proposed export of any such item to any such country or organization, and no lease may be made under chapter 6 of such Act (22 U.S.C. 2796 et seq.) and no loan may be made under chapter 12 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2111 et seq.) of any such item to any such country or organization, unless there is enacted a joint resolution or other provision of law authorizing such sale, export, lease, or loan, as the case may be.

(2) **NATO and Certain Countries.**—No letter of offer or license described in paragraph (1) may be issued and no lease or loan described in such paragraph may be made with respect to a proposed sale, export, lease, or loan, as the case may be, of any item described in this subsection to the North Atlantic Treaty Organization (NATO), any member country of such organization, Australia, Japan, the Republic of Korea, Israel, New Zealand, or not later than 20 calendar days after receiving the appropriate certification, a joint resolution is enacted prohibiting the proposed sale, export, lease, or loan, as the case may be.

(c) **Items Described.**—The items described in this subsection are those items of types and classes as follows (including parts, components, and accessories):

(1) Firearms and ammunition of $1,000,000 or more.

(2) Air to ground munitions of $14,000,000 or more.

(3) Tanks, armored vehicles, and related munitions of $14,000,000 or more.

(4) Fixed and rotary, manned or unmanned armed aircraft of $14,000,000 or more.

(5) Services or training to security services of $14,000,000 or more.

**SEC. 1088. PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTION AUTHORIZING OR PROHIBITING ARMS SALES UNDER THIS ACT.**

(a) **Consideration by Congress.**—

(1) **In General.**—Except as provided under paragraph (2), any joint resolution under section 1087(b) shall be considered by Congress using the expedited procedures set forth in section 1079(c)(h).

(2) **Consideration of Multiple Certifications.**—

(A) **Multiple Certifications.**—If a joint resolution under section 1087(b) deals with more than one certification, the references in section 601(b)(3)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 765) to a resolution with respect to the same certified item shall be deemed to be a reference to a joint resolution which relates to all of those certifications.

(B) **Amendments.**—If the text of a joint resolution under section 1087(b) contains more than one section, amendments which would strike one of those sections shall be in order but amendments which would add another section are not in order.

(b) **Form of Joint Resolutions.**—

(1) **Prior Congressional Authorization.**—The joint resolution required by section 1087(b) shall contain the text of which consists only of one or more sections, each of which reads as follows: "The proposed to be described in the certification submitted pursuant to section 1087(a) of the Arms Export Reform Act of 2021, which was received by Congress on (Transmittal number) is authorized., with the appropriate activity, whether sale, export, lease, or loan, and the appropriate country or international organization, date, and the transmittal number inserted."

(2) **NATO and Certain Countries.**—The joint resolution required by section 1087(b)(2) is a joint resolution the text of which consists only of one section, which reads as follows: "That the proposed joint resolution was submitted pursuant to section 1087(a) of the Arms Export Control Act of 2021, which was received by Congress on (Transmittal number) is not authorized., with the appropriate activity, whether sale, export, lease, or loan, and the appropriate country or international organization, date, and the transmittal number inserted."

**SEC. 1089. EMERGENCY PROCEDURES UNDER ARMS EXPORT CONTROL ACT.**

Section 36 of the Arms Export Control Act is amended by adding at the end the following:

"(1) **Restriction on Emergency Authority Relating to Arms Sales Under This Act.**—A determination of the President that an emergency exists requiring a proposed transaction of defense articles or defense services in the national security interests of the United States, thus waiving the congressional review requirements pursuant to section 3, (1) shall apply to:(a) the President submits a determination and justification for each individual approval, letter of offer, or license for the defense articles or defense services that includes a specific and detailed description of how such waiver of the congressional review requirements directly responds to or addresses the circumstances of the emergency cited in the determination; and

(b) the delivery of the defense articles or defense services will take place not later than 60 days after the date on which such determination is made, unless otherwise authorized by Congress; and

(2) shall not apply in the case of defense articles or defense services that include manufacturing or co-production of the articles or services outside the United States."

**SEC. 1090. CONFORMING AMENDMENTS.**

(a) **Government-to-Government Sales.**—

(1) **In General.**—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (1), in the first sentence, by striking "Subject to paragraph (6)" and inserting "Subject to paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively;"

(B) in subparagraph (P), by striking the last 2 sentences; and

(C) by designating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively.

(2) **Conforming Amendment.**—Section 36(b)(5)(B)(ii) of such Act is amended by striking "section 1087(b)" and inserting "section 1087(a)".

(b) **Commercially Licensed Sales.**—Section 36(c) of such Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1), in the first sentence, by striking "Subject to paragraph (5)" and inserting "In";

(2) by striking paragraphs (2) through (5); and

(3) by redesignating paragraph (6) as paragraph (2)."
“(c) Effect of Termination.—

(1) In General.—Effective on the date of the termination of a national emergency under subsection (a) or (b),

(A) any amounts reprogrammed or transferred under any provision of law with respect to the emergency that remain unobligated or unexpended on that date shall be returned made available and declared to be available for expenditure under the provisions of law relating to the emergency that remain unobligated or unexpended on that date and with which such amounts were appropriated; and

(B) 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—

(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. 1095. 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 proclamation of a national emergency under section 201(a);

(II) an Executive order issued under section 201(b); and

(III) an Executive order issued under section 201(e).

(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.

(C) Consideration in the Senate.—A joint resolution of approval or a joint resolution of termination may be introduced in either House of Congress, and the rules of the Senate shall be suspended as to the consideration of the joint resolution or the joint resolution of termination.

(D) Consideration in the Senate.—In the Senate, the following rules shall apply:

(1) JOINT RESOLUTIONS OF APPROVAL AND OF TERMINATION.—

(A) Joint Resolution of Approval.—A joint resolution of approval that contains only the following provisions after its resolving clause:

(I) a proclamation of a national emergency under section 201(a);

(II) an Executive order issued under section 201(b); and

(III) an Executive order issued under section 201(e).

(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.

(C) Consideration in the Senate.—A joint resolution of approval or a joint resolution of termination may be introduced in either House of Congress, and the rules of the Senate shall be suspended as to the consideration of the joint resolution or the joint resolution of termination.

(D) Consideration in the House.—In the House of Representatives, the rules of the House of Representatives shall be suspended as to the consideration of the joint resolution or the joint resolution of termination.

(E) Floor Consideration.—A joint resolution of approval or a joint resolution of termination shall be subject to 10 hours of debate, to be divided equally between the proponents and opponents of the resolution.

(F) 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 Add Specified Provisions of Law.—Subclause (I) shall not apply with respect to amendments to add specified provisions of law to a joint resolution of approval or a joint resolution of termination.

(G) Motion to Reconsider.—On any day on which the vote in favor of disapproving the joint resolution of approval or of a joint resolution of termination shall be in order.

(H) Points of Order.—Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

(I) 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, the committee shall be discharged from further consideration of the joint resolution and shall be placed on the appropriate calendar.

On Fridays it shall be in order at any time for the Speaker to recognize a Member who favors a joint resolution of approval or a joint resolution of termination 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 further intervention in the regular 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 proponents and opponents of the resolution. Any question shall be considered as ordered to its passage without intervening motion.
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 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—

"(1) evacuation 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 of the receiving House.

"(G) RULE OF CONSTRUCTION.—The enactment of a joint resolution of approval of or a joint resolution of termination under this subsection shall not be interpreted to serve as a grant or modification by Congress of any executive powers or 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 both Houses, respectively, but applicable only with respect to the procedures to be followed in the House in the case of joint resolutions of approval, and superseding 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. 1095. RESPONSING REQUIREMENTS.

Section 401 of the National Emergencies Act (50 U.S.C. 1641) is amended by adding at the end the following:

"(d) 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) TRANSMISSION 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, any 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 or other officers have taken and authorities the President and such officers have relied on in addressing the emergency.

"(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.

SEC. 1096. REPORTING REQUIREMENTS.

(a) NATIONAL EMERGENCIES ACT.—Title III of the National Emergencies Act (50 U.S.C. 1631) is amended by adding at the end the following:

"(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 207 of the International Emergency Economic Powers Act (50 U.S.C. 1706) is amended by adding at the end the following:

"(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)(2)" and inserting "section 202(c)(2)".

SEC. 1097. COMPREHENSIVE CONSTRUCTION.

(a) NATIONAL EMERGENCIES ACT.—Title III of the National Emergencies Act (50 U.S.C. 1631) is amended by adding at the end the following:

"(b) ELEMENTS.—The report required by subsection (a) shall include preliminary findings and recommendations of the Committee of the Senate with respect to whether—

"(1) the use of a contract described in such subsection could result in significant savings of the total anticipated costs of carrying out the program through annual contracts;

"(2) the minimum need for the destroyers described in such subsection to be purchased is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities;

"(3) there is a reasonable expectation that throughout the contemplated contract period the Secretary of Defense will request funding for the contract at the level required to avoid contract cancellation;

"(4) there is a stable design for the destroyers to be acquired and that the technical risks associated with such property are not excessive;

"(5) the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic; and

"(6) the use of such a contract will promote the national security of the United States.

(b) EVALUATION BY LOBBY QUANTUM FUND.—The report required by subsection (a) shall evaluate each of the following quantities of Flight III Arleigh Burke-class destroyers for the period described in such subsection:

"(1) 10.

"(2) 12.

"(3) 15.

"(4) Any other quantities the Secretary of the Navy considers appropriate.

SA 4270. Ms. BALDWIN (for herself and Ms. ERSNT) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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:

"(c) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—The term ‘state-owned National Guard facility’ means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 which funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not
under the jurisdiction of the Department of Defense.”.

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 270(a)(1) of title 10, United States Code, is amended by inserting “and at State-owned National Guard facilities” before the period at the end of such subsection.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:

“(D) The Secretary is responsible for any military construction, military medical, and civil works projects required to address contamination and associated hazards at any facility or site under the jurisdiction of the Department of Defense for which the Secretary has been notified that an environmental response action is required.”

(d) REPORTS.—

(1) IN GENERAL.—Not later than September 30, 2022, and each September 30 thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the military department concerned with this section.

(2) ELEMENTS.—(A) IN GENERAL.—Each report required by paragraph (1) shall include—

(i) an accounting of the number of personnel assigned to a military medical treatment facility as of October 1, 2019; and

(ii) a comparable accounting as of September 30, 2022.

(B) EXPLANATION.—If the number specified in clause (ii) of subparagraph (A) is less than the number specified in clause (i) of such subparagraph, the Secretary concerned shall provide a full explanation for the reduction.

SEC. 515. BRIEFING ON GEOGRAPHIC EXPANSION OF DEFENSE INNOVATION UNIT ACTIVITIES.

Not later than one year after enactment of this Act, the Secretary of Defense shall provide a briefing to Congress on the geographical reach of Defense Innovation Unit activities to new or underserved regions, with particular emphasis on—

(1) access to partnership opportunities at institutions of higher education that conduct relevant Federally funded research;

(2) access to a relevant private commercial sector; and

(3) proximity to major Department of Defense installations and relevant activities.

SEC. 1056. CYBERSECURITY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ESSENTIAL CYBERSECURITY STUDENTS.—The term “essential cybersecurity students” means a student of any level who specializes in cybersecurity and whose education and training is essential to the mission of the Department of Defense.

(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically black college or university” has the meaning given the term “part B institution” as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1064).

(3) HIGHER EDUCATION INSTITUTION.—The term “higher education institution” means an institution listed in section 318(a) of the Higher Education Act of 1965 (20 U.S.C. 1067(a)).

(4) HISTORICALLY MINORITY SERVING INSTITUTION.—The term “historically minority-serving institution” means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1063(a)).

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—The Secretary shall—

(A) award grants to assist institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions to expand cybersecurity education opportunities, cybersecurity technology and programs, cybersecurity research, and cybersecurity partnerships with public and private entities;

(2) ASSESSMENT OF NEED.—Not less than 50 percent of the amount available for grants under this section to historically Black colleges and universities and minority-serving institutions for any fiscal year shall be used for institutional assessment of need; and

(3)铝合金大学 capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities, and to support such institutions on the basis of such assessment.

(c) USE OF GRANT FUND.—An eligible institution that receives a grant under this section may use the funds awarded for the—

(1) establishment of cybersecurity programs, including—

(A) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities; and

(B) building and upgrading institutional capacity to provide hands-on research and

SEC. 1057. DR. DAVID SATCHEFF CYBERSECURITY EDUCATION GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ESSENTIAL CYBERSECURITY STUDENTS.—The term “essential cybersecurity students” has the meaning given the term “part B institution” as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1064).

(2) HIGHER EDUCATION INSTITUTION.—The term “higher education institution” means an institution listed in section 318(a) of the Higher Education Act of 1965 (20 U.S.C. 1067(a)).

(3) HISTORICALLY MINORITY SERVING INSTITUTION.—The term “historically minority-serving institution” means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1063(a)).

(4) HISTORICALLY MINORITY SERVING INSTITUTION.—The term “historically minority-serving institution” means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1063(a)).

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—The Secretary shall—

(A) award grants to assist institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions to expand cybersecurity education opportunities, cybersecurity technology and programs, cybersecurity research, and cybersecurity partnerships with public and private entities;

(2) ASSESSMENT OF NEED.—Not less than 50 percent of the amount available for grants under this section to historically Black colleges and universities and minority-serving institutions for any fiscal year shall be used for institutional assessment of need; and

(3)铝合金大学 capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities, and to support such institutions on the basis of such assessment.

(c) USE OF GRANT FUND.—An eligible institution that receives a grant under this section may use the funds awarded for the—

(1) establishment of cybersecurity programs, including—

(A) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities; and

(B) building and upgrading institutional capacity to provide hands-on research and
training experiences for undergraduate and graduate students; and
(3) outreach and recruitment to ensure students are aware of such new or existing cybersecurity programs, including opportunities for higher education partnerships with public and private entities.

(e) **Reporting Requirements.—**Not later than—

(1) 1 year after the effective date of this section, as provided in subsection (g), and annually thereafter until the Secretary submits the report under paragraph (2), the Secretary shall prepare and submit to Congress a report on the status and progress of implementation of the grant program under this section, including the number and nature of institutions participating, the number and nature of students served by institutions receiving grants, the level of funding provided to grant recipients, the types of activities being funded by the grants program, and plans for future implementation and development; and

(2) 5 years after the effective date of this section, as provided in subsection (g), the Secretary shall prepare and submit to Congress an annual report on the status and progress of implementation of the grant program under this section, as provided in subsection (g), and on the educational and employment outcomes of students participating in cybersecurity programs that have received support under this section.

(f) **Performance Metrics.—**The Secretary of Homeland Security shall establish performance metrics for grants awarded under this section.

(g) **Effective Date.—**This section shall take effect 1 year after the date of enactment of this Act.

SA 4274. 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. **O UTCOMING 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 and universities with 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, and recommendations for how the Department of Defense and the Federal Government can support such institutions to successfully participate in Defense Innovation Unit programs.

SA 4275. Mr. DURBIN (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1065. **COLLECTION, VERIFICATION, AND DISCLOSURE OF INFORMATION BY ONLINE MARKETPLACES TO INFORM CONSUMERS.

(a) **Collection and Verification of Information.—**

(1) **Collection.—**An online marketplace shall require—

(I) a valid government-issued record or tax document that includes the individual’s full name, date of birth, Social Security number, or other document or communication made to a consumer in a clear and conspicuous manner, including—

(bb) a current working email address and phone number for such seller; and

(ii) require any high-volume third party seller with an aggregate total of $20,000 or more in annual gross revenues on such online marketplace, and that uses such online marketplace’s platform, to provide the information described in subparagraph (B) to the online marketplace.

(ii) **Disclosure Required.—**An online marketplace shall—

(i) require any high-volume third party seller with an aggregate total of $20,000 or more in annual gross revenues on such online marketplace, and that uses such online marketplace’s platform, to disclose the information described in subparagraph (B) to consumers in a clear and conspicuous manner, including in the order confirmation message or other document or communication made to a consumer after a purchase is finalized; and

(ii) contact information for the seller, to the extent available; and

(b) **Disclosure Required.—**An online marketplace shall—

(i) the full name of the seller, which may include the seller name or seller’s company name, or the name by which the seller or company operates on the online marketplace;

(ii) the physical address of the seller; and

(iii) contact information for the seller, to the extent available, including—

(aa) a current working phone number; or

(bb) a current working email address; or

(i) the seller has provided any changes to such information to the online marketplace, if any such changes have occurred;

(ii) there have been no changes to such seller’s information; or

(iii) such seller has provided any changes to such information to the online marketplace.

(C) **Suspension.—**In the event that a high-volume third party seller does not provide the information or certification required under this paragraph, the online marketplace seller with written or electronic notice and an opportunity to provide such information or certification later than the issuance of such notice, suspend any future sales activity of such seller until such seller provides such information or certification.

(2) **Verification.—**An online marketplace shall—

(i) verify the information collected under paragraph (1)(A) not later than 10 days after such collection; and

(ii) verify any change to such information not later than 10 days after being notified of such change by a high-volume third party seller under paragraph (1)(B).

(B) **Premission of Verification.—**In the case of a high-volume third party seller that provided a copy of a valid government-issued tax document, any information contained in such document shall be presumed to be verified as of the date of issuance of such document.

(3) **Data Use Limitation.—**Data collected solely to comply with the requirements of this section may not be used for any other purpose unless required by law.

(D) **Data Security Requirement.—**An online marketplace shall implement and maintain reasonable security practices, including administrative, physical, and technical safeguards, appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected to comply with the requirements of this section from unauthorized use, disclosure, access, destruction, or modification.

(b) **Disclosure Required.—**An online marketplace shall—

(i) require any high-volume third party seller with an aggregate total of $20,000 or more in annual gross revenues on such online marketplace, and that uses such online marketplace’s platform, to provide the information described in subparagraph (B) to the online marketplace.

(ii) disclose the information described in subparagraph (B) to consumers in a clear and conspicuous manner, including in the order confirmation message or other document or communication made to a consumer after a purchase is finalized; and

(ii) the full name of the seller, which may include the seller name or seller’s company name, or the name by which the seller or company operates on the online marketplace;

(b) **Disclosure Required.—**An online marketplace shall—

(i) the full name of the seller, which may include the seller name or seller’s company name, or the name by which the seller or company operates on the online marketplace;
other means of direct electronic messaging (which may be provided to such seller by the online marketplace).

(ii) Whether the high-volume third party seller certifies to the online marketplace that the seller does not have a business address and only has a residential address, or has a combined business and residential address, the online marketplace may—

(I) disclose only the country and, if applicable, the State in which such seller resides; and

(II) inform consumers that there is no business address available for the seller and that consumers who wish to contact the seller should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace.

(iii) If such seller certifies to the online marketplace that the seller has a business address and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace, the online marketplace may disclose the seller’s physical address for product returns.

(iv) If such seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller’s email address or other means of electronic messaging provided to such seller by the online marketplace.

(B) LIMITATION ON EXCEPTION.—If an online marketplace becomes aware that a high-volume third party seller has made a false representation regarding the seller’s business or online marketplace under subsection (A), the online marketplace shall provide written or electronic notice and an opportunity to respond not later than 10 days after the issuance of such notice, suspend or prohibit the activity of such seller unless such seller consents to the disclosure of the identity information required under paragraph (1)(B)(i).

(3) REPORTING MECHANISM.—An online marketplace shall disclose to consumers in a clear and conspicuous manner the product listing of any high-volume third party seller a reporting mechanism that allows consumers to report any online marketplace to the online marketplace.

(4) COMPLIANCE.—If a high-volume third party seller does not comply with the requirements to provide and disclose information under this subsection, the online marketplace shall not disclose any electronic or telephonic reporting of suspicious marketplace activity to the online marketplace.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—A violation of paragraph (1) or (2) by an online marketplace shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce and make compliance with such rules comparable to the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITY.—Any person that violates subsection (a) or (b) shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(3) REGULATIONS.—The Commission may promulgate regulations under section 533 of title 5, United States Code, with respect to—

(i) the collection, verification, or disclosure of information under this section, provided that such regulations are limited to what is necessary to collect, verify, and disclose such information;

(ii) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of this Act.

(d) ENFORCEMENT BY STATE ATTORNEY GENERAL.

(1) IN GENERAL.—If the attorney general of a State has reason to believe that any online marketplace has violated or is violating this section or regulation promulgated under this section that affects one or more residents of that State, the attorney general of the State may bring a civil action in any appropriate district court of the United States, to—

(A) enjoin further such violation by the defendant;

(B) enforce compliance with this section or such regulation;

(C) obtain civil penalties in the amount provided for under subsection (c); and

(D) obtain other remedies permitted under State law and

(E) obtain damages, restitution, or other compensation on behalf of residents of the State.

(2) NOTICE.—The attorney general of a State shall provide prior written notice of any action under paragraph (1) to the Commission with a copy of the complaint in the action, except in any case in which such prior notice is not feasible, in which case the attorney general shall serve the process immediately upon instituting such action.

(3) INTERVENTION BY THE FTC.—Upon receiving notice under paragraph (2), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein; and

(C) to file petitions for appeal.

(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this section or regulation promulgated under this section, no State attorney general, or official or agency of a State, may bring a separate action under paragraph (1) of this subsection against any defendant named in the complaint of the Commission for any violation of this section or a regulation promulgated under this section that is alleged in the complaint. A State attorney general, or official or agency of a State, may join a civil action for a violation of this section or regulation promulgated under this section filed by the Commission.

(e) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

(f) DEFINITIONS. In this section—

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) HIGH-VOLUME THIRD PARTY SELLER.—A person who sells, offers to sell, or contracts with an online marketplace’s platform to sell a consumer product through an online marketplace on its terms and conditions, or to prevent the chief law enforcement officer, or official or agency of a State, from exercising the powers conferred on such chief law enforcement officer, official, or agency of a State, by the laws of the State to conduct investigations, administer oaths or affirmations, compel the attendance of witnesses or the production of documentary and other evidence.

(6) ACTIONS BY OTHER STATE OFFICIALS.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so, except that any officer of a State who is authorized by the State attorney general, may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply to this subsection.

(B) SAVINGS PROVISION.—Nothing in this section shall be construed to prohibit an attorney general from filing or continuing or any proceeding in a court of the State for a violation of any civil or criminal law of the State.

(e) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

(1) DEFINITIONS. In this section—


(2) INTERVENTION BY THE FTC.—Upon receiving notice under paragraph (2), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein; and

(C) to file petitions for appeal.

(4) ONLINE MARKETPLACE.—The term “online marketplace” means any person or entity that operates a consumer-directed electronic platform that—

(A) includes features that allow for, facilitate, or enable third party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States;

(B) is used by one or more third party sellers for such purposes; and

(C) has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.

(5) SELLER.—The term “seller” means a person who sells, offers to sell, or contracts with an online marketplace to sell a consumer product through an online marketplace’s platform.
6. **Third party seller.**—

(A) **In general.**—The term ‘third party seller’ means any seller, independent of an online marketplace, who sells, offers to sell, or contests the sale of a consumer product in the United States through such online marketplace's platform.

(B) **Exclusions.**—The term ‘third party seller’ does not include, with respect to an online marketplace—

(i) a seller who operates the online marketplace’s platform; or

(ii) a business entity that has—

(I) made available to the general public the entity’s name, business address, and working contact information;

(II) an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and

(III) provided to the online marketplace identifying information, as described in subsection (a), that has been verified in accordance with that subsection.

(C) **Verify.**—The term ‘verify’ means to confirm information provided to an online marketplace pursuant to this section, which may include one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, corresponding to the seller, and not misappropriated, and not falsified.

(D) **Relationship to state laws.**—

(A) **In general.**—The term ‘third party seller’ does not include a state or political subdivision of a State, or territory of the United States, that is engaged in commerce with other States or with foreign nations.

(B) **Exclusions.**—The term ‘third party seller’ does not include—

(i) a seller who operates the online marketplace;

(ii) a business entity that has—

(I) made available to the general public the entity’s name, business address, and working contact information;

(II) an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and

(III) provided to the online marketplace identifying information, as described in subsection (a), that has been verified in accordance with that subsection.

(E) **Effective date.**—This section shall—

(i) SHORT TITLE.**—This section may be cited as the ‘‘Integrity, Notification, and Accountability Act of 2021’’.

(iv) **Committee on Commerce, Science, and Transportation.**—The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

(v) **Committee on Environment and Public Works.**—The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

(vi) **Committee on Finance.**—The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

(vii) **Committee on Foreign Relations.**—The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

(viii) **Committee on Homeland Security and Governmental Affairs.**—The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

(ix) **Committee on the Judiciary.**—The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

(x) **Committee on Veterans’ Affairs.**—The Committee on Veterans’ Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

(x) **Privileges of the floor.**—Ms. LUMMIS. Mr. President, I ask unanimous consent that the following interns in my office be granted floor privileges until November 4, 2021:

Alyssa Burleson, Charlotte Holding, and Tanner Weekly.

The PRESIDING OFFICER. Without objection, it is so ordered.

**Expressing Support for the Designation of the Week of November 1 Through November 5, 2021, as National Family Service Learning Week.**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 439, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 439) expressing support for the designation of the week of November 1 through November 5, 2021, as ‘‘National Family Service Learning Week’’.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 439) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s Record under ‘‘Submitted Resolutions.’’)

**Permitting the Use of the Rotunda of the Capitol for a Ceremony as Part of the Commemoration of the 100th Anniversary of the Dedication of the Tomb of the Unknown Soldier.**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 19.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 19) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the 100th anniversary of the dedication of the Tomb of the Unknown Soldier.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 19) was agreed to.

(The concurrent resolution is printed in today’s Record under ‘‘Submitted Resolutions.’’

**Authority for Committees to Meet.**

Mr. Kaine. Mr. President, I have 9 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

- Committee on Banking, Housing, and Urban Affairs;
- Committee on Banking, Housing, and Urban Affairs; and
- Committee on Commerce, Science, and Transportation.

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 9:30 a.m., to conduct a hearing on nominations.

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 9:30 a.m., to conduct a hearing on nominations.

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a classified briefing.

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a business meeting.

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing on nominations.

The Committee on Veteran’s Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 3 p.m., to conduct a hearing.

Ms. LUMMIS. Mr. President, I ask unanimous consent that the following interns in my office be granted floor privileges until November 4, 2021: Alyssa Burleson, Charlotte Holding, and Tanner Weekly.

The PRESIDING OFFICER. Without objection, it is so ordered.
SA 4277. Mr. MENENDEZ (for himself, Ms. COLLINS, Mr. BROWN, and Mr. KANE) submitted an amendment intended to be proposed to the bill S. 3967, Oversight and Reform, which is intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Energy, and for other purposes;

Text of Amendments

This title may be cited as the “National Coronavirus Pandemic in the United States Act”.

1. Short Title

This title may be cited as the “National Coronavirus Pandemic Act of 2021”.

2. Definitions

In this title:


(2) Relevant committees of Congress—The term “relevant committees of Congress” means—

(i) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate;

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

3. Establishment of Commission

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

4. Purposes

The purposes of the Commission are to—

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

(A) the origins of COVID–19; and

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

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

(A) medical intelligence;

(B) international public health surveillance;

(C) domestic public health surveillance;

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

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

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

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

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

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

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

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

(L) the operation of government-maintained stockpiles;

(M) scams and profiteering;

(N) misinformation and disinformation;

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

(P) testing and contact tracing operations;

(Q) emergency management;

(R) military engagement, including the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, the Department of Homeland Security, the Department of Energy, the Department of the Interior, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Department of Justice, the Department of Labor, the Department of Education, the Department of Treasury, the Federal Emergency Management Agency, the National Guard Bureau;

(S) Federal, State, Tribal, local, and territorial orders and guidance to reduce disease transmission, including travel restrictions, stay-at-home orders, school and institution closures, and coordination with State, Tribal, local, and territorial and international entities;

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

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

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

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

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

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

(i) hospitals;

(ii) skilled nursing facilities and nursing facilities;

(iii) assisted living facilities;

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

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

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

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

(viii) other critical infrastructure facilities;

(W) Federal economic relief programs, including—

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

(ii) unemployment insurance;

(iii) tax and loan deferment;

(iv) direct payments;

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

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

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

(i) immigrant populations;

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

(iii) people with disabilities;

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

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

(vi) veterans;

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

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

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

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

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

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

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

5. Composition of the Commission

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

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

(2) 1 member shall—

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

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

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

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

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

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

(b) QUALIFICATIONS.—

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

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

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

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

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

(4) OTHER QUALIFICATIONS.—

(A) Public Health Experts, Health Care Experts, and Economic Policy Experts.—In appointing members to the Commission, the appointing individuals described in subsection (a) of this section shall coordinate to ensure that the members appointed by each political party include—

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

(ii) at least 1 public health expert; and

(iii) at least 1 economic policy expert.

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

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

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

(c) MEETINGS.—

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

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

(3) NONGOVERNMENTAL APPOINTEES.—Notwithstanding any other provision of law, any member designated by the Commission may determine advisable, including correspondence, memoranda, diplomatic cables, papers, documents, reports, books, notes, records, text messages, emails, voicemails, and electronic communications, that such findings, conclusions, and recommendations be transmitted directly to the Commission, upon request made by the chair, the chair of any subcommittee created by the Commission, or any member designated by a majority of the Commission.

(4) conduct an investigation, or inquiry, that addresses the purposes described in section 4;

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

(C) includes relevant facts and circumstances relating to—

(i) domestic and international public health authorities; and

(ii) health care agencies;

(iii) financial, labor and housing agencies; and

(iv) education agencies;

(v) intelligence agencies;

(vi) defense and national security agencies;

(vii) diplomacy and development agencies;

(viii) White House offices and councils;

(ix) health care organizations;

(x) private sector entities;

(xi) scientific research agencies;

(xii) immigration and border control agencies;

(xiii) international trade organizations; (xiv) Congress;

(xv) State, Tribal, local, and territorial governments;

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

(xvii) other areas of the public and private sectors determined relevant by the Commission for its inquiry; (D) coordinates with and reviews the findings, conclusions, and recommendations of other relevant international, executive branch, congressional, State, or independent commission investigations into the COVID–19 pandemic, or determined appropriate by Commission members; and

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

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

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

(B) other public health emergencies; and

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

SEC. 07. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission, any subcommittee created by the Commission, any committee, any subcommittee or member thereof, may, for the purpose of carrying out this title—
SEC. 90. NONPARTISAN STAFF OF THE FEDERAL ADVISORY COMMISSION ACT.

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

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

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

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

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

SEC. 91. RECORD RETENTION.

(a) COMMISSION RECORDS.—The Commission shall—

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

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

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

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

SEC. 10. STAFF OF THE COMMISSION.

(a) IN GENERAL.

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

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

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

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

(c) ACCESSIBILITY.—The Commission, in making such records and documents of the Commission, the Commission shall—

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

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

(b) SCOPE OF REPORTS.—Each report required under subparagraph (a) shall provide a critical assessment of the merit or value of any Commission recommendation included in the final Commission report.

SEC. 13. REPORTS OF THE COMMISSION; TERMINATION.

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

(b) FINAL REPORT.

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

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

(c) ACCESSIBILITY.—The final report shall—

(i) be simultaneously made publicly available on an Internet website;

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

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

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

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

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

(f) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

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

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

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

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

(b) SCOPE OF REPORTS.—Each report required under subparagraph (a) shall provide a critical assessment of the merit or value of any Commission recommendation included in the final Commission report.

SEC. 14. FUNDING.

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

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission for any fiscal year may be used for expenses incurred in any fiscal year.
SEC. 1. 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 paragraph (b).

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

(b) Establishment of Database.—

(1) IN GENERAL.—The Director shall create a new supply chain database through the Hollings Manufacturing Extension Partnership program, 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 Hollings Manufacturing Extension Partnership program, with the National Defense Technology and Industrial Base, established under section 2502(a) of title 10, United States Code, as follows:

(A) Sector 31–33—Manufacturing.

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

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

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

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

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

(C) Level 3 shall hold proprietary information.

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

(2) shall not be made available pursuant to any Federal, State, local, or Tribal authority 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

(3) 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 shall be in the form of a signed statement with respect to information or records, and is—

(A) in the case of written information or records, a written marking on the information or records 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 1(h) of the National Defense Authorization Act for Fiscal Year 2023.”; 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.

(1) 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 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.

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

(A) $33,000,000 for fiscal year 2023 to develop and launch the Database; and

(B) $26,000,000 for each of fiscal years 2024 through 2026 to maintain, update, and support Federal coordination of the State supply chain databases maintained by the Centers.

SA 4279. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2023 for the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE—VIEQUES RECOVERY AND REDEVELOPMENT

SEC. 01. SHORT TITLE. This title may be cited as the “Vieques Recovery and Redevelopment Act.”

SEC. 02. FINDINGS.

The Congress finds the following:

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

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

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

(4) The United States Military maintained a presence on Vieques for close to 60 years, and used parts of the island as a training range during those years, dropping over 80 million pounds of ordnance and blast materials on Vieques that is substantially still available to the United States military since World War II.
not later than 120 days after the date of the enactment of this Act against the United States Government for personal injury, including illness or death arising from use by the United States Government of the island of Vieques for military readiness; and
(3) the claimant submits to the Special Master written medical documentation that indicates the claimant contracted a chronic, life-threatening, or physical disease or illness limited to cancer, hypertension, cirrhosis, kidney disease, diabetes, or a heavy metal disease, and is or was a resident of the United States Government used the island of Vieques, Puerto Rico, for military readiness.
(b) AMOUNTS OF AWARD.
(1) IN GENERAL.—A claimant who meets the requirements of subsection (a) shall be awarded compensation as follows:
(A) $50,000 for 1 disease described in subsection (a)(3).
(B) $80,000 for 2 diseases described in subsection (a)(3).
(C) $110,000 for 3 or more diseases described in subsection (a)(3).
(2) INCREASE IN AWARD.—In the case that an individual receiving an award under paragraph (1) contracts another disease under subsection (a)(3) and files a new claim with the Special Master for the additional disease 10 years after the date of the enactment of this Act, the Special Master may award the individual an amount that is equal to the difference between
(A) the amount that the individual would have been eligible to receive had the disease been contracted before the individual filed an initial claim under subsection (a), and
(B) the amount received by the individual pursuant to paragraph (1).
(3) DECEASED CLAIMANTS.—In the case of an individual who has died before attaining 40 years of age, an additional award not later than 10 years after the date of the enactment of this Act, providing that the deceased claimant or a surviving claimant or a claimant who is a descendent of the deceased claimant, files a new claim with the Special Master for the disease or illnesses described in paragraph (3) of that subsection for cancer and the other prevailing health problems.

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

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

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

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

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

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

(i) POWER SOURCE.—The Special Master shall, in accordance with the least source of power independent power on the island of Vieques that is hurricane resilient and can effectively sustain the needs of the island and shall ensure such construction as an award to the Municipality of Vieques.

(ii) SOURCE.—

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

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

(iii) DETERMINATION AND PAYMENT OF CLAIMS.—

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

(B) DETERMINATION OF CLAIMS.—The Special Master shall, in accordance with this subsection, determine whether each claim meets the requirements of this section.

(i) Claims filed by residents of the island of Vieques that have been disposed of by a court under subtitle B of title 28, United States Code, shall be treated as if such claims are currently filed.

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

(iii) SETTLEMENT OF CLAIMS BY INDIVIDUALS AND THE MUNICIPALITY OF VIEQUES AGAINST THE UNITED STATES.—By an individual or the Municipality of Vieques of a payment of an award under this section shall—

(A) be final and conclusive;

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

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

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

(A) are treated for purposes of the laws of the United States as damages for human suffering; and

(B) may not be included as income or resources of determining eligibility to receive benefits described in section 3800(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

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

SA 4280. Mr. SCHATZ (for himself, Ms. ERSNT, Mr. YOUNG, and Mrs. GILLBRAND) submitted an amendment in- tended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for mili- tary construction and military facilities of the Department of Energy, to 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 the title 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 im- pacted 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 Don’t Ask, Don’t Tell.

(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(b) of the National Defense Authorization Act for Fiscal Year 2020 for the review of discharge characterizations, including through—

(A) obtaining contact information on such individuals; and

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

(c) DUTIES.—

(1) IN GENERAL.—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(b) of the National Defense Authorization Act for Fiscal Year 2020 for the review of discharge characterizations, including through—

(A) obtaining contact information on such individuals; and

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

(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 responsible for carrying out, and completion of the plan re- quired under subparagraph (A) of paragraph (3) in accordance with the schedule submitted under subparagraph (C) of that paragraph.

(3) REPORT ON COMPOSITION.—Not later than 90 days after the date of the enactment of this Act, the Tiger Team Leader shall submit to the Commit- tees on Armed Services of the Senate and the House of Representatives a final report on the activities of the Tiger Team under this section.

(4) REPORT ON COMPOSITION.—Not later than 90 days after the date of the enactment of this Act, the Tiger Team Leader 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 Commit- tees 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 follow- ing:

(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 correc- tion 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.

(2) COLLABORATION.—In conducting activi- ties 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 or- ganizations.

(D) Such other stakeholders as the Tiger Team Leader considers appropriate.
(D) The number of individuals described in subparagraph (A) who waived 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 described in 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 to Congress, 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) 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 at the request of a covered member as required under section 654 of title 10, United States Code, as in effect before such section was repealed by the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) as a result of the change of discharge characterization to honorable discharge because of the actual or perceived sexual orientation or gender identity of the individual.

(e) RELIEF FOR IMPACTED FORMER MEMBERS.—

(1) REVIEW OF DISCHARGE.—

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

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

(2) VETERANS BENEFITS.—

(A) EFFECTIVE DATE OF CHANGE OF CHARACTERIZATION FOR VETERANS BENEFITS.—For purposes of the provision of benefits to which veterans are entitled under the laws administered by the Secretary of Veterans Affairs to a covered member whose discharge characterization is changed pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1552 note) for the period before the effective date of the change of discharge characterization, (B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize any benefit to a covered member in connection with the change of discharge characterization of the member under section 527 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1552 note) for the period before the effective date of the change of discharge characterization.

(F) HISTORICAL REVIEWS.—

(1) REVIEW.—The Secretary of Defense shall submit to Congress a report—

(A) reviewing the facts and circumstances surrounding the estimated 168,000 members of the Armed Forces between World War II and September 20, 2011 because of the sexual orientation, sexual identity, or gender identity of the member, including any use of ambiguous discharge codes and characterizations intended to disguise the discriminatory basis of such members’ discharge; and

(B) receiving oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation, gender identity, or gender expression 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 section 210 of the Act that receipted in the Armed Forces under a remedy under section 527 of the National Defense Authorization Act for Fiscal Year 2020 in accordance with regulations prescribed for such records by the Secretary of the military department concerned.

(g) DON’T ASK, DON’T TELL—

(1) IN GENERAL.—In this section—

(A) 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 National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) DEADLINE FOR COMPLETION.—Each Secretary shall, in coordination with the Chief of the Personnel Division, ensure that the appropriate discharge board for the military department concerned—

(A) review the facts and circumstances surrounding the estimated 168,000 members of the Armed Forces between World War II and September 20, 2011 because of the sexual orientation, sexual identity, or gender identity of the member, including any use of ambiguous discharge 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, gender identity, or gender expression of the individual so that such testimony may serve as an official record of these discriminatory policies and their impact on American lives.

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

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

SEC. 801. 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—

(A) establish an office within the Office of the Director of National Intelligence, to as a chief of the personnel division for the military department concerned—

(B) receive oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation, gender identity, or gender expression 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 shall, in coordination with each other, require that—

(A) 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;

(B) 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 about the physiological effects, involving or associated with unidentified aerial phenomena directly to the Office;

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

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

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

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

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

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

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

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

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

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

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

(2) PERSONNEL, EQUIPMENT, AND RESOURCES.—The Director and the Secretary shall take such actions as may be necessary to ensure that the designated organization or organizations have available adequate personnel, resources, 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.

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

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

Authority.—The Director and the Secretary shall, as appropriate, prepare and make available to appropriate committees of Congress a report on unidentified aerial phenomena.

Intelligence Collection and Analysis Plan.—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.

Science Plan.—The head of the Office shall provide the classified form, but may include a classified narrative and not less frequently than semiannually thereafter until December 31, 2026, the head of the Office shall provide the classified form, but may include a classified narrative and not less frequently than semiannually thereafter until December 31, 2026, 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.

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.

Science Plan.—The head of the Office shall provide the classified form, but may include a classified narrative and not less frequently than semiannually thereafter until December 31, 2026, 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.

Assignment of Priority.—The Director, in consultation with the Secretary, shall assign an appropriate level of priority within the Department and the intelligence community with appropriate security clearances.

In General.—Not later than October 1, 2022, the Secretary and the Director shall establish an advisory committee for the purpose of—

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

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

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

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

(1) 20 members as follows:

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

(II) Two persons appointed by the President of the National Academy of Sciences.

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

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

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

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

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

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

(B) In consultation with the United States with allies and partners on efforts to track, understand, and address unidentified aerial phenomena.

(1) Up to five additional members, as the President may determine, selected from among individuals who have encountered unidentified aerial phenomena.

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

(3) An analysis of data and intelligence relating to unidentified aerial phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

(4) An analysis of data and intelligence relating to unidentified aerial phenomena that were reported to the Office after June 24, 2021, regardless of the date of occurrence of the incident.

(5) 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.

(6) Incidents in Which Data Was Not Shared.—For each briefing period, the Chairman and Vice Chairman or Ranking Member of the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence shall receive an enumeration of any instances in which data related to unidentified aerial phenomena was denied to the Office because of statutory or executive order restrictions on that data or for any other reason.

(g) Science Plan.—The head of the Office shall provide the classified form, but may include a classified narrative and not less frequently than semiannually thereafter until December 31, 2026, the head of the Office shall provide the classified form, but may include a classified narrative and not less frequently than semiannually thereafter until December 31, 2026, 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.

(h) Assignment of Priority.—The Director, in consultation with the Secretary, shall assign an appropriate level of priority within the Department and the intelligence community with appropriate security clearances.

(1) 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) 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.
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(ii) possesses scientific, medical, or technical expertise pertinent to some aspect of the investigation and analysis of unidentified aerial phenomena; and
(iii) conducted research or writing that demonstrates scientific, technological, or operational knowledge regarding aspects of the subject matter, including propulsion, aerodynamic control, structures, materials, sensors, countermeasures, weapons, electronics, power generation, field investigations, forensic examination of artifacts, analysis of open source and classified information regarding domestic and foreign research and commentary, and historical information pertaining to unknown aerial phenomena.
(C) The Secretary and Director may terminate the membership of any individual on the Committee upon a finding by the Secretary and the Director jointly that the member no longer meets the criteria specified in this subsection.
(3) CHAIRPERSON.—The Secretary and Director shall jointly designate a temporary Chairperson of the Committee, but at the earliest practicable date the Committee shall elect a Chairperson from among its members to 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, assistance, or recommendations regarding best practices with respect to the gathering and analysis of data on unidentified aerial phenomena in general, or commentary regarding specific incidents, cases, or classes of unidentified aerial phenomena.
(5) REPORT.—Not later than December 31, 2022, and not later than December 31 of each year thereafter, the Committee shall submit a report summarizing its activities and recommendations to the following:
(A) The Director.
(B) The Secretary.
(C) The head of the Office.
(D) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.
(E) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.
(F) The Committee on Armed Services and the Select Committee on Intelligence of the House of Representatives.
(G) Pursuant to 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 of such Act).
(7) TERMINATION OF COMMITTEE.—The Committee shall terminate on the date that is six years after the date of the establishment of the Committee.
(m) DEFINITIONS.—In this section:
(1) The term “appropriate committees of Congress” means—
(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate; and
(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Foreign Affairs of the House of Representatives.
(2) The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).
(3) The term “transmedium objects or devices” means objects or devices that are observed to transition between space and the atmosphere, or between the atmosphere and bodies of water, that are not immediately identifiable.
(4) The term “unidentified aerial phenomena” means—
(A) airborne objects that are not immediately identifiable;
(B) transmedium objects or devices; and
(C) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that they may be related to the subjects described in subparagraph (A) or (B).

SA 4282. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered printed:
(a) SHORT TITLE.—This section may be cited as the “Combating Trafficking of Cuban Doctors Act of 2021”.
(b) FINDINGS.—Congress makes the following findings:
(1) The Department of State’s 2020 Trafficking in Persons report ranked Cuba in Tier 3 for human trafficking issues regarding Cuba’s foreign medical missions and the Government of Cuba’s longstanding failure to criminalize forced labor, specifically noting allegations that Cuban authorities coerced participants to remain in foreign medical missions by—
(A) withholding their passports and medical credentials;
(B) using “minders” to conduct surveillance of participants outside of work; (C) “restricting”;
(D) retaliating against their family members in Cuba if participants leave the program; or
(E) imposing criminal penalties, exile, and family separation if participants do not return to Cuba as directed by government supervisors.
(2) Since the outbreak of the COVID-19 pandemic in early 2020, the Government of Cuba has deployed approximately 1,500 medical personnel to at least 20 countries.
(3) The United Nations Special Rapporteur on contemporary forms of slavery and the United Nations Special Rapporteur on trafficking in persons (as determined under section 103(11)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(11)(B)) as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery”;
(c) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the Government of Cuba subjects Cuban doctors and other medical professionals to state-sponsored human trafficking; and
(2) the Government of Cuba should immediately and transparently respond to requests for information from the United Nations Special Rapporteur on contemporary forms of slavery and the United Nations Special Rapporteur on trafficking in persons, especially women and children;
(d) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter until the date specified in subsection (f), the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—
(1) identifies the countries that are hosting Cuban medical personnel who are participating in foreign medical missions for the Government of Cuba,
(A) the number of Cuban medical personnel in each country; and
(B) the value of the financial arrangement between the Government of Cuba and the host country government;
(2) describes the conditions in each country under which Cuban medical personnel live and work; and
(4) describes the role of any international organization in each country hosting Cuban medical personnel.
(e) DETERMINATION ON HUMAN TRAFFICKING.—In each report submitted pursuant to subsection (d), the Secretary of State shall determine whether—
(1) the Cuban medical personnel in each country identified in the report are subjected to conditions that constitute forms of trafficking in persons (as defined in section 108(i) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(i))); and
(2) Cuba’s foreign medical missions program constitutes proof of failure to make significant efforts to bring the Government of Cuba into compliance with the minimum standards for the elimination of trafficking in persons (as determined under section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106)).
(f) SUNSET.—The Secretary of State is not required to submit the report otherwise required under subsection (d) after the date on which the Secretary submits a second consecutive annual report under such paragraph that includes a determination under subsection (e) that Cuban medical personnel are no longer subjected to trafficking in persons.
of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1294. REPORT ON AND DETERMINATION WITH RESPECT TO EXPORTS BY THE REPUBLIC OF TURKEY OF UNMANNED AERIAL VEHICLES.

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

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

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

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

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

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

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

(B) any other applicable law; or

(C) United States sanctions policy.

(b) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means—

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

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

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

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

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


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

(2) in subsection (b), by—

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

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

"(3) The Principal Deputy Director of National Intelligence;"

"(4) the principals of the Department of Defense and intelligence community as the Secretary of Defense and the Director of National Intelligence jointly determine appropriate.";

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

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

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

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

(A) in paragraph (1)—

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

(ii) by inserting "and intelligent community" after "United States military"; and

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

(B) inserting in paragraph (3)—

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

(2) in subparagraph (A), by striking "strategy" and inserting "strategies;"

(3) in subparagraph (D), by striking "" and inserting a semicolon;

(4) by redesignating subparagraph (E) as subparagraph (D) and inserting after subparagraph (E) the following:

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

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

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

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

"(e) DEFINITIONS.—In this section:

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

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

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

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

At the end of title XII, add the following:

Subtitle H—Protecting Taiwan From Invasion

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the "Taiwan Invasion Prevention Act of 2021."

CHAPTER 1—AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES

SEC. 1292. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

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

(2) Section 2(b) of the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301(b)) states that it is the policy of the United States to "preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area;"

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

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

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

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

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

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

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

(5) It is the sense of Congress that—

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

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

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

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

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

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

"(1) a direct armed attack by the military forces of the People's Republic of China against the military forces of Taiwan;"
(2) the taking of territory under the effective jurisdiction of Taiwan by the military forces of the People’s Republic of China; or
(3) the endangering of the lives of members of the military forces of Taiwan or civilians within the effective jurisdiction of Taiwan in cases in which such members or civilians have been killed or are in imminent danger of being killed.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—
(1) SPECIFIC STATUTORY AUTHORIZATION.
Consistent with section 6(a)(1) of the War Powers Resolution (50 U.S.C. 1541(a)(1)), Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

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

(c) SENSE OF CONGRESS.—It is the sense of Congress that, at the earliest possible date after the date of the enactment of this subtitle, the President should release a public declaration that it is the policy of the United States to demand that the People’s Republic of China officially renounce the use or threat of military force in any attempt to unify with Taiwan.

(d) AUTHORIZATION PERIOD.—
(1) IN GENERAL.—The authorization for use of the Armed Forces under this section shall expire on the date that is 5 years after the date of the enactment of this Act.
(2) SENSE OF CONGRESS.—It is the sense of Congress that the authorization for use of the Armed Forces under this section should be reauthorized by a subsequent Act of Congress.

CHAPTER 2—OTHER MATTERS

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

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State and the heads of other relevant Federal agencies, should coordinate an initial meeting between members of Congress and representatives from the United States and countries in the Western Pacific area.

(b) MATTERS TO BE INCLUDED.—The regional security dialogue may consider matters relating to—
(1) coordinating lower-level military-to-military and diplomatic engagements;
(2) planning for potential military confrontation scenarios.

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

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

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

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

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

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

(d) SENSE OF CONGRESS.—It is the sense of Congress that Taiwan should dedicate additional domestic resources toward advancing its military readiness for purposes of defending Taiwan, including through—
(1) steady increases in annual defense spending as a share of gross domestic product;
(2) procurements of defense technologies that directly bolster Taiwan’s asymmetric defense capabilities;
(3) review of Taiwan’s military reserves, including increasing the length of training required and number of days required in service annually;
(4) participation with United States Armed Forces in combined military exercises; and
(5) further engagement with the United States on strengthening Taiwan’s cyber capabilities.

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

(a) IN GENERAL.—The authorization for use of the Armed Forces under this section should be—
(1) given the security considerations posed by the People’s Republic of China, the Secretary of State should accelerate the appropriate certification of arms sales to Taiwan to fully support the security needs of the United States and its allies and partners in the region;
(2) further engagement with the United States Armed Forces in combined military exercises; and
(3) provide support to Taiwan by—

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

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

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

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

SEC. 1298. HIGH-LEVEL VISITS.

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

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

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

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

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

At the end of title X, add the following:

Subtitle H—American Security Drone Act of 2021

SEC. 1071. SHORT TITLE.
This subtitle may be cited as the “American Security Drone Act of 2021”.

SEC. 1072. DEFINITIONS.

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

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

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

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

(D) Any entity domiciled in the People’s Republic of China or subject to influence or control by the Government of the People Republic of China described in paragraph (1), (2), or (3) after the date of the enactment of this Act, the United States allies and partners to improve military coordination and relations with Taiwan.

(4) participation with United States Armed Forces to enroll in Taiwan’s National Defense University; and

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

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

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SA 4286. Mr. SCOTT of Florida (for himself, Mr. HAWLEY, Mr. COTTON, and
(E) Federal criminal or national security investigations, including forensic examinations; and
(2) is required in the national interest of the United States.

(c) FEDERAL AVIATION ADMINISTRATION CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS EXEMPTION.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is for the sole purpose of conducting safety investigations.

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

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) if the operation or procurement is for the sole purpose of research, evaluation, testing, or analysis for the Federal Aviation Administration’s Alliance for System Safety of UAS through Research Excellence (AS-SURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

(g) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall establish regulations and guidance to implement this section.

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

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

(b) EXEMPTION.—The Secretary of Homeland Security or the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis by a covered foreign entity.

(c) EXCEPTIONS.—The Department of Defense, the Department of Transportation, in consultation with the Secretary of Homeland Security, may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity for the performance of a covered foreign entity.

(d) Waiver.—The head of an executive agency may waive the prohibition under subsection (a) if the operation or procurement is for the sole purpose of conducting safety investigations.

(e) National Oceanic Atmospheric Administration Exemption.—The Administrator of the National Oceanic Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of marine or atmospheric science, or a system to counter counter-unmanned aircraft systems procured by the United States Government, in consultation with the Secretary of Homeland Security, the Secretary of Defense, or the Attorney General, for—

(A) electronic warfare;
(B) information warfare operations;
(C) development of UAS or counter-UAS technology;
(D) counterterrorism or counterintelligence activities;
(E) Federal criminal or national security investigations, including forensic examinations; or
(F) the safe integration of UAS in the national airspace (as determined in consultation with the Secretary of Transportation); and
(3) is required in the national interest of the United States.

(f) Waiver.—The head of an executive agency may waive the prohibition under subsection (a) if the operation or procurement is for the sole purpose of conducting safety investigations.

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

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

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

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

(a) IN GENERAL.—Effective immediately, all executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, regardless of the manner in which such systems are procured, to prevent any covered unmanned aircraft system from being procured by the Federal Government.

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

(c) EXCEPTIONS.—The Department of Defense, the Department of Homeland Security, and other Departments as determined by the Director of the Office of Management and Budget, in consultation with the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of UAS—

(1) for non-Defense and non-intelligence community operations; and
(2) through grants and cooperative agreements entered into with non-Federal entities.

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

(1) Protections to ensure controlled access of UAS.
(2) Protecting software, firmware, and hardware by ensuring changes to UAS are properly managed, ensuring UAS can be updated using a secure, controlled, and configurable mechanism.
work security and data protection requirements of the national security enterprise;
(4) the extent to which unmanned aircraft system component parts, such as the parts described in section 1073, are made domestically;
and
(5) an assessment of the economic impact, including cost, of excluding the use of foreign-UAS for use across the Federal Government.

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

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date on which the Director of the Office of Management and Budget receives the study under subsection (b), the Director shall submit the study to—
(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and
(2) the Committee on Homeland Security and the Committee on Oversight and Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1081. SUNSET.
Sections 1073, 1074, and 1075 shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

SA 4287. Mr. SCOTT of Florida (for himself, Mr. HAWLEY, Ms. ERNST, Mr. TILLIS, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 3687 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle B of title XII add the following:

SEC. 1216. JOINT SELECT COMMITTEE ON AFGHANISTAN.
(a) Establishment.—There is established a joint select committee of Congress to be known as the “Joint Committee on Afghanistan” (in this section referred to as the “Joint Committee”).

(b) Membership.—

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

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

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

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

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

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

(3) Co-chairs.—

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

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

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

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

(c) Investigation and Report.—

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

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

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

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

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

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

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

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

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

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

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

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

(K) A full and unredacted transcript of the phone call between President Joe Biden and
President Ashraf Ghani of Afghanistan on July 23, 2021.

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

(M) An assessment of the extent to which any members of the intelligence community, the United States Armed Forces, or NATO partners supporting the mission advised the White House that the evacuation of American citizens and American citizens abroad from Afghanistan needed to be expedited.

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

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

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

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

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

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

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

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

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

(4) MEETINGS.—

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

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

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

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

(e) ADMINISTRATION.—

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

(2) EXPENSES.—In carrying out its functions, the Joint Committee is authorized to incur expenses in the same manner and under the same conditions as the Joint Economic Committee is authorized by section 11 of Public Law 79–304 (15 U.S.C. 1294 (d)).

(3) HEARINGS.—

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

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

(1) ANNOUNCEMENT.—The co-chairs of the Joint Committee shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted, including in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

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

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

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

(D) STAFF OF JOINT COMMITTEE.—

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

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

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

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

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

(2) the contrary fund of the Senate from the appropriations account “Miscellaneous Items”, subject to the rules and regulations of the Senate.

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

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

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

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

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

"(a) DEFINITIONS.—In this section:

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

(2) CONTROL.—The term ‘control’ means the power, whether direct or indirect and whether exercised through ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, representation on the board of directors of an entity, proxy voting on the board of directors of an entity, a special share in the entity, a contractual arrangement with the entity, a formal or informal arrangement to act in concert with an entity, or any other means, to determine the subject, make decisions, or cause decisions to be made for the entity.

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

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

(A) is identified by the Department of Commerce as a nonmarket economy country (as defined in section 771(b) of the Tariff Act of 1930, as amended) with respect to the enactment of the National Defense Authorization Act for Fiscal Year 2022; or

(B) was identified by the United States Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list (as determined in subsection (g)(3) of such section); and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2246).

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

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

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

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

(A) a box car;

(B) a refrigerator car;

(C) a ventilator car;

(D) an intermodal well car;
"(E) a gondola car;
"(F) a hopper car;
"(G) an auto rack car;
"(H) a flat car;
"(I) a passenger car;
"(J) a caboose car;
"(K) a tank car; and
"(L) a yard car.

"(9) SENSITIVE TECHNOLOGY.—The term ‘sensitive technology’ means any device embedded with electronics, software, sensors, or other connectivity, that enables the device to connect to, or exchange data with another device, including—
"(A) onboard telematics;
"(B) remote monitoring software;
"(C) firmware;
"(D) analytics;
"(E) global positioning system satellite and cellular location tracking systems;
"(F) event status sensors;
"(G) predictive component condition and performance monitoring sensors; and
"(H) similar sensitive technologies embedded into freight railcar components and sub-assemblies.

"(10) STATE-OWNED ENTERPRISE.—The term ‘state-owned enterprise’ means—
"(A) an entity that is owned by, or under the control of, a national, provincial, or local government of a country of concern, or an agency of such a government;
"(B) an individual acting under the direction or influence of a government or agency described in subparagraph (A);

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

"(12) USMCA.—The term ‘USMCA’ has the meaning given in the term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4592).

"(b) REQUIREMENTS FOR RAILROAD FREIGHT CARS.—

"(1) LIMITATION ON RAILROAD FREIGHT CARS.—A railroad freight car wholly manufactured on or after the date that is 1 year after the date of issuance of the regulations required under subsection (c)(1) may only operate on the United States general railroad system of transportation if—
"(A) the railroad freight car is manufactured, assembled, and substantially transformed, as applicable, by a qualified manufacturer in a qualified facility;
"(B) the sensitive technology located on the railroad freight car, including components necessary to the functionality of the sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise;
"(C) none of the content of the railroad freight car, excluding sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid United States intellectual property rights of another including such a finding by a Federal district court under title 35 or the U.S. International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

"(2) LIMITATION ON RAILROAD FREIGHT CAR COMPOSITION.—

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

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

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

"(C) PROHIBITION ON OPERATION FOR VIOLATIONS.—The Secretary of Transportation may prohibit a railroad freight car manufacturer with respect to which the Secretary has issued a consultation under paragraph (7) from providing additional railroad freight cars for operation on the United States general railroad system of transportation until the Secretary determines—

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

"(c) RULEMAKING; PENALTIES.—

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

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

"(3) COMPLIANCE.—

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

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

"(C) CIVIL PENALTIES.—

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

"(B) PROHIBITION ON OPERATION FOR VIOLATIONS.—The Secretary of Transportation may prohibit a railroad freight car manufacturer with respect to which the Secretary has issued a consultation under paragraph (7) from providing additional railroad freight cars for operation on the United States general railroad system of transportation until the Secretary determines—

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

"(2) Initial consultation.—The analysis for chapter 201 of subtitle V of title 49, United States Code, is amended by adding at the end the following:

"2019. Requirements for railroad freight cars placed into service in the United States.”.

SA 4299. Mrs. HYDE-SMITH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 585. SPACE-AVAILABLE TRAVEL FOR FAMILY MEMBERS OF MEMBERS OF ARMED FORCES WHO DIE WHILE SERVING IN ACTIVE MILITARY, NAVAL, AIR, OR SPACE SERVICE.

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

(1) by redesigning paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) Child, grandchild, son, daughter, parent, or sibling of a member of the armed forces who die while serving in the active military, naval, air, or space service (as defined in title 38, United States Code, section 101) who is a member of the family described in section 1013 of title 10, United States Code, as amended by subsection (a), are placed in a category of travelers not lower than category V.”.

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

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

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

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

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

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

(2) The amount of funding made available for other programs, including under section
284 of title 10, United States Code, that has been used to counter illicit trafficking operations emanating from Afghanistan and Central Asia during the five-year period preceding the enactment of this Act;

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

SA 4291. Mr. PORTMAN submitted an amendment intended to be proposed to the amendment agreed to by the Senate February 12, 2021, by Mr. REME and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—SECURING AMERICA’S FUTURE

SEC. 4001. SHORT TITLE.

This division may be cited as the “Securing America’s Future Act”.

TITLE I—ENSURING DOMESTIC MANUFACTURING CAPABILITIES

Subtitle A—Build America, Buy America

SEC. 4101. SHORT TITLE.

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

PART I—BUY AMERICA SOURCING REQUIREMENTS

SEC. 4111. FINDINGS.

Congress finds that—

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

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

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

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

(5) common construction materials used in public works infrastructure projects, including steel, iron, manufactured products, nonferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), concrete and other aggregate, glass (including optic glass), lumber, and drywall are not adequately covered in fiber optic cables), concrete and other aggregate building materials, and polymers used in fiber optic cables), concrete and other aggregate, glass (including optic glass), lumber, and drywall are not adequately covered in fiber optic cables), concrete and other aggregate, glass (including optic glass), lumber, and drywall are not adequately covered in fiber optic cables), concrete and other aggregate, glass (including optic glass), lumber, and drywall are not adequately covered (B) the manufactured products used in the project are produced in the United States; or

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

SEC. 4112. IDENTIFICATION OF DEFICIENT PROGRAMS.

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

(1) submit to the Office of Management and Budget and to Congress, including a separate notice to each appropriate congressional committee, a report that identifies each Federal agency’s infrastructure program, except that it does not include expenditures for assistance authorized under section 402, 403, 404, 406, 408, or 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172, 5174, or 5192) relating to a major disaster or emergency declared by the President under section 401 or 501, respectively, of such Act (42 U.S.C. 5170, 5191) or pre and post disaster or emergency response expenditures.

(b) REQUIREMENTS.—In the report under paragraph (1), the head of each Federal agency shall—

(1) identify each Federal financial assistance program for infrastructure administered by the Federal agency; and

(2) publish in the Federal Register the report under paragraph (1) on or before the date that is 30 days after the date of enactment of this Act.
(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the head of each Federal agency shall ensure that none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.

(b) WAIVER.—The head of a Federal agency that applies a domestic content procurement preference under this section may waive the application of that preference in any case in which he determines that it would not be feasible to meet such a preference.

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

(1) make publicly available in an easily accessible location a description of the project to which the waiver relates and the basis for issuance of the waiver;

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

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

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

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

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

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

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

(B) publishing in the Federal Register a second notice in response to such comments.

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

SEC. 4115. OMB GUIDANCE AND STANDARDS.

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

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

(A) to assist in identifying deficient programs under section 4114; and

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

(2) request public comments for a period of not less than 30 days.

(b) STANDARDS FOR CONSTRUCTION MATERI-

ALS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the head of each Federal agency shall issue standards for construction materials that apply to Federal financial assistance programs for infrastructure, including each deficient program, that require the use of iron, steel, manufactured products, and construction materials produced in the United States.

(2) ACCOMMODATION.—In writing standards under paragraph (1), the Secretary shall—

(A) ensure that the standards require that the use of iron, steel, manufactured products, and construction materials produced in the United States shall not exceed the cost of the overall project by more than 25 percent.

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

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

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

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

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

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

(B) publishing in the Federal Register a second notice in response to such comments.

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

SEC. 4117. APPLICATION.

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

PART II—MAKE IT IN AMERICA

SEC. 4121. REGULATIONS RELATING TO BUY AMERICAN ACT.

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

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

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

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

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

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

(B) The procedures established under this paragraph shall be consistent with the Federal Acquisition Regulation or other policy or management guidance under section 4123(a), may limit the publication of classified information, trade secrets, or other information that could damage the United States.

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

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

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

(b) GUIDELINES RELATING TO WAIVERS.—

(A) IN GENERAL.—With respect to the guidelines developed under subsection (a)(1), the Administrator shall seek to minimize waiver requests for articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding designated under section 25.400 of the Federal Acquisition Regulation; and

(B) COVERED EMPLOYMENT.—For purposes of subparagraph (A), employment refers to positions related to management, research and development, or engineering and design.

(2) AMENDMENTS TO THE PROCUREMENT LOAN GUARANTEE PROGRAM.—

(A) IN GENERAL.—To the extent otherwise permitted by law, before granting a waiver in the public interest to the guidelines developed under paragraph (1), the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies used in contracts described in subsection (a).

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

(C) USE OF FINDINGS.—The Federal agency conducting the assessment under subparagraph (A) may use the findings from the assessment into its waiver determinations.

(c) SENSE OF CONGRESS ON INCREASING DOMESTIC CONTENT REQUIREMENTS.—It is the sense of Congress that the Federal Acquisition Regulatory Council should amend the Federal Acquisition Regulation to increase the domestic content requirements for domestic end products and domestic construction material to 75 percent, or, in the event of no qualification, to 85 percent.

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

SEC. 4122. AMENDMENTS RELATING TO BUY AMERICAN ACT.

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

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

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

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

(b) DETERMINATIONS.—

(A) IN GENERAL.—Not later than 180 days after the end of the fiscal year during which the Build America, Buy America Act is enacted, and annually thereafter for 4 years, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on the total amount of acquisitions made by Federal agencies in the relevant fiscal year of materials, articles, or supplies acquired from entities that mine, produce, or manufacture the articles, materials, or supplies outside the United States.

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

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

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

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

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

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

(1) in section 8302(a)(1),—

(A) in paragraph (1)—

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

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

and

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

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

(2) in section 8303,—

(A) in subsection (b)—

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

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

“(B) to any articles, materials, or supplies procured pursuant to a defense procurement memorandum of understanding (as described in section 8304), or a trade
agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and (ii) in paragraph (3)—

(i) by striking ‘‘INCONSISTENT WITH PUBLIC INTEREST’’ and inserting ‘‘WAIVER AUTHORITY’’; and

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

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

SEC. 4123. MANUFACTURING EXTENSION PARTNERSHIP—

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

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

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

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

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

(4) Ensure that Federal contracting personnel have domestic preference compliance program information and that non-Federal recipients are regularly trained on obligations under the Buy American Act and other agency-specific domestic preference requirements.

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

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

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

(c) REPORT.—The Made in America Director shall submit to Congress an annual report on the status of the Made in America Office, its impact, and its recommendations.

(d) REVIEW OF RECIPROCAL DEFENSE AGREEMENTS.—

(1) REVIEW OF PROCESSES.—Not later than 180 days after the date of the enactment of this Act, and each Federal agency shall review the Department of Defense’s use of reciprocal defense agreements to determine if its use complies with the requirements of this section, the Federal Acquisition Regulation, and the Memorandum of Understanding, trade agreement, or designation.

(2) DESCRIPTION OF METHODS.—The Made in America Director shall report to Congress a description of the methods used by Federal agencies to calculate the percentage domestic content of articles, materials, and supplies mined, produced, or manufactured in the United States.

SEC. 4124. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP ACTIVITIES.

(a) USE OF HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP TO REFER NEW BUSINESSES TO CONTRACTING OPPORTUNITIES.—The Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Hollings Manufacturing Extension Partnership, as necessary, to ensure businesses participating in this Partnership are aware of their contracting opportunities.

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

SEC. 4125. UNITED STATES OBLIGATIONS UNDER INTERNATIONAL AGREEMENTS.

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

SEC. 4126. DEFINITIONS.

In this part—

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

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

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

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

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

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

(5) DOMESTIC PREFERENCE STATUTE.—The term ‘‘domestic preference statute’’ means any of the following:

(A) the Buy American Act;

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

(C) the Berry Amendment;

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

(E) any other law, regulation, rule, or executive order relating to Federal financial assistance awards or Federal procurement, that requires, or provides a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, construction material, and manufactured goods offered in the United States.
SEC. 4132. DEFINITIONS.

In this subtitle—

(1) every executive agency should maximize, through terms and conditions of Federal financial assistance awards and Federal procurements, the use of goods, products, or materials produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

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

(a) SPECIALTY METALS CLAUSE REFERENCE.—Section 4126(d)(1)(A) is amended by striking "section 2533b" and inserting "section 4963".

(b) BERRY AMENDMENT REFERENCE.—Section 4126(1) is amended by striking "section 2533a" and inserting "section 4962".

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

Subtitle B—BuyAmerican.gov

SEC. 4131. SHORT TITLE.

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

SEC. 4132. DEFINITIONS.

In this subtitle—

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

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

(B) section 3323(j) of title 49, United States Code;

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

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

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

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

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

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

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

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

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

(3) BUY AMERICAN WAIVER.—The term "Buy American waiver" refers to an exception to or waiver from Buy American laws, to the extent they apply, and minimize the use of waivers; and

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

SEC. 4133. SENSE OF CONGRESS ON BUYING AMERICAN.

It is the sense of Congress that—

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

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

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

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

Not later than 150 days after the date of the enactment of this Act, the Administrator of General Services shall assess the impacts in a public rule report of a Buy American waiver on United States trade agreements, the World Trade Organization Agreement on Governmental Procurement, the Federal rules permitting processes on the operation of Buy American laws, including their impacts on the implementation of domestic procurement preference programs.

SEC. 4135. JUDICIOUS USE OF WAIVERS.

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

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

SEC. 4136. ESTABLISHMENT OF BUYAMERICAN.GOV WEBSITE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall establish a BuyAmerican.gov website, the website shall provide publicly available cost comparison data may be published in lieu of or proprietary pricing information.

(b) WAIVER TRANSPARENCY AND STREAMLINING SYSTEMS.—Nothing in this subtitle shall be construed as pre-empting a waiver for a Federal contract, utilizing a Buy American waiver to satisfy an urgent contracting need in an unforeseen and exigent circumstance.

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

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

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

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

(2) SCOPE.—Information made available to the public concerning the request shall include—

(a) a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States;

(b) for requests citing unreasonable cost as the statutory basis of the waiver, a comparison of the cost of the domestic product to the cost of the foreign product or a comparison of the overall cost of the project with domestic products to the overall cost of the project with foreign products, pursuant to the requirements of the applicable Buy American law, except that publicly available cost comparison data may be published in lieu of proprietary pricing information.

(c) for requests citing the public interest as the statutory basis for the waiver, a detailed written statement, which shall include all appropriate factors, such as potential obligations under international agreements, justifying why the requested waiver is in the public interest; and

(d) a certification that the procurement official or assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

(2) WAIVER TRANSPARENCY AND STREAMLINING FOR CONTRACTS.

(a) COLLECTION OF INFORMATION.—The Administrator of General Services shall establish and maintain a BuyAmerican.gov website, the website shall provide publicly available cost comparison data may be published in lieu of proprietary pricing information.

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

(ii) the availability of the product before making a final determination.

(2) EXCEPTION.—An explanation under paragraph (1) is not a waiver for the nonavailability of which is established by law or regulation.

SEC. 4138. COMPROLLER GENERAL REPORT.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the implementation of this subtitle, including recommendations for any legislation to improve the collection and reporting of information regarding waivers of and exceptions to Buy American laws.

SEC. 4139. RULES OF CONSTRUCTION.

(a) DISCLOSURE REQUIREMENTS.—Nothing in this subtitle shall be construed as preventing, superseding, or restricting the application of any disclosure requirement or requirements otherwise provided by law, regulation, or rule.

(b) ESTABLISHMENT OF SUCCESSOR INFORMATION SYSTEMS.—Nothing in this subtitle shall
be construed as preventing or otherwise limiting the ability of the Administrator of General Services to move the data required to be included on the website established under subsection (a) to a successor information system. Any such information system shall include a reference to BuyAmerican.

SEC. 4160. CONSISTENCY WITH INTERNATIONAL AGREEMENTS.

This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 4141. PROSPECTIVE AMENDMENTS TO INTERNAL CROSS-REFERENCES.

(a) IN GENERAL.—Section 4132(1) is amended—
(1) in subparagraph (I), by striking "section 2533a" and inserting "section 4863"; and
(2) in subparagraph (J), by striking "section 2533b" and inserting "section 4865".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2022.

Subtitle C—Make PPE in America

SEC. 4151. SHORT TITLE.

This subtitle may be cited as the "Make PPE in America".

SEC. 4152. FINDINGS.

Congress makes the following findings:

(1) The COVID–19 pandemic has exposed the vulnerability of the United States supply chains for, and lack of domestic production of, personal protective equipment (PPE).

(2) The United States requires a robust, secure, and competitively-priced PPE supply chain to safeguard public health and national security.

(3) Issuing a strategy that provides the government’s anticipated needs over the next three years will enable suppliers to assess what changes, if any, are needed in their manufacturing capacity to meet demand.

(4) In order to foster a domestic PPE supply chain, United States industry needs a strong and consistent demand signal from the Federal Government providing the necessary certainty to expand production capacity investment in the United States.

(5) In order to effectively incentivize investment in the United States and the reshoring of manufacturing, long-term contracts must be no shorter than three years in duration.

(6) To accomplish this aim, the United States should seek to ensure compliance with its international obligations, such as its commitments under the World Trade Organization’s Agreement on Government Procurement and its free trade agreements, including by invoking any relevant exceptions to those agreements, especially those related to national security and public health.

(7) The United States needs a long-term investment strategy for the domestic production of PPE items critical to the United States national response to a public health crisis, including the COVID–19 pandemic.

SEC. 4153. REQUIREMENT OF LONG-TERM CONTRACTS DOMESTICALLY MANUFACTURED PERSONAL PROTECTIVE EQUIPMENT.

(a) DEFINITIONS.—In this section:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—
(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on Finance, and the Committee on Veterans Affairs of the Senate; and
(B) the Committee on Homeland Security, the Committee on Oversight and Reform, the Committee on Energy and Commerce, the Committee on Appropriations, and the Committee on Veterans’ Affairs of the House of Representatives.

(2) COVERED SECRETARY.—The term "covered Secretary" means the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs.

(3) PERSONAL PROTECTIVE EQUIPMENT.—The term "personal protective equipment" means surgical masks, respirator masks and powered air-purifying respirators, and re-quired filters, face shields and protective eyewear, gloves, disposable and reusable surgical and isolation gowns, head and foot coverings, gowns, and other things used to protect an individual from the transmission of disease.

(4) UNITED STATES.—The term "United States" means the districts of Columbia, and the possessions of the United States.

(b) CONTRACT REQUIREMENTS FOR DOMESTIC PRODUCTION.—Beginning 90 days after the date of the enactment of this Act, in order to ensure the sustainment and expansion of personal protective equipment manufacturing in the United States and meet the needs of the current pandemic response, the Secretary, in consultation with the heads of each component within the Department, shall—
(1) be issued for a duration of at least 2 years, plus all option periods necessary, to incentivize investment in the production of personal protective equipment and the materials and components thereof in the United States; and
(2) be for personal protective equipment, including the materials and components thereof, that is grown, reprocessed, reused, or produced in the United States.

(c) ALTERNATIVES TO DOMESTIC PRODUCTION.—The requirement under subsection (b) shall not apply to personal protective equipment, or component or material thereof, if, after maximizing to the extent feasible sources consistent with subsection (b), the covered Secretary—
(1) maximizes sources for personal protective equipment that is assembled outside the United States containing only materials and components that are grown, reprocessed, reused, or produced in the United States; and
(2) certifies every 120 days that it is necessary to procure personal protective equipment under alternative procedures to respond to the immediate needs of a public health emergency.

(d) AVAILABILITY EXCEPTION.—(1) In general—(A) the covered Secretary (b) and (c) shall not apply to personal protective equipment, or component or material thereof—
(i) that is, or that includes, a material listed in section 25.104 of the Federal Acquisition Regulation as one for which a nonavailability determination has been made; or
(ii) as to which the covered Secretary determines that a sufficient quantity of a satisfactory quality that is grown, reprocessed, reused, or produced in the United States cannot be purchased when, needed at United States market prices.

(2) CERTIFICATION REQUIREMENT.—The covered Secretary shall certify every 120 days that the exception under paragraph (1) is necessary to meet the immediate needs of a public health emergency.

(e) REPORT.—In general.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the covered Secretaries, shall submit to the chairs and ranking members of the appropriate congressional committees a report on the procurement of personal protective equipment.

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

(A) The United States long-term domestic procurement strategy for PPE produced in the United States, including strategies to incentivize investment in and maintain United States supply chains for all PPE sufficient to meet the needs of United States during a public health emergency.

(B) An estimate of long-term demand quantities for all PPE items procured by the United States.

(C) Recommendations for congressional action required to implement the United States Government’s procurement strategy.

(D) A determination whether all notifications, amendments, and other necessary actions have been completed to bring the United States existing international obligations into conformity with the statutory requirements of this subtitle.

(f) AUTHORIZATION OF TRANSFER OF EQUIPMENT.

In general.—A covered Secretary may transfer to the Strategic National Stockpile established under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d-6b) any excess personal protective equipment not acquired under a contract executed pursuant to subsection (b).

(2) TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.

(A) AMENDMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 529. TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.

"(a) AUTHORIZATION OF TRANSFER OF EQUIPMENT.—During a public health emergency declared by the Secretary of Health and Human Services under section 319(r) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary, at the request of the Secretary of Health and Human Services, may transfer to the Department of Health and Human Services, on a reimbursable basis, excess personal protective equipment or medically necessary equipment in the possession of the Department.

"(b) DETERMINATION BY SECRETARIES.—

"(1) IN GENERAL.—In carrying out this section—
(A) before requesting a transfer under subsection (a), the Secretary of Health and Human Services shall determine whether the personal protective equipment or medically necessary equipment is otherwise available; and
(B) before initiating a transfer under subsection (a), the Secretary of Health and Human Services shall consult with the heads of each component within the Department, shall—
(i) determine whether the personal protective equipment or medically necessary equipment requested to be transferred under subsection (a) is excess equipment; and
(ii) certify that the transfer of the personal protective equipment or medically necessary equipment will not adversely impact the health or safety of officers, employees, or contractors of the Department.

"(2) NOTIFICATION.—The Secretary of Health and Human Services and the Secretary of the Treasury shall each submit to Congress a notification explaining the determination made under subparagraphs (A) and (B), respectively, of paragraph (1).

"(3) REQUIRED INVENTORY.—

"(A) IN GENERAL.—The Secretary shall—
(i) acting through the Chief Medical Officer of the Department, maintain an inventory of all personal protective equipment and medically necessary equipment in the possession of the Department; and
(ii) make the inventory required under clause (i) available, on a continual basis, to—
“(I) the Secretary of Health and Human Services; and
“(II) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives.

“(B) The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 528 the following:

“Sec. 529. Transfer of equipment during a public health emergency.”

“(3) STRATEGIC NATIONAL STOCKPILE.—Section 321F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)) is amended by adding at the end the following:

“(6) TRANSFERS OF ITEMS.—The Secretary, in coordination with the Secretary of Homeland Security, may sell drugs, vaccines and other biological products, medical devices, or other supplies maintained in the stockpile under this section or a Federal agency or private, nonprofit, State, local, tribal, or territorial entity for immediate use and distribution, provided that any such items being sold are—

“(A) within 1 year of their expiration date; or

“(B) determined by the Secretary to no longer be needed in the stockpile due to advances in medical or technical capabilities.”

“(g) COMPLIANCE WITH INTERNATIONAL AGREEMENTS.—The President or the President’s designee shall take all necessary steps, including invoking the rights of the United States under Article III of the World Trade Organization’s Agreement on Government Procurement and the relevant exceptions of other relevant agreements to which the United States is a party, to ensure that the international obligations of the United States are consistent with the provisions of this subtitle.

TITLE II—CYBER AND ARTIFICIAL INTELLIGENCE

Subtitle A—Advancing American AI

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the “Advancing American AI Act”.

SEC. 4202. PURPOSE.

The purposes of this subtitle are to—

(1) encourage agency artificial intelligence-related programs and initiatives that enhance the competitiveness of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurialism;

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;

(3) promote adoption of modernized business practices and advanced technologies across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) improve the ability of the Federal Government to operate artificial intelligence to enhance mission effectiveness and business practice efficiency.

SEC. 4203. DEFINITIONS.

In this subtitle:

(1) the term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) ARTIFICIAL INTELLIGENCE.—The term “artificial intelligence” means—

(A) any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, whether—

(i) the data system, software, application, tool, or utility is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology; or

(ii) artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system; and

(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(4) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

(5) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

SEC. 4204. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN THE FEDERAL GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260), consider—

(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled “Key Considerations for the Responsible Development and Fielding of AI”, as updated in April 2021;

(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78559; relating to promoting the use of trustworthy artificial intelligence in Government); and

(3) the input—

(A) the Privacy and Civil Liberties Oversight Board;

(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Officers Council, and the Chief Data Officers Council;

(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts; and

(D) any other individual or entity the Director determines to be appropriate.

(b) PROCUREMENT PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, with the participation of the Chief Procurement Officer, the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties of the Department and any other person determined to be relevant by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems, including associated data of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems; and

(ii) security against misuse, degradation, or rendering inoperable of artificial intelligence-enabled systems; and

(2) the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department shall report to Congress on any additional staffing or funding resources that may be required to carry out the requirements of this subsection.

(c) INSPECTOR GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigative results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial plan with which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or service—

(i) align with the guidance issued to the head of each agency under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260);

(ii) address the ownership and security of data and other information created, used, processed, stored, maintained, disseminated, disclosed, or disposed of by a contractor on behalf of the Federal Government; and

(iv) include considerations for securing the training data, algorithms, and other components of any artificial intelligence system against misuse, unauthorized alteration, degradation, or rendering inoperable; and

(B) address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and other information.

(e) CONSULTATION.—In developing the considerations under paragraph (1)(A)(iv), the Director shall consult with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence.

(2) REVIEW.—The Director shall update the means developed under paragraph (1); and

(3) NOT LESS THAN 2 YEARS AFTER THE DATE OF ENACTMENT OF THIS ACT.—The Director shall submit to Congress any additional staffing or funding resources that may be required to carry out the requirements of paragraph (1).

(4) BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) not later than 90 days after the date of enactment of this Act and thereafter on a
quarterly basis until the Director first implements the means developed under paragraph (1); and (B) annually thereafter on the implementation of this Act.

(5) SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 4205. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 60 days after the date of enactment of this Act, and continually thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as to be appropriate by the Director, shall require the heads of each agency to—

(1) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses; (2) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information; and (3) make agency inventories available to the public, in a manner determined by the Director, and in the format prescribed in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the maintenance of an online public directory to—

(1) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(2) identify common use cases across agencies.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use of such information.

SEC. 4206. RAPID PILOT, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE TO ACHIEVE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

(a) IDENTIFICATION OF USE CASES.—Not later than 270 days after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies as to be appropriate by the Director, shall identify 4 new use cases for the application of artificial intelligence that are enabled systems to support interagency or intra-agency modernization initiatives that require linking multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—

(1) PURPOSES.—The purposes of the pilot program under this subsection include—

(A) to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and (B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall ensure the initiation of the piloting of the 4 new artificial intelligence use case applications identified under subsection (a), leveraging commercially available technological and systems to demonstrate scalable and cost-effective capability to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems; and (B) develop a risk mitigation plan to address those risks, including consideration of—

(i) the artificial intelligence system not performing as expected; (ii) the lack of sufficient or quality training data; and (iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) PRIORITIZATION.—In carrying out paragraph (2), the Director shall prioritize modernization projects that—

(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, federated learning, and secure multiparty computing; and (B) otherwise take into account considerations of civil rights and civil liberties.

(5) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in subsection (a) shall include—

(i) predictive food demand and optimized supply; (ii) predictive medical supplies and equipment demand and optimized supply; or (iii) predictive logistics to accelerate disaster preparedness, response, and recovery.

(6) REQUIREMENTS.—In coordination to accelerate agency investment return and address mission-oriented challenges, such as—

(A) applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—

(i) predictive food demand and optimized supply; (ii) predictive medical supplies and equipment demand and optimized supply; or (iii) predictive logistics to accelerate disaster preparedness, response, and recovery.

(B) applied artificial intelligence to accelerate agency investment return and address mission-oriented challenges, such as—

(i) applied artificial intelligence portfolio management for agencies; (ii) workforce development and upskilling; (iii) redundant and laborious analyses; (iv) determining compliance with Government requirements, such as with grants management; or (v) outcomes measurement to measure economic and social benefits.

(b) USE CASES IMPLEMENTATION.—

(1) REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Director, in consultation with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish an artificial intelligence capability within each of the 4 use case pilots under this subsection that—

(A) solves data access and usability issues with automated technology and eliminates or minimizes the need for manual data cleaning and harmonization efforts; (B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends or the extent possible to operate agency personnel to make better decisions and take faster actions; (C) organizes data for meaningful data visualization; and (D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible;

(2) DEPLOYMENT AND PILOT.—The Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

(c) SUNSET.—The section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 4207. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 2371b(e) of title 10, United States Code, is amended—

(1) in subsection (c), by striking $10,000,000" and inserting "$5,000,000"; and (2) by amending subsection (f) to read as follows:

(1) DEFINITIONS.—In this section—

(A) the term 'commercial item' means—

(i) any new technology, process, or method, including research and development; or

(ii) any new application of an existing technology, process, or method; and

(2) any new technology, process, or method;' and

(b) DHS OTHER TRANSACTION AUTHORITY.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)(1), by striking ''September 30, 2017' and inserting ''September 30, 2027''; and (2) by amending paragraph (2) to read as follows:

(2) PROTOTYPE PROJECTS.—The Secretary—

(A) may, under the authority of paragraph (1), carry out prototype projects under section 2371b of title 10, United States Code; and (B) in applying the authorities of such section 2371b, the Secretary shall perform the functions of the Secretary of Defense as prescribed in such section.

(3) in subsection (b)(4), by striking ''section 2371b'' and inserting ''section 2371b(e)''; and

(c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN RISK MANAGEMENT TOOLS.—The General Services Administration is encouraged to pilot commercial off the shelf supply chain risk management tools to improve the ability of the Federal Government to characterize, monitor, predict, and respond to specific supply chain threats and vulnerabilities that could inhibit future Federal acquisition operations.

Subtitle B—Cyber Response and Recovery

SEC. 4251. SHORT TITLE.

This subtitle may be cited as the "Cyber Response and Recovery Act".

November 4, 2021
SEC. 2232. DECLARATION OF A SIGNIFICANT INCIDENT.

(a) In General.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 661 et seq.) is amended by adding at the end the following:

"Subtitle C—Declaration of a Significant Incident"

"SEC. 2231. SENSE OF CONGRESS.

"It is the sense of Congress that—"

"(1) the purpose of this subtitle is to authorize the Secretary to declare that a significant incident has occurred and to establish the authorities that are provided under the declaration to respond to and recover from the significant incident; and"

"(2) the authorities established under this subtitle are intended to enable the Secretary to provide voluntary assistance to non-Federal entities impacted by a significant incident.

"SEC. 2232. DEFINITIONS.

"For the purposes of this subtitle:

"(1) Asset response activity.—The term 'asset response activity' means an activity to support an entity impacted by an incident with the response to, remediation of, or recovery from, the incident, including—"

"(A) furnishing technical and advisory assistance to protect the assets of the entity, mitigate vulnerabilities, and reduce the related impacts;

"(B) assessing potential risks to the critical infrastructure sectors or geographic region impacted by the incident, including potential cascading effects of the incident on other critical infrastructure sectors or geographic regions;

"(C) developing courses of action to mitigate the risks assessed under subparagraph (B);

"(D) facilitating information sharing and operational coordination with entities performing threat response activities; and

"(E) providing guidance on how best to use Federal resources and capabilities in a timely, effective manner to speed recovery from the incident.

"(2) Declaration.—The term 'declaration' means a declaration of the Secretary under section 2233(a)(1).

"(3) Director.—The term 'Director' means the Director of the Cybersecurity and Infrastructure Security Agency.

"(4) Federal agency.—The term 'Federal agency' has the meaning given the term 'agency' in section 3502 of title 44, United States Code.

"(5) Fund.—The term 'Fund' means the Cyber Response and Recovery Fund established under section 2233(a).

"(6) Incident.—The term 'incident' has the meaning given the term in section 3552 of title 44, United States Code.

"(7) Renewal.—The term 'renewal' means a renewal of a declaration under section 2233(d).

"(8) Significant incident.—The term 'significant incident' means a declaration of the Secretary under section 2233(d).

"(A) means an incident or a group of related incidents that occurs or is likely to result, in demonstrable harm to—"

"(i) the national security interests, foreign relations, or economy of the United States; or"

"(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and"

"(B) does not include an incident or a portion of a group of related incidents that occurs or is likely to result—"

"(i) in a national security system (as defined in section 3552 of title 44, United States Code); or"

"(ii) in an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

"SEC. 2233. DECLARATION.

"(a) In General.—

"(1) Declaration.—The Secretary, in consultation with the National Cyber Director, may declare a significant incident in accordance with this section for the purpose of enabling the activities described in this subtitle if the Secretary determines that—"

"(A) a specific significant incident—"

"(i) has occurred; or"

"(ii) is likely to occur imminentley; and"

"(B) other resources, other than the Fund, are likely insufficient to respond effectively to, or to mitigate effectively, the specific significant incident described in paragraph (A).

"(2) PROHIBITION ON DELEGATION.—The Secretary may not delegate the authority provided to the Secretary under paragraph (1).

"(3) REQUIREMENT FOR ACTIVITIES.—Upon a declaration, the Director shall coordinate—"

"(A) the asset response activities of each Federal agency in response to the specific significant incident associated with the declaration; and

"(B) with appropriate entities, which may include—"

"(A) public and private entities and State and local governments with respect to the asset response activities of those entities and governments; and

"(B) Federal, State, local, and Tribal law enforcement agencies with respect to investigations and threat response activities of those law enforcement agencies; and

"(C) Federal, State, local, and Tribal emergency management and response agencies.

"(4) DURATION.—Subject to subsection (d), a declaration shall terminate upon the earlier of—"

"(I) a determination by the Secretary that the declaration is no longer necessary; or"

"(II) the expiration of a period beginning on the date on which the Secretary makes the declaration.

"(c) NOTIFICATION AND REPORTING.

"(1) NOTIFICATION.—Upon a declaration or renewal, the Secretary shall publish a declaration or renewal in the Federal Register.

"(2) EXPENDITURE OF FUNDS.—Any expenditure from the Fund for purposes of this subtitle shall be made from amounts available in the Fund from a deposit described in paragraph (1), and amounts available in the Fund shall be in addition to any other amounts available to the Cybersecurity and Infrastructure Security Agency for such purposes.

"(3) WITH RESPECT TO A NOTIFICATION OF A DECLARATION.—The Secretary shall include in the notification—"

"(i) an estimation of the planned duration of the declaration; and"

"(ii) with respect to a notification of a declaration, the reason for the declaration, including information relating to the specific significant incident or imminent specific significant incident, including—"

"(I) an assessment of the potential impact or anticipated impact of the specific significant incident on Federal and non-Federal entities; and"

"(II) if known, the perpetrator of the specific significant incident; and"

"(d) REPORTING.—The Secretary shall require an entity that receives amounts from the Fund for purposes of this subtitle to submit a report to the Secretary that details the specific use of the amounts.

"SEC. 2234. CYBER RESPONSE AND RECOVERY FUND.

"(a) In General.—There is established a Cyber Response and Recovery Fund, which shall be available for—"

"(1) the coordination of activities described in section 2233(b);

"(2) reimbursement of asset response activities of Federal agencies for the specific significant incident associated with a declaration to Federal, State, local, and Tribal entities and public and private entities on a reimbursable or non-reimbursable basis, including through asset response activities and technical assistance, such as—"

"(A) vulnerability assessments and mitigation;

"(B) technical incident mitigation;

"(C) malware analysis;

"(D) analytical support;

"(E) threat detection and hunting; and

"(F) network protections;

"(g) with respect to a notification of a declaration, the reason for the declaration, including information relating to the specific significant incident or imminent specific significant incident, including—"

"(I) an assessment of the potential impact or anticipated impact of the specific significant incident on Federal and non-Federal entities; and"

"(II) if known, the perpetrator of the specific significant incident; and"

"(h) with respect to a notification of a declaration, the reason for the declaration, including information relating to the specific significant incident or imminent specific significant incident, including—"

"(I) an assessment of the potential impact or anticipated impact of the specific significant incident on Federal and non-Federal entities; and"

"(II) if known, the perpetrator of the specific significant incident; and"
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‘‘(b) REPORT TO CONGRESS.—Not later than 180 days after the date of a declaration or renewal, the Secretary shall submit to the appropriate congressional committees a report that includes—

‘‘(1) the reason for the declaration or renewal, including information and intelligence relating to the specific significant incident described in paragraph (1);

‘‘(2) the use of any funds from the Fund for the purpose of responding to the incident or threat described in paragraph (1);

‘‘(3) the description of the actions, initiatives, and projects undertaken by the Department and State and local governments and public and private entities in responding to and mitigating the impact of the specific significant incident described in paragraph (1);

‘‘(4) an accounting of the specific obligations and outlays of the Fund; and

‘‘(5) an analysis of—

‘‘(A) the impact of the specific significant incident described in paragraph (1) on Federal and non-Federal entities;

‘‘(B) the impact of the declaration or renewal on the response to, and recovery from, the specific significant incident described in paragraph (1); and

‘‘(C) the impact of the funds made available from the Fund as a result of the declaration or renewal on the recovery from, and response to, the specific significant incident described in paragraph (1).

‘‘Sec. 2232. Definitions.

‘‘(a) Definitions.—In this section:

‘‘(1) AGENCY.—The term ‘agency’ has the meaning given the term in section 105 of title 5, United States Code.

‘‘(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

‘‘(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

‘‘(B) the Committee on Oversight and Reform of the House of Representatives.

‘‘(3) COMPETITIVE SERVICE.—The term ‘competitive service’ has the meaning given the term in section 202 of title 5, United States Code.

‘‘(4) DIRECTOR.—The term ‘Director’ means the Director of the Office of Personnel Management.

‘‘(5) EMPLOYEE.—The term ‘employee’ means an employee serving in a position in the competitive service or the excepted service.

‘‘(6) EXCEPTED SERVICE.—The term ‘excepted service’ has the meaning given the term in section 203 of title 5, United States Code.

‘‘(7) FEDERAL RESKILLING PROGRAM.—The term ‘Federal reskilling program’ means a program established by the head of an agency or the Director to provide employees with the technical skill or expertise that would qualify the employees to serve in a different position in the competitive service or the excepted service that requires such technical skill or expertise.

‘‘(8) REQUIREMENTS.—With respect to a Federal reskilling program established by the head of an agency or by the Director before, on, or after the date of enactment of this Act, the agency head or the Director, as applicable, shall ensure that the Federal reskilling program—

‘‘(1) is implemented in a manner that is in accordance with the bar on prohibited personnel practices under section 2302 of title 5, United States Code, and consistent with the merit system principles under section 2301 of title 5, United States Code, including by using merit-based selection procedures for participation by employees in the Federal reskilling program;

‘‘(2) includes appropriate limitations or restrictions associated with implementing the Federal reskilling program, which shall be consistent with any regulations prescribed by the Director under subsection (e);

‘‘(3) provides that any new position to which an employee is reappointed in the Federal reskilling program is transferred will utilize the technical skill or expertise that the employee acquired by participating in the Federal reskilling program;

‘‘(4) includes the option for an employee participating in the Federal reskilling program to return to the original position of the employee, or a similar position, particularly if the employee is unsuccessful in the position to which the employee transfers after completing the Federal reskilling program;

‘‘(5) provides that the employee shall be entitled to have the grade of the position held immediately before the transfer in a manner in accordance with section 5382 of title 5, United States Code;

‘‘(6) provides that an employee serving in a position in the excepted service may not transfer to a position in the competitive service solely by reason of the completion of the Federal reskilling program by the employee;

‘‘(7) includes a mechanism to track outcomes of the Federal reskilling program in accordance with the metrics established under subsection (c); and

‘‘(8) REPORTING AND METRICS.—Not later than 1 year after the date of enactment of this Act, the Director shall establish reporting requirements using standardized metrics and procedures for agencies to track outcomes of Federal reskilling programs, which shall include, with respect to each Federal reskilling program—

‘‘(1) providing a summary of the Federal reskilling program;

‘‘(2) collecting and reporting demographic and employment data with respect to employees who have applied for, participated in, or completed the Federal reskilling program;

‘‘(3) reporting the attrition of employees who have completed the Federal reskilling program; and

‘‘(4) any other measures or outcomes that the Director determines to be relevant.

‘‘(d) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive study of, and submit to Congress a report on, Federal reskilling programs that includes—

‘‘(1) a summary of each Federal reskilling program and methods by which each Federal reskilling program recruits, selects, and re-trains employees;

‘‘(2) an analysis of the accessibility of each Federal reskilling program for a diverse set of candidates;

‘‘(3) an evaluation of the effectiveness, costs, and benefits of the Federal reskilling programs; and

‘‘(4) recommendations to improve Federal reskilling programs to accomplish the goal of reskilling the Federal workforce.

‘‘(e) REGULATIONS.—The Director—

‘‘(1) not later than 1 year after the date of enactment of this Act, shall prescribe regulations for the reporting of requirements and metrics and procedures under subsection (c);

‘‘(2) may prescribe additional regulations, as the Director determines necessary, to prescribe supplemental requirements with respect to, and the implementation of, Federal reskilling programs; and

‘‘(3) with respect to any regulation prescribed under this subsection, shall brief the appropriate committees of Congress with respect to the regulation not later than 30 days before the date on which the final version of the regulation is published.

‘‘(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the head of an agency or the Director to establish a Federal reskilling program.

‘‘(g) USE OF FUNDS.—Any Federal reskilling program established by the head of an agency or by the Director shall be conducted using amounts otherwise made available to that agency head or the Director, as applicable.

Subtitle B—Federal Rotational Cyber Workforce Program

SEC. 4351. SHORT TITLE.

This subtitle may be cited as the ‘‘Federal Rotational Cyber Workforce Program Act of 2021.’’

SEC. 4352. DEFINITIONS.

In this subtitle:

‘‘(1) AGENCY.—The term ‘agency’ has the meaning given the term ‘Executive agency’ in section 105 of title 5, United States Code, except that the term does not include the Government Accountability Office.
(2) COMPETITIVE SERVICE.—The term ‘‘competitive service’’ has the meaning given that term in section 2102 of title 5, United States Code.

(3) COUNCILS.—The term ‘‘Councils’’ means—

(A) the Chief Human Capital Officers Council established under section 1303 of the Chief Human Capital Officers Act of 2002 (5 U.S.C. 1401 note); and

(B) the Chief Information Officers Council established under section 333 of title 44, United States Code.

(4) CYBER WORKFORCE POSITION.—The term ‘‘cyber workforce position’’ means a position identified as having information technology, cybersecurity, or other cyber-related functions under section 303 of the Federal Cybersecurity Workforce Assessment Act of 2015 (5 U.S.C. 303).

(5) DIRECTOR.—The term ‘‘Director’’ means the Director of the Office of Personnel Management.

(6) EMPLOYEE.—The term ‘‘employee’’ has the meaning given the term in section 2105 of title 5, United States Code.

(7) EMPLOYING AGENCY.—The term ‘‘employing agency’’ means the agency from which an employee is detailed to a rotational cyber workforce position by the Director.

(8) EXCEPTED SERVICE.—The term ‘‘excepted service’’ has the meaning given that term in section 2102 of title 5, United States Code.

(9) ROTATIONAL CYBER WORKFORCE POSITION.—The term ‘‘rotational cyber workforce position’’ means a cyber workforce position with respect to which a determination has been made under section 4353(a).

(10) ROTATIONAL CYBER WORKFORCE PROGRAM.—The term ‘‘rotational cyber workforce program’’ means the program for the detail of employees among rotational cyber workforce positions at agencies.

(11) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Homeland Security.

SEC. 4353. ROTATIONAL CYBER WORKFORCE POSITIONS.

(a) DETERMINATION WITH RESPECT TO ROTATIONAL SERVICE.—

(1) IN GENERAL.—The head of each agency may determine that a cyber workforce position in that agency is eligible for the rotational cyber workforce program, which shall not be made under section 4353(b); and

(2) OPM APPROVAL FOR CERTAIN POSITIONS.—The head of an agency shall submit to the Director—

(A) notice regarding any determination made by the head of the agency under paragraph (1); and

(B) for each position with respect to which the head of the agency makes a determination under paragraph (1), the information required by section 4353(b)(1).

(b) PREPARATION OF LIST.—The Director, with assistance from the Councils and the Secretary, shall prepare a list of rotational cyber workforce positions that—

(1) with respect to each such position, to the extent that the information does not disclose sensitive national security information, includes—

(A) the title of the position;

(B) the occupational series with respect to the position;

(C) the grade level or work level with respect to the position;

(D) the agency in which the position is located;

(E) the duty location with respect to the position; and

(F) the major duties and functions of the position;

(2) shall be used to support the rotational cyber workforce program.

(c) DISTRIBUTION OF LIST.—Not less frequently than annually, the Director shall distribute an updated list developed under subsection (b) to the head of each agency and other appropriate entities.

SEC. 4354. ROTATIONAL CYBER WORKFORCE PROGRAM.

(a) OPERATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, and in consultation with the Councils, the Secretary shall select the agencies, and any other entity as the Director determines appropriate, that shall participate in the rotational cyber workforce program if the head of the employing agency, in accordance with section 300.301 of this title, submits an application for participation in the rotational cyber workforce program in a participating agency that appears on the list developed under section 4353(b).

(2) REQUIREMENTS.—The operation plan developed and issued under subsection (a) shall, at a minimum—

(A) identify agencies for participation in the rotational cyber workforce program;

(B) establish procedures for the rotational cyber workforce program; and

(C) appropriate rotational cyber workforce program performance measures, reporting requirements, employee exit surveys, and other accounts of devices for the evaluation of the program.

(3) PROVIDE THAT PARTICIPATION IN THE ROTATIONAL CYBER WORKFORCE PROGRAM BY AN EMPLOYEE SHALL BE VOLUNTARY.

(d) SERVICE AGREEMENTS.—An employee serving in a position in an excepted service may enter into a written service agreement with the employing agency to the extent that the information does not disclose sensitive national security information, including—

(A) the title of the position; and

(B) the occupational series with respect to the position.

(2) PREPARE A LIST OF ROTATIONAL CYBER WORKFORCE POSITIONS.—The head of an agency may agree, to partner to ensure that the employing agency of an employee who participates in the rotational cyber workforce program is able to fill the position vacated by the employee; and

(3) REQUIRE THAT AN EMPLOYEE DETAINED TO A ROTATIONAL CYBER WORKFORCE POSITION UNDER THE ROTATIONAL CYBER WORKFORCE PROGRAM REMAIN WITH THE EMPLOYING AGENCY FOR AT LEAST 1 YEAR.

(e) PREPARE DETAILED APPLICATIONS.—The Director shall submit to the head of each participating agency a detailed application for participation in the rotational cyber workforce program in a participating agency that appears on the list developed under section 4353(b).

(f) REQUIRE THAT AN EMPLOYEE DETAINED TO A ROTATIONAL CYBER WORKFORCE POSITION UNDER THE ROTATIONAL CYBER WORKFORCE PROGRAM REMAIN WITH THE EMPLOYING AGENCY FOR AT LEAST 1 YEAR.

(g) REQUIRE THAT AN EMPLOYEE DETAINED TO A ROTATIONAL CYBER WORKFORCE POSITION UNDER THE ROTATIONAL CYBER WORKFORCE PROGRAM REMAIN WITH THE EMPLOYING AGENCY FOR AT LEAST 1 YEAR.

(h) REQUIRE THAT AN EMPLOYEE DETAINED TO A ROTATIONAL CYBER WORKFORCE POSITION UNDER THE ROTATIONAL CYBER WORKFORCE PROGRAM REMAIN WITH THE EMPLOYING AGENCY FOR AT LEAST 1 YEAR.
an employing agency from terminating a service agreement entered into under any other authority under the terms of such agreement or as required by law or regulation.

SEC. 4355. REPORTING BY GAO.
Not later than the end of the third fiscal year after the fiscal year in which the operation or procurement is commenced, and in any fiscal year in which the operation or procurement is completed, the Comptroller General of the United States shall submit to Congress a report assessing the operation and effectiveness of the rotational cyber workforce program, which shall address—

(1) the extent to which agencies have participated in the rotational cyber workforce program, including whether the head of each such agency was able to—

(A) identify positions within the agency that are rotational cyber workforce positions;

(B) had employees from other participating agencies serve in positions described in subparagraph (A); and

(C) had employees of the agency request to serve in rotational cyber workforce positions under the rotational cyber workforce program in participating agencies, including a description of how many such requests were approved; and

(2) the experiences of employees serving in rotational cyber workforce positions under the rotational cyber workforce program.

SEC. 4356. SUNSET.
Effective 5 years after the date of enactment of this Act, this subtitle is repealed.

TITLE IV—OTHER MATTERS

Subtitle A—Ensuring Security of Unmanned Aircraft Systems

SEC. 4401. SHORT TITLE.
This subtitle may be cited as the “American Security Drone Act of 2021”.

SEC. 4402. DEFINITIONS.
In this subtitle—

(1) COVERED FOREIGN ENTITY.—The term “covered foreign entity” means an entity included on a list developed and maintained by the Secretary of Homeland Security. This list will include entities in the following categories:

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

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

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

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

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

(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term “covered unmanned aircraft system” has the meaning given the term “unmanned aircraft system” in section 4801 of title 49, United States Code.

SEC. 4403. PROHIBITION ON PROCUREMENT OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Except as provided under subsection (b) through (f), the head of an executive agency has no authority to acquire any covered unmanned aircraft system or any component of any covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity that includes associated elements (including existing communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system. The Federal Acquisition Security Council, in coordination with the Secretary of Transportation, shall develop and update a list of associated elements.

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

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

(A) electronic warfare;

(B) information warfare operations;

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

(D) counterterrorism or counterintelligence activities; or

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

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

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

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

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

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

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

(2) upon notification to Congress.

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

SEC. 4405. PROHIBITION ON USE OF FEDERAL FUNDS TO PURCHASE AND OPERATE OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

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

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

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis for—

(A) electronic warfare;

(B) information warfare operations;

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

(D) counterterrorism or counterintelligence activities; or

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

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

(c) FEDERAL AVIATION ADMINISTRATION CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS EXEMPTION.—The FAA, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis for the FAA’s National Center for UAS Safety Center of Excellence (AS-SURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

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

(e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is for the sole purpose of conducting safety investigations.
SEC. 4409. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEMS.

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

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

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

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

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

(A) electronic warfare; or

(B) information warfare operations;

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

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

(4) where determined by the Secretary of Homeland Security, the Secretary of Defense, or the Attorney General, for—

(A) electronic warfare; (B) information warfare operations; (C) development of UAS or counter-UAS technology; (D) counterterrorism or counterintelligence operations; or (E) Federal criminal or national security investigations, including forensic examinations.

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

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

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

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

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

(5) Appropriate data security to ensure that data is transmitted to or stored in non-approved locations.

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

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

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

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

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

SEC. 4411. SUNSET.

Sections 4403, 4404, and 4405 shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.
(3) the term ‘information technology’ has the meaning given that term in section 11091 of title 40, United States Code.

(b) PROHIBITION ON THE USE OF TICTOK.

(1) Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code, shall develop standards and guidelines for executive agencies requiring the removal of any covered application from information technology.

(2) NATIONAL SECURITY AND RESEARCH EXEMPTIONS.—The standards and guidelines developed under paragraph (1) shall include:

(A) exceptions for law enforcement activities, national security interests and activities, and security researchers; and

(B) for any authorized use of a covered application under an exception, requirements for executive agencies to develop and document mitigation actions for such use.

Subtitle C—National Risk Management

SEC. 4461. SHORT TITLE.

This subtitle may be cited as the ‘National Risk Management Act of 2021’.

SEC. 4462. NATIONAL RISK MANAGEMENT CYCLE.

(a) In General.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end of the following:

‘‘SEC. 2218. NATIONAL RISK MANAGEMENT CYCLE.

‘‘(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, the term ‘national critical functions’ means the functions of government and the private sector so vital to the country that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, or public health and safety; ‘‘(ii) assess the implementation of the previous national critical infrastructure resilience strategy designed to address the risks identified by the Secretary; ‘‘(iv) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each; and ‘‘(v) request any additional authorities necessary to successfully execute the strategy.’’

(b) Elements.—Each strategy delivered under subparagraph (A) shall—

‘‘(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical infrastructure functions impacting national security, economic security, or public health and safety; ‘‘(ii) the amounts and timeline for funding such activities—

‘‘(A) the Committee on Homeland Security and Governmental Affairs of the Senate; ‘‘(B) the Committee on Commerce, Science, and Transportation of the Senate; ‘‘(C) the Select Committee on Intelligence of the Senate; ‘‘(D) the Committee on Foreign Relations of the Senate; ‘‘(E) the Committee on Armed Services of the Senate; ‘‘(F) the Committee on Health, Education, Labor, and Pensions of the Senate; ‘‘(G) the Committee on Oversight and Governmental Reform of the House of Representatives; ‘‘(H) the Committee on Homeland Security of the House of Representatives; ‘‘(I) the Committee on Energy and Commerce of the House of Representatives; ‘‘(J) the Permanent Select Committee on Intelligence of the House of Representatives; ‘‘(K) the Committee on Foreign Affairs of the House of Representatives; ‘‘(L) the Committee on Armed Services of the House of Representatives; and ‘‘(M) the Committee on Education and Labor of the House of Representatives.

‘‘(2) for any authorized use of a covered application under an exception, requirements for executive agencies to develop and document mitigation actions for such use.

(b) Elements.—Each strategy delivered under subparagraph (A) shall—

‘‘(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical infrastructure functions impacting national security, economic security, or public health and safety; ‘‘(ii) the amounts and timeline for funding such activities—

‘‘(A) the Committee on Homeland Security and Governmental Affairs of the Senate; ‘‘(B) the Committee on Commerce, Science, and Transportation of the Senate; ‘‘(C) the Select Committee on Intelligence of the Senate; ‘‘(D) the Committee on Foreign Relations of the Senate; ‘‘(E) the Committee on Armed Services of the Senate; ‘‘(F) the Committee on Health, Education, Labor, and Pensions of the Senate; ‘‘(G) the Committee on Oversight and Governmental Reform of the House of Representatives; ‘‘(H) the Committee on Homeland Security of the House of Representatives; ‘‘(I) the Committee on Energy and Commerce of the House of Representatives; ‘‘(J) the Permanent Select Committee on Intelligence of the House of Representatives; ‘‘(K) the Committee on Foreign Affairs of the House of Representatives; ‘‘(L) the Committee on Armed Services of the House of Representatives; and ‘‘(M) the Committee on Education and Labor of the House of Representatives.

‘‘(2) for any authorized use of a covered application under an exception, requirements for executive agencies to develop and document mitigation actions for such use.

Subtitle D—Safeguarding American Innovation

SEC. 4491. SHORT TITLE.

This subtitle may be cited as the ‘Safeguarding American Innovation Act’.

SEC. 4492. DEFINITIONS.

In this subtitle:

(1) FEDERAL SCIENCE AGENCY.—The term ‘Federal science agency’ means any Federal department or agency to which more than $100,000,000 in basic and applied research and development funds were appropriated for the previous fiscal year.

(2) RESEARCH AND DEVELOPMENT.—

(A) In General.—The term ‘research and development’ or ‘R&D’ means all research activities, both basic and applied, and all development activities.

(3) DEVELOPMENT.—The term ‘development’ means experimental development.

(4) EXPERIMENTAL DEVELOPMENT.—The term ‘experimental development’ means unclassified research and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) results in gaining additional knowledge.

(5) INSIDER.—The term ‘insider’ means any person with authorized access to any classified or other sensitive United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.
“(6) INSIDER THREAT.—The term ‘insider threat’ means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security interests of the United States or negatively affect the integrity of a Federal agency’s normal processes, including damaging the United States through espionage, sabotage, or authorized disclosure of national security information or nonpublic information, a destructive act (which may include physical harm to another in the workplace) through the loss or degradation of departmental resources, capabilities, and functions.

“(7) RESEARCH AND DEVELOPMENT.—The term ‘research and development’ means all research activities, both basic and applied, and all development activities.

“(B) DEVELOPMENT.—The term ‘development’ means experimental development.

“(C) EXPERIMENTAL DEVELOPMENT.—The term ‘experimental development’ means creative and systematic work, drawing upon scientific knowledge gained from research and practical experience, which—

“(i) is directed toward the production of new products or processes or improving existing products or processes; and

“(ii) like research, will result in gaining additional knowledge.

“(D) RESEARCH.—The term ‘research’—

“(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

“(ii) includes activities involving the training of individuals in research techniques if such activities—

“(I) utilize the same facilities as other research development activities; and

“(II) are not included in the instruction function.

“(8) UNITED STATES RESEARCH COMMUNITY.—The term ‘United States research community’ means—

“(A) research and development centers of Executive agencies;

“(B) private research and development centers in the United States, including for profit and nonprofit research institutes;

“(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

“(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

“(E) government-owned, contractor-operated United States Government research and development centers;

“(F) any person conducting federally funded research or receiving Federal research grant funding.

“§ 7902. Federal Research Security Council establishment and membership

“(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The following agencies shall be represented on the Council, which shall develop the Federal research and development grant making policy and management guidance to protect the national and economic security interests of the United States:

“(A) The Office of Management and Budget;

“(B) The Office of Science and Technology Policy;

“(C) The Department of Defense;

“(D) The Department of Homeland Security;

“(E) The Office of the Director of National Intelligence;

“(F) The Department of Justice.

“(G) The Department of Energy;

“(H) The Department of Commerce.

“(I) The Department of Health and Human Services.

“(J) The Department of State.

“(K) The Department of Transportation.

“(L) The National Aeronautics and Space Administration.

“(M) The National Science Foundation.

“(N) The Department of Education.

“(O) The Small Business Administration.

“(P) The Council of Inspectors General on Integrity and Efficiency.

“(Q) Other Executive agencies, as determined by the Chairperson of the Council.

“(2) LEAD REPRESENTATIVES.—

“(A) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

“(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall—

“(I) ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council;

“(II) COMMUNICATION.—The Chairperson shall be the lead representative of each agency represented on the Council.

“(3) DEVELOPMENT.—The Chairperson shall perform functions that include—

“(A) subject to subsection (d), developing a schedule for meetings of the Council;

“(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

“(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council;

“(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

“(B)achelors, internal oversight of the National Counterintelligence and Security Center and the National Counterintelligence and Security Center to be the lead security advisor to the Council for purposes of this chapter.

“(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

“§ 7903. Functions and authorities

“(a) DEFINITIONS.—In this section:

“(1) IMPLEMENTING.—The term ‘implementing’ means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place processes to enforce the measures described in this section.

“(2) UNIFORM APPLICATION PROCESS.—The term ‘uniform application process’ means a process for all Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

“(b) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining Council responsibilities. The Council shall perform the following functions:

“(1) Developing and implementing, across all Executive agencies that award research and development grants, awards, and contracts, a uniform application process for grant award processes.

“(2) Developing and implementing policies and providing guidance to prevent malicious foreign interference from unduly influencing the peer review process and federally funded research and development.

“(3) Identifying or developing criteria for sharing among Executive agencies and with law enforcement and other agencies, as appropriate, information regarding individuals who violate disclosure policies and other policies relating to research security.

“(4) Identifying an appropriate Executive agency to—

“(A) accept and protect information submitted by Executive agencies, non-Federal entities based on the process established pursuant to paragraph (1); and

“(B) facilitate the sharing of information received under subparagraph (A) to support, consistent with Federal law—

“(i) the oversight of federally funded research and development;

“(ii) the criminal and civil investigations of misappropriated Federal funds, resources, and information; and

“(iii) counterintelligence investigations.

“(B) identify, appropriate, Executive agencies to provide—

“(A) shared services, such as support for certifying federal civilian security risk assessments, activities to mitigate identification risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

“(B) common contract solutions to support the verification of the identities of persons participating in federally funded research and development.

“(6) Identifying and issuing guidance, in accordance with subsection (e) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for expanding the scope of Executive agency insider threat programs, including the safeguarding of research and development from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each agency.

“(7) Identifying and issuing guidance for developing compliance and oversight programs on Federal research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (c) of this section. Such programs shall include an assessment of—

“(A) a grantee’s support from foreign sources and affiliations, appointments, or participation in talent programs with foreign funding institutions or laboratories; and

“(B) the impact of such support and affiliations, appointments, or participation in talent programs with foreign funding institutions or laboratories.

“(8) Providing guidance to Executive agencies regarding appropriate application of consequences for violations of disclosure requirements.

“(9) Developing and implementing a cross-agency policy and providing guidance related to the use of digital persistent identifiers for individual researchers supported by, or working on, any Federal research grant with the goal to enhance transparency and security, while reducing administrative burden for researchers and research institutions.

“(10) Engaging with the United States research community in conjunction with the National Science and Technology Council and the National Academies Science, Technology, and Security Roundtable created
under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 42 U.S.C. 6601 note) in performing the functions described in paragraphs (1) and (2) and with respect to issues relating to Federal research security risks.

(11) Carrying out such other functions, consistent with Federal law, that are necessary to reduce Federal research security risks.

(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (a), the Council shall—

(1) ensure that the process—

(A) requires principal investigators, co-principal investigators, and key personnel associated with proposed Federal research or development grant project—

(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments or foreign government agencies, laboratories, and support received from foreign sources; and

(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

(B) uses a matched-record application form to assist in identifying fraud and ensuring the eligibility of applicants; and

(2) design the process—

(A) to minimize any administrative burden on persons applying for Federal research and development funding; and

(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

(d) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information with respect to Federal research security risks under subsection (b)(3), the Council shall ensure that such criteria address, at a minimum—

(1) the information to be shared; and

(2) the circumstances under which sharing is required or voluntary;

(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing, exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants; or

(4) the procedures for protecting intellec
tual capital that may be present in such information; and

(5) appropriate privacy protections for persons involved in Federal research and development.

(e) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing a strategy to protect Federal agencies from insider threats, the Council shall ensure that such guidance provides for, at a minimum—

(1) such programs—

(A) to deter, detect, and mitigate insider threats; and

(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

(2) the development of an integrated capability for interagency and audit information for the detection and mitigation of insider threats, including through—

(A) monitoring user activity on computer networks associated with Executive agencies; and

(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

(3) gathering information for a centralized analysis, reporting, and response capability; and

(4) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

(5) the implementation of policies and procedures under which the insider threat program of an Executive agency accesses, shares, and integrates information and data across the research and development grant project—

(A) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

(B) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

(f) ISSUE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

(1) IN GENERAL.—The Council, in conjunction with the Director of National Intelligence, shall establish a process for informing members of the United States research community and the public, through oral and written warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

(i) to exploit, interfere, or undermine research and development by the United States research community; or

(ii) to inappropriate scientific knowledge resulting from federally funded research and development; and

(B) efforts by competitors to exploit the research enterprise of a foreign country that may place at risk—

(i) the science and technology of that foreign country; or

(ii) federally funded research and development; and

(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Director of the Office of Science and Technology Policy that detail—

(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments; and

(2) Federal agencies' performance and compliance with interagency suspensions and debarments;

(h) identification and data derived from offices within the Executive agencies shall be designated under section 7902(c)(4), shall establish a report to the appropriate congressional committees and task forces on persons applying for Federal research and development funding; and

(2) the circumstances under which it is appropriate to alter or diminish the authority of any Federal agency; or

(iii) to alter, any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

(h) SAVINGS PROVISION.—Nothing in this section may be construed—

(1) to alter or diminish the authority of any Federal agency; or

(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

(1) IN GENERAL.—Not later than November 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees that describes the activities of the Council during the preceding fiscal year.

(2) CONTENT.—The report described in paragraph (1) shall include—

(A) a description of any Federal research security risks posed by persons participating in federally funded research and development;

(B) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b); and

(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States; and

(4) ensuring that initiatives impacting Federally funded research grant making policy and management of the national security and economic security interests of the United States are integrated with the activities of the Council.

(i) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

(A) identifying, implementing, and overseeing overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

(B) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

(C) sharing relevant information with other Executive agencies, as determined appropriate by the Council, in a manner consistent with section 7903; and

(2) Federal agencies' performance and compliance with interagency suspensions and debarments; and

(3) prioritizing Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

(i) to alter or diminish the authority of any Federal agency; or

(C) does not include—

SEC. 4494. FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after the end the following:

"§ 7901. Federal Research Security Coun

"7901. Federal grant application fraud.

(a) DEFINITIONS.—In this section:

(A) FEDERAL AGENCY.—The term ‘Federal agency’ means the term ‘agency’ in section 551 of title 5, United States Code.

(B) FEDERAL GRANT.—The term ‘Federal grant’ means a Federal grant made by a Federal agency to a grantee to carry out a Federal grant program; and

(C) does not include—

"(b) SAVINGS PROVISION.—Nothing in this section may be construed—

(1) to alter or diminish the authority of any Federal agency; or

(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

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(2) CONTENT.—The report described in paragraph (1) shall include—

(A) a description of any Federal research security risks posed by persons participating in federally funded research and development;

(B) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b); and

(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States; and

(4) ensuring that initiatives impacting Federally funded research grant making policy and management of the national security and economic security interests of the United States are integrated with the activities of the Council.

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(B) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

(C) sharing relevant information with other Executive agencies, as determined appropriate by the Council, in a manner consistent with section 7903; and

(2) Federal agencies' performance and compliance with interagency suspensions and debarments; and

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(B) FEDERAL GRANT.—The term ‘Federal grant’ means a Federal grant made by a Federal agency to a grantee to carry out a Federal grant program; and

(C) does not include—
"(d) Penalty.—Any individual who vio-
lates subsection (b)—
(1) shall be fined in accordance with this
title, imprisoned for not more than 5 years,
or both; and
(2) shall be prohibited from receiving a
Federal grant during the 5-year period begin-
nning on the date on which a sentence is im-
posed on the individual under paragraph (1)."

(b) Clerical Amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the fol-
lowing:

"1041. Federal grant application fraud."

SEC. 4495. RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

(a) GROUNDS OF INADMISSIBILITY.—The Sec-
retary of State may determine that an alien
is inadmissible if the Secretary determines
such alien is seeking to enter the United
States to knowingly acquire sensitive or
emerging technologies to undermine na-
tional security interests of the United
States by benefitting an adversarial foreign
government’s security or strategic capabilities.

(b) RELEVANT FACTORS.—To determine if
an alien is inadmissible under subsection (a), the Secretary of State
shall—
(1) take account of information and anal-
yses relevant to implementing subsection (a)
and the Committee on Foreign Relations of
the Senate; the Committee on Commerce, Science,
and Transportation of the Senate; the Com-
mittee on the Judiciary of the Senate; the Com-
mittee on Homeland Security, the Secretary of
State, the Department of Defense, the Depart-
ment of Homeland Security, the Department of
Energy, the Department of Commerce, and other appropriate Federal
agencies;
(2) take account of relevant information
concerning the foreign person’s employment
or collaboration, to the extent known,
with—
(A) foreign military and security related
organizations that are adversarial to
the United States;
(B) foreign institutions involved in
the theft of United States research;
(C) entities involved in export control viola-
tions or the theft of intellectual property;
(D) a government that seeks to undermine
the integrity and security of the United
States; and
(E) any other associations or collabora-
tions that pose a national security threat based on
intelligence assessments; and
(3) weigh the proportionality of risks and
the factors listed in paragraphs (1) through
(3).

(c) REPORTING REQUIREMENT.—Not later
than 180 days after the date of the enactment
of this Act, and semi-annually thereafter until
the sunset date set forth in subsection (e), the Secretary of State, in coordination
with the Director of National Intelligence,
the Director of the Office of Science and
Technology Policy, the Secretary of Home-
land Security, the Secretary of Defense, the
Secretary of the Department of Commerce,
and the heads of other appropriate Federal
agencies, shall submit a report to the Com-
mittee on the Judiciary of the Senate,
the Committee on Homeland Security and
Governmental Affairs of the Senate, the
Committee on Homeland Security and
Governmental Affairs of the Senate, the
Committee on the Judiciary of the House
of Representatives, the Committee on
Foreign Affairs of the House of Represen-
tatives, the Committee on Homeland Security
of the House of Representatives, the
Committee on the Judiciary of the House
of Representatives, the Committee on
Governmental Affairs of the House of
Representatives, and the Committee on Foreign Affairs of the House
of Representatives that—
(1) describes how supplementary
documents provided by a visa applicant in
support of a visa application are stored and
shared by the Department of State with au-
thorized Federal agencies;
(2) identifies the sections of a visa appli-
cation that are machine-readable and the sec-
tions that are not machine-readable;
(3) provides cost estimates, including per-
sonnel costs and a cost-benefit analysis for
adapting different technologies, including
optical character recognition, for-
matting the electronic version of a visa appli-
cation, and documents submitted in support
of a visa application, machine-readable; and
(B) ensuring that such system—
(i) provides for the protection of per-
sonally-identifiable information; and
(ii) permits the sharing of visa informa-
tion with Federal agencies in accordance with
existing law; and
(4) includes an estimated timeline for
completing the implementation of subsection (a).
enforce the competitiveness of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurship.

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;

(3) promote adoption of modernized business practices and advanced technologies across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) test and harness applied artificial intelligence to enhance mission effectiveness and business practice efficiency.

SEC. 4202. DEFINITIONS.

In this subtitle—

(1) AGENCY.—The term ‘agency’ has the meaning given the term in section 3502 of title 44, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Oversight and Reform of the House of Representatives.

(3) ARTIFICIAL INTELLIGENCE.—The term ‘artificial intelligence’ has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2388 note).

(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The term ‘artificial intelligence system’—

(A) means any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, whether—

(i) the data system, software, application, tool, or utility is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology; or

(ii) the artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system; and

(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(5) DEPARTMENT.—The term ‘Department’ means the Department of Homeland Security.

(6) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

(7) EMBARGO.—The term ‘embargo’ means an embargo of the type described in title I of division U of Public Law 116–260.

(8) EXPORT CONTROLLED TECHNOLOGY.—The term ‘export controlled technology’—

(A) means any items, materials, information, or technology controlled technology or technical data by the department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; or

(B) if the sponsor maintains export controlled technology or technical data, the sponsor to submit to the Department of State the sponsor’s plan to prevent unauthorized export of any controlled items, materials, information, or technology to the sponsor organization or entities associated with a sponsor’s administration of the exchange visitor program.

SEC. 4203. DEFINITIONS.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial plan by which to—

(i) ensure that contracts for the acquisition of an artificial intelligence system or service—

(A) align with the guidance issued to the head of each agency under section 19(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260); and

(B) address the employment of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigatory results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(2) ARTIFICIAL INTELLIGENCE PRIVACY, SECURITY, AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—In establishing the initial plan under subsection (a), each of the heads of the National Security Council, the Director of National Intelligence, the UnderSecretary for Civil Rights and Civil Liberties of the Department of Homeland Security, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties shall include in their initial plan by which to—

(i) describe and implement policies and procedures for—

(A) requiring agencies to release any information that they receive, maintain, and process with respect to the artificial intelligence system or service, including data and other information that is developed, used, processed, stored, maintained, disseminated, or disposed of by an agency or contractor responsible for the use of the artificial intelligence system or service, that is used to support or enable the operation of the artificial intelligence system or service; and

(ii) protect against unauthorized access, use, alteration, destruction, or disclosure of data or any other information that is developed, used, processed, stored, maintained, disseminated, or disposed of by an agency or contractor responsible for the use of the artificial intelligence system or service in a manner that is consistent with the Federal Information Security Management Act of 2002 (44 U.S.C. 3541 et seq.) and other governmental and nongovernmental privacy, civil rights, and civil liberties practices.

(iv) address the employment of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigatory results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(3) PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.—

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 19(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260), consider—

(i) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled ‘Key Considerations for the Responsible Development and Fielding of AI’, as updated in April 2021;

(ii) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78839; relating to promoting the use of trustworthy artificial intelligence in Government); and

(iii) the input of—

(A) the Privacy and Civil Liberties Oversight Board;

(B) relevant interagency councils, such as the Artificial Intelligence Interagency Council on the use of Artificial Intelligence in Government; and

(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts; and

(iv) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE.—

Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer, the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties of the Department and any other person determined to be relevant by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems, including associated data of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems; and

(ii) security against misuse, degradation, or rendering inoperable of artificial intelligence-enabled systems;

(2) the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department shall report to Congress on any additional staffing and funding resources that may be required to carry out the requirements of this subsection.

(c) INSPECTOR GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department shall identify any training and investments that may be necessary to ensure the Office of the Inspector General continues to fulfill its mission.

(d) COORDINATION.—The heads of the National Security Council, the Director of National Intelligence, the UnderSecretary for Civil Rights and Civil Liberties of the Department of Homeland Security, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties shall, in consultation with the Office of the Inspector General, report to Congress on any additional staffing and funding resources.

(e) OMB.—Not later than 180 days after the date of enactment of this Act, the Office of Management and Budget shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations of the Senate on the current state of—

(i) the Department’s efforts to implement the principles and policies required by this subtitle; and

(ii) the Department’s activities to implement the principles and policies required by this subtitle.
B address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and other information.

2. CONSULTATION.—In developing the considerations under paragraph (1), the Director shall consult with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence.

3. REVIEW.—The Director—

(A) should continuously update the means developed under paragraph (1); and

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1).

4. BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) not later than 90 days after the date of enactment of this Act and thereafter on a quarterly basis until the Director first implements the means developed under paragraph (1); and

(B) annually thereafter on the implementation of those means.

5. SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 4209. ARTIFICIAL INTELLIGENCE USE CASES.

1. INVENTORY.—Not later than 60 days after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall require the head of each agency to—

(A) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses;

(B) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information; and

(C) make agency inventories available to the public, in a manner determined by the Director, consistent with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

2. CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(A) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(B) identify common use cases across agencies.

3. SHARING.—The sharing of agency inventories described in subsection (a) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use cases.

SEC. 4206. RAPID PILOT, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE CAPABILITIES TO DEMONSTRATE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

1. IDENTIFICATION OF USE CASES.—Not later than 270 days after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall identify 4 use cases for the application of artificial intelligence-enabled systems to support interagency or intra-agency modernization initiatives that—

(A) link multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information;

(B) pilot program—

(i) purposes.—The purposes of the pilot program under this subsection include—

(A) to enable agencies to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(ii) deployment and pilot.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish an artificial intelligence capability to support the use case pilots under this subsection that—

(A) solves data access and usability issues with automated technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;

(B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agency personnel to make better decisions and take faster actions;

(C) enables the creation of meaningful data visualization and analysis so the Government has predictive transparency for situational awareness to improve use case outcomes; and

(D) is rapidly and maturely deployable and is capable of supporting multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible;

(2) evaluate risks in utilizing artificial intelligence systems; and

(3) make agency inventories available to the public, in a manner determined by the Director, consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information.

2. DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall ensure the creation and maintenance of an artificial intelligence capability to support the use case pilots under this subsection that—

(A) enables knowledge sharing and collaboration across agencies; and

(B) preserves intellectual property rights to the data and output for benefit of the Federal Government and the public.

3. BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter on the implementation of those means, the Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

4. SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 4207. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

1. INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended—

(A) in subsection (c), by striking $11,000,000’’ and inserting ‘’$25,000,000’’;

(B) by amending subsection (f) to read as follows—

‘‘(f) DEFINITIONS.—In this section—

‘‘(1) the term ‘commercial product’—

‘‘(A) has the meaning given the term ‘commercial item’ in section 2.101 of the Federal Acquisition Regulation; and

(B) includes a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41, United States Code; and

‘‘(2) the term ‘innovative’ means—

‘‘(A) any new technology, process, or method, including research and development; or

(B) any new application of an existing technology, process, or method.’’; and

(2) in subsection (g), by striking ‘’2022’’ and inserting ‘’2027’’.

2. OTHER TRANSACTION AUTHORITY.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(A) in the matter preceding paragraph (1), by striking ‘’September 30, 2017’’ and inserting ‘’September 30, 2024’’; and

(B) by amending paragraph (2) to read as follows—

‘‘(2) PROJECTS.—The Secretary—

‘‘(A) may, under the authority of paragraph (1), carry out prototype projects under section 2371b of title 10, United States Code; and

‘‘(B) in applying the authorities of such section 2371b, the Secretary shall perform the functions of the Secretary of Defense as prescribed in such section.’’;
(2) in subsection (c)(1), by striking “September 30, 2017” and inserting “September 30, 2024”; and

(3) in subsection (d), by striking “section 435(e)” and inserting “section 2107(b) of title 10, United States Code.”

(c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN RISK MANAGEMENT TOOLS.—The General Services Administration is encouraged to pilot commercial off the shelf supply chain risk management tools to improve the ability of the Federal Government to characterize, monitor, predict, and respond to specific supply chain threats and vulnerabilities that could inhibit future Federal acquisition operations.

TITLE II—PERSONNEL

Subtitle A—Facilitating Federal Employee Reskilling

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the “Facilitating Federal Employee Reskilling Act”.

SEC. 4302. RESKILLING FEDERAL EMPLOYEES.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(2) INCLUDES.—The term “includes” means the term “includes any predecessor, successor or continuing agency, unless the context otherwise so requires.

(3) DIRECTOR.—The term “Director” means the Director of the Office of Personnel Management.

(b) REQUIREMENTS.—With respect to a Federal reskilling program established by the head of an agency or the Director, as applicable, shall ensure that the Federal reskilling program—

(1) is implemented in a manner that is in accordance with the bar on prohibited personnel practices under section 2302 of title 5, United States Code, and consistent with the merit system principles under section 2301 of title 5, United States Code, including by using merit-based selection procedures for participation in the Federal reskilling program;

(2) includes appropriate limitations or restrictions associated with implementing the Federal reskilling program, which shall be consistent with any regulations prescribed by the Director under subsection (e);

(3) provides that any new position to which an employee who participates in the Federal reskilling program is transferred will utilize the technical skill or expertise that the employee acquired by participating in the Federal reskilling program;

(4) includes the option for an employee participating in the Federal reskilling program to return to the original position of the employee, or a similar position, particularly if the employee is unsuccessful in the position to which the employee transfers after completing the Federal reskilling program;

(5) provides that an employee who successfully completes the Federal reskilling program and transfers to a position that requires the technical expertise provided through the Federal reskilling program shall be entitled to have the grade of the position held immediately before the transfer of the employee maintained under section 5362 of title 5, United States Code;

(6) provides that an employee serving in a position in the excepted service may not transfer to a position in the competitive service solely by reason of the completion of the Federal reskilling program by the employee; and

(7) includes a mechanism to track outcomes of the Federal reskilling program in accordance with the metrics established under subsection (c).

(c) REPORTING AND METRICS.—Not later than 1 year after the date of enactment of this Act, the Director shall establish requirements for, and standardized metrics to track outcomes of, Federal reskilling programs, which shall include, with respect to each Federal reskilling program—

(1) a summary of the Federal reskilling program;

(2) collecting and reporting demographic and employment data with respect to employees who have applied for, participated in, or completed the Federal reskilling program;

(3) attrition of employees who have completed the Federal reskilling program; and

(4) any other measures or outcomes that the Director determines to be relevant.

(d) GAO REPORT.—Not later than 5 years after the date on which this Act is enacted, the Comptroller General of the United States shall conduct a comprehensive study of, and submit to Congress a report on, Federal reskilling programs that includes—

(1) a summary of each Federal reskilling program and methods by which each Federal reskilling program recruits, selects, and retains employees;

(2) an analysis of the accessibility of each Federal reskilling program for a diverse set of candidates;

(3) an evaluation of the effectiveness, costs, and benefits of the Federal reskilling programs; and

(4) recommendations to improve Federal reskilling programs to accomplish the goal of reskilling the Federal workforce.

(e) REGULATIONS.—The Director—

(1) not later than 1 year after the date of enactment of this Act, shall prescribe regulations for the reporting requirements and metrics and procedures under subsection (c);

(2) may prescribe additional regulations, as the Director determines to be necessary, to provide for requirements with respect to, and the implementation of, Federal reskilling programs; and

(3) with respect to any regulation prescribed under this subsection, shall brief the appropriate committees of Congress with respect to the regulation not later than 30 days before the date on which the final version of the regulation is published.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the head of an agency or the Director to establish a Federal reskilling program.

(g) USE OF FUNDS.—Any Federal reskilling program established by the head of an agency under this section, or carried out using amounts otherwise made available to that agency head or the Director, as applicable—

SEC. 4351. SHORT TITLE.

This subtitle may be cited as the “Federal Rotational Cyber Workforce Program Act of 2021”.

SEC. 4352. DEFINITIONS.

In this subtitle:

(1) the term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code, except that the term does not include the Government Accountability Office.

(2) COMPETITIVE SERVICE.—The term “competitive service” has the meaning given that term in section 2102 of title 5, United States Code.

(3) COUNCILS.—The term “Councils” means—

(A) the Chief Human Capital Officers Council established under section 303 of the Chief Human Capital Officers Act of 2002 (5 U.S.C. 1401 note); and

(B) the Chief Information Officers Council established under section 3603 of title 44, United States Code.

(4) CYBER WORKFORCE POSITION.—The term “cyber workforce position” means a position identified as having mission critical, cybersecurity, or other cybersecurity-related functions under section 305 of the Federal Cybersecurity Workforce Assessment Act of 2015 (5 U.S.C. 301 note).

(5) DIRECTOR.—The term “Director” means the Director of the Office of Personnel Management.

(6) EMPLOYEE.—The term “employee” has the meaning given the term in section 2105 of title 5, United States Code.

(7) EMPLOYING AGENCY.—The term “employing agency” means the agency from which an employee is detailed to a rotational cyber workforce position.

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

(9) ROTATIONAL CYBER WORKFORCE POSITION.—The term “rotational cyber workforce position” means a cyber workforce position with respect to which a determination has been made under section 4353(a)(1).


(11) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

SEC. 4353. ROTATIONAL CYBER WORKFORCE POSITIONS.

(a) DETERMINATION WITH RESPECT TO ROTATIONAL SERVICE.—

(1) IN GENERAL.—The head of each agency may determine that a cyber workforce position in that agency is eligible for the rotational cyber workforce program, which shall not be construed to modify the requirement under section 4354(b)(3) that participation in the rotational cyber workforce program by an employee shall be voluntary.

(2) NOTICE PROVIDED.—The head of an agency shall submit to the Director—

(A) notice regarding any determination made by the head of the agency under paragraph (1); and

(B) for each position with respect to which the head of the agency makes a determination under paragraph (1), a description of the information required under subsection (b)(1).

(3) PREPARATION OF LIST.—The Director, with assistance from the Councils and the Secretary, shall develop a list of rotational cyber workforce positions that—

(1) with respect to each such position, to the extent that the information does not disclose sensitive national security information, includes—
(a) Title; (b) the occupational series with respect to the position; (c) the grade level or work level with respect to the position; (d) the agency in which the position is located; (e) the duty location with respect to the position; (f) the major duties and functions of the position; and (g) shall be supported by the rotational cyber workforce program.

(2) The operation plan shall be disseminated among rotational cyber workforce positions at agencies, which may be incorporated into and implemented through mechanisms in existence at the date of enactment of this Act.

(3) The operation plan shall be updated periodically and in consultation with the Councils, and other entities as the Director determines appropriate, the Director shall develop and issue a Federal Rotational Cyber Workforce Program operation plan providing policies, processes, and procedures for a program of employing employees in positions described in subparagraph (b) to support the rotational cyber workforce program.

(4) The Director, in consultation with the Councils, the Secretary, and other entities as the Director determines appropriate, the Director shall develop and issue a Federal Rotational Cyber Workforce Program operation plan providing policies, processes, and procedures for a program of employing employees in positions described in subparagraph (b) to support the rotational cyber workforce program.

(5) The operation plan shall be used to support the rotational cyber workforce program.

(6) The operation plan shall be available to the employee if the employee is performing service in the rotational cyber workforce program.

(7) The operation plan shall not constitute a change in the terms or conditions of employment unless the employee objects to that extension.

(8) The operation plan shall be contingent upon the employee entering into a written service agreement with the employing agency under which the employee is required to complete a period of employment with the employing agency following the conclusion of the detail that is equal in length to the period of the detail.

(9) A written service agreement under subparagraph (A) shall not supersede or modify the terms or conditions of any other service agreement under which the employee is performing service in the rotational cyber workforce program.

(10) An employee serving in a rotational cyber workforce position under the rotational cyber workforce program shall not be considered to have been detailed under paragraph (1) if the employee was detailed under a provision of law other than this subtitle from the employing agency to the agency in which the rotational cyber workforce position is located.

(11) An employee participating in the rotational cyber workforce program shall not be considered to have been detailed under paragraph (1) if the employee was detailed under a provision of law other than this subtitle from the employing agency to the agency in which the rotational cyber workforce position is located.

(12) The experiences of employees serving in rotational cyber workforce positions under the rotational cyber workforce program in participating agencies, including a description of how many such requests were approved; and

(13) The extent to which service in rotational cyber workforce positions has affected intra-agency and interagency integration and coordination of cyber practices, functions, and personnel management.

SEC. 4358. SUNSET.

Effective 5 years after the date of enactment of this Act, this subtitle is repealed.

TITLE IV—OTHER MATTERS

Subtitle A—Ensuring Security of Unmanned Aircraft Systems

SEC. 4401. SHORT TITLE.

This title may be cited as the “American Security Drone Act of 2021”.

SEC. 4402. DEFINITIONS.

In this subtitle:

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

(A) An entity included on the Consolidated Screening List.
(B) Any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security.
(C) The Secretary of Homeland Security, in coordination with the Director of National Intelligence and the Secretary of Defense, determines poses a national security risk.
(D) Any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security.
(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

SEC. 4404. PROHIBITION ON OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Except as provided under subsections (b) through (f), the head of an executive agency may not procure any covered unmanned aircraft system that are manufactured, purchased, or assembled by a covered foreign entity.

(b) EXEMPTION.—A Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity—

(1) for the sole purposes of research, development, testing, or analysis for the Federal Aviation Administration or the Secretary of Homeland Security; and
(2) upon notification to Congress.

(c) WAIVER.—The head of an executive agency that is subject to the restriction under subsection (a) if the operation or procurement is necessary, to implement the requirements of this section.

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

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

(f) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Oceanic Atmospheric Administration shall prescribe regulations or guidance, as necessary, to implement this section.

SEC. 4405. PROHIBITION ON USE OF FEDERAL FUNDS FOR PURCHASES AND OPERATIONS OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

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

(1) to purchase a covered unmanned aircraft system, or a system to counter unmanned aircraft systems, that are manufactured or assembled by a covered foreign entity; or
(2) in connection with the operation of such drone or unmanned aircraft system, or otherwise provided, to any covered foreign entity.

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

(1) the contract, grant, or cooperative agreement was awarded prior to the date of the enactment of this Act; or
(2) the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis, as determined by the Secretary of Homeland Security, the Secretary of Defense, or the Attorney General for—

(A) electronic warfare;
(B) information warfare operations;
(C) development of UAS or counter-UAS technology;
(D) counterterrorism or counterintelligence activities; or
(E) Federal criminal or national security investigations, including forensic examinations; or
(F) the safe integration of UAS in the national airspace (as determined in consultation with the Secretary of Transportation);

and

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

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

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and
(2) upon notification to Congress.

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

SEC. 4406. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.
SEC. 4409. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEMS.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Department of Homeland Security, the Department of Transportation, the Department of Justice, and other Departments as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of unmanned aircraft systems that are covered by subsection (a), including proper handling of privacy data and other Federal entity not subject to, or not required by law or regulation and an exemption for executive agencies to develop and after use of UAS.

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

(1) Protections to ensure controlled access of UAS.
(2) Protecting software, firmware, and hardware by ensuring changes to UAS are properly managed, including by ensuring UAS can be updated using a secure, controlled, and configurable mechanism.
(3) Cryptographically securing sensitive collected and transmitted data, including proper handling of privacy data and other unclassified information.
(4) Appropriate safeguards necessary to protect sensitive information, including during and after use of UAS.
(5) Appropriate data security to ensure that data is not transmitted to or stored in non-approved locations.
(6) The ability to opt out of the uploading, downloading, or transmitting of data that is not required by law or regulation and an ability to control the extent to which live information is shared when it is required.

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

(d) Revision of acquisition regulations.—Not later than 180 days after the date on which the policy required under subsection (a) is issued—

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

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

(1) In the case of procurement for the purpose of training, testing, or analysis for:
(A) electronic warfare; or
(B) information warfare operations.
(2) In the case of researching UAS technology, including testing, evaluation, research, or development of technology to counter UAS.
(3) In the case of a head of the procuring department or agency determining that, no product that complies with the information security requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination—
(A) may not be delegated below the level of the Deputy Secretary of the procuring department or agency;
(B) shall specify—
(i) the quantity of end items to which the waiver applies, the procurement value of which may not exceed $50,000 per waiver; and
(ii) the time period over which the waiver applies, which shall not exceed 3 years;
(C) shall be reported to the Office of Management and Budget during issuance of such a determination; and
(D) not later than 30 days after the date on which the determination is made, shall be provided to the Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

SEC. 4410. STUDY.

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

(1) the current and future unmanned aircraft system global and domestic market;
(2) the ability of the unmanned aircraft system domestic market to keep pace with technological advancements across the industry;
(3) the ability of domestically made unmanned aircraft systems to meet the network security and data protection requirements of the national security enterprise;
(4) the extent to which unmanned aircraft system component parts, such as the parts described in section 4403, are made domestically; and
(5) an assessment of the economic impact, including cost, of excluding the use of foreign-made UAS for use across the Federal Government.

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

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

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and
(2) the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives.

SEC. 4411. SUNSET.

Sections 4403, 4404, and 4405 shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

Subtitle B—No TikTok on Government Devices

SEC. 4431. SHORT TITLE.

This subtitle may be cited as the “No TikTok on Government Devices Act”.

SEC. 4432. PROHIBITION ON THE USE OF TIKTOK.

(a) Definitions.—In this section—

(1) the term “covered application” means the social networking service TikTok or any successor application of the software developed or provided by ByteDance Limited or an entity owned by ByteDance Limited;
(2) the term “executive agency” has the meaning given that term in section 1101 of title 44, United States Code; and
(3) the term “information technology” has the meaning given that term in section 133 of title 41, United States Code.

(b) Prohibition on the use of TikTok.—

(1) In general.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subsection (b) of chapter 35 of title 44, United States Code, develop standards and guidelines for executive agencies requiring the removal of any covered application from information technology.

SEC. 4433. NATIONAL SECURITIES EXEMPTIONS.—The standards and guidelines developed under subsection (a) shall include—

(A) exceptions for law enforcement activities and national security interest and activities, and security researchers; and
(B) for any authorized use of a covered application under an exception, requirements for the collection and documentation of risk mitigation actions for such use.

Subtitle C—National Risk Management

SEC. 4461. SHORT TITLE.

This subtitle may be cited as the “National Risk Management Act of 2021”.

SEC. 4462. NATIONAL RISK MANAGEMENT CYCLE.

(a) In general.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

“SEC. 2218. NATIONAL RISK MANAGEMENT CYCLE.

“(a) NATIONAL CRITICAL FUNCTIONS DEFINITION.—In this section, the term ‘national critical functions’ means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

“(b) NATIONAL RISK MANAGEMENT CYCLE.—

“(1) RISK IDENTIFICATION AND ASSESSMENT.—

“(A) In general.—The Secretary, acting through the Director, shall establish a recurring process by which to identify, assess, and prioritize risks to critical infrastructure, considering both cyber and physical threats, and the associated likelihoods, vulnerabilities, and consequences, and the resources necessary to address them.

“(B) Consultation.—In establishing the process required under paragraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, the National Telecommunications and Information Administration, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

“(C) Publication.—Not later than 180 days after the date of enactment of this section,
the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

“(D) REPORT.—The Secretary shall submit to the President, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the risks identified by the process established under subparagraph (A)—

“(i) not later than 1 year after the date of enactment of this section; and

“(ii) not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 1002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2023.

“(2) NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

“(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

“(B) ELEMENTS.—Each strategy delivered under paragraph (A) shall—

“(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical functions impacting national security, economic security, or public health and safety;

“(ii) assess the implementation of the previous national critical infrastructure resilience strategy, as applicable;

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

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

“(v) request any additional authorities necessary to successfully execute the strategy.

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

“(D) CONGRESSIONAL BRIEFING.—Not later than 1 year after the report on which the President delivers the first strategy required under paragraph (2)(A), and every year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall brief the appropriate congressional committees on—

“(A) the national risk management cycle activities undertaken pursuant to the strategy; and

“(B) the amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the full range of activities proposed by the strategy.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the National Security Act of 2002 (Public Law 107–296; 116 Stat. 2153) is amended by inserting after the item relating to section 2217 the following:

“Sec. 2218. National risk management cycle.”.

SEC. 4491. SHORT TITLE.

This section may be cited as the “Safeguarding American Innovation Act”.

SEC. 4492. DEFINITIONS.

In this title:

(1) FEDERAL SCIENCE AGENCY.—The term ‘Federal science agency’ means any Federal department or agency of which more than $100,000,000 in basic and applied research and development funds were appropriated for the previous fiscal year.

(2) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The term ‘research and development’ means all research activities, both basic and applied, and all development activities.

(B) DEVELOPMENT.—The term ‘development’ means experimental development.

(C) EXPERIMENTAL DEVELOPMENT.—The term ‘experimental development’ means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(D) RESEARCH.—The term ‘research’—

(i) means a systematic study directed toward fuller scientific understanding or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

SEC. 4493. FEDERAL RESEARCH SECURITY COUNCIL.

(a) IN GENERAL.—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

“CHAPTER 79—FEDERAL RESEARCH SECURITY COUNCIL

“Sec. 7901. Definitions.


7903. Functions and authorities.

7904. Strategic plan.

7905. Annual report.

7906. Responsibilities for Executive agencies.

§ 7901. Definitions

In this chapter:

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

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Select Committee on Intelligence of the Senate;

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

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

(F) the Committee on Health, Education, Labor, and Pensions of the Senate;

(G) the Committee on Oversight and Reform of the House of Representatives;

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

(I) the Committee on Energy and Commerce of the House of Representatives;

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

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

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

(M) the Committee on Education and Labor of the House of Representatives.

(7) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The term ‘research and development’ means all research activities, both basic and applied, and all development activities.

(B) DEVELOPMENT.—The term ‘development’ means experimental development.

(C) EXPERIMENTAL DEVELOPMENT.—The term ‘experimental development’ means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(D) RESEARCH.—The term ‘research’—

(i) means a systematic study directed toward fuller scientific understanding or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

(E) UNITED STATES RESEARCH COMMUNITY.—The term ‘United States research community’ means—

(A) research and development centers of Executive agencies;

(B) private research and development centers in the United States, including for profit and nonprofit research institutions;

(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

(E) government-owned, contractor-operated United States Government research and development centers; and

(F) any person owning or operating a federal research center and receiving Federal research grant funding.

§ 7902. Federal Research Security Council establishment and membership

(3) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which

“(2) COUNCIL.—The term ‘Council’ means the Federal Research Security Council established under section 7902(a).

(3) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given that term in section 105 of title 5.

(4) FEDERAL RESEARCH SECURITY RISK.—The term ‘Federal research security risk’ means a risk posed by Federal science agencies, other than the Department of Defense, to the national security information or nonpublic information, a destruction of which may include physical harm to another in the workplace, or through the loss or degradation of departmental resources, capabilities, and functions.

(7) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The term ‘research and development’ means all research activities, both basic and applied, and all development activities.

(B) DEVELOPMENT.—The term ‘development’ means experimental development.

(C) EXPERIMENTAL DEVELOPMENT.—The term ‘experimental development’ means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(D) RESEARCH.—The term ‘research’—

(i) means a systematic study directed toward fuller scientific understanding or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

(E) UNITED STATES RESEARCH COMMUNITY.—The term ‘United States research community’ means—

(A) research and development centers of Executive agencies;

(B) private research and development centers in the United States, including for profit and nonprofit research institutions;

(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

(E) government-owned, contractor-operated United States Government research and development centers; and

(F) any person owning or operating a federal research center and receiving Federal research grant funding.

(3) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which

“(2) COUNCIL.—The term ‘Council’ means the Federal Research Security Council established under section 7902(a).

(3) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given that term in section 105 of title 5.

(4) FEDERAL RESEARCH SECURITY RISK.—The term ‘Federal research security risk’ means a risk posed by Federal science agencies, other than the Department of Defense, to the national security information or nonpublic information, a destruction of which may include physical harm to another in the workplace, or through the loss or degradation of departmental resources, capabilities, and functions.

(7) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The term ‘research and development’ means all research activities, both basic and applied, and all development activities.

(B) DEVELOPMENT.—The term ‘development’ means experimental development.

(C) EXPERIMENTAL DEVELOPMENT.—The term ‘experimental development’ means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(D) RESEARCH.—The term ‘research’—

(i) means a systematic study directed toward fuller scientific understanding or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

(E) UNITED STATES RESEARCH COMMUNITY.—The term ‘United States research community’ means—

(A) research and development centers of Executive agencies;

(B) private research and development centers in the United States, including for profit and nonprofit research institutions;

(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

(E) government-owned, contractor-operated United States Government research and development centers; and

(F) any person owning or operating a federal research center and receiving Federal research grant funding.
shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The following agencies shall have a seat on the Council:

(A) The Office of Management and Budget.

(B) The Office of Science and Technology Policy.

(C) The Department of Defense.

(D) The Department of Homeland Security.

(E) The Office of the Director of National Intelligence.

(F) The Department of Justice.

(G) The Department of Energy.

(H) The Department of Commerce.

(I) The Department of Health and Human Services.

(J) The Department of State.

(K) The Department of Transportation.

(L) The National Aeronautics and Space Administration.

(M) The National Science Foundation.

(N) The Department of Education.

(O) The Small Business Administration.

(P) The Council of Inspectors General on Integrity and Efficiency.

(Q) Other Executive agencies, as determined by the Chairperson of the Council.

(2) LEAD REPRESENTATIVES.—

(A) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safe- guarding American Innovation Act, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

(c) CHAIRPERSON.—

(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safe- guarding American Innovation Act, the Director of the Office of Management and Budget shall designate a senior official from the Office of Management and Budget to serve as the Chairperson of the Council.

(2) FUNCTIONS.—The Chairperson shall perform functions that include—

(A) developing a schedule for meetings of the Council;

(B) designating Executive agencies to be represented on the Council under subsection (b)(1); and

(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council.

(d) NOT LATER THAN 7 DAYS.—The Chairperson shall not later than 7 days after completion of the charter, submit the charter to the appropriate congressional committees.

(e) PROVISIONS.—The Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead science advisor to the Council for purposes of this chapter.

(f) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall designate a senior level official to be the National Counterintelligence and Security Center to be the lead security advisor to the Council for purposes of this chapter.

(g) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

§ 7903. Functions and authorities

(a) DEFINITIONS.—In this section:

(1) IMPLEMENTING.—The term ‘implementing’ means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place and enforce the measures described in this section.

(2) UNIFORM APPLICATION PROCESS.—The term ‘uniform application process’ means a process established by the relevant Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

(b) IN GENERAL.—The Chairperson of the Council shall convene meetings and determine the responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

(1) Developing and implementing, across all Executive agencies that award research and development grants, awards, and contracts, a uniform application process for grants in accordance with subsection (c).

(2) Developing and implementing policies and providing guidance to prevent malign foreign interference from unduly influencing the peer review process for federally funded research and development.

(3) Identifying or developing criteria for sharing information with agencies and with law enforcement and other agencies, as appropriate, information regarding individuals who violate policies and other related policies to research security.

(4) Identifying an appropriate Executive agency—

(A) to accept and protect information submitted by Executive agencies and non-Federal entities based on the process established pursuant to paragraph (1); and

(B) to each Federal agency, Federal information received under subparagraph (A) to support, consistent with Federal law—

(i) the oversight of federally funded research and development;

(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

(iii) counterintelligence investigations.

(5) Identifying, as appropriate, Executive agencies to provide—

(A) shared services, such as support for conducting and assessing research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

(B) common contract solutions to support the verification of the identities of persons participating in federally funded research and development.

(6) Identifying and issuing guidance, in accordance with subsection (e) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for expanding the scope of Executive agency insider threat programs, including the safeguarding of research and development, detection of unauthorized access, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each such agency.

(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that principal investigators, key personnel, and any other Federal entities that manage, control, and disseminate, Federal data generated by Executive Order 13806 (80 Fed. Reg. 29170 (June 11, 2015)) for expanding the scope of Federal law enforcement to include the protection of Federal research security; and

(8) Providing guidance to Executive agencies regarding appropriate application of consequences for violations of disclosure requirements.

(9) Developing and implementing a cross-agency policy and providing guidance related to each of the identified lead agencies for individual researchers supported by, or working on, any Federal research grant with the goal to enhance transparency and security, while reducing the burden for researchers and research institutions.

(10) Engaging with the United States research community in conjunction with the National Science Foundation and the National Academies of Science, Engineering, and Medicine.

(11) Carrying out such other functions, consistent with Federal law, that are necessary to reduce Federal research security risks.

(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (b)(1), the Council shall—

(1) ensure that the process—

(A) requires principal investigators, co-investigators, and key personnel associated with the proposed Federal research or development project—

(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including foreign governments, foreign laboratories, and all support received from foreign sources; and

(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants;

(2) design the process—

(A) to reduce the administrative burden on persons applying for Federal research and development funding; and

(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

(d) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information, the Council shall ensure that such criteria and procedures respect Federal research security risks under subsection (b)(3), the Council shall ensure that such criteria address, at a minimum—

(1) the information to be shared;

(2) the circumstances under which sharing is mandated or voluntary;

(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

(4) the procedures for protecting intellectual capital that may be present in such information; and

(5) appropriate privacy protections for persons involved in Federal research and development.
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"(e) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (b)(6), the Council shall ensure that such guidance provides for, at a minimum—

"(1) such programs—

"(A) to deter, detect, and mitigate insider threats;

"(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

"(2) the development of an integrated capability to monitor and audit information for the identification and mitigation of insider threats, including through—

"(A) monitoring user activity on computer networks controlled by Executive agencies;

"(B) training employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

"(C) gathering information for a centralized analysis, reporting, and response capability; and

"(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

"(3) the development and implementation of policies under which the insider threat program of an Executive agency acquires, shares, and integrates information and data derived from offices within the agency or other insider threat information with the executive agency research sponsors;

"(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

"(5) any additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

(f) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

"(1) In General.—The Council, in conjunction with the lead security advisor designated under section 7903(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

"(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

"(A) activities of the national government, local governments, research institutions, or other entities of a foreign country; or

"(B) foreign activities—

"(i) to exploit, interfere, or undermine research and development by the United States research community; or

"(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

"(C) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

"(i) the science and technology of that foreign country; or

"(ii) federal-funded research and development; and

"(D) practices within the research enterprise that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

"(g) DESIGNATED FEDERAL AGENCIES.—To reduce federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy that detail—

"(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, payments, and debarments;

"(2) Federal agencies’ performance and compliance with interagency suspensions and debarments;

"(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

"(4) proposals for developing a unified Federal policy on suspensions and debarments; and

"(5) other current suspension and debarment related issues.

"(h) SAVINGS PROVISION.—Nothing in this section may be construed—

"(1) to alter or diminish the authority of any Federal agency; or

"(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

§ 7904. Annual report

"Not later than November 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees describing the activities of the Council during the preceding fiscal year.

§ 7905. Requirements for Executive agencies

"(a) In General.—The head of each Executive agency on the Council shall be responsible for—

"(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

"(2) developing such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7906(b);

"(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States; and

"(4) ensuring that initiatives impacting Federal research and development are consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7803(a).

§ 7906. Requirements for Executive agencies

"(b) Inclusions.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

"(1) developing an overall Federal research security risk management strategy and implementing plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

"(2) implementing Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

"(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

"(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.

§ 7907. Other provisions

"(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:


SEC. 4494. FEDERAL GRANT APPLICATION FRAUD.

"(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1041. Federal grant application fraud

"(a) DEFINITIONS.—In this section:

"(1) FEDERAL AGENCY.—The term ‘Federal agency’ has the meaning given the term ‘agency’ in section 551 of title 5, United States Code.

"(2) FEDERAL GRANT.—The term ‘Federal grant’ means a grant awarded by a Federal agency;

"(3) subgrant awarded by a Federal agency;

"(4) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

"(v) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)

"(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

"(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual;
(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or
(3) prepare, submit, or assist in the preparation of a Federal grant application or document in connection with a Federal grant application that—
(A) contains a false statement;
(B) contains a material misrepresentation;
(C) has no basis in law or fact; or
(D) fails to disclose a material fact.
(b) Evasion.—Subsection (b) does not apply to an activity—
(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—
(A) a law enforcement agency; or
(B) a Federal intelligence agency; or
(2) authorized under chapter 224.
(c) PENALTY.—Any individual who violates subsection (b)—
(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both; and
(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).

SEC. 4495. RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

(a) GROUNDS OF INADMISSIBILITY.—The Secretary of State may determine that an alien is inadmissible if the Secretary determines that such alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security and economic interests of the United States by benefitting an adversarial foreign governmental security interests of the United States to knowingly acquire sensitive or emerging technologies to undermine national security and economic interests of the United States; or
(b) Waiver.—The Secretary of State may waive the inadmissibility under subsection (a) if the Secretary determines that—
(1) the alien has not participated in any entity whose activities are similar to those of the entity that seeks to acquire sensitive or emerging technologies for the purpose of undermining national security and economic interests of the United States; or
(2) granting the alien admission would be in the national interest of the United States.

SEC. 4496. MACHINE READABLE VISA DOCUMENTS.

(a) MACHINE-READABLE DOCUMENTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall—
(1) use a machine-readable visa application form and application for a visa issued in machine-readable format to assist in—
(A) identifying fraud; and
(B) conducting lawful law enforcement activities; and
(2) make available documents submitted in support of a visa application in a machine-readable format to enable—
(A) identifying fraud; and
(B) conducting lawful law enforcement activities; and
(C) determining the eligibility of applicants for a visa for immigration and Nationality Act (8 U.S.C. 1101 et seq.)
(b) Waiver.—The Secretary of State may waive the requirement under subsection (a) if the Secretary determines that—
(1) the alien is not a member of the armed forces of any country; and
(2) granting the alien admission would not be contrary to the national interest of the United States.

SEC. 4497. PRIVACY AND CONFIDENTIALITY.

(a) MACHINE-READABLE DOCUMENTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall—
(1) use a machine-readable visa application form and application for a visa issued in machine-readable format to enable—
(A) identifying fraud; and
(B) conducting lawful law enforcement activities; and
(C) determining the eligibility of applicants for a visa for immigration and Nationality Act (8 U.S.C. 1101 et seq.)

(b) Waiver.—The Secretary of State may waive the requirement under subsection (c) if the Secretary determines that—
(1) the alien is not a member of the armed forces of any country; and
(2) granting the alien admission would not be contrary to the national interest of the United States.

Nothing in this subtitle may be construed as affecting the rights and requirements provided in section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”) or subchapter III of chapter 35 of title 44, United States Code (commonly known as the “Continuation Protection and Statistical Efficiency Act of 2018”).

SA 4293. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4330, to authorize appropriations for fiscal year 2022 for military construction, and for defense activities of the Department of Energy, to 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 II—Safeguarding American Innovation

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the "Safeguarding American Innovation Act".

SEC. 1072. DEFINITIONS.

In this subtitle:

(1) FEDERAL SCIENCE AGENCY.—The term "Federal science agency" means any Federal department or agency to which more than $100,000,000 in basic and applied research and development funds were appropriated for the previous fiscal year.

(2) RESEARCH AND DEVELOPMENT.—

(a) In general.—The term ‘research and development’ means all research activities, both basic and applied, and all development activities.

(b) DEVELOPMENT.—The term ‘development’ means experimental development.

(3) EXPERIMENTAL DEVELOPMENT.—The term ‘experimental development’ means creative and systematic work, drawing upon knowledge gained from research and practical experience, which:

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research will result in gaining additional knowledge.

(4) RESEARCH.—The term ‘research’—

(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities:

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

SEC. 1073. FEDERAL RESEARCH SECURITY COUNCIL

(a) In general.—Subtitle V of title 31, "Federal Research Security Risk—Establishment and Membership" means the risk posed by malign state actors (whether foreign or domestic) to the national and economic security interests of the United States.

(b) Membership.—

(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the head of each Federal science agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

(2) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

(3) LEAD SCIENCE ADVISOR.—

(a) Designation.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of each Federal science agency represented on the Council shall designate a representative of that agency as the lead science advisor of the Council.

(b) Functions.—The lead science advisor of an agency designated under paragraph (A) shall perform the functions that include:

(i) subject to subsection (d), developing a schedule for meetings of the Council; and

(ii) designating Executive agencies to be represented on the Council under subsection (b)(1)Q

(4) LEAD SECURITY ADVISOR.—

(a) Designation.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Science and Technology Policy shall designate a senior level official from the Office of Management and Budget to serve as the Chairperson of the Council.

(b) Functions.—The Chairperson shall perform functions that include:

(i) subject to subsection (d), developing a schedule for meetings of the Council; and

(II) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

(c) LEAD SECURITY ADVISOR.—

(a) Designation.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Management and Budget shall designate a senior level official from the Office of Management and Budget to serve as the Chairperson of the Council.

(b) Functions.—The Chairperson shall perform functions that include:

(i) subject to subsection (d), developing a schedule for meetings of the Council; and

(II) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

(c) LEAD SECURITY ADVISOR.—

(a) Designation.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead science advisor to the Council for purposes of this chapter.

(b) FUNCTIONS.—The lead science advisor shall perform the functions that include:

(i) subject to subsection (d), developing a schedule for meetings of the Council; and

(II) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

(c) LEAD SECURITY ADVISOR.—

(a) Designation.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead security advisor to the Council for purposes of this chapter.

(b) MEETINGS.—The Council shall meet not later than 60 days after the date of the
enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

§ 7903. Functions and authorities

(a) Definitions.—In this section:

"(1) The term ‘implementing’ means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place and enforce the measures described in this section.

"(2) Uniform application process.—The term ‘uniform application process’ means a process employed by Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

"(b) In general.—The Chairperson of the Council shall ensure that such guidance provides for, at a minimum:

"(1) such programs—

"(A) to deter, detect, and mitigate insider threats; and

"(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats.

"(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats, including through—

"(A) monitoring user activity on computer networks controlled by Executive agencies;

"(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

"(C) gathering information for a centralized analysis, reporting, and response capability; and

"(D) information sharing to aid in tracking thrice individuals while moving across programs and affiliations.

"(3) the development and implementation of policies and procedures under which the inspector general of an Executive agency accesses, shares, and integrates information and data derived from offices within the agency and shares insider threat information with the executive agency research sponsors; and

"(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

"(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

"(1) Issuance of Warnings Relating to Risks and Vulnerabilities in International Scientific Cooperation.—

"(1) In General.—The Council, in conjunction with the lead security advisor designated under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or impair any federally funded research and development.

"(2) Content.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

"(A) activities by the national government, local governments, research institutions, and universities of a foreign country—

"(i) to exploit, interfere, or undermine research and development by the United States research community; or

"(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

"(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

"(i) the science and technology of that foreign country; or

"(ii) United States research community values of openness, transparency, reciprocity, integrity, and merit-based competition.

"(3) Issuance of a Cross-Check Report.—If the Council determines that a cross-check report is appropriate, the Council shall share the findings of that report with the lead security advisor designated under section 7902(c)(4).
§ 7904. Annual report
Not later than November 15 of each year, the Chairperson of the Council shall submit to the appropriate congressional committees a report to the appropriate congressional committees that describes the activities of the Council during the preceding fiscal year.

§ 7905. Requirements for Executive agencies
(a) In general.—The head of each Executive agency on the Council shall be responsible for—

(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 709(b);

(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States; and

(4) initiating or implementing operations, policies, or programs that are adversarial to the Department of Homeland Security, the Department of Defense, any other security or intelligence entity of the United States; and

(b) Exceptions.—Subsection (b) does not apply to an activity—

(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

(A) a law enforcement agency; or

(B) a Federal intelligence agency; or

(2) authorized under chapter 224.

(d) Duty.—Any individual who violates subsection (b) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both; and

§ 1041. Federal grant application fraud
(a) In general.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(b) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(c) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(d) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(e) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(f) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(g) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(h) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(i) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(j) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(k) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(l) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(m) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(n) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(o) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(p) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(q) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(r) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(s) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(t) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(u) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(v) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(w) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(x) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(y) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(z) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(aa) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(bb) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(cc) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(dd) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(ee) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(ff) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(gg) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(hh) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(ii) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(jj) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(kk) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(ll) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(mm) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(nn) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(oo) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(pp) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(qq) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(rr) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(ss) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(tt) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(uu) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

(vv) Clerical amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

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e), the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that identifies—

(1) any criteria, if relevant used to describe the aliens to which the grounds of inadmissibility described in subsection (a) may apply;

(2) the number of individuals determined to be inadmissible under subsection (a), including the nationality of each such individual and the reasons for each determination of inadmissibility; and

(3) the number of days from the date of the consular interview until a final decision is issued for each application for a visa considered under this section, listed by applicants' country of citizenship and relevant consulate.

(d) CLASSIFICATION OF REPORT.—Each report required under subsection (c) shall be submitted to the extent practicable, in an unclassified form, but may be accompanied by a classified annex.

(e) SUNSET.—This section shall cease to be effective on the date that is 2 years after the date of the enactment of this Act.

SEC. 1076. MACHINE-READABLE VISA DOCUMENTS.

(a) MACHINE-READABLE DOCUMENTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall—

(1) use a machine-readable visa application form; and

(2) make available documents submitted in support of a visa application in a machine-readable format to assist in—

(A) identity verification;

(B) conducting lawful law enforcement activities; and

(C) determining the eligibility of applicants under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) WAIVER.—The Secretary of State may waive the requirement under subsection (a) by providing, not later than 30 days before such waiver takes effect—

(1) a detailed explanation for why the waiver is being issued; and

(2) a timeframe for the implementation of the requirement under subsection (a).

(c) REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate; the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

(1) describes how supplementary documents provided by a visa applicant in support of an application are stored and shared by the Department of State with authorized Federal agencies;

(2) identifies the sections of a visa application that are machine-readable and the sections that are not machine-readable;

(3) provides cost estimates, including personnel costs and a cost-benefit analysis for adopting different technologies, including optical character recognition, for—

(A) making every element of a visa application, machine-readable; and

(B) ensuring that such system—

(i) protects personally-identifiable information; and

(ii) permits the sharing of visa information with Federal agencies in accordance with existing law; and

(4) includes an estimated timeline for completing the implementation of subsection (a).

SEC. 1077. CERTIFICATIONS REGARDING ACCESS TO EXPORT CONTROLLED TECHNOLOGY IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

Section 102(b)(5) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)) is amended to read as follows:

“(5) promoting and supporting medical, scientific, cultural, and educational research and development, including exchange programs for foreign researchers and scientists, while protecting technologies regulated by export control laws important to the national security and economic interests of the United States, by requiring—

“(A) the sponsor to certify to the Department of State that the sponsor, after reviewing all records of the Export Controls Act of 1988 (50 U.S.C. 4811 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.), has determined that—

“(I) a license is not required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; or

“(II) a license is required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor and—

“(aa) has received the required license or other authorization to release it to the visitor; and

“(bb) has provided a copy of such license or other authorization to the Department of State; and

“(B) if the sponsor maintains export controlled technology or technical data, the sponsor to submit to the Department of State a copy of any unclassified report of export or transfer of any controlled items, materials, information, or technology at the sponsor organization or entities associated with a sponsor’s administration of the exchange visitor program.”.

SEC. 1078. PRIVACY AND CONFIDENTIALITY.

Nothing in this subtitle may be construed as affecting the rights and requirements provided in section 552a of United States Code (commonly known as the “Privacy Act of 1974”) or subchapter III of chapter 35 of title 44, United States Code (commonly known as the “Freedom of Information Protection and Statistical Efficiency Act of 2018”).

SA 4294. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. REPORT ON DISEASE PREVENTION FOR MILITARY WORKING DOGS.

Not later than 180 days after the date of the enactment of this Act, the head of the Army Veterinary Services shall submit to Congress a report containing the findings of an updated study on the potential introduction of foreign animal diseases and current prevention protocol and strategies to protect the health of military working dogs.

SA 4295. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 378. STUDY ON CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL PROTECTION FOR MILITARY WORKING DOGS.

(a) STUDY.—The head of the Army Veterinary Services shall conduct a study on the impacts of chemical, biological, and radiological exposure on military working dogs and current prevention protocol, protective equipment, and strategies of the Department of Defense to protect the health of military working dogs.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the head of the Army Veterinary Services shall submit to the Committees of Armed Services of the Senate and the House of Representatives a report containing the findings of the study conducted under subsection (a).

SA 4296. Mr. BLUMENTHAL (for himself and Mr. Rubio) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1293. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS WHO ENGAGE IN PUBLIC CORRUPTION ACTIVITIES.

(a) FINDINGS.—Congress finds the following:

(1) When public officials and their allies use the mechanisms of government to engage in extortion or bribery, they imperil the economic health of their country and harm citizens.

(2) By empowering the United States Government to hold to account foreign public officials and their associates who engage in extortion or bribery, the United States can
deter malfeasance and ultimately serve the citizens of fragile countries suffocated by corrupt bureaucracies.

(3) The 2016 report by the Special Inspector General for Afghanistan Construction entitled, “Corruption in Conflict: Lessons from the U.S. Experience in Afghanistan” included the recommendation, “Congress should consider enacting legislation that authorizes sanctions against foreign government officials or their associates who engage in corruption.”

(b) AUTHORIZATION OF IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may impose the sanctions described in paragraph (2) with respect to any foreign person who is an individual that the President determines—

(A) engages in public corruption activities against United States person, including—

(i) soliciting or accepting bribes;
(ii) using the authority of the state to extort payments; or
(iii) extorting or extortion; or

(B) conspires to engage in, or knowingly and materially assists, sponsors, or provides significant financial, material, or technological support for, any of the activities described in subparagraph (A).

(2) SANCTIONS DESCRIBED.—

(A) TERRORISTS AND FUGITIVES.—The President may impose sanctions against a United States person, including—

(i) the terrorist organizations that the President determines to be included in the list required by section 914 of the Authorization for Use of Military Force Act of 2001 (Public Law 107–40); and
(ii) any other organization or person that the President determines is the target of terrorism.

(B) COMMITTEES.—The President may impose sanctions against a foreign person or organization if such person or organization has actively supported or sponsored—

(i) a terrorist organization or persons;
(ii) an act of international terrorism;
(iii) terrorist activities;
(iv) drug trafficking;
(v) terrorism-related financing;
(vi) or any other activity determined to be a threat to the national security interests of the United States.

(C) CRIMINALS.—The President may impose sanctions against a foreign person or organization if such person or organization—

(i) is a member of a criminal organization;
(ii) is a drug trafficker;
(iii) is a person engaged in serious human rights abuses;
(iv) is a person engaged in serious international crimes;
(v) is a person engaged in serious money laundering;
(vi) is a person engaged in serious financial crimes;
(vii) is a person engaged in serious corruption;
(viii) is a person engaged in serious terrorism-related financing;
(ix) is a person engaged in serious narcotics trafficking;
(x) is a person engaged in serious arms trafficking;
(xi) is a person engaged in serious weapons trafficking;
(xii) is a person engaged in serious cybercrime;
(xiii) is a person engaged in serious cyberespionage;
(xiv) is a person engaged in serious cyberwarfare; or
(xv) is a person engaged in serious cyberterrorism.

(3) EXCEPTION TO COMPLY WITH LAW ENFORCEMENT AGREEMENTS REGARDING HEADQUARTERS OF UNITED NATIONS.—Sanctions described under paragraph (2) shall not apply to a foreign person if admitting the foreign person to the United States would—

(A) further important law enforcement objectives; or

(B) is necessary to permit the United States to comply with the Agreement regarding Headquarters of United Nations.

(4) TERMINATION OF SANCTIONS.—The President shall terminate the application of sanctions under this subsection after the President determines that the sanctions have been lifted or that the recipient of the sanctions has taken significant verifiable steps toward stopping the activity.

(5) FORFEITED PROPERTY.—

(A) FORFEITED PROPERTY.—Forfeiture Fund.

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of a foreign person who is subject to sanctions under this section shall be revoked regardless of when such visa or other entry documentation is issued.

(ii) EFFECT OF REVOCATION.—A revocation under clause (i) shall—

(1) take effect immediately; and

(2) automatically cancel any other valid visa or entry documentation that is in the possession of the foreign person.

(6) REPORTS TO CONGRESS.—

(A) IN GENERAL.—The President shall submit to the appropriate congressional committees, in accordance with paragraph (2), a report that includes—

(i) a list of each foreign person with respect to whom the President imposed sanctions pursuant to subsection (b)(1) during the year preceding the submission of the report;

(ii) the number of foreign persons with respect to whom the President terminated sanctions under subsection (b)(4) during that year;

(iii) the dates on which such sanctions were imposed or terminated, as the case may be;

(6) the number of foreign persons with respect to whom the President terminated sanctions under subsection (b)(4) during that year;

(B) FORM.—The accounting described under paragraph (1) shall not be published on the website of the Department of Justice in a manner consistent with the purposes of this Act.

(B) DATES FOR SUBMISSION.—

(A) INITIAL REPORT.—The President shall submit the initial report required by paragraph (1) not later than 120 days after the date of enactment of this Act.

(B) SUBSEQUENT REPORTS.—The President shall submit a subsequent report under paragraph (1) on December 16, or the first day thereafter on which both Houses of Congress are in session, of—

(i) the total amount of assets recovered by the President under subsection (a) and in effect as of such date, shall remain in effect until terminated in accordance with the requirements of subsection (c); and

(ii) the reasons for imposing or terminating such sanctions;

(C) FORM OF REPORT.—

(A) IN GENERAL.—The unclassified portion of the report required by paragraph (1) shall be published on the website of the Department of Justice in a manner consistent with the purposes of this Act.

(B) EXCEPTION.—The name of a foreign person or entity that is the target of corruption shall be published on the website of the Department of Justice in unclassified form, but may include a classified annex.

(C) DATES FOR SUBMISSION.—

(A) INITIAL REPORT.—The President shall submit the initial report required by paragraph (1) not later than 120 days after the date of enactment of this Act.

(B) SUBSEQUENT REPORTS.—The President shall submit a subsequent report under paragraph (1) on December 16, or the first day thereafter on which both Houses of Congress are in session of—

(i) the calendar year in which the initial report is submitted if the initial report is submitted before December 16 of that calendar year;

(ii) each calendar year thereafter.

(2) F O R E I G N P E R S O N .—The term "foreign person" means a person that is not a United States person.

(3) UNITED STATES PERSON.—The term "United States person" means a person that is a U.S. citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

(4) PERSON.—The term "person" means an individual or entity.

(5) PUBLIC CORRUPTION.—The term "public corruption" means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

SEC. 1284. JUSTICE FOR VICTIMS OF KLEPTOCRACY.

(a) FORFEITED PROPERTY.—

(A) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by adding at the end the following:

(5) P U B L I C A C C O U N T I N G.—The Attorney General shall make available to the public an accounting of any property relating to foreign government corruption that is forfeited to the United States under section 981 or 982.

(B) FORMAT.—The accounting described under subsection (a) shall be published on the website of the Department of Justice in a format that includes the following:

(1) A heading as follows: 'Assets stolen from the people of [country], and recovered by the United States', the blank space being filled with the name of the foreign government that is the target of corruption.

(2) The total amount recovered by the United States on behalf of the foreign people that is the target of corruption at the time when such recovered funds are deposited into the Department of Justice Asset Forfeiture Fund or the Department of the Treasury Financial Management Service.

(c) UPDATED WEBSITE.—The Attorney General shall update the website of the Department of Justice to include an accounting of all new property relating to foreign government corruption that has been forfeited to the United States under section 981 or 982.
not later than 14 days after such forfeiture, unless such update would compromise an ongoing law enforcement investigation.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 46 of title 18, United States Code, is amended by adding at the end the following:

“988. Accounting of certain forfeited property.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that recovered assets be returned for the benefit of the people harmed by the corruption under conditions that reasonably ensure the transparent and effective use, administration, and monitoring of returned proceeds.

SA 4297. Mr. BLUMENTHAL (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS JOINT REPORT ON CONSTRUCTION OF NEW NATIONAL CEMETARY AND ELIGIBILITY STANDARDS FOR ARMY NATIONAL CEMETARY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a strategy for the construction of a new national cemetery to be—

(A) capable of providing full military honors; and

(B) administered by the Department of Veterans Affairs; and

the heads of other relevant Federal departments and agencies, shall—

(1) prioritize for evacuation from Afghanistan nationals of Afghanistan described in subsection (a);

(2) facilitate the rapid departure from Afghanistan of such nationals of Afghanistan by air charter and land passage;

(3) provide letters of support, diplomatic notes, and other credentials as appropriate, to ease transit for such nationals of Afghanistan;

(4) engage relevant governments of countries to better facilitate evacuation of such nationals of Afghanistan;

(5) disseminate frequent updates to such nationals of Afghanistan and relevant non-governmental organizations with respect to evacuation from Afghanistan;

(6) identify or establish sufficient locations outside Afghanistan that will accept such nationals of Afghanistan during application processing; and

(7) increase capacity to better support such nationals of Afghanistan and reduce their application processing times, while ensuring strict and necessary security vetting, including, to the extent practicable, by allowing such nationals of Afghanistan to receive referrals to the United States Refugee Admissions Program while they are still in Afghanistan so as to initiate application processing more expeditiously.

(c) STRATEGY.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees a strategy for the safe processing abroad of nationals of Afghanistan described in subsection (a).

(2) ELEMENTS.—The strategy required by paragraph (1) shall include—

(A) a proposal for the construction of a new national cemetery that will be capable of providing full military honors; and

(B) an assessment of whether each such recipient—

(i) remains in Afghanistan; or

(ii) is outside Afghanistan.

With respect to nationals of Afghanistan who have applied for referral to the United States Refugee Program, the number applications that—

(i) have been approved; and

(ii) have been denied; and

(iii) are pending adjudication.

(D) The number of nationals of Afghanistan who have pending applications for special immigrant visas described in subsection (a)(1), disaggregated by the special immigrant visa processing steps completed with respect to such individuals.

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

(e) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs; and

(2) the Committee on Armed Services of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Armed Services of the House of Representatives.

SA 4299. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1216. SUPPORT FOR NATIONALS OF AFGHANISTAN WHO ARE APPLICANTS FOR SPECIAL IMMIGRANT VISAS OR FOR REFERRAL TO THE UNITED STATES REFUGEE ADMISSIONS PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should increase support for nationals of Afghanistan who aided the United States mission in Afghanistan during the past 20 years and are now under threat from the Taliban, specifically such nationals of Afghanistan, in Afghanistan or third countries, who are applicants for—

(1) special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–86 or section 1099 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(2) referral to the United States Refugee Admissions Program as refugees (as defined in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)), including as Priority 2 refugees.

(b) SUPPORT FOR NATIONALS OF AFGHANISTAN.—The Secretary of State, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal departments and agencies, shall—

(1) prioritize for evacuation from Afghanistan nationals of Afghanistan described in subsection (a);

(2) facilitate the rapid departure from Afghanistan of such nationals of Afghanistan by air charter and land passage;

(3) provide letters of support, diplomatic notes, and other credentials as appropriate, to ease transit for such nationals of Afghanistan;

(4) engage relevant governments of countries to better facilitate evacuation of such nationals of Afghanistan;

(5) disseminate frequent updates to such nationals of Afghanistan and relevant non-governmental organizations with respect to evacuation from Afghanistan;

(6) identify or establish sufficient locations outside Afghanistan that will accept such nationals of Afghanistan during application processing; and

(7) increase capacity to better support such nationals of Afghanistan and reduce their application processing times, while ensuring strict and necessary security vetting, including, to the extent practicable, by allowing such nationals of Afghanistan to receive referrals to the United States Refugee Admissions Program while they are still in Afghanistan so as to initiate application processing more expeditiously.

(c) STRATEGY.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees a strategy for the safe processing abroad of nationals of Afghanistan described in subsection (a).

(2) ELEMENTS.—The strategy required by paragraph (1) shall include—

(A) a proposal for the construction of a new national cemetery that will be capable of providing full military honors; and

(B) an assessment of whether each such recipient—

(i) remains in Afghanistan; or

(ii) is outside Afghanistan.

With respect to nationals of Afghanistan who have applied for referral to the United States Refugee Program, the number applications that—

(i) have been approved; and

(ii) have been denied; and

(iii) are pending adjudication.

(D) The number of nationals of Afghanistan who have pending applications for special immigrant visas described in subsection (a)(1), disaggregated by the special immigrant visa processing steps completed with respect to such individuals.

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

(e) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs; and

(2) the Committee on Armed Forces of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Armed Services of the House of Representatives.

SA 4300. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. POSSE COMITATUS.

Section 1385 of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) Whoever”;

(2) by striking “the Army or the Air Force” and inserting “an Armed Force under the jurisdiction of the Secretary of a military department (as those terms are defined in section 101 of title 10)” and;

(3) by adding at the end the following:

“(b) Notwithstanding any other provision of law, any evidence obtained by or with the assistance of a member of the Armed Forces in violation of subsection (a) shall not be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislature, or other authority of the United States, a State, or a political subdivision thereof.”.

SA 4300. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 846. REQUIREMENT OF CONSENT OF THE CHIEF EXECUTIVE OFFICER FOR CERTAIN FULL-TIME NATIONAL GUARD DUTY PERFORMED IN STATE, TERRITORY, OR THE DISTRICT OF COLUMBIA.

Section 502(f)(2)(A) of title 32, United States Code, is amended by inserting “and performed inside the United States with the consent of the chief executive officer of the State (as that term is defined in section 901 of this title)” after “Defense”.

SA 4301. Mr. BLUMENTHAL, submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 844. PILOT PROGRAM ON DEFENSE INNOVATION OPEN TOPICS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Under Secretary of Defense for Research and Engineering, the Secretary of the Air Force, Secretary of the Army, and the Secretary of the Navy, shall establish defense innovation open topic activities using the Small Business Innovation Research Program in order to—

(1) increase the transition of commercial technology to the Department of Defense;

(2) expand the small business nontraditional small business base;

(3) increase commercialization derived from defense investments;

(4) increase diversity and participation among self-certified small-disadvantaged businesses, minority-owned businesses, and disabled veteran-owned businesses; and

(5) expand the ability for qualifying small businesses to propose technology solutions to meet defense needs.

(b) FREQUENCY.—The Department of Defense and the military services shall conduct not less than one open topic announcement per fiscal year.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on the establishment of the program required by subsection (a).

(d) TERMINATION.—The program authorized in subsection (a) shall terminate on October 1, 2025.

SA 4302. Mr. BLUMENTHAL (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 830. BROADBAND DEFENSE FUND.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term “Administration” means the Federal Communications Information Administration.

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(3) STATE.—The term “State” means a State of the United States and the District of Columbia.

(b) SUBMARINE CABLE LANDING STATION.—The term “submarine cable landing station” means a cable landing station, as that term is used in section 1.767(a)(5) of title 47, Code of Federal Regulations (as promulgated prior to January 21, 2021), that can be utilized to land a submarine cable by an entity that has obtained a license under the first section of the Act entitled “An Act relating to the landing and operation of submarine cables in the United States”, approved May 27, 1921 (47 U.S.C. 34) (commonly known as the “Cable Landing Licensing Act”).

(c) TEAM TELECOM.—The term “Team Telecom” means the interagency working group of the Federal Communications Commission, the Department of Defense, the Department of Homeland Security, and the Department of Justice, as described in the Report and Order of the Federal Communications Commission issued on October 1, 2020 entitled “Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership”.

(6) TRANSPORT CAPACITY.—The term “transport capacity” means—

(A) broadband transmission capability that does not predominantly serve end users or the last mile of the transmission network; and

(B) may include interoffice transport, backhaul, Internet connectivity, middle mile, or long-haul service used for transport of broadband data between network locations other than end-user premises or devices.

(b) BROADBAND DEFENSE FUND.—

(1) NTIA ADMINISTRATION.—Not later than 1 year after the date on which amounts are made available under paragraph (1), the Administrator shall establish the Broadband Defense Fund to provide—

(A) transport capacity in or to connect to State or the headquarters of the United States Indo-Pacific Command are located; and

(B) open access carrier neutral submarine cable landing stations in States where the headquarters of the United States Indo-Pacific Command are located.

(2) AWARD OF SUPPORT.—The Administration shall establish and award amounts from the Broadband Defense Fund under this section in accordance with the following requirements:

(A) Support shall be awarded only for deployment, maintenance, and operation of transport broadband capacity, in locations or on routes that are not supported or expected to be supported under any other of the high-cost universal service support programs of the Federal Communications Commission.

(B) The Administration shall establish criteria for awarding support in a manner consistent with this section, including supporting the broadband needs of the United States Indo-Pacific Command and the surrounding communities.

(3) OBLIGATIONS OF FUND RECIPIENTS.—

(A) IN GENERAL.—The Administration shall ensure that each recipient of amounts from the Broadband Defense Fund is legally, technically, and financially qualified to complete the required broadband deployment within the term of support.

(B) ACCESS.—Recipients of amounts from the Broadband Defense Fund shall provide carrier-neutral wholesale access to landing spots and transport capacity supported by the Fund—

(i) on just, reasonable, affordable, and reasonably non-discriminatory terms, as determined by rules issued by the Administration; and

(ii) at rates no higher than the national average wholesale price of comparable wholesale telecommunications services, as determined by the Administration.

(C) VENDOR VETTING.—Any grant, subgrant, or contract awarding amounts under this section shall be awarded to vendors or subcontractors that are—

(i) technologically, and financially qualified to complete the required broadband deployment within the term of support; and

(ii) that have been evaluated and vetted by Team Telecom.

(D) TRANSPORT CAPACITY.—The term “transport capacity” means—

(A) broadband transmission capability that does not predominantly serve end users or the last mile of the transmission network; and

(B) may include interoffice transport, backhaul, Internet connectivity, middle mile, or long-haul service used for transport of broadband data between network locations other than end-user premises or devices.

(c) TEAM TELECOM.—The term “Team Telecom” means the interagency working group of the Federal Communications Commission, the Department of Defense, the Department of Homeland Security, and the Department of Justice, as described in the Report and Order of the Federal Communications Commission issued on October 1, 2020 entitled “Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership”.

(6) TRANSPORT CAPACITY.—The term “transport capacity” means—

(A) broadband transmission capability that does not predominantly serve end users or the last mile of the transmission network; and

(B) may include interoffice transport, backhaul, Internet connectivity, middle mile, or long-haul service used for transport of broadband data between network locations other than end-user premises or devices.

(c) TEAM TELECOM.—The term “Team Telecom” means the interagency working group of the Federal Communications Commission, the Department of Defense, the Department of Homeland Security, and the Department of Justice, as described in the Report and Order of the Federal Communications Commission issued on October 1, 2020 entitled “Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership”.

(6) TRANSPORT CAPACITY.—The term “transport capacity” means—

(A) broadband transmission capability that does not predominantly serve end users or the last mile of the transmission network; and

(B) may include interoffice transport, backhaul, Internet connectivity, middle mile, or long-haul service used for transport of broadband data between network locations other than end-user premises or devices.

(c) TEAM TELECOM.—The term “Team Telecom” means the interagency working group of the Federal Communications Commission, the Department of Defense, the Department of Homeland Security, and the Department of Justice, as described in the Report and Order of the Federal Communications Commission issued on October 1, 2020 entitled “Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership”.

(6) TRANSPORT CAPACITY.—The term “transport capacity” means—

(A) broadband transmission capability that does not predominantly serve end users or the last mile of the transmission network; and

(B) may include interoffice transport, backhaul, Internet connectivity, middle mile, or long-haul service used for transport of broadband data between network locations other than end-user premises or devices.

(c) TEAM TELECOM.—The term “Team Telecom” means the interagency working group of the Federal Communications Commission, the Department of Defense, the Department of Homeland Security, and the Department of Justice, as described in the Report and Order of the Federal Communications Commission issued on October 1, 2020 entitled “Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership”.

(6) TRANSPORT CAPACITY.—The term “transport capacity” means—

(A) broadband transmission capability that does not predominantly serve end users or the last mile of the transmission network; and

(B) may include interoffice transport, backhaul, Internet connectivity, middle mile, or long-haul service used for transport of broadband data between network locations other than end-user premises or devices.

(c) TEAM TELECOM.—The term “Team Telecom” means the interagency working group of the Federal Communications Commission, the Department of Defense, the Department of Homeland Security, and the Department of Justice, as described in the Report and Order of the Federal Communications Commission issued on October 1, 2020 entitled “Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership”.

(6) TRANSPORT CAPACITY.—The term “transport capacity” means—

(A) broadband transmission capability that does not predominantly serve end users or the last mile of the transmission network; and

(B) may include interoffice transport, backhaul, Internet connectivity, middle mile, or long-haul service used for transport of broadband data between network locations other than end-user premises or devices.
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awarded to a vendor that has been vetted and approved by Team Telecom.

(4) APPROPRIATIONS.—The Broadband Defense Fund shall consist of amounts appropriated who are Broadband Defense Fund by an Act of Congress.

SA 4304. Mr. BLUMENTHAL submitted an amendment intended to be introduced to the amendment to proposed amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 844. ENTREPRENEURIAL INNOVATION PROJECT DESIGNATIONS.

(a) IN GENERAL.—

(1) DESIGNATING CERTAIN SBIR AND STTR PROGRAMS AS ENTREPRENEURIAL INNOVATION PROJECTS.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2535b the following new section:

"§ 2539c Entreprenuerial Innovation Project designations

"(a) IN GENERAL.—During the first fiscal year beginning after the date of enactment of this section, and during each subsequent fiscal year, each Secretary concerned, in consultation with the chief of an armed force under the jurisdiction of the Secretary concerned, shall designate not less than five eligible programs as Entrepreneurial Innovation Projects.

"(b) APPLICATION.—An eligible program seeking designation as an Entrepreneurial Innovation Project under this section shall submit to the Secretary concerned an application for the same time, in such manner, and containing such information as the Secretary concerned determines appropriate.

"(c) DESIGNATION CRITERIA.—In making designation under section (a), the Secretary concerned shall consider—

"(1) the potential of the eligible program to—

"(A) advance the national security capabilities of the United States;

"(B) provide new technologies or processes, or new applications of existing technologies, that will enable new alternatives to existing programs; and

"(C) provide future cost savings;

"(2) whether an advisory panel has recommended the eligible program for designation;

"(3) such other criteria that the Secretary concerned determines to be appropriate.

"(d) PROGRAM PLANS.—

"(1) FUTURE YEARS DEFENSE PROGRAM INCLUSION.—With respect to each designated program, the Secretary of Defense shall include in the next future-years defense program the estimated expenditures of such designated program. In the preceding sentence, the term 'next future-years defense program' means the future-years defense program submitted to Congress under section 221 of this title after the date on which such designated program is designated under subsection (a).

"(2) PROVISION.—Provided in clause (1), members of an advisory panel, and the support staff of such members, shall be compensated at a rate determined reasonable by the Secretary concerned and shall be reimbursed in accordance with section 5703 of title 5 for reasonable travel costs and expenses incurred in performing duties as members of an advisory panel.

"(ii) PROHIBITION ON COMPENSATION OF FEDERAL EMPLOYEES.—Members of an advisory panel who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on an advisory panel.

"(3) SELECTION PROCESS.—

"(A) INITIAL SELECTION.—Each advisory panel shall select not less than ten eligible programs that have submitted an application under subsection (b).

"(B) PROGRAM PLANS.—

"(i) IN GENERAL.—Each eligible program selected under subsection (a) shall submit to the advisory panel that selected such eligible program a program plan containing the five-year goals, execution plans, schedules, and funding needs of such eligible program.

"(ii) SUPPORT.—Each Secretary concerned shall, to the greatest extent practicable, provide eligible programs selected under subparagraph (A) with access to information to support the development of the program plans described in clause (1).

"(C) FINAL SELECTION.—Each advisory panel shall recommend to the Secretary concerned for designation under subsection (a) not less than five eligible programs that submitted a program plan under subparagraph (B) and as to which the advisory panel was less than five such eligible programs, such advisory panel may recommend to the Secretary concerned for designation under subsection (a) less than five such eligible programs.

"(iv) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Secretary concerned shall provide the relevant advisory panel with such administrative and technical assistance as the Secretary concerned determines necessary for such advisory panel to carry out its duties.

"(v) FUNDING.—The Secretary of Defense may use amounts available from the Department of Defense Acquisition Workforce Development Account established under section 1705 of this title to support the activities of advisory panels.

"(vi) INAPPLICABILITY OF FACIA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panels established under this subsection.

"(vii) REVOCATION OF DESIGNATION.—If the Secretary concerned determines that a designated program cannot meet the objectives of such designated program in the relevant programming proposal referred to in subsection (d) or such objectives are in conflict with such Secretary concerned may revoke the designation.

"(viii) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress an annual report describing each designated program and the progress each designated program has made toward achieving the objectives of the designated program.

"(C) DEFINITIONS.—In this section:

"(1) ADVISORY PANEL.—The term 'advisory panel' means an advisory panel established under subsection (e)(1).

"(2) DESIGNED PROGRAM.—The term 'designed program' means an eligible program that has been designated as an Entrepreneurial Innovation Project under this section.

"(3) ELIGIBLE PROGRAM.—The term 'eligible program' means work performed pursuant to a Phase III agreement (as such term is defined in section 9(r)(2) of the Small Business Act (15 U.S.C. 638(r)(2))).

"(D) CLERICAL AMENDMENT.—The table of contents at the beginning of chapter 139 of title 10, United States Code, is amended by inserting after the item related to section 2535b the following new item:
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which was ordered to lie on the table;

military personnel strengths for such con-
struction, and for defense activities of
2022 for military activities of the De-
partment of Defense, for military con-
struction, and for defense activities of the Department of Energy, to prescribe
military construction and military strength
for such fiscal year, and for other purposes;
which was ordered to lie on the table; as follows:

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

SEC. 1224. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DIS-
PLACED POPULATIONS IN SYRIA.

Section 1224 of the National Defense Au-
thorization Act for Fiscal Year 2020 (Public
Law 116–92; 133 Stat. 1642) is amended—
(a) by striking subsection (a);
(b) by amending subsection (b) to read as follows:

"(a) DESIGNATION.—

"(i) IN GENERAL—The President, in con-

sultation with the Secretary of Defense, the
Secretary of State, the Director of National
Intelligence, the Secretary of the Treasury,
the Administrator of the United States
Agency for International Development, and
the Attorney General, shall designate an ex-
isting official to serve within the executive
branch as senior-level coordinator to coordi-
nate, for national and other relevant agencies, all matters related to ISIS mem-
bers who are in the custody of the Syrian
Democratic Forces and other relevant dis-
placed populations in Syria, including—

"(A) the long-term disposition of such indi-
viduals, including in all matters related to—

"(i) prosecution, transfer, prosecution, and
intelligence-gathering;

"(ii) all multilateral and international en-
gagements led by the Department of State
and other agencies that are related to the
current and future handling, detention, and
prosecution of such ISIS members, including
such engagements with the International
Criminal Police Organization; and

"(iii) the coordination of the provision of
technical and evidentiary assistance to for-

gain countries to aid in the successful pros-
cution of such ISIS members, as appro-
priate, in accordance with international hu-
manitarian law and other internationally
recognized human rights and rule of law
standards;

"(B) all multilateral and international en-
gagements related to humanitarian access
and provision of basic services to, and
freedom of movement and security and safe re-
turn of, internally displaced persons and refu-
gees at camps or facilities in Syria that
hold family members of such ISIS members;
and
"(C) coordination with other agencies on
matters described in this section; and

"(D) any other matter the Secretary of State
considers relevant.

(b) RULE OF CONSTRUCTION.—If, on the date
of the enactment of the National Defense
Authorization Act for Fiscal Year 2022, an in-
dividual has already been designated, con-
sideration of the requirements and respon-
sibilities described in paragraph (1), the
requirements under that paragraph shall be
considered to be satisfied with respect to
such individual until the date on which such
individual no longer serves as the Coor-
nodator;":

(c) in subsection (c), by striking "sub-
section (b)" and inserting "subsection (a)";
(d) by amending subsection (d) to read as follows:

"(D) ANNUAL REPORT.—

"(i) IN GENERAL—Not later than 180 days
after the date of the enactment of this Act,
and not less frequently than once each year

SEC. 1225. RESTRICTION ON PROCUREMENT OR PURCHASING BY DEPARTMENT OF DEFENSE OF CERTAIN ITEMS CONTA-
ining Perfluoroalkyl Substances and Polyfluoroalkyl Sub-
stances.

SEC. 1226. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DIS-
PLACED POPULATIONS IN SYRIA.

SA 4306. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to au-
thorize appropriations for fiscal year 2022 for military activities of the Department
of Defense, for military construc-
tion, and for defense activities of the De-
partment of Energy, to prescribe
military construction and military strength
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. 1226. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DIS-
PLACED POPULATIONS IN SYRIA.

Section 1224 of the National Defense Au-
thorization Act for Fiscal Year 2020 (Public
Law 116–92; 133 Stat. 1642) is amended—
(a) by striking subsection (a);
(b) by amending subsection (b) to read as follows:

"(a) DESIGNATION.—

"(i) IN GENERAL—The President, in con-

sultation with the Secretary of Defense, the
Secretary of State, the Director of National
Intelligence, the Secretary of the Treasury,
the Administrator of the United States
Agency for International Development, and
the Attorney General, shall designate an ex-
isting official to serve within the executive
branch as senior-level coordinator to coordi-
nate, for national and other relevant agencies, all matters related to ISIS mem-
bers who are in the custody of the Syrian
Democratic Forces and other relevant dis-
placed populations in Syria, including—

"(A) the long-term disposition of such indi-
viduals, including in all matters related to—

"(i) prosecution, transfer, prosecution, and
intelligence-gathering;

"(ii) all multilateral and international en-
gagements led by the Department of State
and other agencies that are related to the
current and future handling, detention, and
prosecution of such ISIS members, including
such engagements with the International
Criminal Police Organization; and

"(iii) the coordination of the provision of
technical and evidentiary assistance to for-
gain countries to aid in the successful pros-
cution of such ISIS members, as appro-
priate, in accordance with international hu-
manitarian law and other internationally
recognized human rights and rule of law
standards;

"(B) all multilateral and international en-
gagements related to humanitarian access
and provision of basic services to, and
freedom of movement and security and safe re-
turn of, internally displaced persons and refu-
gees at camps or facilities in Syria that
hold family members of such ISIS members;
and
"(C) coordination with other agencies on
matters described in this section; and

"(D) any other matter the Secretary of State
considers relevant.

(b) RULE OF CONSTRUCTION.—If, on the date
of the enactment of the National Defense
Authorization Act for Fiscal Year 2022, an in-
dividual has already been designated, con-
sideration of the requirements and respon-
sibilities described in paragraph (1), the
requirements under that paragraph shall be
considered to be satisfied with respect to
such individual until the date on which such
individual no longer serves as the Coor-
nodator;":

(c) in subsection (c), by striking "sub-
section (b)" and inserting "subsection (a)";
(d) by amending subsection (d) to read as follows:

"(D) ANNUAL REPORT.—

"(i) IN GENERAL—Not later than 180 days
after the date of the enactment of this Act,
and not less frequently than once each year

SEC. 1226. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DIS-
PLACED POPULATIONS IN SYRIA.

Section 1224 of the National Defense Au-
thorization Act for Fiscal Year 2020 (Public
Law 116–92; 133 Stat. 1642) is amended—
(a) by striking subsection (a);
(b) by amending subsection (b) to read as follows:

"(a) DESIGNATION.—

"(i) IN GENERAL—The President, in con-

sultation with the Secretary of Defense, the
Secretary of State, the Director of National
Intelligence, the Secretary of the Treasury,
the Administrator of the United States
Agency for International Development, and
the Attorney General, shall designate an ex-
isting official to serve within the executive
branch as senior-level coordinator to coordi-
nate, for national and other relevant agencies, all matters related to ISIS mem-
bers who are in the custody of the Syrian
Democratic Forces and other relevant dis-
placed populations in Syria, including—

"(A) the long-term disposition of such indi-
viduals, including in all matters related to—

"(i) prosecution, transfer, prosecution, and
intelligence-gathering;

"(ii) all multilateral and international en-
gagements led by the Department of State
and other agencies that are related to the
current and future handling, detention, and
prosecution of such ISIS members, including
such engagements with the International
Criminal Police Organization; and

"(iii) the coordination of the provision of
technical and evidentiary assistance to for-
gain countries to aid in the successful pros-
cution of such ISIS members, as appro-
priate, in accordance with international hu-
manitarian law and other internationally
recognized human rights and rule of law
standards;

"(B) all multilateral and international en-
gagements related to humanitarian access
and provision of basic services to, and
freedom of movement and security and safe re-
turn of, internally displaced persons and refu-
gees at camps or facilities in Syria that
hold family members of such ISIS members;
and
"(C) coordination with other agencies on
matters described in this section; and

"(D) any other matter the Secretary of State
considers relevant.

(b) RULE OF CONSTRUCTION.—If, on the date
of the enactment of the National Defense
Authorization Act for Fiscal Year 2022, an in-
dividual has already been designated, con-
sideration of the requirements and respon-
sibilities described in paragraph (1), the
requirements under that paragraph shall be
considered to be satisfied with respect to
such individual until the date on which such
individual no longer serves as the Coor-
nodator;":

(c) in subsection (c), by striking "sub-
section (b)" and inserting "subsection (a)";
(d) by amending subsection (d) to read as follows:

"(D) ANNUAL REPORT.—

"(i) IN GENERAL—Not later than 180 days
after the date of the enactment of this Act,
thereafter through January 31, 2024, the Co-ordinator, in coordination with the relevant agencies, shall submit to the appropriate committees of Congress a detailed report that includes the following:

“(A) A detailed description of the facilities where detained ISIS members are being held, including security and management of such facilities and adherence to international humanitarian law standards.

“(B) A description of all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, internally displaced persons and refugees at camps or facilities in Iraq, Syria, and any other area affected by ISIS activity, including a description of—

(i) support for efforts by the Syrian Democratic Forces to facilitate the return of refugees from Iraq and Syria;

(ii) repatriation efforts with respect to displaced women and children;

(iii) any current or future potential threat to United States national security interests posed by detained ISIS members, including an analysis of the Al-Hol camp and annexes; and

(iv) United States Government plans and strategies to respond to any threat identified under subparagraph (iii).

“(C) An analysis of all United States efforts to prosecute detained ISIS members and the outcomes of such efforts. Any information otherwise in the possession of or controlled by the Department of Justice policy or law, relating to a prosecution or investigation may be withheld from a report under this subsection.

“(D) A detailed description of any option to expedite prosecution of any detained ISIS member in a court of competent jurisdiction outside of the United States.

“(E) An analysis of factors on the ground in Syria and Iraq that may result in the unintended release of detained ISIS members, and an assessment of any measures available to mitigate such releases.

“(F) A detailed description of efforts to coordinate the disposition and security of detained ISIS members with other countries and international organizations, including the International Criminal Police Organization, or to exchange or repatriate ISIS members, and any legal obstacles that may hinder such efforts.

“(G) An analysis of the manner in which the United States Government communicates with the families of United States citizens believed to be a victim of a criminal act by a detained ISIS member.

“(H) An analysis of all efforts between the United States and partner countries within the Global Coalition to Defeat ISIS or other countries to share intelligence or evidence that may aid in the prosecution of ISIS members, and any legal obstacles that may hinder such efforts.

“(I) Any other matter the Coordinator considers appropriate.”

“SEC. 10. LUMBEE TRIBE OF NORTH CAROLINA RECOGNITION.

The Act of July 7, 1956 (70 Stat. 254, chapter 275), is amended—

(1) by striking section 2;

(2) in the first sentence of the first section, by striking “That the Indians” and inserting the following:

“SEC. 3. DESIGNATION OF LUMBE Indian.”

(3) in the preamble—

(A) by inserting before the first undesignated clause the following:

“SEC. 1. FINDINGS.

“Congress finds that—”;

(B) by designating the undesignated clauses as paragraphs (1) through (4), respectively, and indenting appropriately;
SEC. 6. AUTHORIZATION TO TAKE LAND INTO TRUST.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is hereby authorized to take land into trust for the benefit of the Tribe.

(b) TREATMENT OF CERTAIN LAND.—An application to take into trust land located within Robeson County, North Carolina, under this section shall be treated by the Secretary as an application in accordance with Subchapter II of Chapter 431 of title 25, Code of Federal Regulations (or a successor regulation).

SEC. 7. JURISDICTION OF STATE OF NORTH CAROLINA.

(a) IN GENERAL.—With respect to land located within the State of North Carolina that is owned by, or held in trust by the United States for the benefit of the Tribe, any dependent Indian community of the Tribe, the State of North Carolina shall exercise jurisdiction over—

(1) all offenses that are committed; and

(2) all civil actions that arise.

(b) TRANSFER OF JURISDICTION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may accept on behalf of the United States, after consulting with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in subsection (a) over Indian country occupied by the Tribe pursuant to an agreement between the Tribe and the State of North Carolina.

(2) RESTRICTION.—A transfer of jurisdiction under paragraph (1) may not have the effect until 2 years after the effective date of the agreement described in that paragraph.


SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 9. SHORT TITLE.

This Act may be cited as the "Lumbee Tribe of North Carolina Recognition Act."
(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) Quorum.—The Commission shall meet at the call of the Chairperson.

(C) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) Chairperson and Vice Chairperson.—

The Commission shall select, by a simple majority vote, a Chairperson and a Vice Chairperson from among the members of the Commission who volunteer to perform such roles.

(d) Purpose of Commission.—The purpose of the Commission is to examine the war in Afghanistan, create strategic and grand strategic lessons learned, and develop recommendations of the United States and future policymakers and senior military decision makers in the United States.

(e) Duties of Commission.—

(1) Study.—

(A) In General.—The Commission shall conduct a thorough study of all matters relating to combat operations, reconstruction and assistance activities, intelligence operations, and diplomatic activities of the United States pertaining to the war in Afghanistan.

(B) Matters Studied.—The matters studied by the Commission shall include—

(i) the activities and actions of the United States in and related to Afghanistan immediately prior to the attacks on September 11, 2001, and during the initial invasion of Afghanistan by the United States;

(ii) the Taliban and other combatants during the applicable period;

(iii) the efficacy of the various military missions conducted by United States and coalition forces, including combat operations, stabilization, reconstruction, assist operations, security and stability operations, and counter-narcotics and counter-terrorism operations, and the extent to which Afghan government forces conducted;

(iv) peace negotiations involving the United States, the Islamic Republic of Afghanistan, and the Taliban; and

(v) the withdrawal of the United States military from Afghanistan.

(C) Contents.—The study required under subparagraph (A) shall include the following elements:

(i) An analysis of the political and strategic decisions that influenced—

(I) interactions of the Government of the United States with the Government of Afghanistan;

(II) the strategic objectives of the war, including how such objectives changed, during the applicable period and the extent to which such objectives furthered strategies by the United States to terminate the war;

(iii) the number of members of the Armed Services of Afghanistan during the applicable period;

(iv) the command and control relationships of the Armed Forces;

(v) the role of United States and other military forces with other instruments of United States national power; and

(vi) the metrics used for measuring and reporting progress towards strategic objectives and the extent to which such metrics were analytically effective or accurate.

(ii) A study addressing the military, diplomatic, and intelligence interactions of the United States with Pakistan during the applicable period, including any interactions between Government of Pakistan and the Government of Afghanistan or the Taliban.

(iii) An examination of the participation in the war in Afghanistan by member states of the North Atlantic Treaty Organization.

(iv) An examination of the long-term impact of the war in Afghanistan on government institutions in the United States.

(v) An examination of the authorities used to conduct the war and an assessment of the effectiveness of legislative actions taken to conduct overseas activities.

(vi) A description of any other matters that the Commission determines significantly affected the conduct and the outcome of the war in Afghanistan.

(vii) Recommendations for legislation and administrative actions to address any shortcomings in the conduct of the war in Afghanistan identified by the Commission.

(2) Reports Required.—

(A) In General.—

(I) Annual Report.—Not later than 1 year after the date of the initial meeting of the Commission, and annually thereafter, the Commission shall submit to the appropriate congressional committees a report describing the progress of the Commission.

(ii) Final Report.—Not later than 4 years after the date of the initial meeting of the Commission, the Commission shall submit to the President and Congress a report that contains a detailed statement of the findings and conclusions of the Commission, together with the recommendations of the Commission.

(B) Form.—The report required by subparagraph (A)(ii) shall be submitted and publicly released on a Government website in unclassified form but may contain a classified annex, which the Commission shall make every effort to ensure is classified at the lowest classification level.

(C) Subsequent Reports on Declassification.—

(i) In General.—Not later than 2 years after the date that the report required by subparagraph (A)(ii) is submitted and every 2 years thereafter until the entirety of the classified annex of such report is declassified, and publically released, the Chairperson or other 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 for which work is being performed to declassify 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.

(iii) Powers of Commission.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(iv) Assistance from Federal Agencies.—

(A) Information.—

(i) In General.—The Commission may secure from any department or agency such information as the Commission considers necessary to carry out this section.

(ii) Furnishing Information.—On request of the Chairperson of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(B) General Services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, at the Commission’s expense, such administrative support services and office space necessary for the Commission to carry out its purposes and functions under this section.

(3) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

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

(g) Nonapplicability of Federal Advisory Committee Act.—

(1) In General.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) Public Meetings and Release of Public Versions or Reports.—The Commission shall—

(A) hold public hearings and meetings in the discretion of the Chairperson.

(B) release public versions of the reports required under subsection (e)(2).

(3) Public Hearings.—Any public hearing of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or executive order.

(h) Commission Personnel Matters.—

(1) Compensation of Members.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, while away from their homes or regular places of business 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 in the executive branch under chapter 57 or chapter 53 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(C) Staff.—

(A) In General.—The Chairperson, in consultation with the Vice Chairperson of the Commission, may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties, except that the employment of an executive director shall be subject to confirmation by the Commission.

(B) Qualifications for Personnel.—The Chairperson and the Vice Chairperson of the Commission shall give preference in such appointments under subparagraph (A) to individuals from academic backgrounds, and former military personnel should include representation from the reserve components.

(C) Compensation.—The Chairperson, in consultation with the Vice Chairperson of the Commission, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, except as otherwise limited by the General Schedule pay rates, except that the rate of pay for the executive director and
other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal employee or employee of a Federal agency may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson, in consultation with the Vice Chairperson of the Commission, may procure temporary or 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 rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(6) SECURITY CLEARANCES.—The appropriate departments or agencies of the United States shall cooperate with the Commission in expediting the security clearances to the extent possible pursuant to existing procedures and requirements.

(1) 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)(i).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission such amounts as necessary to carry out activities under this section.

(3) 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 (l).

SA 4312. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. PROHIBITION ON HOUSING OF CHIMPANZES AT INSTALLATIONS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—On or after May 31, 2022, the Secretary of the Air Force may not house chimpanzees at any installation of the Department of the Air Force.

(b) TRANSPORT OF CHIMPANZES.—Any chimpanzees currently housed at an installation of the Department of the Air Force shall be transported to Chimp Haven in Louisiana, beginning not later than the date of enactment of this Act.

SEC. 318. PILOT PROGRAM ON USE OF SUSTAINABLE AVIATION FUEL.

(a) PILOT PROGRAM DESCRIBED.—(1) IN GENERAL.—The Secretary of Defense shall conduct a pilot program on the use of sustainable aviation fuel by the Department of Defense.

(b) DESIGN OF PROGRAM.—The pilot program shall be designed to—

(1) identify any logistical challenges with respect to the use of sustainable aviation fuel by the Department;

(2) promote understanding of the technical and performance characteristics of sustainable aviation fuel when used in a military setting; and

(3) engage nearby commercial airports to explore opportunities and challenges to participate on increased use of sustainable aviation fuel.

(b) SELECTION OF FACILITIES.—(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than two geographically diverse facilities of the Department of Defense, to be considered for the program to carry out the program under this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Defense, such sums as may be necessary to carry out the program.

(c) DESTRUCTION OF FACILITIES.—Such sums may be used to provide a national service educational award for each participant under such section 127.

SEC. 313. Ms. DUCKWORTH (for herself, Mr. CASSIDY, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:
also actively seeking to increase the use of sustainable aviation fuel.

(2) NOTICE TO CONGRESS.—Upon the selection of each facility under paragraph (1), the Secretary of Defense shall submit to the appropriate committees of Congress notice of the selection, including an identification of the facility selected.

(b) USE OF SUSTAINABLE AVIATION FUEL.—

(1) PLANS.—For each facility selected under subsection (b), not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a plan on how to implement, by the end of the fiscal year 2028, and for five years thereafter, the Secretary shall require, at each facility, the exclusive use of sustainable aviation fuel.

(A) An assessment of the effect of using sustainable aviation fuel on emissions and air quality;

(vi) the effect of the use of sustainable aviation fuel on emissions and air quality;

(vii) benefits with respect to job creation in the sustainable aviation fuel production and supply chain.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means, at a minimum—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

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

(2) SUSTAINABLE AVIATION FUEL DEFINED.—The term "sustainable aviation fuel" means liquid fuel that—

(A) consists of synthesized hydrocarbon;

(B) meets the requirements of—

(i) ASTM International Standard D7566 (or successor standard); or

(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or successor standard);

(C) is derived from biomass (as such term is defined in section 45(k)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides; and

(D) is not derived from palm fatty acid disillates.

SA 4315. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill. Mr. SCHATZ supports appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 318. REVISION OF ENERGY PROCUREMENT POLICIES OF DEPARTMENT OF DEFENSE TO PROCURE RESILIENT AND CLEAN ENERGY.

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

(iv) the effect of the use of sustainable aviation fuel on emissions and air quality;

(vi) the effect of the use of sustainable aviation fuel on emissions and air quality;
assured access to electricity to meet critical mission availability.

SA 4316. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1283. DEPARTMENT OF STATE STUDENT INTERNSHIP PROGRAM.

(a) In General.—The Secretary of State is authorized to enter into agreements with institutions of higher education to structure internship programs of the Department of State that are part of the Virtual Student Federal Service Internship Program.

(b) Authorization.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that includes—

(1) data, to the extent collection of such information is permissible by law, regarding the number of students (disaggregated by race, ethnicity, gender, institution of higher education, home State, State where each student graduated from high school, disabilities status) who applied to the Program, were offered a position, and participated; and

(2) data regarding—

(A) the number of security clearance investigations started for such students; and

(B) the timeline for such investigations, including—

(i) whether such investigations were completed; and

(ii) when an interim security clearance was granted;

(3) information on Program expenditures; and

(4) information regarding the Department of State’s compliance with subsection (g).

(i) DATA COLLECTION POLICIES.—(1) In General.—No data collected under this section may be construed to compel any student who is a participant in an internship program of the Department of State to partake in the collection of the data or divulge any personal information. Such students shall be informed that their participation in the data collection contemplated by this provision is voluntary.

(2) PRIVACY PROTECTION.—Any data collected under this section shall be subject to

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SA 4318. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill S. 4550, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. PILOT PROGRAM ON DOULA SUPPORT FOR VETERANS.

(a) FINDINGS.—Congress finds the following:

(1) There are approximately 2,300,000 women within the veteran population in the United States.

(2) In number of women veterans using services from the Veterans Health Administration has increased by 28.8 percent from 423,662 in 2014 to 545,670 in 2019.

(3) During the period of 2010 through 2015, the use of maternity services from the Veterans Health Administration increased by 44 percent.

(4) Although prenatal care and delivery is not provided in facilities of the Department of Veterans Affairs, pregnant women seeking care from the Department for other conditions may also need prenatal care and delivery require coordination of services through the Veterans Community Care Program under section 1703 of title 38, United States Code.

(5) The number of unique women veteran patients with an obstetric delivery paid for by the Department increased by 1,778 percent from 32,959 deliveries in 2000 to 3,756 deliveries in 2015.

(6) The number of women age 35 years or older with an obstetric delivery paid for by the Department increased by 36 percent.

(7) A study in 2010 found that veterans returning from Operation Enduring Freedom and Operation Iraqi Freedom who experienced pregnancy were twice as likely to have a diagnosis of depression, anxiety, posttraumatic stress disorder, bipolar disorder, schizophrenia as those who had not experienced a pregnancy.

(8) The number of women veterans of reproductive age seeking care from the Department of Veterans Affairs and administration continues to grow (more than 185,000 as of fiscal year 2015).

(b) PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a pilot program to furnish doula services to covered veterans through eligible entities by expanding the Whole Health model of the Department of Veterans Affairs, or successor office (in this section referred to as the "Whole Health model") to provide for: (A) coordinate services and activities under the pilot program; (B) oversee the administration of the pilot program; and (C) conduct onsite assessments of medical facilities of the Department that are participating in the pilot program.

(2) GUIDELINES.—

(1) IN GENERAL.—The Office shall establish guidelines under the pilot program for training doulas on military sexual trauma and post traumatic stress disorders.

(3) AMOUNTS FOR CARE.—The Office may recommend to the Secretary appropriate payment amounts for care and services provided under the pilot program, which shall not exceed $3,500 per doula per veteran.

(g) DOULA SERVICE COORDINATOR.—

(1) IN GENERAL.—The Secretary, in consultation with the Office, shall establish a Doula Service Coordinator within the functions of the Maternity Care Coordinator at the Department, or such other office of the Department that is participating in the pilot program.

(2) DUTIES.—A Doula Service Coordinator established under paragraph (1) at a medical facility shall be responsible for:

(A) working with eligible entities, doulas, and covered veterans participating in the pilot program; and

(B) managing payment between eligible entities and the Department under the pilot program.

(3) TRACKING OF INFORMATION.—A doula providing services under the pilot program shall report to the applicable Doula Service Coordinator after each session conducted under the pilot program.

(4) COORDINATION WITH WOMEN'S PROGRAM MANAGER.—A Doula Service Coordinator for a medical facility of the Department shall coordinate with the women's program manager for that facility in carrying out the duties of the Doula Service Coordinator under the pilot program.

(b) TERMS OF PILOT PROGRAM.—The Secretary shall conduct the pilot program for a period of 5 years.

(1) TECHNICAL ASSISTANCE.—The Secretary shall establish a process for technical assistance to eligible entities and doulas participating in the pilot program.

(2) REPORT.—As part of the final report submitted under paragraph (1), the Secretary shall include recommendations on whether the model studied in the pilot program should be continued or more widely adopted by the Department.

(c) APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for each of fiscal years 2022 through 2027, such sums as may be necessary to carry out this section.

(1) DEFINITIONS.—In this section:

(1) COVERED VETERAN.—The term "covered veteran" means a pregnant veteran or a for whom a doula has provided care (in a voice session-post-partum) who is enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1703(a) of title 38, United States Code.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that provides medical services to covered veterans under the laws administered by the Secretary, including under the veterans community care program and under section 1703 of title 38, United States Code.

(3) VA VIDEO CONNECT.—The term "VA Video Connect" means the program of the Department of Veterans Affairs to connect veterans with their health care team anywhere, using encryption to ensure a secure and private session.

SA 4319. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and
for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 607. REIMBURSEMENT FOR COSTS OF UNIFORM AND EQUIPMENT TO CADETS AT SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 7450 of title 10, United States Code, is amended to read as follows:

"§ 7450. Cadets: clothing and equipment

"The Secretary of the Army shall provide to each cadet, at no cost to the cadet, the cadet’s initial issue of clothing and equipment.”.

(b) UNITED STATES NAVAL ACADEMY.—

(1) In general.—Section 8460 of such title is amended to read as follows:

"§ 8460. Midshipmen: clothing and equipment

"The Secretary of the Navy shall provide to each midshipman, at no cost to the midshipman, the midshipman’s initial issue of clothing and equipment.”

(2) Clerical Amendment.—The table of sections for chapter 853 of such title is amended by striking the item relating to section 8460 and inserting the following new item:

"8460. Midshipmen: clothing and equipment

"(a) UNITED STATES NAVAL ACADEMY. —Section 8460 of such title is amended to read as follows:

"§ 8460. Midshipmen: clothing and equipment

"The Secretary of the Navy shall provide to each midshipman, at no cost to the midshipman, the midshipman’s initial issue of clothing and equipment.”

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9450 of such title is amended to read as follows:

"§ 9450. Cadets: clothing and equipment

"The Secretary shall provide to each cadet, at no cost to the cadet, the cadet’s initial issue of clothing and equipment.”

(2) Clerical Amendment. —The table of sections for chapter 1927 of such title is amended by striking the item relating to section 1927 and inserting the following new item:

"1927. Cadets: clothing and equipment

"(a) UNITED STATES NAVAL ACADEMY.—Section 51308 of title 46, United States Code, is amended by inserting “(at cost to the cadet)” after “textbooks”.

SA 4321. Mr. BOOKER (for himself and Mr. BRUMMENTHALL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1064. PILOT PROGRAM ON PROVISION OF PLANT-BASED PROTEIN OPTIONS TO MILITARY PERSONNEL.

(a) Establishment.—Not later than March 1, 2022, the Secretary of the Navy shall establish a pilot program to offer plant-based protein options at forward operating bases for consumption by members of the Navy.

(b) Locations.—Not later than March 1, 2022, the Secretary of the Navy shall select not fewer than two naval facilities to participate in the pilot program established under subsection (a) and shall prioritize the selection of facilities where livestock-based protein options are unaffordable, such as facilities with remote locations, low- protein options may be costly to obtain or replace.

(c) Termination.—The requirement to carry out the pilot program established under subsection (a) shall terminate three years after the date on which the Secretary of the Navy establishes the pilot program.

(d) Report.—Not later than one year after the termination of the pilot program established under subsection (a), the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program that includes—

(1) The consumption rate of plant-based protein options by members of the Navy under the pilot program.

(2) Effective criteria to increase plant-based protein options at facilities of the Navy not selected under subsection (b).

(3) An analysis of the costs of obtaining and storing livestock-based protein options compared to the costs of obtaining and storing livestock-based protein options at facilities of the Navy selected under subsection (b).

(e) Rule of Construction.—Nothing in this section shall be construed to prevent offering livestock-based protein options alongside plant-based protein options at facilities of the Navy selected under subsection (b).

(f) Plant-Based Protein Options Defined.—In this section, the term “plant-based protein options” means edible food products derived from plants (such as vegetables, beans, and legumes), fungi, or other non-animal sources of protein.

SA 4322. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 318. REPORTS ON MOBILE MICROREACTOR DEVELOPMENT AND DEPLOYMENT.

(a) Report on Plans for Mobile Microreactor Program.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering shall submit to the congressional defense committees a report on the plans by the Department of Defense for the mobile microreactor program of the Department of Energy.

(b) Limitation on Use of Funds.—Until the report required by paragraph (1) is submitted to the congressional defense committees, the Secretary of the Navy shall use amounts appropriated to the Department of the Navy for research and development activities for the mobile microreactor program for purposes other than those provided for in the report required by paragraph (1).
with the Secretary of Energy and in consultation with the Nuclear Regulatory Commission and the commercial nuclear industry, shall submit to the congressional defense committees a report on the regulatory framework for the deployment by the Secretary of Defense of mobile microreactors.

(2) CONTENTS.—The report required by paragraph (1) shall include—

(A) a description of the regulatory framework by which the Secretary of Defense will—

(i) leverage the commercial development of mobile microreactors to deploy such microreactors to military installations in the United States;

(ii) designate the head of a component of the Department of Defense to carry out clause (i); and

(iii) develop a scalable pilot program to identify the first 5 installations in the United States that are projected to receive mobile microreactors under clause (i); and

(B) a summary of expected timelines and projected costs for carrying out clauses (i), (ii), and (iii) of subparagraph (A); and

(C) such other information as the Secretary of Defense considers appropriate.

SA 4324. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for foreign military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 164. INCLUSION OF PROPOSALS FOR CANCELLATION OR CERTAIN MODIFICATIONS OF MULTYEAR CONTRACTS FOR ACQUISITION OF PROPERTY IN DEPARTMENT OF DEFENSE BUDGET JUSTIFICATION MATERIALS.

(a) In General.—Chapter 9 of title 10, United States Code, is amended by adding at the end of the section:

"§ 239g. Cancellation or certain modifications of multiyear contracts for acquisition of property: inclusion of proposals in budget justification materials.

"(a) In General.—Chapter 9 of title 10, United States Code, is amended by adding at the end of the section:

"(1) I N GENERAL .—Section 1710(e)(1)(F) of title 38, United States Code, is amended by inserting "any of the illnesses or conditions listed in subparagraph (A), or the condition to exposure described in that subparagraph, as—

"(i) sufficient to conclude with reasonable confidence that the exposure is a cause of the illness or condition;

"(ii) modest supporting causation, but not sufficient to conclude with reasonable confidence that exposure is a cause of the illness or condition; or

"(iii) no more than limited supporting causation;

"(2) publish in the Federal Register and on the Internet website of the Department of Health and Human Services—

"(A) a list of each illness or condition for which a determination has been made under subparagraph (1)(B), including the categorization of the evidence of causal connection relating to the illness or condition under paragraph (1)(C); and

"(B) the bibliographic citations for all literature reviewed under paragraph (1) for each illness or condition listed under such paragraph; and

"(3) update the list under paragraph (2), as applicable, to add an illness or condition for which a determination has been made under paragraph (1)(B), including the categorization of the evidence of causal connection relating to the illness or condition under paragraph (1)(C), since such list was last updated consistent with the requirements of this section.

(b) Eligibility for Health Care from Department of Veterans Affairs.—

"(1) I N GENERAL .—Section 1710(e)(1)(F) of title 38, United States Code, is amended—

"(A) by redesignating clauses (i) through (xv) as subclauses (I) through (XV), respectively;

"(B) by striking "(F) Subject to" and inserting "(F)(I) Subject to";

"(C) by striking "any of the following" and inserting "any of the illnesses or conditions for which the evidence of connection of the illness or condition to exposure to a toxic substance at Camp Lejeune, North Carolina, during such period is categorized as sufficient or modest under the most recent list published under section 1710(e)(2), including any of the illnesses or conditions for which a determination of reasonable confidence of a causal connection relating to the illness or condition under paragraph (1)(C), since such list was last updated consistent with the requirements of this section.

(c) Definitions.—In this section:

"(1) The term ‘covered modification’ means a modification that will result in a reduction in the quantity of end items to be procured.

"(2) The term ‘head of an agency’ means—

"(A) the Secretary of Defense;

"(B) the Secretary of the Army;

"(C) the Secretary of the Navy; or

"(D) the Secretary of the Air Force.

"(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by adding at the end the following new section:

"239c. Cancellation or certain modifications of multiyear contracts for acquisition of property: inclusion of proposals in budget justification materials."

SA 4325. Mr. CORNYN (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. SENSE OF CONGRESS ON INTEROPERABILITY WITH TAIWAN.

It is the sense of Congress that, consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the Six Assurances, the United States should seek to support the goals of—

"(1) improving asymmetric defense capabilities of Taiwan;

"(2) bolstering deterrence to preserve peace, security, and stability across the Taiwan Strait, and

"(3) deepening interoperability with Taiwan in defense capabilities, including in—

"(A) maritime and air domain awareness; and

"(B) integrated air and missile defense systems.

SA 4326. Mr. BURR (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REVIEW OF ILLNESSES AND CONDITIONS RELATING TO VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA AND THEIR FAMILY MEMBERS.

(a) Review and Publication of Illness or Condition.—Section 1710(e)(1)(F) of title 38, United States Code, is amended by adding at the end the following:

"(ii) For the purposes of ensuring continuance of care, any veteran who has been determined to be entitled to hospital care under this subparagraph for an illness or condition shall remain eligible for hospital care under this subparagraph for an illness or condition listed in subparagraph (A) for illness or condition under paragraph (1)(C), since such list was last updated consistent with the requirements of this section.

(2) In General.—Section 1710(e)(1)(F) of title 38, United States Code, is amended by adding at the end the following:

"(i) sufficient to conclude with reasonable confidence that the exposure is a cause of the illness or condition;

"(ii) modest supporting causation, but not sufficient to conclude with reasonable confidence that exposure is a cause of the illness or condition; or

"(iii) no more than limited supporting causation;
care or medical services for such illness or condition notwithstanding that the evidence of connection of such illness or condition to exposure to a toxic substance at Camp Lejeune during the period described in clause (i) is not categorized as sufficient or modest in the most recent list published under section 399V–7(2) of the Public Health Service Act.”

(b) INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS—

Section 3032(c)(6) of title 46, United States Code, is amended by adding at the end the following:

“(C) INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS—

Notwithstanding Executive Order No. 14042 (86 Fed. Reg. 39776) requiring adequate COVID-19 workplace security policies for Federal contractors and the Safer Federal Worker Task Force order dated September 24, 2021, and entitled “COVID-19 Workplace Safety; Guidance for Federal Contractors and Subcontractors”, the Department of Defense may not require any contractor or subcontractor at any tier to impose a workplace COVID-19 vaccine mandate as a condition of entering into a Federal contract or subcontract, including by including a contract clause to such effect in a Department of Defense contract.

SEC. 12. SPECIAL IMMIGRANT STATUS FOR NATIONALS OF AFGHANISTAN EMPL OYED THROUGH A COOPERATIVE AGREEMENT, OR NON-GOVERNMENTAL ORGANIZATION FUNDED BY THE UNITED STATES GOVERNMENT.

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

(1) the United States recognizes the immense contributions of the nationals of Afghanistan who worked, through cooperative agreements, grants, and nongovernmental organizations in Afghanistan, in support of the United States, and advance the causes of democracy, human rights, and the rule of law in Afghanistan;

(2) dual citizenship of such nationals of Afghanistan with the United States, their lives are at risk; and

(3) such nationals of Afghanistan should be provided with special immigrant status under the Afghan Allies and Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8). (b) SPECIAL IMMIGRANT STATUS.—

Section 602(b)(2)(A)(iii)(I) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended by inserting after “United States Government” the following: “United States Government funded by the United States Government through a cooperative agreement, grant, or nongovernmental organization, provided that the Secretary of Defense (in the case of an individual who has been furnished hospital care or medical services for an illness or condition) or the Secretary of Veterans Affairs shall transfer for each of fiscal years 2022 and 2023, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 12. SPECIAL IMMIGRANT STATUS FOR NATIONALS OF AFGHANISTAN EMPLOYED THROUGH A COOPERATIVE AGREEMENT, OR NON-GOVERNMENTAL ORGANIZATION FUNDED BY THE UNITED STATES GOVERNMENT.

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

(1) the United States recognizes the immense contributions of the nationals of Afghanistan who worked, through cooperative agreements, grants, and nongovernmental organizations in Afghanistan, in support of the United States, and advance the causes of democracy, human rights, and the rule of law in Afghanistan;

(2) dual citizenship of such nationals of Afghanistan with the United States, their lives are at risk; and

(3) such nationals of Afghanistan should be provided with special immigrant status under the Afghan Allies and Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8). (b) SPECIAL IMMIGRANT STATUS.—

Section 602(b)(2)(A)(iii)(I) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended by inserting after “United States Government” the following: “United States Government funded by the United States Government through a cooperative agreement, grant, or nongovernmental organization, provided that the Secretary of Defense (in the case of an individual who has been furnished hospital care or medical services for an illness or condition) or the Secretary of Veterans Affairs shall transfer for each of fiscal years 2022 and 2023, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 12. SPECIAL IMMIGRANT STATUS FOR NATIONALS OF AFGHANISTAN EMPLOYED THROUGH A COOPERATIVE AGREEMENT, OR NON-GOVERNMENTAL ORGANIZATION FUNDED BY THE UNITED STATES GOVERNMENT.

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

(1) the United States recognizes the immense contributions of the nationals of Afghanistan who worked, through cooperative agreements, grants, and nongovernmental organizations in Afghanistan, in support of the United States, and advance the causes of democracy, human rights, and the rule of law in Afghanistan;

(2) dual citizenship of such nationals of Afghanistan with the United States, their lives are at risk; and

(3) such nationals of Afghanistan should be provided with special immigrant status under the Afghan Allies and Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8).
(b) The Secretary of State, in coordination with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a report that includes a strategy with respect to the matters described in clauses (i) through (vi) of subsection (d)(2)(B).

(3) Form of report.—Each report required by subparagraph (B) shall be submitted in an unclassified form, but may include a classified annex, if necessary.

(4) Public availability.—The unclassified portion of each report required by subparagraph (B) shall be made available to the public.

(5) Rule of construction.—Nothing in this section may be construed to limit the application of any regulations in effect on the date of enactment of this Act to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor into the United States, including withholding release orders issued before such date of enactment.

SEC. 1294. REBUTTABLE PRESUMPTION THAT IMPORTED GOODS MINE, PRODUCED, OR MANUFACTURED IN THE XINJIANG UYGHUR AUTONOMOUS REGION OR BY CERTAIN ENTITIES.

(a) In general.—The Commissioner of U.S. Customs and Border Protection shall, except as provided by subsection (b), apply a presumption that, with respect to goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part with forced labor in the People’s Republic of China, including the Xinjiang Uyghur Autonomous Region, or by entities described in section 1293(d)(5) and any regulations issued to implement that guidance, and to address forced labor in the Xinjiang Uyghur Autonomous Region, the importation of such goods, wares, articles, and merchandise is prohibited under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

(b) Rebuttable presumption.—The Commissioner shall apply the presumption under subsection (a) unless the Commissioner determines that—

(1) the importer of record has—

(A) fully complied with the guidance described in section 1293(d)(5) and any regulations issued to implement that guidance; and

(B) completely and substantively responded to all inquiries for information submitted by the Commissioner to ascertain whether the goods were mined, produced, or manufactured wholly or in part with forced labor;

(2) the good was not mined, produced, or manufactured wholly or in part by forced labor;

(3) the report required.—Not less frequently than every 180 days, the Commissioner shall submit to the appropriate congressional committees and make available to the public a report that lists all instances in which the Commissioner declined to apply the presumption under subsection (a) during the preceding 180-day period.

(c) Regulations.—The Commissioner may prescribe regulations—

(1) to implement paragraphs (1) and (2) of subparagraph (b); and

(2) to amend any other regulations relating to withhold release orders in order to implement this section.

(e) Effective date.—This section takes effect on the date that is 180 days after the date of the enactment of this Act.
Uyghur Autonomous Region of the People’s Republic of China.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report required by subsection (a) the following:

(1) A plan to enhance bilateral and multilateral coordination, including sustained engagement with governments of countries that are partners and allies of the United States, to end the use of Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the Xinjiang Uyghur Autonomous Region for forced labor.

(2) A description of public affairs, public diplomacy, and counter-messaging efforts to promote awareness of the human rights situation, including with respect to forced labor, in the Xinjiang Uyghur Autonomous Region.

(3) A plan—

(A) to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to raise awareness about goods mined, produced, or manufactured wholly or in part with forced labor in the Xinjiang Uyghur Autonomous Region; and

(B) to provide humanitarian assistance, including with respect to resettlement and advocacy for imprisoned family members, to Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups, including members of such groups formerly detained in mass internment camps in the Xinjiang Uyghur Autonomous Region.

(c) ADDITIONAL MATTERS TO BE INCLUDED.—The Secretary shall include in the report required by subsection (a), based on consultations with the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of the Treasury, the following:

(1) To the extent practicable, a list of—

(A) entities in the People’s Republic of China or affiliates of such entities that use or benefit from forced labor in the Xinjiang Uyghur Autonomous Region; and

(B) any entity that acts as agents of the entities or affiliates described in subparagraph (A) to import goods into the United States.

(2) A plan for working with private sector entities seeking to conduct supply chain due diligence to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor into the United States.

(3) A description of actions taken by the United States Government to address forced labor in the Xinjiang Uyghur Autonomous Region under existing authorities, including—

(A) the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(B) the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115–41; 22 U.S.C. 2656 note); and

(C) the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note).

(4) The National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 1086); and

(5) is owned or controlled by, or has acted through or on behalf of, a foreign person described in subsection (a) are the following:

(1) inadmissible to the United States;

(ii) ineligible to receive a visa or other document that may be imposed with respect to a person described in subsection (a) are the following:

(1) inadmissible to the United States;

(ii) ineligible to receive a visa or other document that may be imposed with respect to a person described in subsection (a) are the following:

(1) inadmissible to the United States;

(ii) ineligible to receive a visa or other document that may be imposed with respect to a person described in subsection (a) are the following:

(1) inadmissible to the United States;

(ii) ineligible to receive a visa or other document that may be imposed with respect to a person described in subsection (a) are the following:

(1) inadmissible to the United States;

(ii) ineligible to receive a visa or other document that may be imposed with respect to a person described in subsection (a) are the following:

(1) inadmissible to the United States;
(1) IMEDIATE EFFECT.—A revocation under clause (i) may—
(I) take effect immediately; and
(II) cancel any other valid visa or entry documentation that is in the alien's possession.

(3) ECLUSION OF CORPORATE OFFICERS.—
The President may direct the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the person.

(4) XPORT SANCION.—The President may order the Secretary of the Treasury to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to the person under—
(A) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or
(B) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(5) INCLUSION ON ENTITY LIST.—The President may place any entity on the entity list maintained by the Secretary of Commerce for activities contrary to the national security or foreign policy interests of the United States.

(6) AON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations as the President may prescribe, prohibit any United States person from investing in or purchasing equity or debt instruments of the person.

(7) XANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or purchases are subject to the jurisdiction of the United States and involve any interest of the person.

(8) CORRESPONDENT AND PAYABLE-THROUGH ACCOUNTS.—In the case of a foreign financial institution, the President may prohibit the opening of correspondent or payable-through accounts on the maintaining, in the United States of a correspondent account or a payable-through account by the foreign financial institution.

(c) EXCEPTIONS.—


(2) ENSERGENCY, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(3) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Paragraphs (2) and (3) of subsection (b) shall not apply if admission of an alien to the United Nations is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations signed at Lake Success, June 26, 1947, and entered into force, November 21, 1947, between the United Nations and the United States.

(4) RUPTION RELATING TO IMPORTATION OF GOODS.—
(A) IN GENERAL.—The authority or a requirement to impose sanctions under this section includes the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term "good" means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(d) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1706) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under subsection (b)(1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(e) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms "account", "correspondent account", and "payable-through account" have the meanings given those terms in section 5312(a) of title 31, United States Code.

(2) ALIEN.—The term "alien" has the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) CHINESE PERSON.—The term "Chinese person" means—
(A) an individual who is a citizen or national of the People's Republic of China; or
(B) an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.

(4) FINANCIAL INSTITUTION.—The term "financial institution" means a financial institution as defined in paragraph (2) of section 78939.

(5) FOREIGN INSTITUTION.—The term "foreign financial institution" has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any corresponding similar regulation or rule).

(6) PERSON.—The term "person" means any individual or entity.

(7) UNITED STATES PERSON.—The term "United States person" means—
(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;
(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or
(C) any person in the United States.

SEC. 1293. REPORT ON COUNTRIES THAT RECOGNIZE CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter until the date that is 3 years after such date of enactment, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report identifying each country that the Secretary determines has taken an official and stated position to recognize, after such date of enactment, the sovereignty of the People's Republic of China or airspace disputed by one or more countries in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Philippines.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

FGP AVAILABLE.—The Secretary of State shall publish the unclassified part of the report required by subsection (a) on a publicly available website of the Department of State.
intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1424. EXPANSION OF DECLARATIONS REQUIRED BY THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.


SA 4335. Mr. RUBIO (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. INTERAGENCY REVIEW TO EVALUATE AND IDENTIFY OPPORTUNITIES FOR THE ACCELERATION OF RESEARCH ON WOMEN AND LUNG CANCER, GREATER ACCESS TO PREVENTIVE SERVICES, AND STRATEGIC PUBLIC AWARENESS AND EDUCATION CAMPAIGNS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Defense and Secretary of Veterans Affairs, shall conduct an interagency review to evaluate the status of, and identify opportunities related to—

(1) research on women and lung cancer;
(2) access to lung cancer preventive services; and
(3) strategic public awareness and education campaigns.

(b) CONTENT.—The review and recommendations under subsection (a) shall include—

(1) a review and comprehensive report on the outcomes of previous research, the status of existing research activities, and knowledge gaps related to women and lung cancer in all agencies of the Federal Government;
(2) specific opportunities for collaborative, interagency, multidisciplinary, and innovative research;
(A) encourage innovative approaches to eliminate knowledge gaps in research;
(B) evaluate environmental and genomic factors that may be related to the etiology of lung cancer in women; and
(C) foster advances in imaging technology to improve risk assessment, diagnosis, treatment, and the subsequent application of other preventive services;
(3) opportunities regarding the development of a national lung cancer screening strategy, including infrastructure and personnel resources to expand access to such screening, particularly among underserved populations; and
(4) opportunities regarding the development of a national public education and awareness campaign on women and lung cancer and the importance of early detection of lung cancer.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the review conducted under subsection (a).

SA 4336. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ... REPORT ON FOREIGN INVESTMENT IN SBIR AND STTR FIRMS.

(a) DEFINITIONS.—In this section, the terms "Phase I," "Phase II," "Phase III," "SBIR," and "STTR" have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 639(e)).

(b) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding foreign investment in SBIR and STTR awardees.

(c) ELEMENTS.—The report required under subsection (b) shall—

(1) the pervasiveness of foreign investment in firms receiving SBIR and STTR awards, including—

(A) the number or percentage of those firms that have accepted foreign investment before receiving such an award or during the performance of such an award; and
(B) the number or percentage of those firms in which foreign individuals or entities have a minority ownership stake;
(2) the extent to which SBIR and STTR awardees are being targeted by foreign investors, including investors with ties to the People’s Republic of China or the Russian Federation, for additional funding investment before, during, or after concluding Phase I, Phase II, or Phase III;
(3) the extent to which former SBIR and STTR awardees are conducting pre-stage research and product commercialization outside of the United States;
(4) the extent to which SBIR and STTR awardees are experiencing or have experienced theft of Government-funded research and development by foreign investors or others;
(5) the extent to which existing ownership disclosure requirements are effective in protecting Federal research and development funds from theft or foreign transfer;
(6) the extent to which SBIR and STTR awardees being targeted by foreign investors poses supply chain risks and threats to the national security of the United States; and
(7) recommendations for further protecting Federal research and development funds from foreign theft or influence; and

(d) RECOMMENDATIONS.—In the report required under section (b), the Comptroller General of the United States shall—

(e) MANAGEMENT AND DECISIONMAKING.—In the report required under section (b), the Comptroller General of the United States—

(f) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding foreign investment in SBIR and STTR awardees. This report shall include—

(g) STATUTE.—The Secretary of Defense shall submit to Congress a report on the status of foreign investment in SBIR and STTR awardees, including—

(h) MANAGEMENT AND DECISIONMAKING.—In the report required under section (b), the Secretary of Defense—

(i) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding foreign investment in SBIR and STTR awardees.
the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

SEC. 1516. REPORT ON COMPETITION WITH THE PEOPLE'S REPUBLIC OF CHINA AND THE RUSSIAN FEDERATION REGARDING SPACE-RELATED INVESTMENTS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the National Space Council shall submit to Congress a report on competition with the People’s Republic of China and the Russian Federation regarding space-related investments:

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

(1) A description of commercial investment activity by the People’s Republic of China and the Russian Federation to produce technology and devices for space activities or programs;

(2) An assessment of military-civil fusion activities in the People’s Republic of China and in the Russian Federation regarding space-related investments;

(3) An assessment of and recommendations to strengthen the ability of the United States to protect domestically produced intellectual property and critical technology regarding space-related investments from exportation, transfer, and foreign theft or imitation, particularly from entities affiliated with the Government of the People’s Republic of China or the Government of the Russian Federation;

(4) A review and assessment of the research, technology, and commercial ties of the United States with the People’s Republic of China, the Russian Federation, and the People’s Republic of Korea regarding space-related investments;

(5) An interagency strategy to defend supply chains of the United States that are critical to competitiveness in space.

SA 4339, Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. MAKING DAYLIGHT SAVING TIME PERMANENT.

(a) SHORT TITLE.—This section may be cited as the “Sunshine Protection Act of 2021”.

(b) REPEAL OF TEMPORARY PERIOD FOR DAYLIGHT SAVING TIME.—Section 3 of the Uniform Time Act of 1966 (15 U.S.C. 260a) is hereby repealed.

(c) ADVANCEMENT OF STANDARD TIME.—

(1) in paragraph (1)(B), by striking "; or"; and inserting a semicolon;

(2) in paragraph (4)—

(B) determined, as a result of a review by the Commander of the member and based on a preponderance of evidence, to have committed the dependent-abuse offense; and

(C) required to forfeit all pay and allowances pursuant to a sentence of a court-martial for an offense other than the dependent-abuse offense; or

(A) accused but not convicted of a dependent-abuse offense;
"(A) as of the date";  
(B) by striking "offense or, in a case" and inserting the following: "offense;"  
(C) in a case;"  
(D) by striking the period at the end and inserting: 
"or"; and  
(E) by adding at the end the following new subparagraph:  
"(C) in the case described in subsection (b)(4), as of, as applicable—  
"(i) the first date on which the individual is held in pretrial confinement relating to the dependent-abuse offense of which the individual is accused after the 7-day review of pretrial confinement required by Rule 305(i)(2) of the Rules for Courts-Martial; or  
"(ii) the date on which a review by a commander of the individual determines there is probable cause that the individual has committed that offense.";  
(f) DEFINITIONS.—In this section:  
(1) APPROPRIATE AGENCY.—The term "appropriate agency" with respect to a coastal State means the agency that the coastal State has designated to administer an artificial reef program.  
(2) COASTAL STATE.—The "coastal State"—  
(A) means any one of the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, and Washington; and  
(B) includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.  

SEC. 1294. Mr. RUBIO (for himself, Mr. SCOTT of Florida, and Mr. BRAININ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to authorize 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. 999. 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 authorize military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table as follows:  
At the appropriate place in title X, insert the following:  

SEC. PROHIBITION ON USE BY INTELLIGENCE COMMUNITY OF FOREIGN SOCIAL MEDIA PLATFORMS.  
No element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) may establish or maintain an official account of the element on any foreign owned or foreign-based high-traffic platform for purposes of conducting official business of the element.  

SA 4344. Mr. RUBIO (for himself and Mr. SCOTT of Florida) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to authorize 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. MORATORIUM ON OIL AND GAS LEASING OFF THE COASTS OF THE STATES OF FLORIDA, GEORGIA, AND SOUTH CAROLINA.  
Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—  
(A) in the matter preceding paragraph (1), by striking "June 30, 2022" and inserting "June 30, 2032";  
(B) in paragraph (2), by striking "or" after the semicolon;  
(C) in paragraph (3)(B)(ii), by striking the period at the end and inserting:  
"(D) by adding at the end the following:  
"(4) Effect on Certain Leases.—The moratoria under paragraphs (4) and (5) of subsection (a) shall not affect valid existing leases in effect on the date of enactment of this subsection.  
"(e) ENVIRONMENTAL EXCEPTIONS.—Notwithstanding subsection (a), the Secretary may issue leases in areas described in that subsection for environmental conservation purposes, including the purposes of shore protection, beach nourishment and restoration, wetlands restoration, and habitat protection.";  

SA 4345. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to authorize military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table as follows:  
At the end of title XII, add the following:  
Subtitle H—Protecting Central American Women and Children  
SEC. 1291. SHORT TITLE.  
This subtitle may be cited as the "Central American Women and Children Protection Act of 2021."  
SEC. 1292. WOMEN AND CHILDREN PROTECTION COMPACTS.  
(a) AUTHORIZATION TO ENTER INTO COMPACTS.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, is authorized to enter into multi-year,
bilateral agreements of not longer than 6 years in duration, developed in conjunction with the governments of El Salvador, Guatemala, and Honduras (referred to in this subtitle as ‘Compact Countries’). Such agreements shall be known as Women and Children Protection Compacts (referred to in this subtitle as ‘Compacts’).

(b) PURPOSE.—Each Compact shall—

(1) set out the shared goals and objectives of the United States and the government of the Compact Country;

(2) be aimed at strengthening the Compact Country’s efforts—

(A) to strengthen criminal justice and civil court systems to protect women and children and serve victims of domestic violence, sexual violence, trafficking, and child exploitation and neglect, and hold perpetrators accountable;

(B) to secure, create, and sustain safe communities, building on best practices to prevent and deter violence against women and children;

(C) to ensure that schools are safe and promote the prevention and early detection of domestic abuse against women and children within communities; and

(D) to enhance security within areas experiencing endemic domestic, gang, gender-based, or similar criminal violence against women and children;

(c) COMPACT ELEMENTS.—Each Compact shall—

(1) establish a 3- to 6-year cooperative strategy and assistance plan for achieving the shared goals and objectives articulated in such Compact;

(2) be strengthened by the assessments of—

(A) the areas within the Compact Country experiencing the highest incidence of violence against women and children;

(B) the children of women and children to access protection and obtain effective judicial relief; and

(C) the judicial capacity to respond to reports within the Compact Country of femicide, sexual and domestic violence, and child exploitation and neglect, and to hold the perpetrators of such criminal acts accountable;

(3) seek to address the driving forces of violence against women and children, which shall include efforts to break the binding constraints to inclusive economic growth and access to justice;

(4) identify clear and measurable goals, objectives, and benchmarks under the Compact to determine whether to respond to violence against women and children;

(5) set out clear roles, responsibilities, and objectives under the Compact, which shall include a description of the anticipated policy and financial commitments of the central government of the Compact Country;

(6) secure leverage and deconflict contributions and complementary programming by other donors;

(7) include a description of the metrics and indicators to monitor and measure progress toward shared goals, objectives, and benchmarks under the Compact, including reductions in the prevalence of femicide, sexual assault, domestic violence, and child abuse and neglect;

(8) provide for the conduct of an impact evaluation not later than 1 year after entering into a Compact, and annually during the life of the Compact, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit a report to the congressional committees listed in section 1293 that describes the progress made under the Compact.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) analysis and information on the overall rates of gender-based violence against women and children in El Salvador, Guatemala, and Honduras, including by using survivor surveys, regardless of whether or not these acts of violence are reported to government authorities;

(2) analysis and information on incidences of cases of gender-based violence against women and children and the associated risk factors and benchmarks under the Compact, including reductions in the prevalence of femicide, sexual assault, domestic violence, and child abuse and neglect;

(3) baseline and percentage changes in school retention rates; and

(4) baseline and changes in capacity of police, prosecution service, and courts to combat violence against women and children;

(5) baseline and changes in community, justice, protection, and other relevant ministerial responses for victims of gender-based violence against women and children; and

(6) independent external evaluation of funded programs, including compliance with health and safety benchmarks for survivors of femicide in El Salvador, Guatemala, and Honduras, by the recipients of the assistance.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall provide a briefing to the congressional committees listed in section 1293 regarding—

(1) the data and information collected pursuant to this section; and

(2) the steps taken to protect and assist victims of domestic violence, sexual violence, trafficking, and child exploitation and neglect.

SA 4346. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3967 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1294. ADDITIONAL AMOUNT FOR RAPID SCREENING UNDER DEVELOPMENT OF MEDICAL COUNTERMEASURES AGAINST NOVEL ENTITIES PROGRAM.

(a) INCREASE.—There is authorized to be appropriated $30,000,000 for the Department of State to carry out activities to promote democracy and strengthen United States policy toward Cuba. No funds so appropriated may be obligated for military construction, and for defense activities of the Department of Energy, to procure military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. ADDITIONAL AMOUNT FOR RAPID SCREENING UNDER DEVELOPMENT OF MEDICAL COUNTERMEASURES AGAINST NOVEL ENTITIES PROGRAM.

(a) INCREASE.—There is authorized to be appropriated for fiscal year 2022 by the Committee on Appropriations—

(1) $1,500,000,000 for Food and Drug Administration, for medical countermeasures against COVID-19 and other emerging biological threats.
SA 4344. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. FOREIGN INFLUENCE TRANSPARENCY.

(a) SHORT TITLE.—This section may be cited as the "Foreign Influence Transparency Act".

(b) LIMITING EXEMPTION FROM FOREIGN AGENT REGISTRATION REQUIREMENT FOR PERSONS ENGAGING IN ACTIVITIES NOT PROMOTING POLITICAL AGENDA OF FOREIGN GOVERNMENTS.—

(1) IN GENERAL.—Section 3(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(e)) is inserting before the semicolon at the end the following: "but only if the activities do not promote the political agenda of a government of a foreign country;".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to activities carried out on or after the date of the enactment of this Act.

(c) DISCLOSURES OF FOREIGN GIFTS AND AGREEMENTS.—

(1) IN GENERAL.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(A) on the publicly accessible website of the institution; and

(B) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively;

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to gifts received or contracts or agreements entered into after the date of the enactment of this Act.

(d) CONFLICTS OF INTEREST —

(1) IN GENERAL.—The term "conflict of interest" means—

(A) a foreign government, including—

(i) any agency of a foreign government, and any other unit of foreign governmental authority, in any foreign national, State, local, and municipal government;

(ii) any international or multilateral organization whose membership is composed of any unit of foreign government described in clause (i); and

(iii) any agent or representative of any such unit or such organization, while acting as such;"; and

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to gifts received or contracts or agreements entered into after the date of the enactment of this Act.

(e) CONFUCIUS INSTITUTE AGREEMENTS.—

(1) DEFINED TERM.—In this subsection, the term "Confucius Institute" means a cultural institute directly or indirectly funded by the Government of the People's Republic of China.

(2) DISCLOSURE REQUIREMENT.—Any institution that has entered into an agreement with a Confucius Institute shall immediately make the full text of such agreement available—

(A) on the publicly accessible website of the institution;

(B) to the Department of Education; and

(C) to the Committee on Health, Education, Labor, and Pensions of the Senate; and

(D) to the Committee on Education and Labor of the House of Representatives.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to gifts received or contracts or agreements entered into after the date of the enactment of this Act.

(f) DETERMINATION OF NATIONAL SECURITY.—

(1) IN GENERAL.—The term "foreign national" means—

(A) a foreign national, and

(B) any alien who is subject to the provisions of any Act relating to the entry of aliens into the United States or any Act relating to the departure of aliens from the United States;

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to contracts or agreements entered into after the date of the enactment of this Act.

SA 4349. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal years 2022 through 2026 to support the counternarcotics assistance to Colombia.

(a) IN GENERAL.—(1) The Secretary of Defense shall use the funds authorized to be appropriated under the bill H.R. 4350, to the extent consistent with the strategy described in paragraph (1), to support the counternarcotics assistance to Colombia.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to the fiscal year ending September 30, 2022, and each fiscal year beginning after 2022.

(b) REPORT REQUIREMENT.—(1) In general.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the policy and strategy of the United States, as of the date on which the report is submitted, regarding United States counternarcotics assistance to Colombia.

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

(A) The key objectives of the strategy described in paragraph (1) and a detailed description of benchmarks by which to measure progress toward those objectives.

(B) The actions required of the United States to achieve the objectives described in subparagraphs (A) and (B) and schedule and cost estimates for implementing such actions.

(C) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(D) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency and covered organizations in Colombia.

(E) The strategy described in paragraph (1) and its relation to and affects the strategy of the United States in countries neighboring Colombia.

(F) The strategy described in paragraph (1) and its relation to and affects the strategy of the United States for fulfilling global counternarcotics goals.

(G) A strategy and schedule for providing material, technical, and logistical support to Colombia and neighboring countries in order to—

(i) defend the rule of law; and

(ii) more effectively impede the cultivation, production, transit, and sales of illicit narcotics.

(H) A schedule for making forward operating locations in Colombia fully operational, including—

(i) cost estimates;

(ii) a description of the potential capabilities of each proposed location; and

(iii) an explanation of how the design of the forward operating locations fits into the strategy described in paragraph (1).

SA 4350. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr.
SA 4352. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. INVESTMENT OF THrift SAVINGS PLAN FUNDS.

Section 8433 of title 5, United States Code, is amended by adding at the end the following:

"(1) In this subsection—
"(A) the term ‘PENOB’ means the Public Company Accounting Oversight Board; and
"(B) the term ‘registered public accounting firm’ has the meaning given the term in section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a))."

(2) Notwithstanding any other provision of this title, the financial statements of the Thrift Savings Fund may be invested in any security that is listed on an exchange in a jurisdiction in which the PCAOB is prevented from conducting a routine inspection or investigation of a registered public accounting firm under section 104 or 105 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214, 7215), respectively, because of a position taken by an authority in that jurisdiction, as determined by the PCAOB.

(3) The Board shall consult with the Securities and Exchange Commission on a bilateral basis in order to ensure compliance with paragraph (2)."

SA 4351. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. EXPANSION OF ENTITIES OF THE PEOPLE’S REPUBLIC OF CHINA SUBJECT TO PRESIDENTIAL AUTHORIZED UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.


(1) in subsection (a)(1), by striking “other than authorities relating to importation”;

and

(2) in subsection (b)(4)(B)—

(A) by striking clause (1) and inserting the following new clause (1):

“(1) is owned or controlled by, affiliated with, or otherwise shares common purpose or relevant characteristics with, the People’s Liberation Army or a ministry of the government of the People’s Republic of China, or that is owned or controlled by an entity affiliated with or that otherwise shares common purpose or relevant characteristics with the defense industrial base or surveillance technology sector of the People’s Republic of China; or

(B) in clause (ii) by inserting “research and development,” after “services,”.

SA 4352. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. INTEGRITY AND SECURITY OF FINANCIAL MARKETS.

(a) SHORT TITLE.—This section may be cited as the “American Financial Markets Integrity and Security Act”.

(b) PROHIBITIONS RELATING TO CERTAIN COMMUNIST CHINESE MILITARY COMPANIES.—

(1) DEFINITIONS.—In this subsection:

(A) the term “Commission” means the Securities and Exchange Commission.

(B) CONTROL; INSURANCE COMPANY.—The terms “control” and “insurance company” have the meanings given the terms in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).

(C) COVERED ENTITIES.—In general.—The term “covered entity”—

(I) means an entity on—

(aa) the list of Communist Chinese military companies required by section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note); or

(bb) the entity list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 74 of title 15, Code of Federal Regulations; and

(II) includes a parent, subsidiary, or affiliate of, or an entity controlled by, an entity described in subclause (I).

(2) GRACE PERIOD.—For the purposes of this subsection, and the amendments made by this section, an entity shall be considered to be a covered entity beginning on the date that is 1 year after the date on which the entity first qualifies under the applicable provision of clause (1).

(3) EXCLUSION.—The terms “exchange” and “security” have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(4) FIRM; SECURITY.—The terms “exchange” and “security” shall include an entity if the agency head submits to Congress a notification that includes—

(I) a written justification for the waiver; and

(II) a plan for a phase-out of the goods or services provided by the covered entity.

(c) INVESTMENTS BY INSURANCE COMPANIES.—

(1) IN GENERAL.—On and after the date of enactment of this Act, an insurance company may not invest in a covered entity.

(ii) CERTIFICATION OF COMPLIANCE.—In general.—Each insurance company shall, on an annual basis, submit to the Secretary of the Treasury a certification of compliance with clause (i).

(2) RESPONSIBILITIES OF THE SECRETARY.—The Secretary of the Treasury shall create a form for the submission required under clause (i) in such a manner that minimizes the reporting burden on an insurance company making the submission.

(iii) SHARING INFORMATION.—The Secretary of the Treasury, acting through the Federal Insurance Office, shall share the information received under clause (ii) and coordinate verification of compliance with State insurance offices.

(d) QUALIFIED TRUSTS, ETC.—

(A) IN GENERAL.—Subsection (a) of section 401 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (38) the following new paragraph:

“(39) PROHIBITED INVESTMENTS.—A trust which is part of a plan shall not be treated as a qualified trust under this subsection unless the plan provides that no part of the plan’s assets will be invested in any covered entity (as defined in section 12(d)(6)(B) of the Investment Company Act of 1940).”

(B) IRAs.—Paragraph (3) of section 408(a) of such Code is amended by striking “contracts” and inserting “contracts or in any covered entity (as defined in section 12(d)(6)(B) of the Investment Company Act of 1940).”

(e) FIDUCIARY DUTY.—Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

“(f) PROHIBITED INVESTMENTS.—No fiduciary shall cause any assets of a plan to be invested in any covered entity (as defined in section 12(d)(6)(B) of the Investment Company Act of 1940).”

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in clause (ii), the amendments made by this section shall apply to plan years beginning after the date which is 1 year after the date of the enactment of this Act.
(II) PLAN AMENDMENTS.—If clause (iii) applies to any retirement plan or contract amendment:

(a) such plan or contract shall not fail to be treated as amended in accordance with the terms of the plan during the period described in subsection (ii) solely because the plan operates in accordance with the amendments described in this subsection;

(b) except as provided by the Secretary of the Treasury (or the Secretary's delegate), such plan or contract shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment;

(III) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(I) IN GENERAL.—This clause shall apply to any amendment to any plan or annuity contract which—

(aa) is made pursuant to the provisions of this subsection, and

(bb) is made on or before the last day of the first plan year beginning on or after the date which is 2 years after the date of the enactment of this Act (4 years after such date of enactment, in the case of a governmental plan).

(II) CONDITIONS.—This clause shall not apply to any amendment unless:

(aa) the period beginning on the date which is 180 days after the date of the enactment of this Act, and ending on the date described in subclause (i)(bb) (or, if earlier, the date immediately after such amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(bb) such plan or contract amendment applies retroactively for such period.

(iv) SUBSEQUENT AMENDMENTS.—Rules similar to the rules of clauses (ii) and (iii) shall apply in the case of any amendment to any plan or annuity contract made pursuant to any update of the list of Communist Chinese military companies required by section 121(b) of the 1999 National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note) which is made after the effective date of the amendments made by this paragraph.

(c) MODIFICATION OF REQUIREMENTS FOR LIST OF COMMUNIST CHINESE MILITARY COMPANIES.—Section 121(b) of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) Revisions to the list.—

(A) The Secretary of Defense, the Secretary of Commerce, or the Director of National Intelligence may add a person to the list required by paragraph (1) at any time.

(B) Removals.—A person may be removed from the list required by paragraph (1) if the Secretary of Defense, the Secretary of Commerce, or the Director of National Intelligence agree to remove the person from the list.

(C) Submission of updates to Congress.—Not later than February 1 of each year, the Secretary of Defense shall submit a version of the list required in paragraph (1), updated to include any additions or removals under this paragraph, to the committees and officers specified in paragraph (1)."

(2) by striking paragraph (3) and inserting the following:

"(3) Utilization.—In carrying out paragraphs (1) and (2), the Secretary of Defense, the Secretary of Commerce, and the Director of National Intelligence shall consult with each other, the Attorney General, and the Director of the Federal Bureau of Investigation; and

(3) in paragraph (4), in the matter preceding subparagraph (A), by striking "mak- ing the determination required by paragraph (1) and of carrying out paragraph (2)" and inserting "the determination required by paragraph (1)".

(d) ANALYSIS OF FINANCIAL AMBITIONS OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(I) ANALYSIS REQUIRED.—The Director of the Office of Commercial and Economic Analysis of the Air Force shall conduct an analysis of—

(A) the strategic importance to the Government of the People's Republic of China of inflows of United States dollars through capital markets to the People's Republic of China;

(B) the methods by which that Government seeks to manage such inflows; and

(C) how the inclusion of the securities of Chinese entities in stock or bond indexes affects such inflows and serves the financial ambitions of that Government; and

(II) REMOVAL OF CHINESE ENTITIES.—The Director of the Office of Commercial and Economic Analysis of the Air Force shall submit to Congress a report—

(A) setting forth the results of the analysis conducted under paragraph (1); and

(B) based on that analysis, making rec-ommendations for best practices to mitigate any national security and economic risks to the United States relating to the financial ambitions of the Government of the People's Republic of China.

SA 4353. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appro- priations for fiscal year 2022 for mili- tary activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1210. SECURITY ASSISTANCE FOR COLOM- BIA.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(I) to build the capacity of the navy of Co-lombia for interoperability with—

(A) the United States;

(B) member countries of the North Atlan-tic Treaty Organization; and

(C) other Colombian security partners; and

(II) to bolster the ability of the military forces of Colombia to export maritime secu-rity to Central American partner countries.

(b) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated for fiscal year 2022 for the Department of De-fense—

(1) $30,000,000 for Foreign Military Financing assistance to Colombia for the procure-ment and sustainment of additional alu-minum-hull riverine vessels and new littoral operations; and

(2) $20,000,000 for the purchase of U.S. military equipment and training for the Colombian military forces for the purpose of supporting interoperable radio and data transmission.

(c) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act or any other Act may be made available for training or any other purpose.

(d) MODIFICATION OF REQUIREMENTS FOR LIST OF COMMUNIST CHINESE MILITARY COMPANIES.—Section 121(b) of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) Revisions to the list.—

(A) The Secretary of Defense, the Secretary of Commerce, or the Director of National Intelligence may add a person to the list required by paragraph (1) at any time.

(B) Removals.—A person may be removed from the list required by paragraph (1) if the Secretary of Defense, the Secretary of Commerce, or the Director of National Intelligence agree to remove the person from the list.

(C) Submission of updates to Congress.—Not later than February 1 of each year, the Secretary of Defense shall submit a version of the list required in paragraph (1), updated to include any additions or removals under this paragraph, to the committees and officers specified in paragraph (1)."

(2) by striking paragraph (3) and inserting the following:

"(3) Utilization.—In carrying out paragraphs (1) and (2), the Secretary of Defense, the Secretary of Commerce, and the Director of National Intelligence shall consult with each other, the Attorney General, and the Director of the Federal Bureau of Investigation; and

SEC. 1004. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF CUBA BROAD-Casting.

There is authorized to be appropriated to the United States Agency for Global Media not less than $3,000,000 for fiscal year 2022 for programs of the Office of Cuba Broadcasting, for the purpose of ensuring that the content of its programs is not less than $3,000,000 should be used—

(1) to deliver satellite-based broadband Internet services to the people of Cuba to give them unfettered access to the open Internet;

(2) to create an access point for any sat-ellite broadcast through a Radio Television Service intended to act as a news aggregator rather than solely serving as a content pro-vider; and

SEC. 1210. SECURITY ASSISTANCE FOR COLOM- BIA.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(I) to build the capacity of the navy of Co-lombia for interoperability with—

(A) the United States;

(B) member countries of the North Atlan-tic Treaty Organization; and

(C) other Colombian security partners; and

(II) to bolster the ability of the military forces of Colombia to export maritime secu-rity to Central American partner countries.

(b) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated for fiscal year 2022 for the Department of De-fense—

(1) $30,000,000 for Foreign Military Financing assistance to Colombia for the procure-ment and sustainment of additional alu-minum-hull riverine vessels and new littoral operations; and

(2) $20,000,000 for the purchase of U.S. military equipment and training for the Colombian military forces for the purpose of supporting interoperable radio and data transmission.

(c) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act or any other Act may be made available for training or any other purpose.

(d) MODIFICATION OF REQUIREMENTS FOR LIST OF COMMUNIST CHINESE MILITARY COMPANIES.—Section 121(b) of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) Revisions to the list.—

(A) The Secretary of Defense, the Secretary of Commerce, or the Director of National Intelligence may add a person to the list required by paragraph (1) at any time.

(B) Removals.—A person may be removed from the list required by paragraph (1) if the Secretary of Defense, the Secretary of Commerce, or the Director of National Intelligence agree to remove the person from the list.

(C) Submission of updates to Congress.—Not later than February 1 of each year, the Secretary of Defense shall submit a version of the list required in paragraph (1), updated to include any additions or removals under this paragraph, to the committees and officers specified in paragraph (1)."

(2) by striking paragraph (3) and inserting the following:

"(3) Utilization.—In carrying out para-graphs (1) and (2), the Secretary of Defense, the Secretary of Commerce, and the Director of National Intelligence shall consult with each other, the Attorney General, and the Director of the Federal Bureau of Investiga-
(3) to provide firewall circumvention tools to the people of Cuba.

SA 4356. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4550, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 A of title X, add the following:

SEC. 1004. UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION FIELD OFFICES.

(a) IN GENERAL.—Section 1412 of the BUILD Act of 2018 (22 U.S.C. 9612) is amended by adding at the end the following:

"(d) FIELD OFFICES.—The Chief Executive Officer of the Corporation shall establish field offices in Mexico, Colombia, and Brazil—

"(1) to amplify regional engagement and the execution of programs to catalyze United States private sector investment; and

"(2) to help expand economic opportunities with allies and partners in Latin America and the Caribbean."

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal $10,000,000 to the United States International Development Finance Corporation for the establishment and construction of the new field offices in strategic locations, including Mexico, Colombia, and Brazil, to maximize United States economic engagement in the Western Hemisphere.

SA 4357. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4550, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 A of title XII, add the following:

Subtitle H—Palestinian International Terrorism Support Prevention

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the “Palestinian International Terrorism Support Prevention Act of 2021”.

SEC. 1292. DEFINITIONS.

Except as otherwise provided, in this subtitle:

(1) ADMITTED.—The term “admitted” has the meaning given that term in section 101(a)(13)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(A)).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(3) FOREIGN PERSON.—The term “foreign person” means—

(A) an individual who is not a United States person; or

(B) a corporation, partnership, or other nongovernmental entity that is not a United States person.

(4) MATERIAL SUPPORT.—The term “material support” has the meaning given the term “material support or resources” in section 2339A of title 18, United States Code.

(5) PERSON.—The term “person” means an individual or entity.

(6) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States, or an entity organized under the laws of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1293. STATEMENT OF POLICY. It is the policy of the United States—

(1) to prevent Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof from accessing its international support networks; and

(2) to oppose Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof from attempting to use goods, including medicine and dual-use items, to smuggle weapons and other materials to further acts of terrorism.

SEC. 1294. IDENTIFICATION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS AND AGENCIES AND INSTRUMENTALITIES SUPPORTING HAMAS, THE PALESTINIAN ISLAMIC JIHAD, OR ANY AFFILIATE OR SUCCESSOR THEREOF.

(a) IDENTIFICATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 3 years, the President shall submit to the appropriate congressional committees a report that identifies each foreign person or agency or instrumentality of a foreign state that the President determines—

(A) knowingly assists in—

(i) providing financial or material support for, or financial or other services to, in support of, the terrorist activities of any person described in paragraph (2); or

(B) directly or indirectly, knowingly and materially engages in a significant trans- action with any person described in paragraph (2).

(2) PERSON DESCRIBED.—A person described in this paragraph to be imposed sanctions is a foreign person that the President determines—

(A) is a senior member of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof;

(B) is a member of a foreign terrorist organization designated pursuant to section 219 of the Immigration and Nationality Act of 2008 (22 U.S.C. 1401), or members directly or indirectly support the terrorist activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof by knowingly engaging in a significant transaction with, or providing financial or material support for, Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, or any person described in subparagraph (A); or

(C) directly or indirectly supports the terrorist activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof by knowingly and materially supporting, sponsoring, or providing financial or material support for, or goods or services to, or in support of, Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, or any person described in subparagraph (A) or (B).

(b) FORM OF REPORT.—Each report required under paragraph (1) shall be submitted in an unclassified form, but may contain a classified annex.

(4) EXCEPTION.—

(1) IN GENERAL.—The President shall not be required to identify a foreign person or an agency or instrumentality of a foreign state in a report pursuant to paragraph (1)(B)—

(i) the foreign person or agency or instrumentality of a foreign state notifies the United States Government in writing that it proposes to engage in a significant transaction described in that paragraph; and

(ii) the President determines and notifies the appropriate congressional committees in a classified form not less than 15 days prior to the foreign person or agency or instrumentality of a foreign state engaging in the significant transaction that the significant transaction is in the national interests of the United States.

(2) NON-APPLICABILITY.—Subparagraph (A) shall not apply with respect to—

(i) an agency or instrumentality of a foreign state that the Secretary of State determines has repeatedly provided support for acts of international terrorism pursuant to section 1754(c) of the Export Controls Act of 2018 (50 U.S.C. 4813(c)), section 40 of the Arms Export Control Act of 1976 (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or any other provision of law; or

(ii) any significant transaction described in paragraph (1)(B) that occurs in a specified area.

SEC. 1295. SANCTIONS DESCRIBED.—

(1) IMPOSITION OF SANCTIONS.—

(A) The President may impose any of the sanctions described in this paragraph with respect to a foreign person or an agency or instrumentality of a foreign state that the President determines—

(i) engaged, sponsors, or provided financial or material support for, or provided financial or other services to, in support of, the terrorist activities of any foreign person or agency or instrumentality of a foreign state, as described in section 1294;

(ii) the President determines and notifies the appropriate congressional committees in a report pursuant to paragraph (1)(B) if—

(I) in a classified form not less than 15 days prior to the foreign person or agency or instrumentality of a foreign state engaging in the significant transaction described in section 1294; or

(ii) the appropriate congressional committees in a classified form not less than 15 days prior to the foreign person or agency or instrumentality of a foreign state engaging in the significant transaction described in section 1294.

(B) NON-APPLICABILITY.—Subparagraph (A) shall not apply with respect to—

(i) an agency or instrumentality of a foreign state that the Secretary of State determines has repeatedly provided support for acts of international terrorism pursuant to section 1754(c) of the Export Controls Act of 2018 (50 U.S.C. 4813(c)), section 40 of the Arms Export Control Act of 1976 (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or any other provision of law; or

(ii) any significant transaction described in paragraph (1)(B) that occurs in a specified area.

SEC. 1296. RESTRICTIONS ON EXPORTS.—

(B) The President may prohibit the sale of any exports, reexports, or transfers (in the ordinary course of trade) of defense articles or defense services to a foreign person or agency or instrumentality of a foreign state that the President determines—

(i) engaged, sponsors, or provided financial or material support for, or provided financial or other services to, in support of, the terrorist activities of any foreign person or agency or instrumentality of a foreign state, as described in section 1294;

(ii) the President determines and notifies the appropriate congressional committees in a report pursuant to paragraph (1)(B) if—

(I) in a classified form not less than 15 days prior to the foreign person or agency or instrumentality of a foreign state engaging in the significant transaction described in section 1294; or

(ii) the appropriate congressional committees in a classified form not less than 15 days prior to the foreign person or agency or instrumentality of a foreign state engaging in the significant transaction described in section 1294.

(C) The President may prohibit the issuance of licenses for export of any item on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) that include the foreign person or agency or instrumentality of a foreign state as a party.

(D) The President may prohibit the export of any goods or technologies controlled for national security reasons under the Export Administration Regulations under subchapter C of chapter 1 of part 7 of title 15, Code of Federal Regulations, to the foreign person or agency or instrumentality of a foreign state, except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(E) The President may prohibit any United States financial institution from making loans or providing any credit or financing totaling more than $10,000,000 to the foreign person or agency or instrumentality of a foreign state, except that this subparagraph shall not apply to—

(i) any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(ii) the provision of medicines, medical equipment, and humanitarian assistance; or
(iii) any credit, credit guarantee, or financial assistance provided by the Department of Agriculture to support the purchase of food or other agricultural commodities.

(F) The President may exercise any powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person or agency or instrumentality of a foreign state if such property and interests in property are in the United States, in the possession or control of a United States person, or are or come within the possession or control of a United States person.

(3) EXCEPTION.—The President shall not be required to impose sanctions under subsection (b) or (c) with respect to a foreign person or agency or instrumentality of a foreign state identified pursuant to subsection (a) if the President certifies in writing to the appropriate congressional committees that—

(A) the foreign person or agency or instrumentality—

(i) is no longer carrying out activities or transactions for which the sanctions were to be imposed; or

(ii) has taken and is continuing to take significant steps toward terminating the activities or transactions for which the sanctions were to be imposed; and

(B) the President has received reliable assurances from the foreign person or agency or instrumentality that it will not carry out any activities or transactions for which sanctions may be imposed under this subsection in the future.

(c) PENALTIES.—

(1) IN GENERAL.—The penalties provided for in subsections (b) and (c) of section 208 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under section 1298(b) to carry out subsection (b)(2)(F) to the same extent that such penalties apply to a person that knowingly commits an unlawful act described in section 206(a) of that Act.

(2) AUTHORIZATIONS.—The President may exercise all authorities provided to the President under sections 6(a) and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out subsection (b)(2)(F).

(d) WAIVER.—

(1) IN GENERAL.—The President may, on a case-by-case basis and for a period of not more than 180 days, grant a waiver to a foreign person or agency or instrumentality of a foreign state if the President determines and notifies the appropriate congressional committees that—

(A) the United States Government shall impose the following additional sanctions with respect to a foreign person or agency or instrumentality of a foreign state identified pursuant to subsection (a)(1)(A) in addition to the authority to impose sanctions under any other provision of law with respect to foreign persons or agencies or instrumentality of foreign states that directly or indirectly support international terrorism:

(i) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE—In this section, the term ‘agency or instrumentality of a foreign state’ has the meaning given that term in section 1603(b) of title 28, United States Code.

(ii) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and apply with respect to activities and transactions described in subsection (a) that are carried out on or after such date of enactment.

SEC. 1286. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN GOVERNMENTS THAT PROVIDE MATERIAL SUPPORT FOR THE TERRORIST ACTIVITIES OF HAMAS, THE PALESTINIAN ISLAMIC JIHAD, OR ANY AFFILIATE OR SUCCESSOR THEREOF.

(a) IDENTIFICATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report that identifies the following:

(A) Each government of a foreign country—

(i) with respect to which the Secretary of State determines has repeatedly provided support for acts of international terrorism pursuant to section 1701(c) of the Export Control Act of 2018 (50 U.S.C. 4813(c)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2271), or any other provision of law; and

(ii) with respect to which the President determines has provided direct or indirect material support for the terrorist activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof.

(B) Each government of a foreign country that—

(i) is not identified under subparagraph (A); and

(ii) the President determines engaged in a significant transaction so as to contribute knowingly and materially to the efforts by the government of a foreign country described in subparagraph (A)(i) to provide direct or indirect material support for the terrorist activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof.

(2) E XCEPTIONS.—The President shall not impose any sanctions under subsection (a) if the President determines and notifies the appropriate congressional committees that—

(A) the foreign country identified pursuant to subsection (a)(1) is no longer carrying out activities or transactions for which the sanctions were to be imposed; and

(B) or (c) with respect to each government of a foreign country identified under subsection (a)(1):--

(A) The United States Government shall suspend, for a period of one year, United States assistance to the government of the foreign country.

(B) The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of one year, the extension by that institution of any loan or financial or technical assistance to the government of the foreign country.

(C) No item on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2781(a)(1)) or the Commerce Control List set forth in Supplement No. 1 to part 774 of title 15, Code of Federal Regulations (or any successor list), may be exported to the government of the foreign country for a period of one year.

(2) EXCEPTIONS.—The President shall not be required to impose or maintain any sanctions under this section (a)(1) if the President determines and notifies the appropriate congressional committees that—

(A) with respect to materials intended to be used by military personnel of the United States Armed Forces at military facilities in the country; or

(B) if the application of such sanctions would prevent the United States from meeting the terms of any status of forces agreement to which the United States is a party.

(c) ADDITIONAL SANCTIONS WITH RESPECT TO SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—The President shall impose the following additional sanctions with respect to each government of a foreign country identified under subsection (a)(1)(A):

(1) The President shall, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between one or more financial institutions or persons in the United States or otherwise, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the government of the foreign country.

(d) WAIVER.—

(1) IN GENERAL.—The President may, on a case-by-case basis and for a period of not more than 180 days, grant a waiver to a government of a foreign country identified pursuant to subparagraph (A) or (B) of subsection (a)(1) if the President determines and notifies the appropriate congressional committees that—

(A) determines that the waiver is in the national security interest of the United States; and

(B) not less than 30 days before the waiver takes effect, submits to the appropriate congressional committees a report on the waiver and the justification for the waiver.

(2) RENEWAL OF WAIVER.—The President may, on a case-by-case basis, renew a waiver under paragraph (1) for additional periods of not more than 180 days, if the President determines and notifies the appropriate congressional committees that—

(A) determines that the renewal of the waiver is in the national security interest of the United States; and

(B) not less than 15 days before the waiver expires, submits to the appropriate congressional committees a report on the renewal of the waiver and the justification for the renewal of the waiver.

(e) RULE OF CONSTRUCTION.—The authority to impose sanctions under subsection (b) or (c) with respect to each government of a foreign country identified pursuant to subparagraph (A) or (B) of subsection (a)(1) is in addition to the authority to impose sanctions under any other provision of law with respect to governments of foreign countries that provide material support to foreign terrorist organizations designated pursuant to section 199 of the Anti-Terrorism and Sanctions Act (8 U.S.C. 1386).

(f) TERMINATION.—The President may terminate any sanctions imposed under this section (a) with respect to the government of a foreign country under subsection (b) or (c) if the President determines and notifies the appropriate congressional committees that—

(1) it is no longer carrying out activities or transactions for which the sanctions were imposed.

(2) has provided assurances to the United States Government that it will not carry out...
activities or transactions for which sanctions may be imposed under subsection (b) or (c) in the future.

(g) Effective Date.—This section shall take effect on the date of the enactment of this Act and apply with respect to activities and transactions described in subparagraph (A) or (B) (i) that occurred on or after such date of enactment.

SEC. 1296. EXEMPTIONS RELATING TO PROVHUMANITARIAN ASSISTANCE.

(a) SANCTIONS WITH RESPECT TO FOREIGN PERSONS AND AGENCIES AND INSTRUMENTALITIES OF GAZA.—The following activities shall be exempt from sanctions under section 1294:

(1) The conduct or facilitation of a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof described in section 1295(a)(1), including engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes or transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.

(b) SANCTIONS WITH RESPECT TO FOREIGN GOVERNMENTS.—The following activities shall be exempt from sanctions under section 1295:

(1) The conduct or facilitation of a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof described in section 1295(a)(1), including engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes or transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.

SEC. 1297. REPORT ON ACTIVITIES OF FOREIGN COUNTRIES TO DISRUPT GLOBAL FUNDRAISING, FINANCING, AND MONEY LAUNDERING ACTIVITIES OF HAMAS, THE PALESTINIAN ISLAMIC JIHAD, OR ANY AFFILIATE OR SUCCESSOR THEREOF.

(a) Report.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes—

(A) a list of foreign countries that support Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, or in which Hamas maintains important portions of its financial networks;

(B) with respect to each foreign country on the list required by subparagraph (A)—

(i) an assessment of whether the government of the country is taking adequate measures to freeze the assets of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof within the territory of the country;

(ii) in the case of a country the government of which is not taking adequate measures to freeze those assets—

(I) an assessment of the reasons that government is not taking adequate measures to freeze those assets; and

(II) a description of measures being taken by the government of the country to encourage that government to freeze those assets;

(C) a list of foreign countries in which Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, conducts significant fundraising, financing, or money laundering activities;

(D) with respect to each foreign country on the list required by subparagraph (C)—

(i) an assessment of whether the government of the country is taking adequate measures to disrupt fundraising, financing, or money laundering activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof within the territory of the country; and

(ii) in the case of a country the government of which is not taking adequate measures to disrupt those activities—

(I) an assessment of the reasons that government is not taking adequate measures to disrupt those activities; and

(II) a description of measures being taken by the government of the country to encourage that government to improve measures to disrupt those activities; and

(E) a list of foreign countries from which Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, acquires surveillance equipment, electronic monitoring equipment, or other means to inhibit communication or political expression in Gaza.

(2) Form.—The report required by paragraph (1) shall be submitted in unclassified form to the greatest extent possible and may contain a classified annex.

(b) Briefing.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for the following 3 years, the Secretary of the Treasury, the Secretary of State, and the Attorney General of the United States shall provide to the appropriate congressional committees a briefing on the disposition of the assets and activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof related to financing, fundraising, and money laundering worldwide.

(c) Definition.—In this section, the term ‘appropriate congressional committees’ means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

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

SEC. 1298. MISCELLANEOUS PROVISIONS.

(a) Rule of Construction.—Nothing in this subtitle shall be construed to apply to or affect the authority of the United States Government to engage in a financial transaction relating to humanitarian assistance or for humanitarian purposes or transporting goods or services to a foreign person described in section 1295(a)(1) for purposes of assisting in the provision of humanitarian assistance or for humanitarian purposes or transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.

(b) Definition.—In this section, the term ‘humanitarian assistance or for humanitarian purposes’ includes—

(1) the conduct or facilitation of a transaction for the sale of agricultural commodities, food, medicine, or medical devices to the United States; and

(2) the provision of humanitarian assistance to a foreign person described in section 1295(a)(1), including engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes or transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.

SEC. 1299. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this subtitle, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4338. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 396, proposed by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribed 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 F—Sanctions and Other Measures Relating to the Taliban

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ‘Preventing the Recognition of Terrorist States Act of 2021’.

SEC. 1292. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to continue to recognize the democratically elected government of the Islamic Republic of Afghanistan as the legitimate Government of Afghanistan;

(2) to not recognize the Islamic Emirate of Afghanistan, which is controlled by the Taliban, as the official Government of Afghanistan under any circumstances;

(3) to view the Taliban’s takeover of Afghanistan as a coup d’etat and therefore illegitimate;

(4) to recognize that individuals designated as terrorists by the United States, such as Sirajuddin Haqqani, will play a key role in the Taliban regime; and

(5) to continue to assist the people of Afghanistan, especially people at risk as a result of their activities, beliefs, religion, or political views.

SEC. 1293. PROHIBITION ON ACTIONS RECOGNIZING THE ISLAMIC EMIRATE OF AFGHANISTAN.

(a) In General.—In furtherance of the policy set forth in section 1292, no Federal department or agency may take any action or extend any assistance that states or implies recognition of the Taliban’s claim of sovereignty over Afghanistan.

(b) Funding Limitation.—Notwithstanding any other provision of law, no Federal funds may be used to purchase coal or oil for the Department of Energy; the Departments of State, Defense, or Treasury; the Office of the Vice President of the United States; or the United States Agency for International Development, or
the Department of Defense on or after the date of the enactment of this Act may be obli-
gated or expended to prepare or promulgate any policy, guidance, regulation, notice, or
Executive order; to implement, administer, or enforce any policy, that ex-
tends diplomatic recognition to the Islamic Emirate of Afghanistan.

SEC. 1294. DESIGNATION OF ISLAMIC EMIRATE OF AFGHANISTAN AS A STATE SPO-
NOR OF TERRORISM.
(a) In General.—The Secretary of State shall designate the Islamic Emirate of Af-
ghanistan as a state sponsor of terrorism.
(b) State Sponsor of Terrorism De-
efined.—In this section, the term ‘‘state sponsor of terrorism’’ means a country the gov-
ernment of which the Secretary of State has determined has repeatedly provided support for
acts of international terrorism, for pur-
poses of—
(1) section 757(c)(1)(A)(i) of the Export
Control Reform Act of 2018 (50 U.S.C.
3813(c)(1)(A)(i));
(2) section 620A of the Foreign Assistance
Act of 1961 (22 U.S.C. 2371);
(3) section 40(d) of the Arms Export
Control Act (22 U.S.C. 2780(d));
(4) any other provision of law.

SEC. 1295. DESIGNATION OF THE TALIBAN AS A FOREIGN TERRORIST ORGANA-
ZATION.
The Secretary of State shall designate the Taliban as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1296. DETERMINATIONS WITH RESPECT TO NARCOTICS TRAFFICKING AND
MONEY LAUNDERING BY THE TALIBAN.
Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report that included:
(1) a determination of whether the Taliban should be designated as—
(A) a significant foreign narcotics traf-
finger (as defined in section 808 of the For-
eign Narcotics Kingpin Designation Act (21
U.S.C. 1907)); or
(B) a significant transnational criminal or-
ganization under Executive Order 13851 (50
U.S.C. 1701 note; relating to blocking prop-
erty of transnational criminal organiza-
tions); and
(2) a determination of whether Afghan-
istan, while under the control of the Taliban, should be designated as a high-risk jurisdic-
tion of transnational crime (as the term ‘‘black list’’ is referred to in the criteria established for such designation by the Financial Action Task Force).

SEC. 1297. ASSESSMENT OF WHETHER RARE EARTH METALS EXPORTED FROM
AFGHANISTAN VIOLATE PROHIBITION ON IMPORTATION OF GOODS MADE
WITH FORCED LABOR.
The Commissioner of U.S. Customs and
Border Protection shall—
(1) included in subsection the importation of rare earth metals extracted in Afghanistan and goods produced from such metals violates the prohibition on importation of goods made with forced labor under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and
(2) consider issuing a withhold release order with respect to such metals and goods to prevent such imports and goods from enter-
ing the United States.

SEC. 1298. REPORT ON DIPLOMATIC RELATIONS
OF THE TALIBAN AND SUPPORTERS OF TERRORISM.
Not later than 120 days after the date of the enactment of this Act, and annually there-
after, the Secretary of State shall submit to Congress a report that included:
(1) describes the Taliban’s relations with
Iran, the Russian Federation, Pakistan,
Saudi Arabia, the United Arab Emirates,
Tajikistan, Uzbekistan, and the People’s Re-
public of China;
(2) identifies each foreign person that
knowingly assists or provides significant sup-
port or services to, or is involved in a signifi-
cant transaction with, a senior member of
the Taliban or a supporter of the Taliban; and
(3) assesses—
(A) the likelihood that the countries re-
ferred to in paragraph (1) will seek to
invest in Afghanistan’s key natural resources;
and
(B) the impact of such investments on the
national security of the United States.

SEC. 1299. REPORT ON SAFE HARBOR PROVIDED
TO TERRORIST ORGANIZATIONS BY
PAKISTAN.
Not later than 120 days after the date of
the enactment of this Act, and annually there-
after, the Secretary of State shall submit to Congress and make available to the pub-
lic a report that describes the actions taken by Pakistan to pro-
vide safe harbor to organizations—
(1) designated by the Secretary of State
as terrorist organizations under section 219 of
the Immigration and Nationality Act (8
U.S.C. 1189); and
(2) designated as a specially designated
global terrorist organization under Execu-
tive Order 13382 (not relating to blocking prop-
erty and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

SEC. 1299A. REPORT ON INVESTMENTS OF THE TALIBAN.
(a) In General.—The President shall im-
pose 2 or more of the sanctions described in subsection (b) with respect to each foreign person identified under paragraph (2) of sec-
tion 1299 in the most recent report submitted under that section.
(b) Sanctions Described.—The sanctions
that may be imposed with respect to for-

gieen person under subsection (a) are the fol-

(1) EXPORT-IMPORT BANK ASSISTANCE FOR
EXPORTS TO SANCTIONED PERSONS.—The Presi-
dent may direct the Export-Import Bank of the United States Government not to give approval to the issuance of any guarantee, insurance, exten-
sion of credit, or purchase of goods or services under—
(A) the Export-Import Bank Act of 1945 (42
U.S.C. 2801 et seq.); or
(B) any other specific permission or authority to
export any good or service to the for-
gieen person under subsection (a) are the fol-

(2) SALES TO TERRORIST ORGANIZATIONS BY
PAKISTAN.—Sanctions under this section shall not include the au-

tority or a requirement to impose sanctions on
importation of the listed good or service.

(c) Good Defined.—In this paragraph, the
term ‘‘good’’ means any article, natural or
mammal substance, material, supply, or
manufactured product, including inspection and test equipment, and excluding technical data.

(d) Definitions.—In this section—
(1) FOREIGN PERSON.—The term ‘‘foreign
person’’ means a person that is not a United
States person.

(2) UNITED STATES PERSON.—The term
‘‘United States person’’ means—
(A) an individual who is a United States
citizen or an alien lawfully admitted for per-
manent residence to the United States;
(B) an entity organized under the laws of the
United States or any jurisdiction within the
United States, including a foreign branch
of such an entity; or
(C) any person in the United States.

SEC. 1299B. REPEAL OF EXCLUSION TO SANCTI-
ONS WITH RESPECT TO ENERGY,
SHIPMENTS, AND OTHER SEC-
CTORS OF IRAN RELATING TO
AFGHANISTAN RECONSTRUCTION.
Subsection (f) of section 1244 of the Iran
Freedom and Counter-Proliferation Act of
2012 (22 U.S.C. 8803) is repealed.

SEC. 1299C. LIMITATION ON HUMANITARIAN AS-
ISTANCE THAT COULD BENEFIT FOREIGN TERRORIST ORGANIZATIONS.
(a) In General.—Before obligating funds described in subsection (b) for assistance in or for Afghanistan and Pakistan or any other country in which organizations designated by the Secretary of State as foreign terrorist organizations under sections 219 of the Immi-
gation and Nationality Act (8 U.S.C. 1189) hold territory or wield substantial economic or political power, the Administrator of the United States Agency for Interna-
tional Development shall take all appropriate steps to ensure that such assistance is not provided to or through—

(1) an individual, private or government
entity, or educational institution that the
Secretary knows, or has reason to believe,
advocates, plans, sponsors, engages in, or
has engaged in, terrorist activity; or

(2) any private entity or educational insti-
tution that has, as a principal officer or
member of the governing board or governing board of trustees of the entity or institution, any individual who has been determined to be—

(A) involved in or advocating terrorist activity; or

(B) a member of a foreign terrorist organization.

(b) Funds Described.—Funds described in this subsection are funds appropriated under the heading “Economic Support Fund”, “Development Assistance”, “Global Health”, “Transition Initiatives” or “International Humanitarian Assistance” in an Act making appropriations for the Department of State, foreign operations, and related programs or making supplemental appropriations.

(c) Implementation.—

(1) In general.—The Administrator of the United States Agency for International Development, as appropriate—

(A) establish procedures to specify the steps to be taken in carrying out subsection (a); and

(B) terminate assistance—

(i) to any individual, entity, or educational institution that the Secretary has determined to be involved in or advocating terrorist activity; or

(ii) that could benefit such an individual, entity, or educational institution.

(2) Inclusion of certain entities.—In establishing procedures under paragraph (1) with respect to steps to be taken to ensure that assistance is not provided to individuals, entities, or educational institutions described in subsection (a), the Administrator shall ensure that the recipients and subrecipients of assistance from the United States Agency for International Development and their contractors and subcontractors are included.

SEC. 1290D. RESTRICTION ON FOREIGN ASSISTANCE TO PEOPLE’S REPUBLIC OF CHINA IN WHICH COUPS D’ETAT HAVE OCCURRED.

(a) In general.—None of the funds appropriated or otherwise made available pursuant to an Act making appropriations for the Department of State, foreign operations, and related programs or making supplemental appropriations may be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d’état or decree or, after the date of the enactment of this Act, a coup d’état or decree in which the military plays a decisive role.

(b) Resumption of assistance.—Assistance described in subsection (a) may be resumed to a government described in that subsection if the Secretary of State certifies to Congress that, subsequent to the termination of such assistance, a democratically elected government has taken office.

(c) Exception.—The prohibition under subsection (a) shall not apply to assistance to promote democratic elections or public participation in democratic processes.

(d) Prohibitions.—Funds made available pursuant to subsection (b) or (c) shall be subject to the regular notification procedures of the Committees on Appropriations of the Senate and the House of Representatives.

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

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

**S E C. 1210. FUNDING FOR INTERNATIONAL MILITARY EDUCATION AND TRAINING IN LATIN AMERICA, SOUTHEAST ASIA, AND AFRICA.**

There is authorized to be appropriated for fiscal year 2022 for the Department of State $314,100,000 for International Military Education and Training (IMET) assistance for countries in Latin America, Southeast Asia, and Africa, to be made available for purposes of—

(1) training future leaders;

(2) fostering a better understanding of the United States;

(3) establishing a rapport between the United States military forces of countries in Latin America, Southeast Asia, and Africa to build partnerships for the future;

(4) enhancing interoperability and capabilities for joint operations; and

(5) focusing on professional military education, civilian control of the military, and protection of human rights.

SA 4360. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 4360 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. COUNTERTHE MILITARY-CIVIL FUSION STRATEGY OF THE CHINESE COMMUNIST PARTY.

(a) Definitions.—In this section:

(1) Chinese entity of concern.—The term “Chinese entity of concern” means—

(A) any college or university in the People’s Republic of China that is determined by the Secretary of Defense to be involved in the implementation of the military-civil fusion strategy, including—

(i) any college or university known as the “Seven Sons of National Defense”;

(ii) any college or university that receives funding from—

(I) the People’s Liberation Army; or

(II) the Equipment Development Department, or the Science and Technology Commission, of the Central Military Commission;

(iii) any college or university in the People's Republic of China involved in military training and education, including any such college or university in partnership with the People’s Liberation Army;

(iv) any college or university in the People’s Republic of China that conducts military research or hosts dedicated military initiatives or laboratories, including such a college or university designated under the “double first-class university plan”;

(v) any college or university in the People’s Republic of China that is designated by the State Administration for Science, Technology, and Industry for the National Defense to host “joint construction” programs; and

(vi) any college or university in the People’s Republic of China that has launched a platform for military-civil fusion or created national defense laboratories;

(B) any enterprise owned by the People’s Republic of China; and

(C) any privately owned company in the People’s Republic of China—

(i) that has received the Weapons and Equipment Research and Production Certification; or

(ii) that is otherwise known to have set up mechanisms for engaging in activity in support of military initiatives;

(iii) that has a history of subcontracting for the People’s Liberation Army or its affiliates; or

(iv) that has an owner or a senior management official who has served as a delegate to the National People’s Congress or a member of the Chinese People’s Political Consultative Conference.

(2) Covered entity.—The term “covered entity” means—

(A) a Federal agency that engages in research or provides funding for research, including the National Science Foundation and the National Institutes of Health;

(B) any institution of higher education, or any other private research institution, that receives any Federal financial assistance; and

(C) any private company headquartered in the United States that receives Federal financial assistance.

(3) Federal financial assistance.—The term “Federal financial assistance” has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations (or successor regulations).

(4) Military-civil fusion strategy.—The term “military-civil fusion strategy” means the strategy of the Chinese Communist Party aiming to mobilize non-military resources and expertise to contribute directly to the development of technology for use by the People’s Liberation Army.

(b) Prohibitions.—

(1) In general.—No covered entity may engage with a Chinese entity of concern in any scientific research or technical exchange that has a direct bearing on, or the potential for dual use in, the development of technologies that the Chinese Communist Party has identified as a priority of its national strategy of military-civil fusion and that are listed on the website under subsection (c)(1)(A).

(2) Private partnerships.—No covered entity described in subsection (a)(2)(C) may enter into a partnership with another covered entity for the purpose of engaging in any scientific research or technical exchange described in paragraph (1).

(c) Website.—

(1) In general.—The Secretary of Defense, in consultation with the Secretary of State, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the Secretary of Commerce, shall establish and periodically update a website that includes—

(A) a list of the scientific research or technical exchange for which the prohibitions under subsection (b) apply, which shall initially include quantum computing, big data analytics, semiconductors, new and advanced materials, 5G telecommunications, advanced nuclear technology (including nuclear power and energy storage), aerospace technology, and artificial intelligence; and

(B) to the extent practicable, a list of all Chinese entities of concern.

(2) Resources.—In establishing the website under paragraph (1), the Secretary of Defense may use as a model any existing resources, such as the China Defense Universities Tracker maintained by the Australian Strategic Policy Institute, subject to any other laws applicable to such resources.
such prohibitions and requirements.

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered entity described in subparagraph (B) or (C) of subsection (a)(2) that violates a prohibition prescribed in subparagraph (B) or (C) of subsection (b) on or after the date of such violation.

(2) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of the Treasury, and the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the Secretary of Commerce, shall—

(A) promulgate regulations to enforce the prohibitions under subsection (b) and the requirement under paragraph (1); and

(B) coordinate with the heads of other Federal agencies to enforce the requirements of this section (or in the case of covered foreign software or any controlling entity of such software, or any entity that distributes such software, or any controlling entity of such software, the rights and interests of United States consumers, including—

(i) the number of requests from a law enforcement agency, intelligence agency, or other government entity under the laws of which such entity is organized;

(ii) a description of how such data is used and if applicable with respect to each such owner, the name of the covered country;

(iii) the number of each controlling entity of the owner of the covered foreign software, and if applicable with respect to each such controlling entity, the name of the covered country;

(iv) any enumerated risk to data privacy and security or the censorship of speech associated with the laws and practices of a covered country disclosed under this subparagraph;

(v) whether the owner of a covered foreign software, or any controlling entity of such owner, has ever provided the data of United States consumers, as it relates to such software, to any law enforcement agency, intelligence agency, or other government entity of a covered country; and

(vi) a description of how to acknowledge the warning and either proceed with or cancel thedownload;

(B) of the unobligated balance of amounts made available to the Department of Defense for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(C) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(D) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(E) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(F) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(G) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(H) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(I) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(J) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(K) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.
(II) a description of how such requests were handled; and
(v) a description of any internal content moderation practice of the owner as it relates to the data of consumers in the United States, including any such practice that also relates to consumers in another country.

(B) PUBLIC ACCESSIBILITY.—Notwithstanding any other provision of law, not later than 60 days after the receipt of a report under subparagraph (A), the Attorney General of the United States shall publish the information specified in such report (except for any confidential material) in a publicly accessible manner.

(2) CONSUMER DATA DISCLOSURE PROVISIONS.

(A) EFFECT OF DISCLOSURE AND CENSORSHIP.—An owner of covered foreign software may not collect or store data of United States consumers, as it relates to such covered foreign software, if such owner complies with any request from a law enforcement agency, intelligence agency, or other government entity of a covered country—
(i) to disclose the consumer data of a person in the United States; or
(ii) to censor the online activity of a person in the United States.

(B) REPORT TO FEDERAL TRADE COMMISSION AND ATTORNEY GENERAL OF THE UNITED STATES.—Not later than 14 days after delivering a request described in subparagraph (A), an owner of covered foreign software shall submit to the Commission and the Attorney General of the United States a report that includes a description of such request.

(C) ACCESS TO CONSUMER DATA IN SUBSIDIARIES.—Not later than 1 year after the date of enactment of this section, the Commission, in consultation with the Attorney General of the United States, shall issue regulations to require an owner of covered foreign software to implement consumer data protection measures to ensure that any parent company in a covered country may not access the consumer data collected and stored, or otherwise held, by a subsidiary entity of such parent company in a country that is not a covered country.

(3) PROHIBITIONS ON STORAGE, USE, AND SHARING OF CONSUMER DATA.—With respect to the consumer data of any person in the United States, an owner of covered foreign software may not—
(i) use such data in a covered country;
(ii) transfer such data to a covered country; or
(iii) store such data outside of the United States.

(B) SHARING OF CONSUMER DATA.—An owner of covered foreign software may not share with, sell to, or otherwise disclose to any other commercial entity the consumer data of any person in the United States.

(2) PROHIBITIONS ON STORAGE, USE, AND TRANSPORT OF CONSUMER DATA.—An owner of covered foreign software shall prohibit the online activity of a person in the United States.

(A) NONAPPLICATION OF COMMUNICATIONS DECIENCY ACT PROTECTIONS.—Notwithstanding section 230 of the Communications Act of 1934 (47 U.S.C. 230) (commonly known as the “Communications Decency Act”), an owner of a covered foreign software shall not be considered a provider of an interactive computer service as defined by section 230(f) of such Act (47 U.S.C. 230(f)) for purposes of subsection (c).

(B) NONAPPLICATION OF FEDERAL TRADE COMMISSION ACT PROTECTIONS.—An owner of a covered foreign software that does not meet the requirements of subparagraph (A) of subsection (a)(1) or is made available in violation of subparagraph (B) of such subsection shall be treated as a separate violation.

(C) INDIVIDUAL OFFENSE.—An officer of a software marketplace operator or of an owner of covered foreign software who knowingly causes a violation of subsection (a)(1) with the intent to conceal the fact that the software is covered foreign software shall be fined under title 18, United States Code.

(3) REFERENCE TO THE FTC.—Whenever the Commission obtains evidence that a software marketplace operator or owner of covered foreign software has engaged in conduct that may constitute a violation of subsection (a) or (b), the Commission shall transmit such evidence to the Attorney General of the United States, who may institute criminal proceedings under this subsection. Nothing in this paragraph affects any other authority of the Commission to disclose such information.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, the Commission, in consultation with the Attorney General of the United States, shall submit to Congress a report on the implementation and enforcement of this section.


(ii) a description of any internal content moderation practice of the owner as it relates to the privacy or security of consumer data or the downloading of covered foreign software.

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section or a regulation promulgated thereunder shall be treated as a violation of a rule defining an unfair or deceptive act or practice under section 5(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce, and the regulations promulgated thereunder in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable laws and regulations of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section. Any person who violates this section or a regulation promulgated thereunder shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(B) ADDITIONAL RELIEF.—In addition to the penalties provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.), if a court determines that the Commission (in a formal adjudicative proceeding) determines that an owner of covered foreign software violated this section or a regulation promulgated thereunder, the court or the Commission shall prohibit the owner from making such software available for sale or download in the United States.

(3) REGULATIONS.—The Commission may promulgate regulations to require an owner of covered foreign software that does not meet the requirements of subparagraph (A) to—
(i) to alter, delete, remove, or otherwise make inaccessible user information without the consent of such user; or
(ii) to alter, delete, deny, prevent, or otherwise prohibit user activity without the consent of such user.

(4) CONSUMER DATA.—The term “consumer data” means the Federal Trade Commission.

(5) COVERED COUNTRY.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “covered country” means—
(i) China, Russia, North Korea, Iran, Syria, Sudan, Venezuela, or Cuba;
(ii) any other country the government of which the Secretary of State determines has provided support for international terrorism pursuant to—
(II) section 1784(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));
(III) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);
(IV) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or
(V) any other provision of law; and

(B) REPORT TO CONGRESS.—

(1) ADVANCE NOTICE TO CONGRESS.—The Attorney General of the United States shall not designate a country under subparagraph (A)(ii) (or revoke such a designation under clause (iii)) unless the Attorney General of the United States—
(i) provides not less than 30 days notice prior to making such designation or revocation to—
(aa) the Committee on Energy and Commerce of the House of Representatives;
(bb) the Permanent Select Committee on Intelligence of the House of Representatives;
(cc) the Committee on Commerce, Science, and Transportation of the Senate; and
(dd) the Select Committee on Intelligence of the Senate; and
(ii) upon request, provides an in-person briefing to each such Committee during the 30-day notice period.

(2) NOTICE AND PUBLICATION OF DESIGNATION.—Designation designating a country under subparagraph (A)(ii) shall be published in the Federal Register.

(3) REVOCATION OF DESIGNATION.—The designation of a country under subparagraph (A)(ii) is revoked if—
(i) the Administration of the United States determines that the country no longer poses a substantial threat to the national security of the United States; or

(ii) such designation is no longer in the national security interest of the United States.

(4) COVERED FOREIGN SOFTWARE.—

(A) IN GENERAL.—The term “covered foreign software” means any of the following:
SA 4363. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. 431. REIMBURSEMENT OF INTEREST PAYMENTS RELATED TO PUBLIC ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 431. REIMBURSEMENT OF INTEREST PAYMENTS RELATED TO PUBLIC ASSISTANCE."

"(a) In general.—The President may provide financial assistance to a local government, as reimbursement for qualifying interest.

"(b) Definitions.—In this section, the following definitions apply:

"(1) Prime rate.—The term ‘prime rate’ means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

"(2) Qualifying interest.—The term ‘qualifying interest’ means, with respect to a qualified corporate entity, amounts paid by such entity to a lender with respect to a qualifying loan.

"(3) Qualifying loan.—The term ‘qualifying loan’ means a loan—

"(A) obtained by a local government; and

"(B) of which not less than 80 percent of the proceeds of which were made available for qualified activities for which such local government receives assistance under this Act after the date on which such loan is disbursed.

SA 4364. Mr. RUBIO (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. . . . A IR A ME R I C A .

(a) Short title.—This section may be cited as the ‘‘Air America Act of 2021.’’

(b) Findings.—Congress finds the following:

1. Air America, Incorporated (referred to in this section as ‘‘Air America’’) and its related cover corporate entities were wholly owned and controlled by the United States Government and directed and managed by the Department of Defense, the Department of State, and the Central Intelligence Agency from 1950 to 1976.

2. Air America, a corporation owned by the Government of the United States, constituted a ‘‘Government corporation’’, as defined in section 103 of title 5, United States Code.

3. It is established that the employees of Air America and the other entities described in paragraph (1) were Federal employees.

4. The employees of Air America were retroactively excluded from the definition of the term ‘‘employee’’ under section 2105 of title 5, United States Code, on the basis of an administrative policy change in paperwork requirements for Civil Air Transport Company Limited 10 years after the service of the employees had ended, and, by extension, were retroactively excluded from the definition of the term ‘‘employee’’ under section 8331 of title 5, United States Code, for retirement credit purposes.

5. The employees of Air America were paid as Federal employees, with salaries subject to—

(A) the General Schedule under subchapter III of chapter 53 of title 5, United States Code; and

(B) the rates of basic pay payable to members of the Armed Forces.

6. The service and sacrifice of the employees of Air America—

(A) suffering a high rate of casualties in the course of employment;

(B) saving thousands of lives in search and rescue missions for downed United States airmen and allied refugee evacuations; and

(C) lengthy periods of service in challenging circumstances abroad.

(c) Definitions.—In this section—

(1) Affiliated company.—The term ‘‘affiliated company’’, with respect to Air America, includes Air Asia Company Limited, Air India Company Limited, Air China Company Limited, Air Transport Company Limited, and the Pacific Division of Southern Air Transport;

(2) Air America act.—The Air America Act of 2021; and

(3) Business and commercial activities.—The term “business and commercial activities” means any computer software program, including a mobile application.

(4) Software marketplace operator.—The term “software marketplace operator” means any computer software program, including a mobile application.

(5) Software marketplace operator.—The term “software marketplace operator” means any computer software program, including a mobile application.

(6) Software.—The term “software” means any computer software program, including a mobile application.

(7) Software marketplace operator.—The term “software marketplace operator” means any computer software program, including a mobile application.

SEC. 439. REIMBURSEMENT OF INTEREST PAYMENTS RELATED TO PUBLIC ASSISTANCE.

"(a) In general.—The President may provide financial assistance to a local government, as reimbursement for qualifying interest.

"(b) Definitions.—In this section, the following definitions apply:

"(1) Prime rate.—The term ‘prime rate’ means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

"(2) Qualifying interest.—The term ‘qualifying interest’ means, with respect to a qualified corporate entity, amounts paid by such entity to a lender with respect to a qualifying loan.

"(3) Qualifying loan.—The term ‘qualifying loan’ means a loan—

"(A) obtained by a local government; and

"(B) of which not less than 80 percent of the proceeds of which were made available for qualified activities for which such local government receives assistance under this Act after the date on which such loan is disbursed.

SA 4365. Mr. RUBIO (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

Subtitle H.—Taiwan Relations Reinforcement Act of 2021

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ‘‘Taiwan Relations Reinforcement Act of 2021.’’

SEC. 1292. A TWENTY-FIRST CENTURY PARTNER-

SHIP WITH TAIWAN.

(a) Statement of policy.—It is the policy of the United States to cooperate and execute a plan for enhancing its relationship with Taiwan by forming a robust partnership that meets the challenges of the 21st century, fully accounts for Taiwan’s democratization, and remains faithful to United States principles and values in keeping with the Taiwan Relations Act and the Six Assurances.

(b) Interagency task force.—Not later than 90 days after the date of the enactment of this Act, the President shall create an interagency Taiwan policy task force consisting of senior officials from the Office of the President, the National Security Council, the Department of State, the Department of Defense, the Department of Commerce, and the Office of the United States Trade Representative.

(c) Report.—The interagency Taiwan Policy Task Force established under subsection (b) shall submit an annual unclassified report with a classified annex to the appropriate congressional committees outlining policy and actions to implement such an order and execute a plan for enhancing our partnership and relations with Taiwan.
SEC. 1291. AMERICAN INSTITUTE IN TAIWAN.

The position of Director of the American Institute in Taiwan’s Taipei office shall be subject to the advice and consent of the Senate, and effective on enactment of this Act shall have the title of Representative.

SEC. 1292. SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE PROGRAMS IN TAIWAN.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support United States educational and exchange programs with Taiwan, including by authorizing such sum as may be necessary to promote the study of Chinese language, culture, history, and politics.

(b) ESTABLISHMENT OF THE UNITED STATES-TAIWAN CULTURAL EXCHANGE FOUNDATION.—

The Secretary of State shall establish a new United States-Taiwan Cultural Exchange Foundation, an independent nonprofit dedicated to deepening ties between the future leaders of Taiwan and the United States. The Foundation shall work with State and local school districts and educational institutions to send high school and university students to Taiwan to study the Chinese language, culture, history, politics, and other relevant subjects.

(c) PARTNERING WITH TECRO.—State and local school districts and educational institutions and private universities shall partner with the Taipei Economic and Cultural Representational Office (TECRO) in the United States to establish programs to promote increases in educational and cultural exchanges.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on cooperation between the United States Government and TECRO, including by authorizing such sum as may be necessary to promote the study of Chinese language by students.

SEC. 1293. PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Taiwan’s inclusion and meaningful participation in meetings held by international organizations.

(b) SUPPORT FOR MEANINGFUL PARTICIPATION.—The Permanent Representative of the United States to the United Nations and other relevant United States officials should actively support Taiwan’s membership and meaningful participation in international organizations.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on China’s efforts at the United Nations and other international bodies to block Taiwan’s meaningful participation and inclusion and recommend appropriate responses to be taken by the United States.

SEC. 1294. INVITATION OF TAIWANESE COUNTERPARTS TO HIGH-LEVEL BILATERAL AND MULTILATERAL FORUMS AND EXERCISES.

(a) STATEMENT OF POLICY.—It is the policy of the United States to invite Taiwanese counterparts to participate in high-level bilateral and multilateral exercises, and economic dialogues and forums.

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

(1) the United States Government should invite Taiwan to regional dialogues on issues of mutual concern;

(2) the United States Government and Taiwan counterparts should resume meetings under the United States-Taiwan Trade and Investment Framework Agreement and reach a bilateral free trade agreement;

(3) the United States Government should invite Taiwan to participate in bilateral and multilateral cultural exchange programs; and

(4) the United States Government and Taiwanese counterparts should engage in a regular and routine strategic bilateral dialogue on arms sales with Foreign Military Sales mechanisms, and the United States Government should support export licenses for direct commercial sales supporting Taiwan’s indigenous defensive capabilities.

SEC. 1295. REPORT ON TAIWAN TRAVEL ACT.

(a) LIST OF HIGH-LEVEL VISITS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall, in accordance with the Taiwan Travel Act (Public Law 115-135), submit to the appropriate congressional committees a list of high-level officials from the United States Government that have traveled to Taiwan and a list of high-level officials of Taiwan that have entered the United States.

(b) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on implementation of the Taiwan Travel Act.

SEC. 1296. PROHIBITIONS AGAINST UNDERMINING UNITED STATES POLICY REGARDING TAIWAN.

(a) PROHIBITION ON RECOGNITION OF PRC CLAIMS TO SOVEREIGNTY OVER TAIWAN.—

(1) STATEMENT OF POLICY.—It is the policy of the United States to oppose any attempt by the PRC authorities to unilaterally impose a unacceptable deadline or for unification on Taiwan.

(2) PROHIBITION ON RECOGNITION OF PRC CLAIMS WITHOUT ASSENT OF PEOPLE OF TAIWAN.—No department or agency of the United States Government may formally or informally recognize PRC claims to sovereignty over Taiwan without the consent of the people of Taiwan, as expressed directly through the democratic process.

(b) TREATMENT OF TAIWAN GOVERNMENT.—

(A) IN GENERAL.—The Department of State and other relevant United States Government agencies shall treat the democratically elected government of Taiwan as the representative of the people of Taiwan and end the outdated practice of referring to the government in Taiwan as the “authorities.”

(B) MODERNIZING UNITED STATES POLICY REGARDING TAIWAN.—

(1) RULE OF LAW.—Nothing in this Act shall be construed to extend Taiwan’s international status.

(2) INFORMATION ON TAIWAN.-—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the heads of relevant Federal agencies, submit an unclassified report to the appropriate congressional committees on the extent of influence exerted by China and the Chinese Communist Party in Taiwan.

(3) REPORT ON DETERRENCE IN THE TAIWAN STRAIT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a joint report on appropriate responses to be taken in order to protect United States businesses and nongovernmental entities from sharp power operations, including coercion and threats that lead to censorship or self-censorship, or which compel compliance with political or foreign policy positions of the Government of the People’s Republic of China and the Chinese Communist Party. The strategy shall include the following elements:

(1) Information on efforts by the Government of the People’s Republic of China to censor the websites of United States airlines, hotels, and other businesses regarding the relationship between Taiwan and the People’s Republic of China.

(2) Information on efforts by the Government of the People’s Republic of China to undermine efforts of United States officials to get the United States to establish programs to promote the study of Chinese language and culture.

(3) Information on United States Government efforts to counter the threats posed by Chinese state-sponsored propaganda and disinformation, including information on best practices, current successes, and existing barriers to responding to this threat.

(4) Details of any actions undertaken to create a stable and a timetable for implementation.

SEC. 1297. STRATEGY TO RESPONSE TO SHARP POWER OPERATIONS TARGETING TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall develop and implement a strategy to respond to sharp power operations targeting the United States Government and entities through sharp power operations intended to weaken support for Taiwan.

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) Development of a response to PRC propaganda and disinformation campaigns and cyber-intrusions targeting Taiwan, including:

(A) Assistance in building the capacity of the Taiwan government’s security services to document and expose propaganda and disinformation supported by the Government of the People’s Republic of China and the Chinese Communist Party.

(B) Training in Taiwan government’s security services to document and expose propaganda and disinformation.

(C) Assistance to the Taiwan government’s security services in countering propaganda and disinformation campaigns supported by the Government of the People’s Republic of China and the Chinese Communist Party.

(2) Development of a coordinated partnership, through the Global Cooperation and Training Framework, with like-minded governments to share data and practices with the Government of Taiwan on ways to address sharp power operations supported by the Government of the People’s Republic of China and the Chinese Communist Party.

SEC. 1299A. REPORT ON DETERRENCE IN THE TAIWAN STRAIT.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the extent of influence exerted by China and the Chinese Communist Party in Taiwan, including:

(1) Information on efforts by the Government of the People’s Republic of China to require United States airlines, hotels, and other businesses regarding the relationship between Taiwan and the People’s Republic of China.

(2) Information on efforts by the Government of the People’s Republic of China to undermine efforts of United States officials to get the United States to establish programs to promote the study of Chinese language and culture.

(3) Information on United States Government efforts to counter the threats posed by Chinese state-sponsored propaganda and disinformation, including information on best practices, current successes, and existing barriers to responding to this threat.

(4) Details of any actions undertaken to create a stable and a timetable for implementation.

SEC. 1299B. REPORT ON INFLUENCE IN THE TAIWAN STRAIT.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a joint report on appropriate responses to be taken in order to protect United States businesses and nongovernmental entities from sharp power operations, including coercion and threats that lead to censorship or self-censorship, or which compel compliance with political or foreign policy positions of the Government of the People’s Republic of China and the Chinese Communist Party. The strategy shall include the following elements:

(1) Information on efforts by the Government of the People’s Republic of China to censor the websites of United States airlines, hotels, and other businesses regarding the relationship between Taiwan and the People’s Republic of China.

(2) Information on efforts by the Government of the People’s Republic of China to undermine efforts of United States officials to get the United States to establish programs to promote the study of Chinese language and culture.

(3) Information on United States Government efforts to counter the threats posed by Chinese state-sponsored propaganda and disinformation, including information on best practices, current successes, and existing barriers to responding to this threat.

(4) Details of any actions undertaken to create a stable and a timetable for implementation.

SEC. 1299C. REPORT ON INFLUENCE IN THE TAIWAN STRAIT.
report that assesses the military posture of Taiwan and the United States as it specifically pertains to the deterrence of military conflict and conflict readiness in the Taiwan Strait in light of the changing military balance in the Taiwan Strait, the report should include analysis of whether current Taiwan and United States policies sufficiently deter efforts to change the future of Taiwan by other than peaceful means.

SEC. 1299D. DEFINITIONS.

In this subtitle:

(1) CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; or

(2) SHARP POWER.—The term "sharp power" means the coordinated and often concealed application of disinformation, media manipulation, economic coercion, cyber-intrusions, targeted investments, and academic censorship that is intended—

(A) to corrupt political and nongovernmental institutions and interfere in democratic elections and encourage self-censorship of views at odds with those of the Government of the People's Republic of China or the Chinese Communist Party; or

(B) to foster attitudes, behavior, decisions, or outcomes in Taiwan and elsewhere that support the interests of the Government of the People's Republic of China or the Chinese Communist Party.

SEC. 1293. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to clearly differentiate between the Chinese people and culture and the Government of the People's Republic of China and the Chinese Communist Party in official statements, messages, and policy; and

(2) to effectively counter the "sharp power" political influence operations of the Chinese Communist Party globally and in the United States;

(3) to ensure that United States citizens, particularly Chinese Americans and members of the Chinese, Uyghur, Mongolian, Korean, Taiwanese, and Tibetan diaspora who are the victims of or primary targets of malign political influence operations, are protected; and

(4) to ensure that—

(A) the United States Government strategy to protect the communities described in paragraph (3) is clearly communicated by relevant Federal officials; and

(B) credible outlets are created for reporting on intimidation and surveillance; and

(C) to identify new targets or authorities necessary to implement this strategy.

SEC. 1294. STRATEGY TO COUNTER ''SHARP POWER'' POLITICAL INFLUENCE OPERATIONS AND TO PROTECT UNITED STATES CITIZENS.

(a) IN GENERAL.—The Secretary of State and the Secretary of Homeland Security, in coordination with all relevant Federal agencies, shall develop a long-term strategy—

(1) to carry out the policy set forth in section 1293;

(2) to effectively counter the "sharp power" political influence operations of the Chinese Communist Party and other malign political influence operations of the Government of the People's Republic of China and the Chinese Communist Party; and

(3) to annually thereafter, the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence, in coordination with all relevant Federal agencies, shall submit an unclassified report, which may include a classified annex, containing—

(A) the goals and methods of the political influence operations of the Government of the People's Republic of China and the Chinese Communist Party; and

(B) common patterns and approaches used by Chinese intelligence agencies or related actors;

(4) to require greater transparency for Confucius Institutes, think tanks, academic programs, and nongovernmental organizations funded primarily by the Government of the People's Republic of China and the Chinese Communist Party, or by individuals or public or private entities with a demonstrable affiliation with the Government of the People's Republic of China and the Chinese Communist Party that are operating in the United States; and

(5) to implement more advanced transparency requirements concerning collaboration with Chinese actors for media agencies, universities, think tanks, and government officials; and

(6) to seek ways to increase Chinese language proficiency among mid-career professionals that do not rely on funding linked to the Government of the People's Republic of China; and

(7) to ensure that existing tools are sufficiently screening for the risk of Chinese influence operations; and

(8) to create more flexible tools, as needed, with the goals of—

(A) screening investments from the Government of the People's Republic of China or sources backed by such government to protect against the takeover of United States companies by Chinese state-owned or state-directed entities; and

(B) protecting institutions or business sectors critically important to United States national security and the viability of democracy in the United States.

(b) RPOC.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State or an appropriate high-ranking official shall—

(1) submit an unclassified report, which may include a classified annex, containing the strategy required under subsection (a) to the appropriate congressional committees; or

(2) describe the strategy required under subsection (a) through unclassified testimony before the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1295. REPORT ON THE POLITICAL INFLUENCE OPERATIONS OF THE GOVERNMENT OF CHINA AND THE CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—It is important for United States policymakers and the American people to be informed about the influence operations described in section 1294 and, not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Director of National Intelligence, and in consultation with the heads of relevant Federal departments and agencies, shall submit an unclassified report,
which may include a classified annex, to the appropriate congressional committees that describes the political influence operations of the Government of the People’s Republic of China and the Chinese Communist Party affecting the United States and select allies and partners, including the United Kingdom, Canada, Australia, New Zealand, Taiwan, and Japan, including efforts—
(1) to exert influence over United States governmental or nongovernmental institutions or individuals, or government officials among United States allies and partners, including the United Kingdom, Canada, Australia, New Zealand, Taiwan, and Japan, including efforts—
(2) to coerce or threaten United States citizens or legal permanent residents or their families and associates living in China or elsewhere to act in a manner prejudicial to the United States or to fail to act in manner consistent with the national interest; and
(3) to undermine democratic institutions and the freedoms of speech, expression, the press, association, assembly, religion, or academic thought;
(4) to otherwise suppress information in public fora, in the United States and abroad; or
(5) to develop or obtain property, facilities, infrastructure, business entities, or other assets for use in facilitating the activities described in paragraphs (1) through (4).

(a) PROHIBITED ACTS.—The President shall—
(1) take all necessary actions under subsection (a) that shall include recommendations for the President and Congress relating to—
(I) the need for additional resources or authorities to counter political influence operations in the United States directed by the Government of the People’s Republic of China and the Chinese Communist Party, including operations carried out in concert with allies; and
(II) whether a permanent office to monitor and respond to political influence operations of the Government of the People’s Republic of China and the Chinese Communist Party should be established within the Department of State or Department of Defense;
and
(2) whether regular public reports on the political influence operations of the Government of the People’s Republic of China and the Chinese Communist Party are needed to inform Congress and the American people of the scale and scope of such operations.

(b) C ONTENTS.—The report required under subsection (a) shall include recommendations for the President and Congress relating to—
(1) the need for additional resources or authorities to counter political influence operations in the United States directed by the Government of the People’s Republic of China and the Chinese Communist Party, including operations carried out in concert with allies; and
(2) whether a permanent office to monitor and respond to political influence operations of the Government of the People’s Republic of China and the Chinese Communist Party should be established within the Department of State or Department of Defense.

(c) IMPLEMENTATION; PENALTIES.—
(1) IMPLEMENTATION.—The President may exercise the authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this section.
(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties described in sections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) EXCEPTIONS.—
(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT.—Sections 202 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—
(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 26, 1947, between the United Nations and the United States, or other applicable international obligations; or
(B) to carry out or assist law enforcement activity in the United States.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—
(4) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) IN GENERAL.—The term “cybersecurity standards” includes standards developed and promulgated by the National Institute of Standards and Technology and other applicable international obligations or other applicable international obligations; or
(B) to carry out or assist law enforcement activity in the United States.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The tables of contents in section 1(b)
of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2155) is amended by adding at the end the following:

"Subtitle C—Cybersecurity Standards for Critical Infrastructure

"Sec. 2231. Definition of critical infrastructure entity.

"Sec. 2232. Cybersecurity standards."

(b) Regulation of Cryptocurrency Exchanges—

(1) SECRETARY OF THE TREASURY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall—

(A) develop and institute regulatory requirements for cryptocurrency exchanges operating within the United States to reduce the anonymity of users and accounts suspected of ransomware activity and make records available to the Federal Government in connection with ransomware incidents; and

(B) submit to Congress a report with any recommendations that may be necessary regarding cryptocurrency exchanges used in conjunction with ransomware.

(2) ATTORNEY GENERAL.—The Attorney General shall determine what information should be preserved by cryptocurrency exchanges to facilitate law enforcement investigations.

(c) Designation of State Sponsors of Ransomware and Reporting Requirements—

(1) Designation of State Sponsors of Ransomware.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Director of National Intelligence, shall—

(i) designate as a state sponsor of ransomware any country the government of which has determined has repeatedly provided support for ransomware demand schemes (including by providing safe haven for individuals engaged in such schemes);

(ii) submit to Congress a report listing the countries designated under clause (i); and

(iii) in making designations under clause (i), take into consideration the report submitted to Congress under subsection (d)(3) of the PRIORITIES FRAMEWORK.

(B) Sanctions and Penalties.—The President shall impose with respect to each state sponsor of ransomware designated under subparagraph (A) any sanctions and penalties imposed with respect to a state sponsor of terrorism.

(C) State Sponsor of Terrorism Defined.—In this section, the term ‘state sponsor of terrorism’ means a country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism, for purposes of—

(i) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(i));

(ii) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(iii) section 484(d) of the Arms Export Control Act (22 U.S.C. 2790(d)); or

(iv) any other provision of law.

(2) Reporting Requirements—

(A) Sanctions Relating to Ransomware Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to Congress that describes, for each of the 5 fiscal years immediately preceding the date of such report, the number and geographic locations of individuals, groups, and entities subject to sanctions imposed by the Office of Foreign Assets Control with respect to ransomware activities, and the Permanent Select Committee on Intelligence of the Senate, the Select Committee on Intelligence of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate; and the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the House of Representatives.

(B) Report Under Paragraph (A)—

(i) the number and geographic locations of individuals, groups, and entities subject to sanctions imposed by the Office of Foreign Assets Control with respect to ransomware activities, and

(ii) the number and geographic locations of individuals, groups, and entities subject to sanctions imposed by the Office of Foreign Assets Control with respect to ransomware activities, and

(C) Form.—The report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex related to

(e) Ransomware Operation Reporting Capabilities.—

(1) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

"Subtitle D—Ransomware Operation Reporting Capabilities

"SEC. 2241. DEFINITIONS.

"(1) DEFINITIONS.—In this subtitle:

"(1) RANSOMWARE.—The term 'ransomware' means any type of malicious software that—

(A) prevents the legitimate owner or operator of an information system or network from accessing electronic data, files, systems, or networks; or

(B) demands the payment of a ransom for the return of access to the electronic data,
files, systems, or networks described in subparagraph (A).

(11) **RANSOMWARE NOTIFICATION.** The term ‘ransomware notification’ means a notification of a ransomware operation.

(12) **RANSOMWARE OPERATION.** The term ‘ransomware operation’ means a specific instance in which ransomware affects the information systems or networks owned or operated by—

(A) a covered entity; or

(B) a Federal agency.

(13) **System.** The term ‘System’ means the ransomware operation reporting capabilities established under section 2242(b).

**SEC. 2242. ESTABLISHMENT OF RANSOMWARE OPERATION REPORTING SYSTEM.**

(a) DESIGNATION.—The Agency shall be the designated agency within the Federal Government to receive ransomware operation notifications from other Federal agencies and covered entities in accordance with this subtitle.

(b) **ESTABLISHMENT.** Not later than 180 days after the date of enactment of this subtitle, the Director shall establish ransomware operation reporting capabilities to facilitate the submission of timely, secure, and confidential ransomware notifications by Federal agencies and covered entities to the Agency.

(c) **SECURITY ASSESSMENT.** The Director shall—

(1) assess the security of the System not less frequently than once every 2 years; and

(2) conduct or contract for, in accordance with paragraph (1), an assessment under subsection (a) of a ransomware operation that compromises, is reasonably likely to compromise, or otherwise materially affects the performance of a critical function by a Federal agency or covered entity.

(d) **REQUIREMENTS.** The System shall have the ability—

(1) to accept classified submissions and notifications; and

(2) to accept a ransomware notification from any entity, regardless of whether the entity is a covered entity.

(e) **LACK OF USE OF INFORMATION.** Any ransomware notification submitted to the System—

(1) shall be exempt from disclosure under—

(A) section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’), in accordance with subsections 552(b) and (c);

(B) any State, Tribal, or local law requiring the disclosure of information or records; and

(2) may not be—

(A) admitted as evidence in any civil or criminal action brought against the victim of the ransomware operation; or

(B) subject to a subpoena, unless the subpoena is issued by Congress for congressional oversight purposes.

(f) **PRIVACY AND PROTECTION.**

(1) **IN GENERAL.** Not later than the date on which the Director establishes the System, the Director shall adopt privacy and protection procedures to be used by any information submitted to the System that, at the time of the submission, is known to contain—

(A) the personal information of a specific individual; or

(B) information that identifies a specific individual that is not directly related to a ransomware operation.

(g) **MONITORING AND COORDINATION.** The Director shall base the privacy and protection procedures adopted under paragraph (1) on the privacy and protection procedures developed in the ransomware information received and shared pursuant to the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.).

(h) **ANNUAL REPORT.** Not later than 1 year after the date on which the System is established and once each year thereafter, the Director shall submit to the appropriate congressional committees a report on the System, which shall include, with respect to the 1-year period preceding the report—

(1) the number of notifications received through the System; and

(2) the actions taken in connection with the notifications described in subparagraph (A).

(2) **SECRETARY REPORTING REQUIREMENT.** Not later than 1 year after the date on which the System is established, and once each year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the types of ransomware operation incidents in which ransom is requested that are required to be submitted as a ransomware notification, noting any changes from the previous submission.

(3) **FORM.** Any report required under this subsection may be submitted in a classified form, if necessary.

**SEC. 2243. REQUIRED NOTIFICATIONS.**

(a) **IN GENERAL.**

(1) **RANSOMWARE NOTIFICATION.** Not later than 24 hours after the discovery of a ransomware operation that compromises, is reasonably likely to compromise, or otherwise materially affects the performance of a critical function by a Federal agency or covered entity, the Federal agency or covered entity that discovered the ransomware operation shall submit a ransomware notification to the System.

(b) **INCLUSION.** A Federal agency or covered entity shall submit a ransomware notification under paragraph (1) of a ransomware operation discovered by the Federal agency or covered entity if the ransomware operation does not occur on a system of the Federal agency or covered entity.

(c) **PAYMENT DISCLOSURE.** Not later than 180 days after the date of a ransomware operation, the Federal agency or covered entity that discloses the ransomware operation shall submit a ransomware notification under subsection (a) to the System.

(d) **REQUIRING RULEMAKING.**—Notwithstanding any provision of this title that may limit or restrict the promulgation of rules, the Agency shall, not later than 180 days after the date of enactment of this subtitle, promulgate final rules that define—

(1) the method of payment;

(2) the amount of the payment; and

(3) the recipient of the payment.

(3) **SECRETARY REPORTING REQUIREMENT.**—If a covered entity violates the requirements of this subtitle, the covered entity shall be subject to penalties determined by the Secretary of the General Services Administration, which may include removal from the Federal Contracting Schedules.

(2) **FEDERAL AGENCIES.**—If a Federal agency violates the requirements of this subtitle, the violation shall be referred to the inspector general for the agency, and shall be treated as a matter of urgent concern.

(2) **TABLE OF CONTENTS.** The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2153), as amended by subsection (a)(1) of this section, is further amended by adding at the end the following:

Subtitle D—Ransomware Operation Reporting System

Sec. 2241. Definitions.

Sec. 2242. Establishment of ransomware operation reporting system.

Sec. 2243. Required notifications.

Sec. 2244. Required coordination with Sector Risk Management Agencies.

Sec. 2245. Technical and conforming amendments.

**SEC. 2220A. INFORMATION SYSTEM AND NETWORK SECURITY FUND.**

(a) **DEFINITIONS.**—In this section:

(1) **COVERED ENTITY.** The term ‘covered entity’ has the meaning given the term in section 2341.

(2) **ELIGIBLE ENTITY.** The term ‘eligible entity’—

(A) means a covered entity; and

(B) does not include an owner or operator of critical infrastructure that is not in compliance with the cyber hygiene standards developed under section 2232(a).

(3) **FUND.** The term ‘Fund’ means the Information System and Network Security Fund established under section 2211.

(b) **INFORMATION SYSTEM AND NETWORK SECURITY FUND.**
(1) Establishment.—There is established in the Treasury of the United States a trust fund to be known as the ‘‘Information System and Network Security Fund’’.

(2) Authority for new paragraphs .—

(A) in general.—The Fund shall consist of—

(i) amounts deposited in the Fund by the Director $10,000,000 for each of fiscal years 2021 through 2022; and

(ii) amounts deposited in the Fund by the Director under section (a).

(B) Administration.—The Fund shall consist of—

(i) amounts deposited in the Fund by the Director $10,000,000 for each of fiscal years 2021 through 2022; and

(ii) amounts deposited in the Fund under paragraph (c).

(C) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 2021, for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2203B. PUBLIC AWARENESS OF CYBERSECURITY OFFERINGS.

(a) In General.—Not later than 180 days after the date of enactment of this section, the Director shall establish criteria for distribution of amounts under paragraph (b); and

(b) in the matter before subparagraph (A), by striking ‘‘the United States’’ and inserting ‘‘the United States’’.

(c) Rules of Construction.—Subsection (b) shall not be construed to impose any limitation on any other authority for reimbursement or nonreimbursable details. A nonreimbursable detail made under such paragraph shall not be considered an augmentation of the appropriations of the receiving element of the Office of the National Cyber Director--

SEC. 4370. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to section 1119(a) of title VII of H.R. 4350, to authorize ap-

propriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 fol-

lowing:

SEC. 16. AUTHORITY FOR NATIONAL CYBER DIRECTOR TO ACCEPT DETAILS ON NONREIMBURSABLE BASIS.

Section 1752(e) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respec-

(2) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respec-

(3) by redesigning subparagraphs (C) through (H) as paragraphs (D) through (J), respectively,

(4) by adding at the end the following new paragraph:

""(d) Effective date.—The amendment made by paragraph (b) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-283)."

(5) to amend section 1752(e) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-283)."

SA 4369. Mr. PORTMAN (for himself, Mr. REED, Mr. Risch, Mr. Whitehouse, Mr. ROGERS, Mr.LOUISIANA NATIONALS.
SA 4371. Mr. PORTMAN submitted an amendment intended to be proposed to amendments offered by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1. NATIONAL DEEPFAKE AND DIGITAL PROVENANCE TASK FORCE.

(a) Definitions.—In this section:

(1) Digital content forgery.—The term ‘digital content forgery’ means the use of emerging technologies, including artificial intelligence and machine learning techniques, to fabricate or manipulate audio, video, visual, or text content with the intent to mislead.

(2) Digital content provenance.—The term ‘digital content provenance’ means the verifiable chronology of the origin and history of a piece of digital content, such as an image, video, audio recording, or electronic document, including information about its creation, ownership, and dissemination.

(b) Eligible entity.—The term ‘eligible entity’ means—

(A) a private sector or nonprofit organization; or

(B) an institution of higher education.

(c) Relevant congressional committees.—The term ‘relevant congressional committees’ means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives.

(d) Establishment of Task Force.—The term ‘Task Force’ means the National Deepfake and Provenance Task Force established under subsection (b)(1).

(e) Membership.—(A) Co-chairpersons.—The following shall serve as co-chairpersons of the Task Force:

(i) The Secretary or a designee of the Secretary,

(ii) the Director of the Office of Science and Technology Policy or a designee of the Secretary.

(B) Members.—The following shall serve as members of the Task Force:

(i) representatives from the Federal Government, including the co-chairpersons of the Task Force;

(ii) representatives from institutions of higher education;

(iii) 4 shall be representatives from the Federal Government, including the co-chairpersons of the Task Force;

(iv) 4 shall be representatives from the Federal Government, including the co-chairpersons of the Task Force;

(v) 4 shall be representatives from the Federal Government, including the co-chairpersons of the Task Force; and

(vi) 4 shall be representatives from the Federal Government, including the co-chairpersons of the Task Force.

(f) Reporting.—Not later than 120 days after the date of enactment of this Act, the co-chairpersons of the Task Force shall appoint the Task Force to the Task Force in accordance with subparagraph (A) from among technical and legal experts in—

(i) artificial intelligence;

(ii) media manipulation;

(iii) digital forensics;

(iv) secure digital content and delivery;

(v) cryptography;

(vi) privacy;

(vii) civil rights; or

(viii) related subjects.

(g) Position and title of members.—Each member of the Task Force shall have the title of co-chairperson, except that the co-chairpersons of the Task Force shall have the title of co-chairpersons.

(h) Duties of Task Force.—The duties of the Task Force shall include—

(1) investigating the feasibility of, and obstacles to, developing and deploying standards and technologies for determining digital content provenance;

(2) proposing policy changes to reduce the proliferation and impact of digital content forgeries, such as the adoption of digital content provenance and technology standards; and

(3) serving as a formal mechanism for public and private sector coordination and information sharing to facilitate the creation and implementation of a coordinated plan to address the growing threats posed by digital content forgeries.

(i) Number of members.—The Task Force shall consist of not more than 12 members.

(j) Participation of the Federal Government.—Notwithstanding any other provision of law, any officer or employee of the Federal Government, including any officer or employee of the National Deepfake and Digital Provenance Task Force, may participate in the activities of the Task Force in accordance with section 401 of title 42, United States Code, including the authority to—

(1) attend meetings of the Task Force

(2) receive information from the Task Force

(3) receive reports and other documents from the Task Force

(4) be represented on the membership of the Task Force; and

(5) make recommendations to the Task Force.

(k) Appointments.—The terms of office of members of the Task Force shall be for 2 years, and each member shall be entitled to serve a total of 2 terms.

(l) Removal.—Notwithstanding any other provision of law, the United States may remove any member of the Task Force at any time for cause. (m) Prohibitions.—The members of the Task Force may not receive compensation for their service as members of the Task Force.

(n) Authorization of Appropriations.—There are authorized to be appropriated to the Task Force such sums as may be necessary to carry out the duties of the Task Force.
chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(c) Coordination of the Task Force.

(1) IN GENERAL.—The Task Force shall develop a coordinated plan to—

(A) determine metrics to assess and describe the information and impact of digital content forgeries, including by exploring how the adoption of a digital content provenance standard could assist with reducing the proliferation of digital content forgeries;

(B) develop mechanisms for content creators to—

(i) cryptographically certify the authenticity of original media and non-deceptive manipulations; and

(ii) enable the public to validate the authenticity of original media and non-deceptive manipulations to establish digital content provenance; and

(C) increase the ability of internet companies, technology organizations, other relevant entities, and members of the public to—

(i) meaningfully scrutinize and identify potential digital content forgeries; and

(ii) relay trust and information about digital content provenance to content consumers.

(2) CONTENTS.—The plan required under paragraph (1) shall include the following:

(A) A Government-wide research and development agenda to—

(i) improve technologies and systems to detect digital content forgeries; and

(ii) relay information about digital content provenance to content consumers.

(B) An assessment of the feasibility of, and obstacles to, the deployment of technologies and systems to capture, preserve, and display digital content provenance.

(C) An assessment of the feasibility of, and challenges in, distinguishing between—

(i) benign or helpful alterations to digital content; and

(ii) intentionally deceptive or obfuscating alterations to digital content.

(D) A discussion of best practices, including any necessary standards, for the adoption and effective use of technologies and systems to determine digital content provenance and detect digital content forgeries.

(E) Conceptual proposals for necessary research projects and experiments to further develop successful technology to ascertain digital content provenance.

(F) Proposed policy changes, including changes in law, to—

(i) incentivize the adoption of technologies and systems to determine digital content provenance and detect digital content forgeries;

(ii) promote the development of solutions that enable and improve digital content provenance; and

(iii) reduce the incidence, proliferation, and impact of digital content forgeries.

(G) Recommendations for models for public-private partnerships to fight disinformation and reduce digital content forgeries, including partnerships that support and collaborate on—

(i) industry practices and standards for determining digital content provenance;

(ii) digital literacy education campaigns and user-friendly detection tools for the public to reduce the proliferation and impact of disinformation and digital content forgeries;

(iii) technical guidance and standards for documenting relevant research and progress in machine learning and related areas; and

(iv) the means and methods for identifying and attributing technologies and financial infrastructure that supports the proliferation of digital content forgeries, such as inauthentic social media accounts and bank accounts.

(H) An assessment of privacy and civil liberties requirements associated with efforts to deploy technologies and systems to determine digital content provenance or reduce the proliferation of digital content forgeries, including statutory or other proposed policy changes.

(1) A determination of metrics to define the success of—

(i) technologies or systems to detect digital content forgeries;

(ii) technologies or systems to determine digital content provenance; and

(iii) other efforts to reduce the incidence, proliferation, and impact of digital content forgeries.

(d) CONSULTATIONS.—In carrying out subsection (c), the Task Force shall consult with the following:

(1) The Director of the National Science Foundation.

(2) The National Academies of Sciences, Engineering, and Medicine.

(3) The Director of the National Institute of Standards and Technology.

(4) The Director of the Defense Advanced Research Projects Agency.

(5) The Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence.

(6) The Secretary of Defense.

(7) The Secretary of Energy.

(8) The Attorney General.

(9) The Secretary of State.


(11) The United States Trade Representative.

(12) Representatives from private industry and nonprofit organizations.

(13) Representatives from institutions of higher education.

(14) Such other individuals as the Task Force considers appropriate.

(e) STAFF.—

(1) IN GENERAL.—Staff of the Task Force shall be comprised of detailers with expertise in artificial intelligence or related fields from—

(A) the Department of Homeland Security;

(B) the National Institute of Standards and Technology; or

(C) any other Federal agency the co-chairpersons of the Task Force consider appropriate with the consent of the head of the Federal agency.

(f) F INANCIAL LIABILITY .—An agreement under subparagraph (A) shall require the eligible entity assigned to the Task Force under subparagraph (A)—

(1) to notify the Task Force when an employee of the eligible entity assigned to the Task Force under subparagraph (A)—

(i) shall be produced in an unclassified form;

(ii) may include a classified annex; or

(iii) may include a classified annex.

(g) T ERMINATION.—

(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the final report under subsection (f)(2).

(2) RECORDS.—Upon the termination of the Task Force under paragraph (1), each record of the Task Force shall become a record of the National Archives and Records Administration.

SA 4372. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3807 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 890B. CRITICAL DOMAIN RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. 890B. HOMELAND SECURITY CRITICAL DOMAINS RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—

"(1) RESEARCH AND DEVELOPMENT.—The Secretary is authorized to conduct research and development to—

"(A) identify United States critical domains for economic security and homeland security; and

"(B) evaluate the extent to which disruption, corruption, exploitation, or dysfunction of any of such domain poses a substantial threat to homeland security.

"(2) REQUIREMENTS.—

"(A) RISK ANALYSIS OF CRITICAL DOMAINS.—The research under paragraph (1) shall include a risk analysis of each identified United States critical domain for economic security to determine the degree to which
there exists a present or future threat to homeland security in the event of disruption, corruption, exploitation, or dysfunction to such domain. Such research shall consider, to the extent possible, the following:

(i) The underlying infrastructure and processes;

(ii) analyze present and projected performance of industries that comprise or support such domain;

(iii) examine the extent to which the supply chain of a product or service necessary to such domain is concentrated, either through a small number of sources, or if multiple sources are concentrated in one geographic area;

(iv) examine the extent to which the demand for supplies of goods and services of such industries can be fulfilled by present and projected performance of other industries, identify strategies, plans, and potential barriers to expand the supplier industrial base, and identify the barriers to the participation of such other industries;

(v) consider each such domain’s performance capacities in stable economic environments, adversarial supply conditions, and under constraints;

(vi) identify and define needs and requirements to establish supply resiliency within each such domain; and

(v) examine the effects of sector consolidation, including foreign consolidation, either through mergers or acquisitions, or due to recent geographic realignment, on such industries’ performances.

(3) CONSULTATION.—In conducting the research under paragraphs (1) and (2)(B), the Secretary shall consult with appropriate Federal agencies, including the Bureau of Industry and Security at the Department of Commerce, State agencies, and private sector stakeholders.

(4) PUBLICATION.—Beginning 1 year after the date of the enactment of this section, the Secretary shall publish a report containing information relating to the research under paragraph (2)(B), including findings, evidence, analysis, and recommendations. Such report shall be updated annually through 2026.

(b) SUBMISSION TO CONGRESS.—Not later than 90 days after the publication of each report required under subsection (a)(4), the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report, together with a description of actions the Secretary, in consultation with appropriate Federal agencies, will undertake or has undertaken in response to each such report.

(4) DEFINITIONS.—In this section:

(1) ECONOMIC SECURITY.—The term ‘economic security’ means the critical infrastructure and related systems that are essential to the economic, national, or regional level.

(2) UNITED STATES CRITICAL DOMAINS FOR ECONOMIC SECURITY.—The term ‘United States critical domains for economic security’ means the critical infrastructure and related systems that are essential to the economic security of the United States.

(3) CRITICAL DOMAINS.—Based on the identification of United States critical domains for economic security pursuant to paragraph (1) and subparagraph (A) of this paragraph, respectively, the Secretary shall consult with appropriate Federal agencies, the representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, the House of Representatives, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. REPEAL OF SUNSET ON PROHIBITION ON COMMERCIAL EXPORT OF CERTAIN COVERED MUNITIONS ITEMS TO HONG KONG POLICE FORCE.


SEC. 4375. Mr. MERKLEY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. CHINA CENSORSHIP MONITOR AND ACTION GROUP.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED RESEARCH ENTITY.—The term ‘qualified research entity’ means an entity:

(A) is a nonprofit research organization or a federally funded research and development center;

(B) has appropriate expertise and analytical capability to write the report required under subsection (c); and

(C) is free from any financial, commercial, or other entanglements, which could undermine the independence of such report or create a conflict of interest or the appearance of a conflict of interest, with—

(i) the Government of the People’s Republic of China;

(ii) the Chinese Communist Party;

(iii) any company incorporated in the People’s Republic of China or a subsidiary of any such company; or

(iv) any company or entity incorporated outside of the People’s Republic of China that is believed to have a substantial financial or commercial interest in the People’s Republic of China.

(2) UNITED STATES PERSON.—The term ‘United States person’ means—

(A) a United States citizen or an alien lawfully admitted for permanent residence in the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch or agency of such entity.

(b) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—

SA 4375. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1253. CHINA CENSORSHIP MONITOR AND ACTION GROUP.
(1) IN GENERAL.—The President shall establish an interagency task force, which shall be known as the “China Censorship Monitor and Action Group” (referred to in this subsection as the “Task Force”).

(2) MEMBERSHIP.—The President shall—

(A) appoint the chair of the Task Force from among the staff of the National Security Council;

(B) appoint the vice chair of the Task Force from among the staff of the National Economic Council; and

(C) select by lot of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(vii) The Federal Communications Commission.

(viii) The United States Agency for Global Media.

(ix) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) oversee the development and execution of an integrated Federal Government strategy to monitor and address the impacts of efforts directed, or directly supported, by the Government of the People’s Republic of China to censor or intimidate, in the United States or in any of its possessions or territories, any United States person, including United States companies that conduct business in the People’s Republic of China, which is directed or supported by the Government of the People’s Republic of China;

(B) submit the strategy developed pursuant to subparagraph (A) to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall select and seek to enter into an agreement with a qualified research entity that is independent of the Department of State to write a report on censorship and intimidation in the United States and its possessions and territories of United States persons, including United States companies that conduct business in the People’s Republic of China, which is directed or supported by the Government of the People’s Republic of China;

(C) direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(vii) The Federal Communications Commission.

(viii) The United States Agency for Global Media.

(ix) Other agencies designated by the President.

(4) MEETINGS.—The Task Force shall meet not less frequently than twice per year.

(5) REPORTING REQUIREMENTS.—(A) The Task Force shall submit an annual report to the appropriate congressional committees that describes, with respect to the reporting period—

(i) the strategic objectives and policies pursued by the Task Force to address the challenges of censorship and intimidation of United States persons while in the United States or in any of its possessions or territories, which is directed or directly supported by the Government of the People’s Republic of China;

(ii) the activities conducted by the Task Force in support of the strategic objectives and policies referred to in clause (i); and

(iii) the results of the activities referred to in clauses (i) and (ii)

includes a classified section that may include a classified annex.

(B) CONGRESSIONAL BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Task Force shall provide briefings to the appropriate congressional committees regarding the activities of the Task Force to execute the strategy developed pursuant to paragraph (3)(A).

(C) RECOMMENDATIONS.—(i) The Task Force shall provide recommendations to Congress regarding the activities of the Task Force.

(ii) The results of the activities referred to in subparagraph (A) shall include a classified section, but may include a classified annex.

(D) FORM OF REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

(E) REPORTING REQUIREMENTS.—(A) Referring to the report required under subparagraph (A) shall—

(i) assess major trends, patterns, and methods of the Government of the People’s Republic of China’s efforts to direct or directly support censorship and intimidation of United States persons, including United States companies that conduct business in the People’s Republic of China, which is directed or supported by the Government of the People’s Republic of China;

(ii) assess the results of any agreements entered into under paragraph (3)(A); and

(iii) recommend policy recommendations to the appropriate congressional committees.

(B) MATTERS TO BE INCLUDED.—The report required under paragraph (A) shall—

(i) the results of the activities referred to in subparagraph (A) shall include a classified section, but may include a classified annex.

(ii) the sections of the National Security Act of 1947 (50 U.S.C. 3003).

(iii) the Chinese Communist Party; and

(iv) the United States Agency for Global Media.

(v) the Secretary of State to write a report on and consequences for United States persons, including United States companies that conduct business in the People’s Republic of China, that criticize—

(A) the Chinese Communist Party;

(B) the Government of the People’s Republic of China;

(C) the authoritarian model of government of the People’s Republic of China; or

(D) a particular policy advanced by the Chinese Communist Party, the Government of the People’s Republic of China, the People’s Republic of China, that criticize—

(i) the Chinese Communist Party;

(ii) the Government of the People’s Republic of China;

(iii) the People’s Republic of China, that criticize—

(i) the Chinese Communist Party;

(ii) the Government of the People’s Republic of China,

(iii) identify the implications for the United States of the matters described in clauses (i) and (ii); and

(iv) assess the methods and evaluate the efficacy of the efforts by the Government of the People’s Republic of China to limit freedom of expression in the People’s Republic of China, including social media, film, education, travel, financial services, sports and entertainment, technology, telecommunications, and information infrastructure interests.

(v) include policy recommendations for the United States Government, including recommendations regarding collaboration with United States companies to conduct business in China, to address censorship and intimidation by the Government of the People’s Republic of China;

(vi) include policy recommendations for United States Government, including United States companies that conduct business in China, to address censorship and intimidation by the Government of the People’s Republic of China;

(vii) include policy recommendations for United States Government, including United States companies that conduct business in China, to address censorship and intimidation by the Government of the People’s Republic of China.

(6) REPORTING REQUIREMENTS.—(A) Other agencies shall—

(i) assess the results of the activities referred to in subparagraph (A) shall include a classified section, but may include a classified annex.

(ii) the sections of the National Security Act of 1947 (50 U.S.C. 3003).

(iii) the Chinese Communist Party; and

(iv) the United States Agency for Global Media.

(v) the Secretary of State to write a report on and consequences for United States persons, including United States companies that conduct business in the People’s Republic of China, that criticize—

(A) the Chinese Communist Party;

(B) the Government of the People’s Republic of China;

(C) the authoritarian model of government of the People’s Republic of China; or

(D) a particular policy advanced by the Chinese Communist Party, the Government of the People’s Republic of China, the People’s Republic of China, that criticize—

(i) the Chinese Communist Party;

(ii) the Government of the People’s Republic of China;

(iii) identify the implications for the United States of the matters described in clauses (i) and (ii); and

(iv) assess the methods and evaluate the efficacy of the efforts by the Government of the People’s Republic of China to limit freedom of expression in the People’s Republic of China, including social media, film, education, travel, financial services, sports and entertainment, technology, telecommunications, and information infrastructure interests.

(v) include policy recommendations for the United States Government, including recommendations regarding collaboration with United States companies to conduct business in China, to address censorship and intimidation by the Government of the People’s Republic of China;

(vi) include policy recommendations for United States Government, including United States companies that conduct business in China, to address censorship and intimidation by the Government of the People’s Republic of China;

(vii) include policy recommendations for United States Government, including United States companies that conduct business in China, to address censorship and intimidation by the Government of the People’s Republic of China.

(2) SUBMISSION OF REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit the report required under subparagraph (A) of paragraph (1) to the appropriate congressional committees.

(B) PUBLICATION.—The report referred to in subparagraph (A) shall be made accessible to the public on the websites of relevant United States Government websites.

(C) FEDERAL GOVERNMENT SUPPORT.—The Secretary of State and other Federal agencies selected by the President shall provide the qualified research entity selected pursuant to paragraph (1)(A) with timely access to appropriate information, data, resources, and personnel necessary to write the report described in paragraph (1)(A) in a thorough and independent manner.

(D) SUNSET.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SA 4377. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4330, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1283. SENSE OF CONGRESS ON SELECTION OF HOST CITIES FOR THE OLYMPIC GAMES.

It is the sense of Congress that—

(1) for fiscal year 2022 and fiscal year 2023, the United States shall not consider a proposal to host the Olympic Games from a country that is engaging in genocide, crimes against humanity, or serious violations of internationally recognized human rights; and

(2) if, after the date of the enactment of this Act, the International Olympic Committee agrees to propose to host the Olympic Games from the People’s Republic of China, to address censorship and intimidation directed or directly supported by the Government of the People’s Republic of China.

On page 719, between lines 12 and 13, insert the following:

GAMES.
International Olympic Committee should meet and reassign such honor to another country.

SA 4379. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 607. COMBATING FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) DESIGNATION OF SENIOR OFFICIAL TO COMBAT FOOD INSECURITY.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to be responsible for, and accountable to the Secretary with respect to, combating food insecurity among members of the Armed Forces and their families. The Secretary shall designate the senior official from among those military departments who are appointed to a position in the Department by the President, by and with the advice and consent of the Senate.

(2) RESPONSIBILITIES.—The senior official designated under paragraph (1) shall be responsible for the following:

(A) Oversight of policy, strategy, and plans for combating food insecurity among members of the Armed Forces and their families.

(B) Coordinating with other Federal agencies with respect to combating food insecurity.

(C) Such other matters as the Secretary considers appropriate.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF REPORT ON FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.—


(2) SUBMISSION AND REPORT.—The Comptroller General shall—

(A) brief the congressional defense committees on the report under subparagraph (a) not later than 180 days after receiving the report described in that subparagraph; and

(B) submit to the congressional defense committees a report on that review not later than 180 days after providing the briefing under paragraph (1).

SA 4381. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 728. MODIFICATIONS AND REPORT RELATED TO REALIGNMENT OR REDUCTION OF MILITARY MEDICAL MANNING AND MEDICAL BILLETS.


(1) in subsection (a), by striking “180 days following the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021” and inserting “the one-year period following the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022’’;

and

(2) in subsection (b)(1), by inserting “, including any billet validation requirements determined pursuant to provisions included in the joint medical estimate under section 732(b)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–222, 132 Stat. 1817), after ‘requirements of the department of the Secretary’”;

(b) GAO REPORT ON REALIGNMENT OR REDUCTION OF MILITARY MEDICAL MANNING AND MEDICAL BILLETS.—

(1) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the analyses used to support any realignment or reduction of military medical manning, including any realignment or reduction of medical billets of the military departments.

(b) ELEMENTS.—The assessment required under paragraph (1) shall include the following:

(A) An analysis of the use of the joint medical estimate under section 732(b)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–222; 132 Stat. 1817) and wartime scenarios to determine military medical manpower requirements, including with respect to pandemic influenza and homeland defense missions.

(B) An assessment of whether the Secretaries of the military departments have used the processes under section 719(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 114–5) to ensure that a sufficient combination of skills, specialties, and occupations are validated and filled prior to the transfer of any medical billets of a military department to fill other military medical manpower needs.

(C) An assessment of the effect of the realignment or reduction of such billets on local health care networks.

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

At the end of subtitle B of title VII, insert the following:

SEC. 607. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF REPORT ON FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.


(b) BRIEFING AND REPORT.—The Comptroller General shall—

(1) brief the congressional defense committees on the report conducted under subsection (a) not later than 180 days after receiving the report described in that subsection; and

(2) submit to the congressional defense committees a report on that review not later than 180 days after providing the briefing under paragraph (1).

SA 4382. Mr. WARNER (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, insert the following:

SEC. 2815. COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF CERTAIN STATUTORY PROVISIONS INTENDED TO IMPROVE THE EXPERIENCE OF RESIDENTS OF PRIVATIZED MILITARY HOUSING.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an independent assessment of the implementation by the Department of Defense of sections 2890 and 2890(b) of title 10, United States Code.

(b) ELEMENTS.—The assessment required under paragraph (1) shall include—

(A) a summary and evaluation of the analysis and information provided to residents of privatized military housing regarding the application of performance requirements pursuant to section 2890(b) of title 10, United States Code, and the extent to which such residents have requested such an assessment;

(B) a summary of the extent to which the Department collects and uses data on whether members of the Armed Forces and their families residing in privatized military housing, including family and unaccompanied housing, have exercised the rights afforded by the Military Housing Privatization Initiative Tenants’ Bill of Rights under subsection 2890(b) of title 10, United States Code, and the extent to which such residents have requested such an assessment;
Committees on Armed Services of the Senate and the House of Representatives a report on the assessment conducted under subsection (a).

(c) PRIVATIZED MILITARY HOUSING DEFINED.—In this section, the term “privatized military housing” means military housing provided by the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECT. 307. DEPARTMENT OF DEFENSE NATIONAL IMPERATIVE FOR INDUSTRIAL SKILLS PROGRAM.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy shall—

(A) carry out and accelerate the Department of Defense National Imperative for Industrial Skills Program within the Industrial Base Analysis and Sustainment Office, and to promote the readiness of the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:
shall terminate five years after the date of the enactment of this Act. 

(3) DEFINITIONS.—In this section:

(A) ACCIDENT.—The term ‘‘accident’’ means a collision, collision or other mishap involving a motor vehicle.

(4) CONGRESSIONAL DEFENSE COMMITTEES.—The term ‘‘congressional defense committees’’ shall be given that term in section 101(a)(16) of title 10, United States Code.

(5) DATA RECORDER.—The term ‘‘data recorder’’ means technologies installed in a motor vehicle to record driver identification, telemetry data, and event data related to the operation of the motor vehicle.

(6) TELEMETRY DATA.—The term ‘‘telemetry data’’ includes—

(A) time;

(B) vehicle distance traveled;

(C) vehicle acceleration and velocity;

(D) vehicle orientation, including roll, pitch, and yaw;

(E) vehicle location in a geographic coordinate system, including elevation.

SA 4385. Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12. CONSIDERATION OF HUMAN RIGHTS RECORDS OF PERSONNEL OF NATIONS TO THE SERVICE ACADEMIES IN THE EVENT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 127e of title 10, United States Code, is amended—

(1) in subsection (c)(2) by adding at the end of the following new subparagraph—

‘‘(D) The processes through which the Secretary shall, in consultation with the Secretary of State, ensure that prior to a decision to provide any support to foreign forces, irregular forces, groups, or individuals full consideration is given to any credible information available to the Department of State relating to violations of human rights by such country;’’;

(2) in subsection (d)(2)—

(A) in subparagraph (H), by inserting ‘‘, including the promotion of good governance and rule of law and the protection of civilians and human rights’’ before the period at the end;

(B) in subparagraph (I), by striking the period at the end and inserting ‘‘or violations of the Geneva Conventions of 1949, including—

(1) with respect to any unit that receives such support, vetting the unit for violations of human rights;

(2) providing human rights training to units receiving such support;

(3) for the investigation of allegations of violations of human rights and termination of such support in cases of credible information that a waiver is required by extraordinary circumstances.

(3) in subsection (i)(3) by adding at the end the following new subparagraph:

‘‘(J) A description of the human rights records of recipients of support for purposes of section 362 of this title, and any relevant attempts by such recipient to remedy such record.’’;

(4) in subsection (j) by adding at the end the following new section:

‘‘(1) PROHIBITION ON USE OF FUNDS.—(1) Except as provided in paragraphs (2) and (3), no funds may be used to provide any foreign forces, irregular forces, groups, or individuals if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights.

(2) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition under paragraph (1) if the Secretary determines that the waiver is required by extraordinary circumstances.

(3) The prohibition under paragraph (1) shall not apply with respect to the foreign forces, irregular forces, groups, or individuals of a country if the Secretary of Defense, after consultation with the Secretary of State, determines that—

(A) the government of such country has taken all necessary corrective steps; or

(B) the support is necessary to assist in disaster relief operations or other humanitarian or national security emergencies.’’.

SA 4386. Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12. ALLOCATION OF AUTHORITY FOR NOMINATIONS TO THE SERVICE ACADEMIES IN THE EVENT OF THE DEATH, RESIGNATION, OR EXPULSION FROM OFFICE OF A MEMBER OF CONGRESS OTHERWISE AUTHORIZED TO NOMINATE.

Section 7442a of title 10, United States Code, is amended—

(1) in general.—Chapter 753 of title 10, United States Code, is amended by inserting after section 7454a the following new section:

‘‘§ 7442a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.

‘‘(a) SELECTION.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section

7442a(a)(3) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator’s successor as Senator occurs after the date of the deadline for submission of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for cadets for an academic year in accordance with section 7442a(a)(4) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative’s successor as Representative occurs after the date of the deadline for submission of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the Senators from the State of the congressional district concerned, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Member pursuant to this section is not a reallocation of nominations. Such nomination is made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 7442 of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member’s successor occurs after the date of the deadline for submission of nominations for cadets for the academic year.’’. 

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 753 of title 10, United States Code, is amended by inserting after item relating to section 7442 the following new item:

‘‘7442a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.’’.

(b) UNITED STATES NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 853 of title 10, United States Code, is amended by inserting after section 8549 the following new section:

‘‘§ 8545a. Midshipmen: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.

‘‘(a) SELECTION.—In the event the Representative from a State does not submit nominations for midshipmen for an academic year in accordance with section 8545(a)(3) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator’s successor as Senator occurs after the date of the deadline for submission of nominations for midshipmen for the academic year, the nominations for midshipmen otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for midshipmen for an academic year in accordance with section

8545(a)(4) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative’s successor as Representative occurs after the date of the deadline for submission of nominations for midshipmen for the academic year, the nominations for midshipmen otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the Representative from the State concerned.’’.
nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Member pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 9454a of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member’s successor occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 9454 the following new item:

“§ 51302a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.”.

(c) AIR FORCE ACADEMY.—

(1) In general.—Chapter 53 of title 10, United States Code, is amended by inserting after section 9422 the following new section:

“§ 51302a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.

(a) SENATORS.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section 9422a(3) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator’s successor occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to this section shall be made instead by the other Senator from the State concerned.

(b) REPRESENTATIVES.—In the event a Representative from the State does not submit nominations for cadets for an academic year in accordance with section 9422(b)(1) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative’s successor occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the other Representative from the State concerned.

(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Member pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 51302a(1) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member’s successor occurs after the date of the deadline for submittal of nominations for cadets for the academic year.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by inserting after the item relating to section 51302 the following new item:

“§ 51302a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.”.

SA 4388. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2836. INCREASE IN AMOUNTS AVAILABLE FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION FOR REVITALIZATION AND RECAPITALIZATION OF LABORATORIES.

Section 2815(d) of title 10, United States Code, is amended by striking "$6,000,000" each place it appears and inserting "$10,000,000".

SA 4389. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 51302a. COAST GUARD YARD IMPROVEMENT.

Of the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, $175,000,000 shall be made available for fiscal year 2022 for the Commandant of the Coast Guard to improve facilities at the Coast Guard Yard in Baltimore, Maryland, including dock, dry dock, and capital equipment improvements and dredging necessary to facilitate access to such Coast Guard Yard.

SA 4390. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:
SEC. 1072. EXTENSION OF NATIONAL GUARD AUTHORITY TO MAYOR OF THE DISTRICT OF COLUMBIA.

(a) MAYOR OF THE DISTRICT OF COLUMBIA.—Section 6 of the Act entitled “An Act to provide for the organization of the militia of the District of Columbia, and for other purposes”, approved March 3, 1933 (D.C. Official Code), is amended by striking “President of the United States” and inserting “Mayor of the District of Columbia”.

(b) EXCEPTION FOR IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, each Secretary concerned shall submit to the congressional defense committees and to the Comptroller General of the United States a plan to address the recommendations in the report described in such paragraph that the Secretary concerned has implemented or intends to implement—

(A) a summary of actions that have been or will be taken to implement the recommendation; and

(B) a schedule, with specific milestones, for completing implementation of the recommendation.

(2) DEADLINE FOR IMPLEMENTATION.—

(a) PLAN REQUIRED.—Not later than 180 days after the date specified in paragraph (1) if, on or before such date, the Secretary provides to the congressional defense committees a specific justification for the delay in implementation of such recommendation.

(b) NONIMPLEMENTATION.—A Secretary concerned may initiate implementation of a recommendation in the report described in subsection (a) after the date specified in paragraph (1) if, on or before such date, the Secretary provides to the congressional defense committees a specific justification for the delay in implementation of such recommendation.

(c) SECRETARY CONCERNED DEFINED.—In this section, the term ‘Secretary concerned’ means—

(1) the Secretary of the Army, with respect to matters concerning the Army; and

(2) the Secretary of the Navy, with respect to matters concerning the Navy.

SEC. 1073. CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) FAILURE TO SATISFACTORILY PERFORM PRESCRIBED TRAINING.—Section 1014(b) of title 10, United States Code, is amended by striking “the command general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia’.

(b) APPOINTMENT OF CHIEF NATIONAL GUARD BUREAU.—Section 1056(b)(1) of such title is amended by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia’.

(c) VICE CHIEF OF NATIONAL GUARD BUREAU.—Section 106 of such title is amended by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia’.

(d) OTHER SENIOR NATIONAL GUARD BUREAU OFFICERS.—Section 106a(a)(1) of such title is amended by striking “the commanding general of the District of Columbia National Guard” both places it appears and inserting “the Mayor of the District of Columbia’.

SEC. 1074. CONFORMING AMENDMENTS TO TITLE 32, UNITED STATES CODE.

(a) MAINTENANCE OF OTHER TROOPS.—Section 806(c) of title 32, United States Code, is amended by striking “(or commanding general in the case of the District of Columbia)”.

(b) RELIEF FROM NATIONAL GUARD DUTY.—

(1) Section 10, United States Code, is amended by striking “commanding general of the National Guard of the District of Columbia” and inserting “the Mayor of the District of Columbia’.

(2) Section 10b, United States Code, is amended by striking “commanding general of the National Guard of the District of Columbia” and inserting “the Mayor of the District of Columbia’.

SEC. 1075. AUTHORITY TO ORDER TO PERFORM ACTIVE GUARD AND RESERVE DUTY.

(a) AUTHORITY.—Subsection (a) of section 328 of such title is amended by striking “the commanding general of the National Guard of the District of Columbia” and inserting “the Mayor of the District of Columbia”.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 328 and inserting the following new item:

“328. Active Guard and Reserve duty: authority of chief executive.”
(b) National Guard Challenge Program.—Section 509 of such title is amended—
(1) in subsection (c)(1), by striking “the commanding general of the District of Columbia, under which the Governor or the commanding general” and inserting “the Mayor of the District of Columbia, under which the Governor or the Mayor”;
(2) in subsection (g)(2), by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”; and
(3) in subsection (j), by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”.

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(i) Issuance of Supplies.—Section 702(a) of such title is amended by striking “commanding general of the National Guard of the District of Columbia” and inserting “Mayor of the District of Columbia”.

(ii) Appointment of Fiscal Officer.—Section 901(a) of such title is amended by striking “commanding general of the National Guard of the District of Columbia” and inserting “Mayor of the District of Columbia”.

SEC. 1075. CONFORMING AMENDMENT TO THE NATIONAL GUARD ACT.

Section 602(b) of the District of Columbia Home Rule Act (sec. 1–206.02(b), D.C. Official Code) is amended by striking “the National Guard of the District of Columbia”.

SA 4392. Ms. Cantwell submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. BRIEFING AND REPORT ON APPROACH FOR CERTAIN PROPERTIES AFECTED BY NOISE FROM MILITARY INSTALLATIONS.

(a) Briefing.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the use and applicability of the Air Installations Compatible Use Zones program of the Department of Defense to support noise mitigation and insulation efforts for fixed wing aircraft, including any such efforts funded under grants from the Office of Local Defense/Community Cooperation of the Department.

(b) Matters.—The briefing under subsection (a) shall include a discussion of the following:

(1) Changes to current practices regarding the Air Installations Compatible Use Zones program that are necessary to support noise mitigation and insulation efforts relating to existing covered facilities.

(2) The number of fixed wing aircraft facilities covered by existing studies under such program that accurately reflect current and reasonably foreseeable fixed wing aviation activity.

(3) The proportion of existing studies under such program that accurately reflect current and reasonably foreseeable fixed wing aviation activity.

(4) Expected timelines for each military department to develop and update all studies under such program to reflect current and reasonably foreseeable fixed wing activity.

(5) An approximate number of covered facilities anticipated to be within the 65 decibel day-night sound level for installations with existing studies under such program, including such facilities specifically located in crash zones or accident potential zones.

(6) An assessment of the viability of making eligibility to receive funding for noise mitigation and insulation efforts contingent on determination that such actions ensure compatibility of civilian land use activity with conclusions under such program.

(7) Any barriers to the timely review and generalization of studies under such program, including with respect to staffing and gaps in authorities.

(8) The estimated cost to develop and update required practices and studies under such program.

(9) Future opportunities to consult with local communities affected by noise from military flight operations.

(c) Report.—

(1) In General.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on any matter identified under subsection (a) other than matters with respect to which the Secretary determines that a report was unnecessary.

(2) In General.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on any matter identified under subsection (a) other than matters with respect to which the Secretary determines that a report was unnecessary.

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SA 4393. Ms. Cantwell submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. PROVIDING END-TO-END ELECTRONIC VOTING SERVICES FOR ABSENT UNIFORMED SERVICES VOTERS IN LOCATIONS WITH LIMITED OR IMMATURE POSTAL SERVICE.

(a) Plan.—

(1) Development.—In consultation with the Chief Information Officer of the Department of Defense, the President shall develop a plan for providing end-to-end electronic voting services (including services for registering to vote, requesting an electronic ballot, completing the ballot, and returning the ballot) in participating States for all uniformed services voters under such Act who are deployed or mobilized to serve senior citizens.

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SA 4394. Mr. Paul submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 901. LIMITATIONS ON AUTHORITIES TO SURVEIL UNITED STATES PERSONS AND ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.

(1) Definition.—In this section:

(1) Pen register and trap and trace device' have the meanings given such terms in section 3127 of title 18, United States Code.

(2) United States person.—The term ‘United States person’ has the meaning given such term in section 101.
“(3) Derived.—Information or evidence is ‘derived’ from an acquisition when the Government would not have originally possessed the information or evidence but for that acquisition. No authorization by any claim that the information or evidence is attenuated from the surveillance or search, would inevitably have been discovered, or was subsequently produced through other means.

“(b) Limitation on Authorities.—Notwithstanding any other provision of this Act, an officer of the United States may not under this Act acquire or order, and the Foreign Intelligence Surveillance Court may not under this Act order—

“(1) electronic surveillance of a United States person;

“(2) a physical search of a premises, information, material, or property used exclusively by, or under the open and exclusive control of, a United States person;

“(3) approval of the installation and use of a pen register or trap and trace device to obtain information concerning a United States person;

“(4) the production of tangible things (including books, records, papers, documents, and other items) concerning a United States person; or

“(5) the targeting of a United States person for the acquisition of information.

“(c) Use of Information Concerning United States Persons.—

“(1) DEFINITION OF AGGRIEVED PERSON.—In this subsection, the term ‘agrieved person’ means a person who is the target of any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

“(2) USE OF INFORMATION CONCERNING UNITED STATES PERSONS. —

“(a) DEFINITIONS.—In this subsection:

“(1) DEFINITION OF AGGRIEVED PERSON.—In this subsection, the term ‘agrieved person’ means a person who is the target of any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

“(b) DEFINITION OF UNITED STATES PERSON.—The term ‘United States person’ means a person who is the target of any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

“(c) DEFINITION OF NEUTRAL.—The term ‘neutral’ means a person not described by any of the terms associated with a United States person.

“(3) USE OF INFORMATION CONCERNING UNITED STATES PERSONS. —

“(a) USE OF INFORMATION CONCERNING UNITED STATES PERSONS.—No governmental entity shall query communications content, non-content information, or business records, unless authorized by statute or by the Federal Rules of Criminal Procedure, and the information is sought for foreign intelligence purposes.

“(b) LIMITATION ON USE IN LEGAL PROCEEDINGS.—Except as provided in paragraph (5), any information concerning a United States person acquired or derived from an acquisition under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities); where such acquisition is not described by statute or by the Federal Rules of Criminal Procedure, shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

“(c) LIMITATION ON USE IN LEGAL PROCEEDINGS.—

“(1) LIMITATION ON UNITED STATES PERSON QUERIES.—No governmental entity shall transmit queries concerning a United States person to the Foreign Intelligence Surveillance Court or any other person whose communications or activities were subject to any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

“(2) LIMITATION ON AUTHORITIES.—Notwithstanding any other provision of this Act, an officer of the United States may not under this Act acquire or order, and the Foreign Intelligence Surveillance Court may not under this Act order—

“(A) A GGRIEVED PERSON.—The term ‘agrieved person’ means a person who is the target of any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

“(B) UNITED STATES PERSON.—The term ‘United States person’ means a person who is the target of any surveillance activity under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities) or any other person whose communications or activities were subject to any surveillance activity under such Executive Order.

“(C) PEN REGISTER; TRAP AND TRACE DEVICE; UNITED STATES PERSON.—The terms ‘pen register’, ‘trap and trace device’, and ‘United States person’ have the meanings given such terms by section 941 of the Foreign Intelligence Surveillance Act of 1978, as added by subsection (a).

“(2) LIMITATION ON ACQUISITION.—Where authorization is obtained through the Federal Rules of Criminal Procedure to perform physical searches or to acquire, directly or through third parties, communications content, non-content information, or business records, those authorizations shall provide the exclusive means by which such searches or acquisitions shall take place if the target of acquisition is a United States person and the information is sought for foreign intelligence purposes.

“(3) LIMITATION ON USE IN LEGAL PROCEEDINGS.—Except as provided in paragraph (5), any information concerning a United States person acquired or derived from an acquisition under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities); where such acquisition is not described by statute or by the Federal Rules of Criminal Procedure, shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

“(4) LIMITATION ON UNITED STATES PERSON QUERIES.—No governmental entity shall query communications content, non-content information, or business records, unless authorized by statute or by the Federal Rules of Criminal Procedure, and the information is sought for foreign intelligence purposes.

“(b) LIMITATION ON USE IN LEGAL PROCEEDINGS.—Except as provided in paragraph (5), any information concerning a United States person acquired or derived from an acquisition under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities); where such acquisition is not described by statute or by the Federal Rules of Criminal Procedure, shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

“SA 3436. 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. 4530, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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; and the terms ‘GHSA’ and ‘Global Health Security Agenda’ mean the multi-sector initiative launched in 2011 and renewed in 2018 in line with Global Health Security Agenda Framework; and other relevant frameworks that contribute to global health security.

“SA 4395. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4530, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: Strike section 1213 and insert the following:

"SEC. 1213. PROHIBITION ON USE OF FUNDS FOR TALIBAN AND RESCSSION OF UNOBTAINED BALANCES FOR AFGHANISTAN.

“(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or any other Act may be made available for the transfer of funds or any other item of monetary value to the Taliban.

“(b) RESCSSION.—

“(1) IN GENERAL.—There are hereby rescinded the obligations, balances from the amounts appropriated or otherwise made available to the covered funds for reconstruction activities in Afghanistan.

“(2) BENCHMARKING.—If, in the case of any of the funds covered by this subsection, the term ‘covered funds’ means, with respect to amounts appropriated for Afghanistan—

“(A) the Afghanistan Security Forces Fund (ASFF);

“(B) the Economic Support Fund (ESF);

“(C) International Narcotics Control and Law Enforcement Fund (INCLE);

“(D) the Commanders’ Emergency Response Program (CERP);

“(E) Drug Interdiction and Counter-Drug Activities (DICDA);

“(F) Migration and Refugee Assistance (MRA); or

“(G) International Disaster Assistance (IDA); and

“(H) Non-Proliferation, Antiterrorism, Demining, and Related (NADR).

“SA 4396.
World Health Organization–facilitated, voluntary, collaborative, multi-sectoral process to assess country capacity to prevent, detect, and rapidly respond to public health risks that 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, including—

(A) national and local governments in partner countries;
(B) other bilateral donors;
(C) relevant national, and local organizations, including private, voluntary, non-governmental, 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 inter-connection 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) strengthens coordination among the relevant Federal departments and agencies implementing United States foreign assistance for global health security; and
(3) 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, 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—
(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 to serve 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 (to this section as ‘‘COVAX’’), and the Access to COVID–19 Tools (ACT) Accelerator, 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 United States Title X of the American Rescue Plan Act of 2021 (Public Law 117–2); and
(8) supporting global COVID–19 vaccine distribution by fully enforcing international law, including those established by the Global Health Security Agenda, to improve country capacity to prevent, detect, and respond to infectious disease threats;
(9) working with key stakeholders, including through the World Bank Group, the International Monetary Fund, the International Trade Organization, the 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 for production; and
(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 paragraphs (1) through (11).

(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 the request 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 1003(a)(2) of the American Rescue Plan Act of 2021 (Public Law 117–2) shall be—

(1) shall be meaningfully leveraged in a manner that incentivizes additional public and private donor contributions; and
(2) shall be subject to the reporting and withholding requirements under sections (c), (d)(4)(A)(i), (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 (Public Law 108–221), and
(3) GLOBAL COVID–19 VACCINE DISTRIBUTION AND DELIVERY.

(a) ACCELERATING GLOBAL VACCINE DISTRIBUTION AND DELIVERY.—The Secretary of State, in consultation with the USAID Administrator, shall develop a strategy to expand access to, and accelerate the global distribution of, COVID–19 vaccines to other countries, which shall—

(1) accelerate vaccine distribution in low and middle-income countries, especially to the highest infection and death rates due to COVID–19, the lowest COVID–19 vaccination...
(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 additional supplies, and

(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 subparagraph (A) to the appropriate congressional committees; and

(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.—In accordance with paragraph (1), 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

(1) is providing financial support to COVAX that is commensurate with the United States' contribution to COVAX; and

(2) publically discloses transparent data on the quality, safety, and efficacy of its COVID–19 vaccines.

(B) SAEGUARD.—The President shall ensure that appropriate safeguards are 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 for—

(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 medical and 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, and in consultation with the USAID Administrator and the Secretary of Health and Human Services, shall submit to the appropriate congressional committees an annual report on the United States' bilateral foreign assistance activities, including—

(A) any adjustments to original program targets 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.—

In no case shall the amount of funds available for the purposes authorized under paragraph (1) include—

(A) assessments 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 movement of humanitarian workers from abroad, and

(ii) restrictions on travel by humanitarian workers within such country to reach the areas of operation where vulnerable and marginalized populations reside;

(ii) access to medical evacuation in the event of a health emergency;

(iii) 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 in 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

(D) 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) states that the United States Government shall support the work of the Office of the Special Representative for Global Health Diplomacy, and the appropriate committees of Congress, in assessing and monitoring medical products and medical supplies.

(b) states that the United States Government shall support the work of the Office of the Special Representative for Global Health Diplomacy, and the appropriate committees of Congress, in assessing and monitoring medical products and medical supplies.

(c) states that the United States Government shall support the work of the Office of the Special Representative for Global Health Diplomacy, and the appropriate committees of Congress, in assessing and monitoring medical products and medical supplies.

(d) states that the United States Government shall support the work of the Office of the Special Representative for Global Health Diplomacy, and the appropriate committees of Congress, in assessing and monitoring medical products and medical supplies.

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(u) states that the United States Government shall support the work of the Office of the Special Representative for Global Health Diplomacy, and the appropriate committees of Congress, in assessing and monitoring medical products and medical supplies.

(v) states that the United States Government shall support the work of the Office of the Special Representative for Global Health Diplomacy, and the appropriate committees of Congress, in assessing and monitoring medical products and medical supplies.

(w) states that the United States Government shall support the work of the Office of the Special Representative for Global Health Diplomacy, and the appropriate committees of Congress, in assessing and monitoring medical products and medical supplies.

(x) states that the United States Government shall support the work of the Office of the Special Representative for Global Health Diplomacy, and the appropriate committees of Congress, in assessing and monitoring medical products and medical supplies.

(y) states that the United States Government shall support the work of the Office of the Special Representative for Global Health Diplomacy, and the appropriate committees of Congress, in assessing and monitoring medical products and medical supplies.

(z) states that the United States Government shall support the work of the Office of the Special Representative for Global Health Diplomacy, and the appropriate committees of Congress, in assessing and monitoring medical products and medical supplies.
(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 places, canceling public events, and restricting the movement of people;
(B) certain foreign governments have taken immediate steps to release from prison all arbitrarily detained United States citizens and political prisoners and to assess the risk for contracting or suffering from complications from COVID-19;
(C) governments using the COVID-19 pandemic as a pretext for repression have undermined freedom of expression, media freedom, and freedom of association; and
(D) foreign governments should take immediate steps to release from prison all arbitrarily detained United States citizens and political prisoners and to assess the risk for contracting or suffering from complications from COVID-19.

(II) COVID-19 threatens to roll back decades of progress for women and girls, disproportionately affecting women economically, educationally, and with respect to health, while contributing 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 organizations or international organizations, 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 toward strengthening civil society organizations in countries in which emergency government measures taken in response to 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 COVID-19 pandemic have 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.

(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.

(3) 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 as well as efforts by the United States 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) whether and how such measures have been, or have not been, rolled back; and
(III) whether and how such measures impact internationally recognized human rights;

(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.

(4) COVID-19 DIPLOMACY AND COMBATING DISINFORMATION AND MISINFORMATION ABOUT COVID-19.—

(II) UNITED STATES AGENCY FOR GLOBAL MEDIA.—

(A) FINDING.—Congress finds that the United States Agency for Global Media (referred to in this section 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) NATIONAL STRATEGIES.—It is the sense of Congress that—

(i) the United States Agency for Global Media and Digital Media (USAGM) and Digital Media (DIMA) 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) 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.

(R) 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 media disinformation;
(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.

(E) MIDDLE EAST BROADCASTING NETWORKS.—

(i) FINDING.—Congress finds that the Middle East Broadcasting Networks operate in the key 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 amid operational challenges on the ground.

(F) OPEN TECHNOLOGY FUND.—

(I) FINDING.—Congress finds that the Open Technology Fund works to advance internet freedom in repressive environments by supporting technology tools 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 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 hardest hit by COVID-19.

(v) 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 enactment of this Act, the Assistant Secretary for Consular Affairs shall brief the appropriate congressional committees by providing:

(i) a detailed plan for using existing authorities to waive or provide other alternatives to in-person appointments and interviews;

(ii) 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

(iii) 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.

(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; and

(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.

(1) S TATEMENT OF POLICY .—It shall be the policy of the United States—

(A) to ensure that United States assistance to countries affected by the pandemic provides 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.

(B) to ensure that United States assistance to countries affected by the pandemic 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 (B) and other vulnerable persons, women, children, the elderly, and persons with disabilities;

(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 USAID, shall establish clear communication with the Senate, and the Committee on Energy and Natural Resources, concerning the designation of the roles and responsibilities of each relevant department and agency.

(3) SENATE DISASTER RELIEF CAPACITY.—

(i) S URGE 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 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.

(3) STATEMENT OF POLICY ON HUMA NITARIAN ASSISTANCE TO COUNTRIES AFFECTED BY PANDEMIC OUTBREAKS WITH SEVERE OR PANDEMIC POTENTIAL.—The President shall designate the United States Department of State, the United States Agency for International Development, the Department of Health and Human Services, and the Department of Agriculture as lead agencies to coordinate development outcomes in responding to the COVID–19 pandemic and any other international response to infectious disease outbreaks with severe or pandemic potential.

The President shall designate relevant 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) and relevant 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 Energy and Natural Resources, the Department of State, and the Committee on Energy and Natural Resources, the Department of Health and Human Services, the Department of Agriculture, and the United States Agency for International Development, that—

(i) is 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.
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 COVID–19 and Ebola are not applied to United States citizens or 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; and
(B) 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, PREPAREDNESS, AND RESPONSE.

(a) Partner Country Defined.—In this section, the term ‘partner country’ means a country in which the relevant Federal departments and agencies are implementing plans for United States foreign policy and assistance for global health security and pandemic preparedness and response 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) articulates the policy goals related to pandemic prevention, preparedness, and response, and actions necessary to achieve and strengthen United States diplomatic support for 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 under 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) specifies 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 countries’ national action plans and goals, including those developed under the auspices 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, tools, and laboratory infrastructure to prevent, detect, and respond to infectious disease threats; and
(G) 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 to Congress 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.

(c) 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 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 efficiency and practicability; and
(vi) a plan for regular updating of the strategy and programs and partnerships, and for sharing lessons learned and evidence of success of stakeholders in an open, transparent manner.

(d) Form.—The reports required under subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

(e) 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 enhance the global health security of the United States.

(2) Coordination.—
(A) Establishment of Committee.—There is established within the Department of Health and Human Services, the National Security Council, and other relevant Federal departments and agencies, including an advisory committee to be known as the Interagency Task Force on Pandemic and Biological Threats. The Committee shall—
(i) provide overall policy direction and guidance on global health security and pandemic and biological threats to the departments and agencies that are 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’); and
(ii) review and assess day-to-day operations 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 and to the Assistant to the President for National Security Affairs.

(C) FUNCTIONS.—
(i) IN GENERAL.—The functions of the Committee should—
(I) to provide strategic guidance for the development of a policy framework for United States activities related 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 subsection (I) to enable the United States to respond to pandemic threats and to monitor the implementation of such strategies;
(III) develop a plan for modernizing global early warning and alerting 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 optimal 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 activities 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 DEPARTMENT AND AGENCIES.—The Committee and the Special Advisor for Global Health Security shall not assume any responsibilities or authorities of the heads of Federal departments, agencies, or offices, 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-related activities within 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 collaboration and coordination of 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 GHS-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 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 Pandemic and Biological Threats authorized to be established under subsection (b)(2)(B);

(iii) 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 funds to be appropriated pursuant to paragraph (6) to the relevant Federal departments and agencies implementing the strategy required by paragraph (6) and (F) to perform other such 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 paragraphs (4)(B) and (5) 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 partners 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)(5)(B) with the relevant Federal departments and agencies by—
(aa) is consistent with Executive Order 13747 (81 Fed. Reg. 78701; relating to the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious Disease Threats);
(bb) is consistent with 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, issued by President Biden on January 21, 2021; and

(cc) reflects and leverages the unique capabilities of each of the relevant Federal departments and agencies, including through the representation of the USAID Administrator, the Senior Executive Service or at the level of a Deputy Assistant Administrator or higher; and

(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 Malaria Coordinator, the Office of the United States Global Malaria Coordinator, the Office of the United States Global Malaria 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 United Nations, the United Nations System, the World Health Assembly, and meetings of the Global Health Security Agenda and of the Global Health Security Agenda;

(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 of the House and participation in a multilateral, catalytic financing mechanism for global health security and pandemic prevention and preparedness, consistent with section 1236;

(I) ensuring bilateral and multilateral financing commitments to advance the Global Health Security Strategy developed pursuant to this subsection.

(J) Exception.—Section 116 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) shall not apply to assistance made available pursuant to this subsection.

(K) Compliance.—(I) securing bilateral and multilateral commitments to advance the Global Health Security Strategy developed pursuant to this subsection, including—

(1) in developing countries that are highly vulnerable to the emergence, reemergence, and spread of infectious disease, including the spread of pandemics, disease outbreaks, and other health emergencies;

(2) to develop effective tools to identify, analyze, and reduce 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.

(I) Strengthening Health Systems.—

(1) Statement of Policy.—It shall be the policy of the United States to ensure that bilateral and multilateral support for the Global Health Security Strategy is effectively managed and coordinated to contribute to the strengthening of health systems in each country in which such programs and activities are undertaken by USAID pursuant to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25) and programs under any other action plan identified pursuant to subparagraph (B) that—

(i) takes a comprehensive view of the country’s health system that makes such countries vulnerable;

(ii) identifies key areas for investments to strengthen the health system in alignment with the country’s health security and pandemic preparedness goals and identify the necessary and appropriate tools to 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.

(2) Strategies to Strengthen Health Systems.—USAID missions in countries identified pursuant to paragraph (A) should develop a strategy to strengthen health systems based on the assessment developed pursuant to subparagraph (B) and identify—

(i) ensures complementarity with priority initiatives identified under any other action plan focused on strengthening a country’s health system; and

(ii) identifies potential obstacles to the implementation of the strategy, such as issues relating to procurement, workforce, and funding patterns at all levels of the country’s public health systems, especially with respect to governance bodies and councils at the provincial, district, community levels, and the exclusion of women, minorities, other underserved groups, and frontline health workers in decision making;

(iii) identifies potential challenges and barriers to the implementation of the strategy, including the need for mobilizing sufficient and durable financing for health systems; and

(iv) identifies barriers to building and retaining an effective and well-trained health workforce with key global health security capacities, informed by the International Health Regulations (2005), including—

(3) Data-Driven Decision Making.—

(iv) Identifies barriers to building and retaining an effective and well-trained health workforce with key global health security capacities, informed by the International Health Regulations (2005), including—

(v) strengthening data collection and analysis;

(vi) 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 45 doctors, nurses 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 of the country and procurement systems and practices, and recommends ways to improve the efficiency, transparency, and effectiveness of such systems and practices;

(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 provides recommendations for how to overcome such obstacles;

(ix) includes plans for integrating innovations in health technologies, services, and systems to ensure essential service delivery and workforce in planning for a resilient health system of the country and procurement systems and practices, including—

(1) progress made toward the integration and co-financing of health systems strengthening activities by USAID and the Office of the Global AIDS Coordinator;

(2) the requirements for sustaining such capacity, including the resources needed by USAID; and

(iii) C O N S U L T A T I O N.—In developing a strategy pursuant to subparagraph (C), each USAID mission should consult with a wide variety of stakeholders, including—

(A) in section 104B(g)(2) (22 U.S.C. 2151b–3), by inserting “strengthening health systems of the country and” after “contribute to”.

(B) USAID shall ensure that USAID is sufficiently resourced and staffed to ensure performance, consistency, and adoption of best practices in health systems programs, including the pilot program authorized under paragraph (3).

(C) in section 104B(g)(2) (22 U.S.C. 2151b–3), by inserting “strengthening health systems of the country and” after “contribute to”.


(A) in paragraph (1)(A), by inserting “in a manner that is coordinated with, and contributes to, efforts through other assistance activities being taken by other donor governments and international health systems and health policies after “systems”;

(B) in subparagraph (2)—

(i) in subparagraph (C), by inserting “and of the Global Fund to Fight AIDS, Tuberculosis, and Malaria” after “USAID”;

(C) in section 104B(g)(2) (22 U.S.C. 2151b–3), by inserting “strengthening health systems of the country and” after “contribute to”.

(C) in section 104B(g)(2) (22 U.S.C. 2151b–3), by inserting “strengthening health systems of the country and” after “contribute to”.

(D) in subparagraph (D), by striking “and” after “and” at the end of the following:

(F) to contribute to efforts that build health systems capable of preventing, detecting and responding to HIV/AIDS, tuberculosis, and other infectious diseases with pandemic potential.


(1) I N G E N I O U S .—The United States is authorized to participate in the Coalition for Epidemic Preparedness Innovations (referred to in this subsection as “CEPI”).

(2) I N V E S T O R S C O U N C I L A N D B O A R D O F D I R E C T O R S .—

(A) I N I T I A L D E S I G N A T I O N .—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 the representative of the United States.

(B) O N G O I N G D E S I G N A T I O N S .—The President may designate an employee of a relevant Federal department or agency with fiduciary responsibility for United States contributions to CEPI to serve on the Investors Council, if nominated, on the Board of Directors of CEPI, as the representative of the United States.

(C) Q U L I F I C A T I O N S .—Any employee designated pursuant to subparagraphs (A) and (B) shall have demonstrated knowledge and experience in the fields of development and public health, epidemiology, and medicine, from the Federal department or agency with primary fiduciary responsibility for United States contributions pursuant to paragraph (3).

(D) O F F I C I A L C O O R D I N A T I O N .—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 of CEPI 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 that determine the priority for--

(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 biosecurity.

(4) UNITED STATES CONTRIBUTIONS.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the President, consistent with the paragraphs under section 1006(a) of the American Rescue Plan Act of 2021, should make an immediate contribution to CEPI in the amount determined necessary 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, purpose, and health national interests served by such contribution.

(1) INTELLIGENCE ASSESSMENTS REGARDING NOVEL DISEASES AND PANDEMIC THREATS.

(1) DEFINED TERM.—In this section, 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 nature and extent to which 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 the emergence or reemergence, whether naturally occurring, accidental, or deliberate;

(ii) assess the likelihood that a pathogen described under paragraph (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, economic prosperity of the United States;

(iii) assess the preparedness of countries around the world, particularly those identified pursuant to subparagraph (i), to detect and respond to pandemic threats; and

(iv) identify any scientific, capacity, or governance gaps in the preparedness of countries identified pursuant to subparagraph (i) that could delay access to critical global health data and information.

(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).

(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).

(1) PANDEMIC EARLY WARNING NETWORK.—

(A) DEFINED TERMS.—In this section—

(i) the ‘Department’ means—

(I) the Secretary of State;

(II) the USAID Administrator; and

(III) the Director of the Centers for Disease Control and Prevention; and

(ii) the ‘Secretary’ means—

(I) the Secretary of Health and Human Services; and

(II) in the case of the Secretary of Health and Human Services, the USAID Administrator.

(B) ELEMENTS.—The Department 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 objective 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—

(i) to collect and share public health data, assess risk, and operationalize early warning;

(ii) to secure, including through utilization of stand-by arrangements and emergency funding mechanisms, all resources necessary to execute cross-sectoral emergency operations during the 48-hour period immediately following an infectious disease outbreak with pandemic potential; and

(iii) 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—

(A) need, as identified through the Joint External Evaluation process, the Global Health Security Index classification of health systems, national action plans for global 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

(B) commitment to transparency, including—

(i) a budget and global health data transparency;

(ii) complying with the International Health Regulations (2005); and

(iii) 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, international organizations, and other key multilateral stakeholders, to establish—

...
activities, and with the United States and other nations leading outbreak prevention, preparedness, and response activities in partner countries, as appropriate.

(C) PREPARATION.—The Executive Board should include—

(i) representatives of the governments of founding member countries who, in addition to the terms described in subparagraph (A), qualify based upon meeting an established initial contribution threshold, which should be not less than 10 percent of total initial contributions, and 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; and

(iii) representatives of the World Health Organization;

(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) CONFIDENCES.—

(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.

(iii) UNITED STATES REPRESENTATION.—

(I) FOUNDERING MEMBER.—The Secretary of State should—

(A) to the United States as a founding member of the Fund; and

(B) 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.—Subparagraph (E)(iii) shall take effect upon the date on which the Secretary of State certifies and submits to Congress an agreement establishing the Fund.

(iii) 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) AUTHORIZATIONS.—

(1) PROGRAMS AND ACTIVITIES.—

(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 and catalytic investments, and other innovative funding mechanisms, in coordination with ongoing bilateral and multilateral efforts, as appropriate—

and

(ii) to help eligible partner countries close critical gaps in health security, as identified through the Joint External Evaluation process, the Global Health Security Index classifying 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 emerging and reemergence of pathogens, before they become pandemics;

(iii) leverage the expertise, capabilities, and capacity of existing agencies and organizations to effect and manage resources for, and manage for, resources for, and manage for, critical gaps in global health security objectives;

(iv) representatives of the World Health Organization;

and

(v) to improve infection prevention and control, and other innovative funding mechanisms, in coordination with ongoing bilateral and multilateral efforts, as appropriate—

(vi) to support, facilitate, and manage resources for, and manage for, critical gaps in health security objectives;

(vii) to 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.

(ii) to support health security budget planning in eligible partner countries, including training in public financial management, using national health data, and 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 front-line prevention of, and monitoring for, pandemics;

(iv) to improve the quality of community health worker programs as appropriate, and consistent with subparagraph (C); and

(v) to 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.

(iii) 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 emerging and reemergence of pathogens, before they become pandemics;

(iii) leverage the expertise, capabilities, and capacity of existing agencies and organizations to effect and manage resources for, and manage for, resources for, and manage for, critical gaps in global health security objectives;

(iv) representatives of the World Health Organization;

and

(v) to improve infection prevention and control, and other innovative funding mechanisms, in coordination with ongoing bilateral and multilateral efforts, as appropriate—

(vi) to support, facilitate, and manage resources for, and manage for, critical gaps in health security objectives;

(vii) to 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.

(ii) to support health security budget planning in eligible partner countries, including training in public financial management, using national health data, and 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 front-line prevention of, and monitoring for, pandemics;

(iv) to improve the quality of community health worker programs as appropriate, and consistent with subparagraph (C); and

(v) to 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.
the provision of material and technical assistance;
(viii) to reduce the risk of bioterrorism, the emergence, re-emergence, or spread of zoonotic diseases (whether through loss of natural habitat, the commercial trade in wildlife for human consumption, or other means), and accidental biological release;
(ix) to develop, deploy, and maintain technical capacity to manage, as appropriate, supply chains for applicable global health commodities through effective forecasting, procurement, warehousing, and delivery from the central warehouse 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 relating to the prevention, detection, and treatment of neglected tropical diseases;
(xii) to develop the capacity of eligible partner countries to prevent 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, the 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 decision processes, and accountability bodies, including by women and frontline health workers;
(xvi) to develop and implement simulation exercises 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 countries, 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, re-emerge, or spread of zoonotic diseases caused by deforestation, commercial trade in wildlife for human consumption, climate-related events, and natural hazards between wildlife, livestock, and people.

(C) IMPLEMENTATION OF PROGRAM OBJECTIVES.—In carrying out the objectives under subparagraph (A), the Fund should seek to eliminate duplication and waste by upholding strict transparency and accountability standards and coordinating its programs and activities with partners working to enhance 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) international health systems and international emergency operations centers to be established under subsections (j) and (k) of section 1205; (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 Concept and Epic Preparations for Childhood Immunization 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) documented 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 the day-to-day operations of the Fund; and
(B) an independent Inspector General, who should be responsible for monitoring grants implementation, accountability, and the 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; PROGRAM 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; and
(B) ensure there is agreement to put in place a conflict of interest policy to ensure the fairness and standard of ethical conduct in the Fund’s decision-making processes, including proactive procedures to screen staff for conflicts of interest and measures to mitigate any conflicts, such as the 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, PROGRAMS, AND RECIPIENTS.—The Executive Board should—
(A) establish 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) establish 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) establish criteria for the selection of projects to receive support from the Fund;
(D) establish standards and criteria regarding qualifications of recipients of such support;
(E) establish rules and procedures as may be necessary for cost-effective management of the Fund; and
(F) establish 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 capable of operating independently and transparently;

(ii) SUPPORT.—The Fund should be supported by and with the requisite resources and capacities to regularly conduct and publish, on a publicly accessible website, rigorous financial, programmatic, and reporting audits and investigations of the Fund and its grantees.

(iii) INVESTIGATIONS.—The Fund should be eligible to receive grants as described in this section.

(bb) submits an annual report to the Executive Board describing its activities, investigations, and results.

(B) SENSE OF CONGRESS ON CORRUPTION.—It is the sense of Congress that—
(i) the 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 determined by the Inspector General, the responsible grant recipient should be assessed at a recovery rate of up to 150 percent of such loss.

(C) 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.

(D) FINANCIAL TRACKING SYSTEMS.—The Secretary of State shall seek to 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.

(E) EXEMPTION FROM DUTIES AND TAXES.—The Secretary should ensure that the Fund’s rules that provide for an agreement by the relevant national authorities in an eligible partner country to exempt from duties and taxes all products financed by such grants, including those provided 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 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 Director 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), the members of the Advisory Board should receive compensation for services performed as a member of the Board.

(B) UNITED STATES REPRESENTATIVE.—Notwithstanding any 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.

(6) REPORTS TO CONGRESS.—

(A) STATUS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Inspector General of the United States Agency for International Development, and the heads of other relevant Federal departments and agencies, shall submit a report to the appropriate congressional committees that describes the initial international negotiations to establish the Fund.

(B) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of 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 that provides a progress report for the Fund and includes information on the Fund’s operations.

(B) CONTENTS.—The report shall include—

(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.

(C) NO 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).

(6) UNITED STATES CONTRIBUTIONS.—

(A) IN GENERAL.—Subject to submission of the certification under this subsection, the President is authorized to make available to the Fund such funds as may be appropriated or otherwise made available for such purpose.

(B) 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—

(i) the amount of the proposed contribution;

(ii) the total of funds contributed by other donors; and

(iii) the national interests served by United States participation in the Fund.

(C) 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 30 percent of the total contributions to the Fund from all sources.

(7) WITHHOLDINGS.—

(A) SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—If the Secretary of State determines that a country contravenes United States policy in respect to counterterrorism, the United States shall withhold all United States contributions 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) EXCLUSION.—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 shall withhold from its contribution to the Fund 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.

(8) ACCOUNTABILITY 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 United States in consultation with the Secretary of State).

(h) COMPLIANCE WITH THE FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2016.—The Fund shall cooperate with the Inspector 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 United States in consultation with the Secretaries of State).

(i) COMPLIANCE WITH THE FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2016.—Section 205 of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114-191; 22 U.S.C. 2394c note) is amended by striking—

(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:

“(e) the International Pandemic Preparedness and COVID-19 Response Act of 2021.”

(ii) UNITED STATES FOREIGN ASSISTANCE FOR THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA.—None of the assistance authorized to be appropriated under this subtitle may be made available to the Government of the People’s Republic of China or to any entity owned or controlled by the Government of the People’s Republic of China.

SA 4397. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1054. COMPTROLLER GENERAL REPORT ON ACTUAL COST OF CERTAIN NET ASSESSMENTS CONDUCTED BY THE OFFICE OF NET ASSESSMENT.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall transmit to the congressional defense committees a report setting forth the results of an analysis of the actual cost of performance of net assessments conducted by the Office of Net Assessment of standing trends and future prospects of United States military capabilities and national potential in comparison with those of other countries or groups of countries so as to identify emerging or future threats or opportunities for the United States.

SA 4398. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1253. AUSTRALIA-UNITED STATES LEGISLATIVE EXCHANGE PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The People’s Republic of China continues to assert its regional ambitions in the Indo-Pacific region.

(2) The ideological aims driving the Chinese Communist Party’s foreign policy run counter to aims of democracies such as the United States and its allies.

(3) Australia has been one of the United States’ staunchest allies for well over 100 years. This “Mateship” began with the visit of the American Great White Fleet to Sydney Harbor in 1908. The budding relationship was soon sealed through American and Australian troop fighting and dying together in the World War I.

(4) Since the World War I, Australians and Americans have supported each other in every major military conflict in which the United States was involved; and

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

The People’s Republic of China continues to assert its regional ambitions in the Indo-Pacific region. The ideological aims driving the Chinese Communist Party’s foreign policy run counter to aims of democracies such as the United States and its allies. Australia has been one of the United States’ staunchest allies for well over 100 years. This “Mateship” began with the visit of the American Great White Fleet to Sydney Harbor in 1908. The budding relationship was soon sealed through American and Australian troop fighting and dying together in the World War I.
(1) the United States must continue to build and maintain strong relationships with allies and partners in the Indo-Pacific region to successfully compete with the People’s Republic of China; and

(2) the Australia-United States relationship will continue to be vital throughout the 21st century and beyond to compete with and deter competition from China.

(3) as the Australia-United States alliance evolves, it is vital to ensure that emerging leaders in both countries develop a deep understanding of their ally’s view of the world; and

(4) exchange programs between key legislative national security staff from Congress and Australian parliamentary staff will further bind our nations together.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—The Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, working through a designated nonprofit, such as a think tank, a foundation, or another suitable organization contracted by the Department of Defense competitive award process, shall work with the leaders of the Australian Parliament to establish an Australia-United States Legislative Exchange Program (referred to in this section as the “Program”).

(2) PURPOSE.—The purpose of the Program shall be to coordinate annual 1 to 2 week legislative exchanges between United States congressional staff and the Australian parliamentary staff that focus on national security, foreign policy, and other issues of mutual interest between the 2 countries.

(3) SELECTION OF STAFF.—

(A) CONGRESSIONAL STAFF.—In carrying out the Program, the congressional leaders referred to in paragraph (1), in consultation with the head of the nonprofit designated pursuant to paragraph (1), shall jointly select a bipartisan, bicameral group of congressional staff for each exchange described in paragraph (2).

(B) PARLIAMENTARY STAFF.—It is the sense of Congress that leaders in the Australian Parliament will select a politically balanced group of Australian parliamentary staff who will participate in each exchange described in paragraph (2).

(4) VENUES.—The exchanges described in paragraph (2) shall take place primarily in Washington, D.C., or Canberra, Australia, but may include opportunities for staff—

(A) to engage in cultural immersion activities; or

(B) to tour other key regions in each country in accordance with the purposes of the Program.

(5) PROGRAM ACTIVITIES.—Program participants while visiting the partner country shall—

(A) meet with senior executive and legislative branch officials, think tank scholars, and nonprofit advocacy groups; and

(B) participate in specially designed courses covering the politics and foreign policy issues in such country with the intent to foster shared understanding of the political environment in which their counterparts operate.

(6) CONSULTATION.—In managing the Program, the congressional leaders referred to in paragraph (1), the head of the nonprofit designated pursuant to paragraph (1) shall consult with, and accepting guidance from, appropriate staff of the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives.

(7) ALUMNI NETWORK.—The head of the nonprofit designated pursuant to paragraph (1) shall establish an alumni network program, in cooperation with a representative of the Australian government, that brings together past alumni of the program for special events or programs that provide for further exchanges and lasting relationships between policymakers and leaders in both countries.

SA 4399. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3687 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of the Army; therefrom; and for defense mineral products, and the military personnel strengths, for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

The Senate added the following:

Subtitle D—Extraction and Processing of Defense Minerals in the United States

SEC. 1431. SHORT TITLE.

This subtitle may be cited as the “Restoring Essential Energy and Security Holdings Onshore for Rare Earths Act of 2021” or the “REEShore Act of 2021.”

SEC. 1432. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Foreign Affairs, the Committee on Intelligence, and the Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Foreign Affairs, the Committee on Intelligence, and the Permanent Select Committee on Intelligence of the Senate.

(2) DEFENSE MINERAL.—The term “defense mineral” has the meaning given the term “critical mineral” in section 7002(a) of the Energy Act of 2020 (division Z of Public Law 116-260; 30 U.S.C. 1606(a)).

(3) DEFENSE MINERAL PRODUCT.—The term “defense mineral product” means any product—

(A) formed or comprised of, or manufactured from, one or more defense minerals; and

(B) used in military defense technologies or other related applications.

SEC. 1433. REPORT ON ESTABLISHMENT OF STRATEGIC DEFENSE MINERAL AND DEFENSE MINERAL PRODUCTS REPORT.

(a) FINDINGS.—Congress finds that the storage of substantial quantities of defense minerals and defense mineral products will—

(1) diminish the vulnerability of the United States to the effects of a severe supply chain interruption; and

(2) provide limited protection from the short-term consequences of an interruption in supplies of defense mineral products.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in procuring defense minerals and defense mineral products, the Secretary of Defense should prioritize procurement of defense minerals and defense mineral products from sources in the United States, including that these products are predominantly and manufactured within the United States.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Interior, acting through the United States Geologic Survey, and the Secretary of Defense shall jointly submit to the appropriate congressional committees a report describing—

(A) the strategic requirements of the United States regarding the needs of defense minerals and defense mineral products; and

(B) the requirements for such metals and products to support the United States for one year in the event of disruption.

(2) CONSIDERATIONS.—In developing the report required by paragraph (1), the Secretary of the Interior and the Secretary of Defense shall take into consideration the needs of the Armed Forces of the United States, the defense industrial and technology sectors, and any places, organizations, physical infrastructures, or digital infrastructure designated as critical to the national security of the United States.

(d) REASSESSMENT OF REQUIREMENTS.—The Secretary of the Interior and the Secretary of Defense shall—

(1) jointly and continually reassess the strategic requirements described in paragraph (1) of subsection (c) and the considerations described in paragraph (2) of that subsection; and

(2) not less frequently than annually, submit to the appropriate congressional committees a report—

(A) on that reassessment; and

(B) describing any actions relating to the establishment or use of a strategic defense minerals and defense mineral products reserve during the preceding year.

SEC. 1434. REPORT ON DISCLOSURES CONCERNING DEFENSE MINERALS BY CONTRACTORS OF DEPARTMENT OF DEFENSE.

Not later than December 31, 2021, and annually thereafter, the Secretary of Defense, after consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Interior, shall submit to the appropriate congressional committees a report that includes—

(1) a disclosure, provided by a contractor to the Department of Defense, of any system with a defense mineral product that is a permanent magnet, including an identification of the country or countries in which—

(A) the defense minerals used in the magnet were mined;

(B) such defense minerals were refined into oxides;

(C) such defense minerals were made into metals and alloys; and

(D) the magnet was sintered or bonded and magnetized;

(2) if a contractor cannot make the disclosure described in paragraph (1) with respect to a magnet, an assessment of the effect of requiring the contractor to establish and implement an independently verifiable supply chain tracking system in order to provide that disclosure not later than 180 days after designating the magnet to the Department of Defense;

(3) an assessment of the extent of reliance by the United States on foreign countries, and especially countries that are not allies of the United States, for defense minerals; and

(4) a determination with respect to which systems are of the greatest concern for interruptions of defense minerals supply chains; and

(5) any suggestions for legislation or funding that would mitigate supply chain security gaps.

SEC. 1435. PRODUCTION IN AND USES OF DEFENSE MINERALS BY UNITED STATES ALLIES.

(a) POLICY.—It shall be the policy of the United States to encourage countries that are allies of the United States to eliminate their dependence on non-allied countries for defense minerals to the maximum extent practicable.
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(b) Report Required.—Not later than December 31, 2022, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report—

(1) describing in detail the discussions of such Secretaries with countries that are allies of the United States concerning supply chain security for defense minerals;

(2) assessing the likelihood of those countries discontinuing the use of defense minerals from the People’s Republic of China or other countries that such Secretaries deem to be of concern; and

(3) assessing initiatives in other countries to increase defense mineral mining and production capabilities.

SA 4400. Mr. WICKER (for himself, Mr. CARDIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Sec. 1203. TRANSNATIONAL REPRESSIVE ACCOUNTABILITY AND PREVENTION.

(a) Short Title.—This section may be cited as the “Transnational Repressive Accountability and Prevention Act of 2021” or as the “TRAP Act of 2021.”

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

(1) The International Criminal Police Organization (INTERPOL) works to prevent and fight crime through enhanced cooperation and innovation on police and security matters, including kleptocracy, counterterrorism, cybercrime, counternarcotics, and transnational organized crime.

(2) United States membership and participation in INTERPOL advance the national security and law enforcement interests of the United States related to combating kleptocracy, terrorism, cybercrime, narcotics, transnational organized crime, and white-collar crime.

(3) Article 2 of INTERPOL’s Constitution states that the organization aims “[t]o ensure and promote the widest possible mutual assistance between all criminal police authorities . . . in the spirit of the ‘Universal Declaration of Human Rights’.”

(4) Article 3 of INTERPOL’s Constitution states that “[i]t is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character.”

(5) These principles provide INTERPOL with a foundation based on respect for human rights and avoidance of politically motivated actions by the organization and its members.

(6) According to the Justice Manual of the United States Department of Justice, “[i]n the United States, statutes provide the arrest of the subject of a Red Notice issued by another INTERPOL member country, based upon the notice alone.”

(c) Purpose of Coercion.—It is the sense of Congress that some INTERPOL member countries have repeatedly misused INTERPOL’s databases and processes, including INTERPOL’s Diffusion mechanisms, for activities of an overtly political or other unlawful character and in violation of international human rights standards, including making requests to harass or persecute political opponents, human rights defenders, or journalists.

(d) Support for INTERPOL institutional reforms.—The Attorney General and the Secretary of State shall—

(1) use the weight and influence of the United States, as appropriate, within INTERPOL’s General Assembly and Executive Committee to promote reforms aimed at improving transparency of INTERPOL and ensuring its operation consistent with its Constitution, particularly articles 2 and 3, and Rules on the Processing of Data, including—

(A) supporting INTERPOL’s reforms enhancing the screening process for Notices, Diffusions, and other INTERPOL communications; and

(B) supporting and strengthening INTERPOL’s coordination with the Commission for Control of INTERPOL’s Files (CCF) in cases in which INTERPOL or the CCF has determined that a member country issued a Notice, Diffusion, or other INTERPOL communication against an individual in violation of articles 2 or 3 of the INTERPOL Constitution, or to benefit such person, or to benefit such a country from seeking the publication or issuance of any subsequent Notices, Diffusions, or other INTERPOL communication against the same individual based on the same set of claims or facts;

(C) increasing, to the extent practicable, dedicated funding to the CCF and the Notices and Diffusions Task Force in order to further expand operations related to the review of requests for red notices and red diffusions;

(D) supporting candidates for positions within INTERPOL’s structures, including the Presidency, Executive Committee, General Secretariat, and CCF who have demonstrated experience relating to and respect for the rule of law;

(E) seeking to require INTERPOL in its annual report to provide a detailed account, disaggregated by member country or entity of—

(i) the number of Notice requests, disaggregated by color, that it received;

(ii) the number of Notice requests, disaggregated by color, that it rejected;

(iii) the category of violation identified in each instance of a rejected Notice or Diffusion;

(iv) the number of Notice requests, including the number of Notices that it cancelled without reference to decisions by the CCF; and

(v) the sources of all INTERPOL income during the reporting period; and

(F) supporting greater transparency by the CCF in its annual report by providing a detailed account, disaggregated by country, of—

(i) the number of admissible requests for correction or deletion of data received by the CCF from countries that the General Secretariat identifies requests for red notices and red diffusion mechanisms for overtly political purposes.

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

(A) A list of countries that the Attorney General and the Secretary of State determine have repeatedly abused and misused the red notice and red diffusion mechanisms for overtly political purposes.

(B) A description of the most common tactics employed by member countries in conducting such abuse, including the crimes most commonly alleged and the INTERPOL communications most commonly exploited.

(C) An assessment of the adequacy of INTERPOL mechanisms for challenging abusive practices, including the Commission for Control of INTERPOL’s Files (CCF), an assessment of the CCF’s March 2017 Operating Rules, and any shortcomings the United States believes should be corrected.

(D) A description of how INTERPOL’s General Secretariat identifies requests for red notices and associated communications that are politically motivated or are otherwise in violation of INTERPOL’s rules and how INTERPOL reviews and addresses cases in which a member country has abused or misused the red notice and red diffusion mechanisms for overtly political purposes.

(E) A description of any incidents in which the Department of Justice or other executive departments or agencies have relied on INTERPOL communications in contravention of existing law or policy to seek the detention of individuals or render judgments concerning their immigration status or requests for asylum, with holding of removal, or convention against torture claims and any measures the Department of Justice or other executive departments or agencies took in response to those incidents.

(F) A description of how the United States monitors and responds to likely instances of abuse of INTERPOL communications by member countries that conflict with the interests of the United States, including citizens and nationals of the United States, employees of the United States Government, lawfully admitted permanent residents or convention against torture claims, though they may be unlawfully present in the United States.

(G) A description of what actions the United States takes to ensure that the information it receives concerning likely abuse of INTERPOL communications targeting employees of the United States Government for activities they undertook in an official capacity.

(H) A description of United States advocacy for reform and good governance within INTERPOL.

(I) A strategy for improving interagency coordination to identify and address instances of INTERPOL abuse that affect the national security interests of the United States, including international respect for human rights and fundamental freedoms, citizens and nationals of the United States, employees of the United States Government, lawfully admitted permanent residents of the United States, aliens who are lawfully present in the United States, and aliens lawfully admitted for permanent residence in the United States.
promote reform and good governance within INTERPOL abuse by member countries.

The Department of State, in coordination with the Attorney General, the Department of Justice, and the Department of the Treasury, shall report on the ability of the Department of Defense, for military construction, and defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1064. MCCAIN-MANSFIELD FELLOWSHIP PROGRAM.

Mr. THUNE (for Mr. ROUNDS for himself, Ms. SINEK, Mr. COTTON, Mr. CRAMER, Mr. KELLY, Mr. KING, Mr. PETERS, Ms. ROSEN, Mr. PORTMAN, Mr. BRATTON (for Mr. AYotte (for Mr. BROWN, Mr. DAINES)) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1044. MCCAIN-MANSFIELD FELLOWSHIP PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ‘eligible individual’ means an individual who meets the eligibility criteria established under subsection (d)(1)(A);

(b) ENSURING.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate, and the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, a report on the ability of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. REPORT ON ABILITY OF DEPARTMENT OF DEFENSE TO INTERDICT OR BLOCKADE CERTAIN VESSELS IN THE SOUTH AND EAST CHINA SEAS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the ability of the Department of Defense, in the event of hostilities between the United States and the People's Republic of China, to interdict or blockade civilian merchant ships transiting the South and East China Seas under the flag of the People's Republic of China.

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

(1) An analysis of the following:

(A) The number of vessels that transit the South and East China Seas annually.

(B) The annual percentage of trade by the People's Republic of China that is conducted through the South and East China Seas by such vessels.

(C) The maritime choke points in the South and East China Seas that are most important to the People's Republic of China.

(D) The capacity and capability of the Department to—

(i) execute a blockade of such vessels around maritime choke points in the South and East China Seas; and

(ii) otherwise interdict such vessels.

(E) The manner in which the granting or rejection of basing, overflight, or transit rights by countries bordering the South and East China Seas would affect the ability of the Department to interdict or blockade such vessels.

(F) A description of any instance of Department-funded wargames in which the United States or the People's Republic of China initiated any type of blockade, including the lessons learned from such instances and the views of the players.

(G) The number of vessels that transit the South and East China Seas annually.

(H) The annual percentage of trade by the People's Republic of China that is conducted through the South and East China Seas by such vessels.

(I) The maritime choke points in the South and East China Seas that are most important to the People's Republic of China.

(J) The capacity and capability of the Department to—

(i) execute a blockade of such vessels around maritime choke points in the South and East China Seas; and

(ii) otherwise interdict such vessels.

(K) The manner in which the granting or rejection of basing, overflight, or transit rights by countries bordering the South and East China Seas would affect the ability of the Department to interdict or blockade such vessels.

(L) A description of any instance of Department-funded wargames in which the United States or the People's Republic of China initiated any type of blockade, including the lessons learned from such instances and the views of the players.
(iv) the New Development Bank; and
(C) any other financial institution or entity the Secretary of State considers appropriate;
(3) an assessment of which known infrastructure projects included in the list described in paragraph (2) are projects under the Belt and Road Initiative;
(4) any vulnerabilities that the debts referred to in paragraph (1) could exacerbate in such country;
(5) a list of collateral for debts incurred by Belt and Road Initiative projects described in paragraph (3); and
(6) a list of known assets in the country that are owned by entities controlled by the Government of the People's Republic of China, including telecommunications and critical infrastructure.
(c) SUBMISSION; COMPLIATION.—
(1) STAFFING.—Each diplomatic post shall designate at least 1 employee—
(A) to monitor the investments of the entities referred to in subsection (b)(2); and
(B) to compile the reports required under subsection (a).
(2) SUBMISSION.—Not later than 120 days after receiving each directive pursuant to paragraph (1), the Secretary of State shall submit a report containing the information described in subsection (b) to the Under Secretary of State for Economic Growth.
(3) COMPILATION.—The Under Secretary of State for Economic Growth shall annually compile the information contained in the reports submitted pursuant to paragraph (2) to create a centralized database of information about Chinese capital investments in the developing world.
(d) NOTIFICATIONS; ANNUAL REPORT.—
(1) NOTIFICATIONS.—After the submission of the initial reports pursuant to subsection (c)(2), the Under Secretary of State for Economic Growth shall notify the ambassadors of each foreign government designated under subsection (c)(1), under the supervision of the ambassador or charge d'affaires of each embassy shall submit a report containing the information described in subsection (b) to the Under Secretary of State for Economic Growth.
(2) ANNUAL REPORT.—The ambassador or charge d'affaires of each embassy shall submit a holistic annual report to the Under Secretary of State for Economic Growth that contains information about all investments in infrastructure projects made in the country in which such diplomatic post is located.
(e) USE OF INFORMATION.—The Under Secretary of State for Economic Growth, in consultation with the Under Secretary of State for Political Affairs, shall utilize the information in the database compiled pursuant to subsection (c)(2) to provide guidance to the leadership of State Department diplomatic missions in relevant countries to counter the influence of the People's Republic of China in the indebted countries.

SA 4404. Mr. KELLY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 16. PILOT PROGRAM ON PUBLIC-PRI VATE PARTNERSHIPS WITH INTERNET ECO SYST EM COMPANIES TO DETECT AND DISRUPT ADVERSARY CYBER OPERATIONS;

(a) PILOT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall, acting through the Director of the Cybersecurity and Infrastructure Security Agency and in coordination with the Secretary of Defense and National Cyber Director, establish and commence a pilot program to assess the feasibility and advisability of entering into public-private partnerships with internet ecosystem companies to facilitate, within the bounds of the applicable provisions of law and companies' terms of service, policies, procedures, contracts, and other agreements, actions by such companies to detect and disrupt the use of the platforms, systems, services, and infrastructure of such companies by malicious cyber actors.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—
(1) IN GENERAL.—Under the pilot program required by subsection (a), the Secretary shall enter into one or more public-private partnerships with internet ecosystem companies to facilitate actions as described in subsection (a).
(2) VOLUNTARY PARTICIPATION.—(A) Participating companies in a public-private partnership under the pilot program shall be voluntary.
(B) Participation by an internet ecosystem company in any activity under the pilot program shall be voluntary.
(c) AUTHORIZED ACTIVITIES.—In establishing and conducting the pilot program under subsection (a), the Secretary may—
(1) provide assistance to a participating company in developing effective know-your-customer processes and procedures by participating companies to support internet ecosystem company discovery of malicious cyber activity or attribution on their own platforms, systems, services, or infrastructure;
(2) provide information, analytics, and technical assistance to improve the ability of participating companies to detect and prevent illicit or suspicious procurement, payment, and account creation on their own platforms, systems, services, or infrastructure;
(3) develop and socialize best practices for the collection, retention, and sharing of data by participating companies to support internet ecosystem company discovery of malicious cyber activity or attribution on their own platforms, systems, services, or infrastructure;
(4) provide actionable, timely, and relevant information to participating companies, such as information about ongoing operations and infrastructure, threats, tactics, and procedures, and indicators of compromise, to enable such companies to detect and disrupt the use of their platforms, systems, services, and infrastructure by malicious cyber actors;
(5) provide recommendations for (but not design, develop, install, operate, or maintain) operational workflows, assessment and


(1) The Joint Cyber Defense Collaborative of the Cybersecurity and Infrastructure Security Agency.

(2) The Cybersecurity Collaboration Center and Endurance Framework of the National Security Agency.

(RULES OF CONSTRUCTION.—

(1) LIMITATION ON GOVERNMENT ACCESS TO DATA.—Nothing in this section authorizes sharing of information, including information relating to customers of internet ecosystem companies, among government agencies, other than information derived or produced in the conduct of the pilot program required by subsection (a) the heads of such departments or agencies as the Secretary considers appropriate.

(2) The United States is concerned by reform efforts by the Russian Federation to export electronics to China.

(3) The term "participating company" means an internet ecosystem company that has entered into a public-private partnership with the Secretary under subsection (b).

(4) The term "Secretary" means the Secretary of Homeland Security.

SA 4406. Mrs. SHAHEEN (for herself, Mr. KELLY, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. RYAN and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1216. ADDITIONAL VISAS UNDER AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.

Section 602(b)(F) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended, in the matter preceding clause (i), by striking "34,500" and inserting "38,5000".

SA 4407. Mrs. SHAHEEN (for herself, Mr. PORTMAN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. RYAN and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 1264. REPORTS ON JOINT STATEMENT OF THE UNITED STATES AND GERMANY ON SECURITY, EUROPEAN ENERGY SECURITY, AND CLIMATE GOALS.

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

(1) the United States remains opposed to the completion of the Nord Stream 2 pipeline, which threatens the energy security of many European allies.

(2) the United States is concerned by recent efforts by the Russian Federation to...
weaponize gas supplies to advance its geopolitical agenda and exploit the vulnerabilities of Eastern European companies; and

(b) The Government of Germany must make every effort—

(A) to act upon all deliverables outlined in the joint statement reached between the United States and Germany on July 13, 2021;

(B) to apply sanctions with respect to the Russian Federation for any malign activity that weaponizes gas supplies to European allies; and

(C) to comply with the regulatory framework under the European Union’s Third Energy Package with respect to Nord Stream 2.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter through September 30, 2023, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation of the United States-Germany climate and energy joint statement announced by the President on July 13, 2021.

(2) REQUIREMENTS.—Each report required under paragraph (1) shall include the following:

(A) A description of efforts undertaken by Germany to execute the elements of such joint statement, including—

(i) to implement assistance programs that—

(I) support energy diversification in Ukraine; and

(II) commit funding to, and mobilize investments toward, sustainable energy;

(ii) to support Ukraine in negotiations with Gazprom to extend the current transit agreement; and

(iii) to engage more deeply in the Minsk Agreements and the Normandy Format for a political solution to the Russian Federation’s illegal occupation of Crimea.

(B) An assessment of activities by the United States and Germany to advance and provide funding for the Three Seas Initiative.

(C) A description of any activity of, or supported by, the Government of the Russian Federation that—

(i) to weaponize the gas supplies of the Russian Federation so as to exert political pressures on any European country;

(ii) to withhold gas supplies for the purpose of extracting excessive profit over European customers; or

(iii) to seek exemption from the European Union’s Third Energy Package regulatory framework.

SA 4408. Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. WARNER, Mr. RUBIO, Mr. RISCH, Mr. MENENDEZ, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill S. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of 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 1033 and insert the following:

SEC. 1033. ANOMALOUS HEALTH INCIDENTS.

(1) DEFINITIONS.—In this section:

(A) 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.

(B) APPROPRIATE NATIONAL SECURITY COMMITTEES.—The term “appropriate national security committees” means—

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

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

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

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

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

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

(I) the Committee on Homeland Security of the House of Representatives; and

(J) the Committee on the Judiciary of the House of Representatives.

(2) INTERAGENCY COORDINATOR.—The term “Interagency Coordinator” means the Anomalous Health Incidents Interagency Coordinator designated pursuant to subsection (b)(1).

(3) 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.

(4) ANOMALOUS HEALTH INCIDENTS INTERAGENCY COORDINATOR.—

(A) 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 under the President’s designated National Security process—

(I) to coordinate the United States Government’s response to anomalous health incidents;

(II) to coordinate among relevant agencies to ensure equitable and timely access to assessment and care for affected personnel, dependents, and other appropriate individuals; and

(III) to ensure that agencies develop a process described in paragraph (1).

(B) 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 shall not delegate the responsibilities described in clauses (i) through (v) of subparagraph (A).

(5) 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; and

(B) ensure that agencies 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.

(6) 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 any causal relationship 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.

(7) RETENTION OF AUTHORITY.—The appointment of the Interagency Coordinator shall—

(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—
SA 4409. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, military construction, and for defense activities of the Department of Energy, to 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. 1106. OFFICE OF GLOBAL WOMEN'S ISSUES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Office of Global Women's Issues (referred to in this section as the "Office") in the Department of State (referred to in this section as the "Department") should—

(1) be headed by the Ambassador-at-Large for Global Women's Issues, who should be appointed by the President, by and with the advice and consent of the Senate;

(2) coordinate, under the direction of the Secretary of State (referred to in this section as the "Secretary"), the United States foreign policy efforts to promote gender equality and the rights and empowerment of women and girls in United States diplomacy, partnerships, and programs;

(3) work to ensure that efforts to advance gender equality and women's empowerment are fully integrated into the programs, structures, processes, and capacities of all bureaus and offices of the Department and in the international programs of other Federal agencies;

(4) work to ensure that efforts to advance gender equality and women's empowerment are fully integrated into the programs, structures, processes, and capacities of all bureaus and offices of the Department and in the international programs of other Federal agencies;

(5) advise the Secretary and provide input on all activities, policies, programs, and funding relating to gender equality and the advancement of women and girls internationally, and work to coordinate, manage, and fund programs, projects, and activities of the Department and the United States Department of State, and programs, projects, and activities supported or conducted by other Federal agencies;

(6) work to ensure that efforts to advance gender equality and women's and girls' empowerment are fully integrated into the programs, structures, processes, and capacities of all bureaus and offices of the Department and in the international programs of other Federal agencies; and

(7) work to ensure that efforts to advance gender equality and women's and girls' empowerment are fully integrated into the programs, structures, processes, and capacities of all bureaus and offices of the Department and in the international programs of other Federal agencies.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report or provide a briefing to the Committee on Foreign Relations of the Senate and the Committee on Foreign Relations of the House of Representatives regarding the efforts of the Office to carry out the duties described in subsection (a).

SA 4410. Mr. PETERS (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 356. DEPARTMENT OF DEFENSE TRANSPARENCY REGARDING RESEARCH RELATING TO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.

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

(1) support research efforts relating to perfluoroalkyl or polyfluoroalkyl substances; and

(2) establish practices to ensure the timely and complete dissemination of research findings and related data relating to perfluoroalkyl or polyfluoroalkyl substances to the general public.

(b) PUBLICATION OF INFORMATION.—Beginning not later than 30 days after the date of the enactment of this Act, the Secretary shall publish on the publicly available website established under section 331(b) of the National Defense Authorization Act for Fiscal Year 2021 (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 and governmental organizations, or any other entity.

(2) Regularly updated information on research projects supported or conducted by the Department pertaining to the development, testing, and evaluation of a fluorine-free firefighting foam or any other alternative to aqueous film forming foam that contains perfluoroalkyl or polyfluoroalkyl substances.

(3) Regularly updated information on research projects supported or conducted by the Department pertaining to the health effects of perfluoroalkyl or polyfluoroalkyl substances, including information relating to the impact of such substances on firefighters, veterans, and their families.

(4) Regularly updated information on research projects supported or conducted by the Department pertaining to the treatment options for drinking water, ground water, and the safe disposal of perfluoroalkyl or polyfluoroalkyl substances.

(b) Budget information, including specific spending information for the research projects relating to perfluoroalkyl or polyfluoroalkyl substances that are supported or conducted by the Department.

(d) DISAGGREGATION OF INFORMATION.—To the extent applicable, all of the information made published under subsection (b) shall be disaggregated by State, congressional district, component of the Department, military installation name, and military installation type.

(d) FORMAT.—The information published under subsection (b) shall be made available in a downloadable and human-readable, open, and a user-friendly format.

(e) DEFINITIONS.—In this section:

(1) the term "military installation" includes active, inactive, and former military installations.

(2) the term "perfluoroalkyl substance" means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(3) the term "polyfluoroalkyl substance" means a man-made chemical of which all of the carbon atoms are fluorine-free firefighting foam, any other entity.

SA 4411. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1119. WHISTLEBLOWER PROTECTIONS FOR EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Section 2016(c)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking "or" at the end; and

(2) by adding at the end the following:

"(F) alleged violations of paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of section 2852(b), which shall be received, investigated, adjudicated, and subject to judicial review under the procedures, legal burdens of proof, and remedies provided for under this title; or"

(b) CONFORMING AMENDMENTS.—

(1) Section 2852(a)(2)(C) of title 5, United States Code, is amended in the matter preceding clause (1) by inserting "and, in the case of an alleged prohibited personnel practice described under paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of section 2852(b), which shall be received, investigated, adjudicated, and subject to judicial review under the procedures, legal burdens of proof, and remedies provided for under this title, or"

(2) Section 1597 of title 10, United States Code, is repealed.

(3) The table of sections for chapter 81 of title 10, United States Code, is amended by striking the item relating to section 1597.

SA 4412. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 101. COMPETITIVE STATUS FOR CERTAIN EMPLOYEES HIRED BY INVESTIGATORS GENERAL TO SUPPORT THE LEAD IG MISSION.

Section 8L(d)(5) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking "a lead Inspectors General" and inserting "any Inspector General specified in subsection (c) for oversight of"; and
SA 4413. Mr. PETERS (for himself, Mr. Tester, and Mr. Daines) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. Which was ordered to lie on the table; as follows:

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

SEC. 576. RECORD OF MILITARY SERVICE FOR MEMBERS OF THE ARMED FORCES.

(a) STANDARD RECORD OF SERVICE REQUIRED.—Chapter 59 of title 10, United States Code, is amended by adding after section 1168 the following new sections:

"§ 1168a. Discharge or release from active duty: limitations; issuance of record of military service.

"(1) consist of a standardized summary of the service on active duty, inactive duty, annual training, active duty for training, and State active duty in the armed forces of each member who serves in the armed forces;

"(2) be the same document for all members of the armed forces; and

"(3) replace and serve the same function as a discharge certificate or certificate of release from active duty for purposes of section 1108 of this title that is performed as of the date of the enactment of this Act by Department of Defense Policy Directive 1121;

"(c) COORDINATION.—In carrying out this section, the Secretary of Defense shall coordinate with all applicable stakeholders, including the Secretary of Veterans Affairs, in order to ensure that the record of service required by subsection (a) serves as acceptable proof of military service for receipt of applicable benefits under the laws administered by such stakeholders.

(b) ISSUANCE TO MEMBERS OF RESERVE COMPONENTS.—Chapter 59 of such title, as amended by subsection (a), is further amended by inserting after section 1168a the following new section:

"§ 1168b. Record of military service: issuance to members of reserve components

"An up-to-date record of service (as provided for by section 1168a of this title) shall be issued to members of the reserve components of the armed forces by the Secretary of Defense:

"(1) Upon permanent change to duty status (retirement, resignation, Expiration Term of Service, commissioning to officer/warrant officer, or permanent transfer to active duty),

"(2) Upon discharge or release from temporary active duty orders (minimum of 90 days on orders or 30 days for a contingency operation),

"(3) Upon promotion to each grade (starting at O-3 for commissioned officers, W-3 for warrant officers, and E-4 for enlisted members),

"(4) In the case of a member of the National Guard, upon any transfer to the National Guard of another State or territory (commonly referred to as an Interstate Transfer)."

(c) CONFORMING AMENDMENTS RELATED TO CURRENT DISCHARGE CERTIFICATE AUTHORITY.

(1) IN GENERAL.—Subsection (a) of section 1168 of title 10, United States Code, is amended —

(A) by striking "his discharge certificate or certificate of release from active duty, respectively, and his final pay" and inserting "the member's record or military service (as provided for by section 1168a of this title), and the member's final pay"; and

(B) by striking "him or his" and inserting "the member or the member's"

(2) HEARING AMENDMENT.—The heading of such section 1168 is amended to read as follows:

"§ 1168. Discharge or release from active duty: limitations; issuance of record of military service".

(d) Clerical Amendment.—The table of sections at the beginning of chapter 59 of such title is amended by striking the item relating to section 1168 and inserting the following new items:

"1168a. Discharge or release from active duty: limitations; issuance of record of military service.

1168b. Record of military service: issuance to members of reserve components.

SA 4414. Mr. PETERS (for himself, Mr. Tester, Mr. Lankford, Mr. Moran, and Mr. Blunt) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, the State agency of the home State of the member who serves in the armed forces; and veterans service organizations.

"(B) The task force established by subparagraph (A) shall be composed of

(A) The Assistant Secretary for Manpower and Reserve Affairs of each military department;

(B) The Secretary of Veterans Affairs;

(C) The Assistant Secretary of Defense for Health Affairs;

(D) Such other persons as the Chairperson of the Task Force considers appropriate.

"(4) The Chairperson of the Task Force shall be the Deputy Under Secretary of Defense for Personnel and Readiness.

"(d)(A) The Task Force shall develop strategies to increase the efficacy of reviews of discharges and dismissals under this section.

"(B) In carrying out subparagraph (A), the Task Force shall analyze the following:

"(i) The structures and processes used under this section to review discharges and dismissals and how such structures and processes ensure continued modernization of the review of discharges and dismissals under this section.

"(ii) Outreach procedures of the Department of Defense for members of the armed forces and veterans transitioning from service in the armed forces to civilian life.

"(iii) Decision notification policies of the boards established under this section.

"(iv) Department of Defense coordination protocols regarding matters relating to reviews of discharges and dismissals under this section with State veterans agencies, the Department of Veterans Affairs, the Department of Health and Human Services, and veterans service organizations.

"(v) Such other measures as the Task Force considers necessary to ensure continued modernization of the review of discharges and dismissals under section 1553 of title 10, United States Code.

"(5) In this subsection, the term ‘veterans service organization’ means an organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 1553 of such title.

(b) ANNUAL REPORTS.—Section 1553 of such title, as amended by subsections (a) and (b), is further amended by adding at the end the following new subsection:

"(i) The structures and processes used under this section to review discharges and dismissals and how such structures and processes ensure continued modernization of the review of discharges and dismissals under this section.

"(ii) Outreach procedures of the Department of Defense for members of the armed forces and veterans transitioning from service in the armed forces to civilian life.

"(iii) Decision notification policies of the boards established under this section.

"(iv) Department of Defense coordination protocols regarding matters relating to reviews of discharges and dismissals under this section with State veterans agencies, the Department of Veterans Affairs, the Department of Health and Human Services, and veterans service organizations.

"(v) Such other measures as the Task Force considers necessary to ensure continued modernization of the review of discharges and dismissals under section 1553 of such title.
SEC. 6. COMMERCIALIZATION ACTIVITIES IN THE SBIR AND STTR PROGRAMS.

(a) IMPROVEMENTS TO COMMERCIALIZATION SELECTION.

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (g)—

(i) in paragraph (1)(B)(i), by striking "1 year" and inserting "180 days";

(ii) in paragraph (11), by striking "and" at the end;

(iii) in paragraph (12), by striking the period at the end and inserting "; and";

and
(iv) by adding at the end following paragraph (11):—

"(12) with respect to peer review carried out under the STTR program, to the extent practicable, include in the peer review—

"(A) the likelihood of commercialization in addition to scientific and technical merit and feasibility; and

"(B) not less than 1 reviewer with commercialization expertise who is capable of assessing the likelihood of commercialization;"

(b) in subsection (o)—

(i) in paragraph (4)(B)(i), by striking "1 year" and inserting "180 days";

(ii) in paragraph (15), by striking "and" at the end;

(iii) in paragraph (16), by striking the period at the end and inserting "; and";

and
(iv) by adding at the end following paragraph (16):—

"(17) with respect to peer review carried out under the STTR program, to the extent practicable, include in the peer review—

"(A) the likelihood of commercialization in addition to scientific and technical merit and feasibility; and

"(B) not less than 1 reviewer with commercialization expertise who is capable of assessing the likelihood of commercialization;"

(c) in subsection (cc)—

(i) by striking "During fiscal years 2012 through 2022, the National Institutes of Health, the Department of Defense, and the Department of Education" and inserting the following:

"(1) IN GENERAL.—During fiscal years 2022 through 2027, each Federal agency with an SBIR or STTR program; and

(ii) by adding at the end the following:

"(2) LIMITATION.—The total value of awards provided by a Federal agency under this subsection for a fiscal year shall be

"(A) except as provided in subparagraph (B), not more than 10 percent of the total funds allocated to the SBIR and STTR programs of the Federal agency during that fiscal year;

and

"(B) with respect to the National Institutes of Health, not more than 15 percent of the total funds allocated to the SBIR and STTR programs of the National Institutes of Health during that fiscal year.

(d) EXTENSION.—During fiscal years 2026 and 2027, each Federal agency with an SBIR or STTR program may continue phase flexibility as described in this subsection only if the reports required under subsection (t)(1)(V)(B) have been submitted to the appropriate committees;—

(e) in paragraph (15), by striking "application process and requirements" after "and"; and

(f) in paragraph (16), by striking the period at the end and inserting "; and"

and
(g) in paragraph (17), by striking the period at the end and inserting "; and"

and
(h) STAFF.—A small business concern participating in the SBIR or STTR program shall designate a Technology Commercialization Official in the Federal agency, who shall—

(1) have sufficient commercialization experience;

(2) provide assistance to SBIR and STTR program awardees in commercializing and transitioning technologies;

(3) identify SBIR and STTR program technologies with sufficient technology and commercialization readiness to advance to Phase III awards or other non-SBIR or STTR program contracts;

(4) coordinate with the Technology Commercialization Official in the Federal agency to identify additional markets and commercialization pathways for promising SBIR and STTR program technologies;

(5) submit to the Administration an annual report on the number of technologies from the SBIR or STTR program that have advanced commercialization activities, including information required in the commercialization impact assessment under subsection (xx); and

(6) submit to the Administration an annual report on actions taken by the Federal agency, and the results of those actions, to simplify, standardize, and expedite the application process and requirements, procedures, and contracts as required under subsection (hh) and described in subsection (xx)(E); and

and
(i) carry out such other duties as the Federal agency may direct.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives summaries relating to the metrics related to the evaluation of the authority provided under section 9(cc) of the Small Business Act, as amended by subsection (a); which shall include the size and location of the small business concerns receiving awards under the SBIR or STTR program.

(b) IMPROVEMENTS TO TECHNICAL AND BUSINESS ASSISTANCE; COMMERCIALIZATION IMPACT ASSESSMENT; PATENT ASSISTANCE.—

(1) IN GENERAL.—During fiscal years 2022 through 2027, each Federal agency with an SBIR or STTR program shall—

(A) coordinate with the Technology Commercialization Official in the Federal agency to identify additional markets and commercialization pathways for promising SBIR and STTR program technologies;

(B) submit to the Administration an annual report on the number of technologies from the SBIR or STTR program that have advanced commercialization activities, including information required in the commercialization impact assessment under subsection (xx); and

(C) submit to the Administration an annual report on actions taken by the Federal agency, and the results of those actions, to simplify, standardize, and expedite the application process and requirements, procedures, and contracts as required under subsection (hh) and described in subsection (xx)(E); and

(b) REVIEW OF SBIR AND STTR PROGRAMS.—The Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and Entrepreneurship of the House of Representatives shall review the SBIR and STTR programs and provide a report to the House of Representatives summarizing the review.

(c) TECHNICAL ASSISTANCE.—The Committee on Small Business and Entrepreneurship of the House of Representatives shall review the SBIR and STTR programs and provide a report to the House of Representatives summarizing the review.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives summaries relating to the metrics related to the evaluation of the authority provided under section 9(cc) of the Small Business Act, as amended by subsection (a); which shall include the size and location of the small business concerns receiving awards under the SBIR or STTR program.
a Phase II SBIR or STTR award to utilize not more than $50,000 per project, included as part of the award of the recipient or in addition to the amount of the award of the recipient appropriate by the head of the Federal agency, for the services described in paragraph (1)—(i) provided through a vendor selected under paragraph (2)(A); and (ii) provided through a vendor other than a vendor selected under paragraph (2)(A); (iii) achieved through the activities described in paragraph (2)(C); or (iv) provided or achieved through any combination of clauses (i), (ii), and (iii);”; and (D) by adding at the end the following: “(5) TARGETED REVIEW.—A Federal agency may perform targeted reviews of technical and business assistance funding as described in subsection (mm)(1)(F).” and (2) by adding at the end the following: “(ww) I-CORPS PARTICIPATION.— (1) IN GENERAL.—Each Federal agency that is required to conduct an SBIR or STTR program with an Innovation Corps (commonly known as ‘I-Corps’) program shall— (A) provide an option for participation in an I-Corps teams course by recipients of an award under the SBIR or STTR program; and (B) authorize the recipients described in subparagraph (A) to use an award provided under subsection (q) to provide additional technical assistance for participation in the I-Corps teams course. (2) COST OF PARTICIPATION.—The cost of participation by a recipient of an I-Corps teams course by recipients of an award under the SBIR or STTR program shall be— (A) included in the annual report of the Federal agency required under this section; and (B) published on the website of the Administration. (yy) PATENT ASSISTANCE.— (1) DEFINITIONS.—In this subsection— (A) the term ‘I-Corps’ means an I-Corps teams course; (B) the term ‘I-Corps teams course’ means a targeted assistance program, as described in subsection (mm)(1)(F); and (C) the participating teams or other sources as appropriate; or (D) the total number and value of Phase I, Phase II, and Phase III SBIR program awards and Phase I, Phase II, and Phase III STTR program awards. (2) ASSISTANCE.—The Administrator shall enter into an interagency agreement with the USPTO to assist recipients of an award under the SBIR or STTR program (in this paragraph referred to as ‘SBIR and STTR recipients’) related to intellectual property protection through— (A) track one processing, under which the USPTO may— (i) allocate— (I) not less than 5 percent or 500 track one requests, whichever is greater, per year to SBIR and STTR recipients on a first-come, first-served basis; and (II) not more than 2 track one requests to an individual SBIR and STTR recipient; (ii) waive the track one fee requirement for SBIR and STTR recipients; and (B) through the USPTO Patent Pro Bono Program, providing SBIR and STTR recipients— (i) pro bono services if the recipient— (I) had a total gross income of more than $150,000 but less than $5,000,000 in the current calendar year; (II) is not under any obligation to assign the rights to the invention to another entity other than the Federal Government; and (III) has not previously received USPTO pro bono or low bono services; or (ii) low bono services if the recipient— (I) had a total gross income of more than $5,000,000 but less than $10,000,000 in the preceding calendar year, and expects a total gross income of more than $5,000,000 but less than $10,000,000 in the current calendar year; (II) is not under any obligation to assign the rights to the invention to another entity other than the Federal Government; and (III) has not previously received USPTO pro bono or low bono services. (3) OUTREACH.—The Administrator shall coordinate with the USPTO to provide outreach regarding the pro se assistance program and scam prevention services of the USPTO.”
(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 United States, and Canada agreed to the 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. The agreement was 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 onshore gas 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;

(D) seizure of Ukrainian property and citizens, including the November 2018 seizure in the Kerch Strait of three Ukrainian naval vessels by 24 Ukrainian officers on board those vessels.

(13) In July 2018, Secretary of State Michael R. Pompeo issued the Crimean Conquest Declaration, which was reissued in February 2020 on the sixth anniversary of Russia’s illegal occupation of 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 Crimea.

(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, corruption, and internal and external corrupt actors; and

(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 elections in 2019 were “competitive and fundamental free—

(19) In March and April 2021, the Russian Federation massed 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 significant and substantial reforms in an effort to address corruption and more closely align the West, such as slimming and decentralizing its bureaucracy, 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, monitoring and military support to Ukraine’s democratic transition and its fight against Russia-led forces in eastern Ukraine, and also have implemented and maintained robust sanctions 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 the United States Forces in Ukraine (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 contribution to the North Atlantic Treaty Organization (NATO) as an important partner and ally, and an action that was taken in contravention of international law;

(26) to utilize existing sanctions and other actions that deter to curtail Russian malign influence 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.);

(B) the Protecting Europe’s Energy Secu-

rity Act of 2019 (title XIX of 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. 1291. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Ukraine stands as a bulwark against the malign influence of the Russian Federation and the United States support for Ukraine is vital to United States national security and demonstrates the commitment to a world where all nations uphold 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 di-

rectly connected to its efforts to reduce cor-

ruption and build strong democratic institu-

tions that are able to defend against internal and external corrupt actors;

(4) 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

(5) the United States should continue to strongly support Ukraine’s NATO aspirations, includ-

ing by providing conventional military hardware and equipment.

SEC. 1292. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to refuse to recognize the attempted annexation of Crimea by the Russian Federa-

tion, an action that was taken in contravention of international law;

(2) to utilize existing sanctions and other actions that deter to curtail Russian malign influence 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 XIX of Public Law 116–92; 22 U.S.C. 9526 note);

(3) to work with our European allies to co-

ordinate 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 defend and promote 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, for Ukraine and our region's territorial integrity, including its internationally-recognized land borders; and

6) to support democratic, economic, and anti-corruption efforts in Ukraine to enhance 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 commerce and trade, and Ukrainian ports, use of passaportization, 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 bodies to support Ukraine and its reform efforts.

(4) A strategy on how the United States will assist Ukraine in bolstering its diplomatic, economic, and maritime relations 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 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 appropriately classified annexes.

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-European 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, an Special Envoy for Ukraine, who should report to the Assistant Secretary of State for Europe and Eurasia.

(b) COMMUNITY.—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 to address the impact of Russia's growing militarization of the Sea;

(3) coordinate closely with the Chief of Mission in Kyiv;

(4) coordinate with the United States-Europe Working Group on Ukraine established pursuant to section 1295;

(5) coordinate with OSCE Special Monitoring Mission to Ukraine; and

(6) provide the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regular updates and briefings on the status of peace negotiations.

(d) TERMINATION.—The Special Envoy for Ukraine position authorized under subsection (a) shall terminate 5 years after the date of the enactment of this Act.

SEC. 1298. FOREIGN MILITARY FINANCING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is 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) The amount authorized to be appropriated for each fiscal year pursuant to subsection (a) shall be available for obligation until September 30 of the fiscal year following the fiscal year for which appropriated, unless the Secretary of State determines that the Secretary of Defense has taken actions 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.

(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 Secretary of State makes the certification described in this paragraph is a certification by the Secretary of Defense, that the Secretary of Defense, that the Secretary of State, in coordination with the Secretary of Defense, that the Secretary of Defense, that the Secretary of Defense, that the Secretary of Defense, that the Secretary of Defense, shall make 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.

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 in Ukraine.

(2) A description of the diplomatic efforts undertaken by the United States Government to encourage allies to donate 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 to Ukraine. The assistance shall be 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) Ensuring Ukraine's capability and capabilities for joint operations.

(5) Focusing on professional military education, civilian control of the military, and human rights.

(b) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or support pursuant to subsection (a), the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification containing the following elements:

(1) A detailed description of the assistance or support to be provided, including—

(A) the objectives of such assistance or support; and

(B) the budget for such assistance or support;

(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.

(3) SENSE OF CONGRESS.—It is the sense of Congress that assistance provided under this section should—

(1) prioritize the procurement of vessels for the United States 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;

(2) ensure adequate planning for maintenance for any equipment provided.

(4) AUTHORITY TO PROVIDE LETHAL ASSISTANCE.—The Secretary of State is authorized to provide lethal assistance under this section, including anti-tank rocket systems, crew-served weapons and ammunitions, grenade launchers and ammunition, anti-tank weapons systems, anti-ship weapons systems, anti-aircraft weapons systems, and small arms and ammunition.

SEC. 1300. 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 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).
SEC. 1299C. REQUIREMENT FOR AN IMET PROGRAMMING INITIATIVE IN UKRAINE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Ukraine should promptly implement a new 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) STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State will 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 to transition 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 Ministry’s reform efforts in line with NATO standards.

(2) An assessment of the education and training 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.

(3) 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, 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 approach, and not 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 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. Ukraine 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 determines, 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, the United States, 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 systems.

(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, but may contain a classified annex.

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

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

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

SEC. 1299F. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the President for such fiscal years through 2026 for the purposes described in subsection (b) with respect to Ukraine—

(i) $100,000,000; and

(ii) such sums as may be necessary.

(b) USE OF FUNDS.—Amounts appropriated pursuant to subsection (a) may be used—

(1) to support Ukraine’s efforts to engage in the training, war colleges, junior leader development programs, and other flexible solutions to reach such students.

(2) to strengthen Ukraine’s cyber security, cyber resilience and intellectual property enforcement;

(3) 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;

(4) to improve participatory legislative processes in Ukraine, including through—

(A) engagement with members of the Verkhovna Rada; and

(B) training on government oversight, legal education, political transparency and corruption, judicial investments.

(c) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) 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.

(b) DEFINITION.—In this section, the term “sanctions under the Protecting Europe’s Energy Security Act of 2019” means any sanctions under the Protecting Europe’s Energy Security Act of 2019 (title LXV of Public Law 116-92; 22 U.S.C. 9526 note), as amended by section 1242 of the William M. (Mac)

SEC. 1299H. APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subtitle, the term ‘appropriate congressional committees’ means—

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

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

SA 4418. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Risch to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. DEPARTMENT OF STATE REPORT ON PEOPLE REPUBLIC OF CHINA’S UNITED NATIONS PEACEKEEPING EFFORTS.

(a) ANNUAL REPORT.—Not later than January 31 of each year through January 31, 2027, the Secretary of State shall submit to the appropriate congressional committees a report on the People Republic of China’s United Nations peacekeeping efforts.

(b) ELEMENTS.—The report required under subsection (a) shall include an assessment of the People Republic of China’s contributions to United Nations peacekeeping missions, including—

(1) a detailed list of the placement of People Republic of China’s peacekeeping troops;

(2) an estimate of the amount of money that the People’s Republic of China receives from the United Nations for its peacekeeping contributions;

(3) an estimate of the portion of the money the People’s Republic of China receives for its peacekeeping operations and troops that comes from United States contributions to United Nations peacekeeping efforts;

(4) a comparison comparing the locations of People Republic of China’s peacekeeping troops and the locations of “One Belt, One Road” projects; and

(5) an assessment of the number of Chinese United Nations peacekeepers who are part of the People’s Liberation Army or People’s Armed Police, including which rank, divisions, branches, and theater commands.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

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

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

SA 4420. Ms. ROSEN (for herself and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1109. CIVILIAN CYBERSECURITY RESERVES.

(A) DEFINITIONS.—In this section:

(1) AGENCY.—The term ‘Agency’ means the Cybersecurity and Infrastructure Security Agency.

(2) COMPETITIVE SERVICE.—The term ‘competitive service’ has the meaning given in the term in section 2025 of title 5, United States Code.

(3) DIRECTOR.—The term ‘Director’ means the Director of the Agency.

(4) EXCEPTED SERVICE.—The term ‘excepted service’ has the meaning given in the term in section 2105 of title 5, United States Code.

(5) EXECUTIVE AGENT.—The term ‘Executive Agent’ means the Executive Agent of the United States Cyber Command.

(6) SIGNIFICANT INCIDENT.—The term ‘significant incident’—

(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

(i) the national security interests, foreign relations, or economy of the United States; or

(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

(B) does not include an incident or a portion of a group of related incidents that occur—

(i) in a national security system, as defined in section 3532 of title 44, United States Code; or

(ii) an information system described in paragraph (2) or (3) of section 5558(e) of title 44, United States Code.

(7) TEMPORARY POSITIONS.—The term ‘temporary position’ means a position in the competitive or excepted service for a period of 180 days or less.

(B) ELIGIBILITY FOR LOAN PROGRAMS.—The term ‘unified services’ has the meaning given in the term in section 2101 of title 5, United States Code.

(B) ELIGIBILITY FOR LOAN PROGRAMS.—The term ‘unified services’ has the meaning given in the term in section 2101 of title 5, United States Code.

(a) EXECUTIVE AGENT.—The term ‘Executive Agent’ means the Executive Agent of the United States Cyber Command.

(b) PILOT PROJECT.—There is established a pilot project under which—

(1) the Executive Agent, in coordination with the Chief Information Officer of the Department of Defense, shall establish a Civilian Cybersecurity Reserve at the United States Cyber Command in accordance with subsection (c); and

(2) the Director may establish a Civilian Cybersecurity Reserve at the Agency in accordance with subsection (d).

(c) CIVILIAN CYBERSECURITY RESERVE AT THE UNITED STATES CYBER COMMAND.—

(1) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Armed Services of the Senate; and

(iii) the Committee on Appropriations of the Senate;

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

(v) the Committee on Armed Services of the House of Representatives; and

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

(B) PILOT PROJECT.—The term ‘pilot project’ means the pilot project established by subsection (b) with respect to the United States Cyber Command.

(2) PURPOSE.—The purpose of the Civilian Cybersecurity Reserve is to enable the United States Cyber Command to effectively respond to significant incidents.

(3) ALTERNATIVE METHODS.—Consistent with section 4703 of title 5, United States Code, in carrying out the pilot project, the Executive Agent may—

(A) establish qualifications requirements for, recruitment of, and appointment to positions; and

(B) classifying positions.

(4) APPROPRIATIONS.—Under the pilot project, upon occurrence of a significant incident, the Executive Agent—
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(A) may activate members of the Civilian Cybersecurity Reserve by—

(1) noncompetitively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service;

(2) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service; and

(B) shall notify Congress whenever a member is activated under subparagraph (A); and

(C) may appoint not more than 90 members to the Civilian Cybersecurity Reserve under subparagraph (A) at any time.

(5) STATUS AS EMPLOYEES.—An individual appointed under paragraph (4) shall be considered a Federal civil service employee under chapter 43 of title 5, United States Code.

(6) ADDITIONAL EMPLOYEES.—Individuals appointed under paragraph (4) shall be in addition to any employees of the United States Cyber Command who provide cybersecurity services.

(7) EMPLOYMENT PROTECTIONS.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and non-discrimination in reemployment of individuals appointed under paragraph (4), provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 5, United States Code.

(8) STATUS IN RESERVE.—During the period beginning on the date on which an individual is recruited by the United States Cyber Command to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (4), and during any period in between any such appointments, the individual shall not be considered a Federal employee.

(9) ELIGIBILITY; APPLICATION AND SELECTION PROCESS.—

(A) IN GENERAL.—Under the pilot project, the Executive Agent shall establish criteria for—

(i) individuals to be eligible for the Civilian Cybersecurity Reserve; and

(ii) the application and selection processes for the Civilian Cybersecurity Reserve.

(B) APPROPRIATE QUALIFICATIONS.—The criteria established under subparagraph (A)(i) with respect to an individual shall include—

(i) if the individual has previously served as a member of the Civilian Cybersecurity Reserve, that the previous appointment ended not less than 60 days before the individual is recruited for a subsequent temporary position in the Civilian Cybersecurity Reserve; and

(ii) cybersecurity expertise.

(C) PRESCREENING.—The Executive Agent shall—

(i) conduct a prescreening of each individual prior to appointment under paragraph (4) to determine whether the individual meets the qualifications for the position; and

(ii) require each individual appointed under paragraph (4) to notify the Executive Agent of any conflict of interest that would create a conflict of interest; and

(D) AGREEMENT REQUIRED.—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Executive Agent to become such a member, which shall set forth the rights and obligations of the individual and the United States Cyber Command.

(E) EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.—A member of the Selective Service System under title 32, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(F) PROHIBITION.—Any individual who is an employee of the executive branch may not be recruited or appointed to serve in the Civilian Cybersecurity Reserve.

(10) SECURITY CLEARANCES.—

(A) IN GENERAL.—The Executive Agent shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate security clearance and adjudication procedures in accordance with the policies and procedures of the Office of Government Ethics, issue guidance establishing and implementing the pilot project.

(B) IMPLEMENTATION PLAN.—Not later than one year after beginning the study required by section 1730(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283), the Executive Agent shall begin a study of the implementation of the pilot project required by subsection (b)(1), including—

(i) military services, submits the evaluation of resources, including additional funding, necessary to carry out the pilot project; and

(ii) possible penalties for individuals who do not respond to activation when called, in accordance with and procedures set forth under title 5, Code of Federal Regulations; and

(C) BRIEFINGS.—Not later than one year after beginning the study required under subparagraph (A), the Executive Agent shall—

(i) submit to the appropriate congressional committees an implementation plan for the pilot project; and

(ii) provide to the appropriate congressional committees a briefing on activities carried out under the pilot project, including—

(i) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of the workforce, and any barriers to recruitment or retention of members; and

(ii) an evaluation of the ethical requirements for the pilot project; and

(iii) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the United States Cyber Command during significant incidents; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(B) REPORT.—Not earlier than 180 days and not more than 90 days before the date on which the pilot project terminates under subsection (e), the Executive Agent shall submit to the appropriate congressional committees a report and provide a briefing on recommendations relating to the pilot project, including recommendations for—

(i) whether the pilot project should be modified, extended in duration, or established as a permanent program, and if so, an appropriate scope for the program; and

(ii) how to attract participants, ensure a diverse pool of participants, and mitigate the barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve;

(iii) the ethical requirements of the pilot project and the effectiveness of mitigation efforts to address any conflict of interest concerns; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(13) BRIEFINGS AND REPORT.—Not later than three years after the Civilian Cybersecurity Reserve is established under subsection (b)(1), the Director, Office of Personnel Management of the United States shall—

(A) conduct a study evaluating the pilot project; and

(B) submit to Congress—

(i) a report on the results of the study; and

(ii) a recommendation with respect to whether the pilot project should be modified.

(C) CIVILIAN CYBERSECURITY RESERVE AT THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) DEFINITIONS.—In this subsection—

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Appropriations of the Senate.

(B) CIVILIAN CYBERSECURITY RESERVE.—The term ‘‘Civilian Cybersecurity Reserve’’ means the Civilian Cybersecurity Reserve at the agency established under subsection (b)(2).

(C) PILOT PROJECT.—The term ‘‘pilot project’’ means the pilot project established by subsection (b) with respect to the Agency.

(2) PURPOSE.—The purpose of a Civilian Cybersecurity Reserve is to enable the Agency to effectively respond to significant incidents.

(3) ALTERNATIVE METHODS.—Consistent with section 4703 of title 5, United States Code, in carrying out the pilot project, the Director may, without prior authorization from the Office of Personnel Management, provide for alternative methods of—

(A) establishing qualifications requirements for the recruitment of, and appointment to positions; and

(B) classifying positions.
(4) APPOINTMENTS.—Under the pilot project, upon occurrence of a significant incident, the Director—
(A) may activate members of the Civilian Cybersecurity Reserve by—
(i) noncompetitively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service; or
(ii) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service;
(B) may activate Civilians Reserve whenever a member is activated under subparagraph (A); and
(C) may appoint not more than 30 members to the Civilian Cybersecurity Reserve under section 2105 of title 5, United States Code.
(5) STATUS AS EMPLOYEES.—An individual appointed under paragraph (4) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code.
(6) ADDITIONAL EMPLOYERS.—Individuals appointed under paragraph (4) shall be in addition to any employees of the Agency who provide cybersecurity services.
(7) EMPLOYMENT PROTECTIONS.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and non-discrimination in reemployment of individuals appointed under paragraph (4), provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.
(8) STATUS IN RESERVE.—During the period beginning on the date on which an individual is recruited by the Agency to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (4), and during any period in between the two appointments, the individual shall not be considered a Federal employee.
(9) ELIGIBILITY; APPLICATION AND SELECTION.—
(A) IN GENERAL.—Under the pilot project, the Director shall establish criteria for—
(i) individuals to be eligible for the Civilian Cybersecurity Reserve; and
(ii) the application and selection processes for the Civilian Cybersecurity Reserve.
(B) REQUIREMENTS FOR INDIVIDUALS.—The criteria established under subparagraph (A)(i) with respect to an individual shall include—
(i) previous employment—
(I) by the executive branch;
(II) within the uniformed services;
(III) as a Federal contractor within the executive branch;
(IV) by a State, local, Tribal, or territorial government;
(ii) if the individual has previously served as a member of the Civilian Cybersecurity Reserve, that the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve; and
(iii) cybersecurity expertise.
(C) PRESCREENING.—The Director shall—
(i) conduct a prescreening of each individual prior to appointment under paragraph (4) for any topic or product that would create a conflict of interest; and
(ii) notify each individual appointed under paragraph (4) to notify the Director if a potential conflict of interest arises during the appointment.
(D) AGREEMENT REQUIRED.—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Director to become familiar with the policies, the rights and obligations of the individual and the Agency.
(E) EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.—A member of the Selected Reserve under section 10124 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.
(F) PRIORITY.—In appointing individuals to the Civilian Cybersecurity Reserve, the Director shall prioritize the appointment of individuals who—
(i) have previous experience in the United States military services, including active duty; and
(ii) have previous experience in the uniformed services.
(G) SECURITY CLEARANCE.—Any individual who is an employee of the executive branch may not be appointed to serve in the Civilian Cybersecurity Reserve under subparagraph (A) at any time.
(10) SECURITY CLEARANCES.—
(A) IN GENERAL.—The Director shall ensure that all members of the Civilian Cybersecurity Reserve have access to the appropriate personnel vetting and adjudication commensurate with the duties of the position, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and authorities.
(B) COST OF SPONSORING CLEARANCES.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out the duties of the member, the Agency shall be responsible for the cost of sponsoring the security clearance of the member.
(11) STUDY AND IMPLEMENTATION PLAN.—
(A) STUDY.—Not more than 60 days after the date of the enactment of this Act, the Director shall begin a study on the design and implementation of the pilot project, including—
(i) compensation and benefits for members of the Civilian Cybersecurity Reserve;
(ii) activities that members may undertake as part of their appointment;
(iii) methods for identifying and recruiting members, including alternatives to traditional qualifications requirements;
(iv) methods for preventing conflicts of interest or other ethical concerns as a result of participation in the pilot project and details of mitigation efforts to address any conflict of interest concerns;
(v) resources, including additional funding, needed to carry out the pilot project;
(vi) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and
(vii) processes and requirements for training and onboarding members.
(B) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees an implementation plan for the pilot project and the effectiveness of mitigation efforts to address any conflict of interest concerns; and
(C) SUNSET.—The pilot project established by subsection (b)(2) shall terminate on the date that is four years after the date of the enactment of this Act.
(12) PROJECT GUIDANCE.—If the Director establishes the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members; and
(13) BRIEFINGS AND REPORT.—Not earlier than 180 days and not later than 90 days before the date on which the pilot project terminates under subsection (e), the Director shall submit to the appropriate congressional committees a report and provide a briefing on recommendations relating to the pilot project, including recommendations for—
(i) whether the pilot project should be modified, extended in duration, or established as a permanent program; and
(ii) how to attract participants, ensure a diversity of participants, and address any barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve.
(14) EVALUATION.—Not later than three years after the Civilian Cybersecurity Reserve is established under subsection (b)(2), the Comptroller General of the United States shall—
(A) conduct a study evaluating the pilot project; and
(B) submit to Congress—
(i) a report on the results of the study; and
(ii) a recommendation with respect to whether the pilot project should be modified, extended in duration, or established as a permanent program.
(E) SUNSET.—The pilot project established by subsection (b)(2) shall terminate on the date that is four years after the date of the enactment of this Act.
(1) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated for the purpose of carrying out this section.
(2) EXISTING AUTHORIZED AMOUNTS.—Funds to carry out this section may, as provided in advance in appropriations Acts, only come from amounts authorized to be appropriated to—
(A) the United States Cyber Command, with respect to the Civilian Cybersecurity Reserve; the United States Cyber Command established under section 212; and
(B) the Agency, with respect to the Civilian Cybersecurity Reserve at the Agency established under subsection (b)(2).
SA 4421. Mr. PETERS (for himself, Mr. PORTMAN, Mr. WARNER, and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for
other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

At the appropriate place, insert the following:

SA 4422. Mr. INHOFE (for Mr. ROUNDS (for himself, Mr. Luján, Mr. THUNE, Mr. RUBIO, Mr. SULLIVAN, Mr. INHOFE, Mr. CRAMER, Mr. DAINES, Mr. CASSIDY, Mr. MORAN, Mr. KELLY, Ms. KLOBUCHAR, Mr. PADILLA, and Ms. SINEMA)) submitted an amendment intended to be proposed to amendment SEC. 4662(a) of the (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(2)) is amended—

(a) DEFINITIONS.—Section 9901(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(2)) is amended—

1. by inserting “production,” before “or research and development”; and

2. by striking “semiconductors,” and inserting “of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment.”;

(b) SEMICONDUCTOR INCENTIVES.—Section 9902(a) of the (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652(a)) is amended—

1. in paragraph (1)—

(A) by striking “for semiconductor fabrication” and inserting “for the fabrication”;

(B) by inserting “production,” before “or research and development”; and

(C) by striking the period at the end and inserting “of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment.”; and

2. in paragraph (2), by striking “used for” and inserting “used for”;

3. by striking “businesses” and inserting “businesses”;

4. by striking “of” and inserting “of”;

5. by striking “production,” before “or research and development”; and

6. by striking “for” and inserting “for”.


1. by inserting “production,” before “or research and development”; and

2. by striking “semiconductors,” and inserting “of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment.”;

b) by inserting “production,” before “or research and development”; and

c) by striking the period at the end and inserting “of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment.”;

(c) SEC. 4662(a) of the (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652(a)) is amended—

1. in paragraph (1)—

(A) by striking “for semiconductor fabrication” and inserting “for the fabrication”;

(B) by inserting “production,” before “or research and development”; and

(C) by striking the period at the end and inserting “of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment.”; and

2. in paragraph (2), by striking “used for” and inserting “used for”;

3. by striking “businesses” and inserting “businesses”;

4. by striking “of” and inserting “of”;

5. by striking “production,” before “or research and development”; and

6. by striking “for” and inserting “for”.

(d) At the appropriate place, insert the following:


(a) In General.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following:

"CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

"Sec.

150401. Organization.

150402. Purposes.

150403. Membership.

150404. Board of directors.

150405. Officers.

150406. Nondiscrimination.

150407. Powers.

150408. Exclusive right to name, seals, emblems, and badges.

150409. Restrictions.

150410. Duty to maintain tax-exempt status.

150411. Records and inspection.

150412. Service of process.

150413. Liability for acts of officers and agents.

150414. Failure to comply with requirements.

150415. Annual report.

150417. Property acquired.

150421. Membership.

150422. Duty to maintain tax-exempt status.

150423. Records and inspection.

150424. Service of process.

150425. Liability for acts of officers and agents.

150426. Failure to comply with requirements.

"(a) IN GENERAL.—The corporation shall have the sole and exclusive right to use the names 'National American Indian Veterans Incorporated' and 'National American Indian Veterans', and such seals, emblems, and badges as the corporation may lawfully adopt.

(b) EFFECT.—Nothing in this section interferes with any established vested rights.

150409. Restrictions.

(a) STOCK AND DIVIDENDS.—The corporation may not—

1. issue any shares of stock; or

2. declare or pay any dividends.

(b) DISTRIBUTION OF INCOME OR ASSETS.—

1. IN GENERAL.—The income or assets of the corporation may not—

(A) inure to any person who is a member, officer, or director of the corporation; or

(B) be distributed to any person during the life of the charter granted by this chapter.

2. EFFECT.—Nothing in this subsection prevents the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

(c) LOANS.—The corporation may not make any loan to any officer, director, member, or employee of the corporation.

(d) NO FEDERAL ENDORSEMENT.—The corporation may not claim Federal or Federal Government authority by virtue of the charter granted by this chapter for any of the activities of the corporation.

150410. Duty to maintain tax-exempt status.

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986.

150411. Records and inspection.

(a) RECORDS.—The corporation shall keep—

1. correct and complete books and records of accounts;

2. minutes of any proceeding of the corporation involving any member of the corporation in his capacity as such a member;

3. at the principal office of the corporation, a record of the names and addresses of all members of the corporation having the right to vote.

(b) INSPECTION.—

1. IN GENERAL.—All books and records of the corporation may be inspected by any member having the right to vote, or by any attorney or attorney of such a member, for any proper purpose, at any reasonable time.

2. EFFECT.—Nothing in this section contravenes—

(a) the laws of the jurisdiction under which the corporation is incorporated; or

(b) the laws of those jurisdictions within the United States and its territories within which the corporation carries out activities in furtherance of the purposes of the corporation.

150412. Service of process.

With respect to service of process, the corporation shall comply with the laws of—

1. the jurisdiction under which the corporation is incorporated; and

2. those jurisdictions within the United States and its territories within which the corporation carries out activities in furtherance of the purposes of the corporation.

150413. Liability for acts of officers and agents.

The corporation shall be liable for the acts of the officers and agents of the corporation acting within the scope of their authority.

150414. Failure to comply with requirements.

If the corporation fails to comply with any of the requirements of this chapter, including the requirement under section 150410.
to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

*§ 150415. Annual report

"(a) IN GENERAL.—The corporation shall submit to Congress an annual report describing the activities of the corporation during the preceding fiscal year.

"(b) SUBMITTAL DATE.—Each annual report under this section shall be submitted at the same time as the report of the audit of the corporation required by section 10101.(b).

"(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1503 the following:

"1504. National American Indian Veterans, Incorporated ..............150401".

SA 4423. Mr. INHOFE (for Mr. ROUNDS (for himself and Mr. MANCHIN)) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. MODIFICATION OF POSITION OF PRINCIPAL CYBER ADVISOR.**

(a) DESIGNATION OF PRINCIPAL CYBER ADVISOR.—Paragraph (1) of section 932(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2224 note) is amended to read as follows:

"(1) DESIGNATION.—(A) The Secretary shall designate, from among the personnel of the Office of the Under Secretary of Defense for Policy, a Principal Cyber Advisor to act as the principal advisor to the Secretary on national security matters involving cybersecurity; and

"(B) The Secretary may only designate an official under this paragraph if such official was assigned to the Office of the Under Secretary of Defense for Policy, a Principal Cyber Advisor to act as the principal advisor to the Secretary on national security matters involving cybersecurity; and

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—Section 932(c)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 391 note) is amended by striking "Secretary of Defense" and inserting "Under Secretary of Defense for Policy".

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on such recommendations as the Deputy Secretary may have for alternate reporting structures for the Principal Cyber Advisor and the Deputy Principal Cyber Advisor within the Office of the Secretary of Defense.

SA 4424. Mr. INHOFE (for Mr. ROUNDS (for himself, Mr. MANCHIN, and Mr. KING)) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. PAYMENT OF P&T ALLOWANCES OF CERTAIN OFFICERS FROM APPROPRIATION FOR IMPROVEMENTS.**

Section 36 of the Act of August 10, 1956 (70A Stat. 634, chapter 1014; 33 U.S.C. 585a, is amended—

"(1) by striking "Regular officers of the Corps of Engineers, the Army, and reserve officers of the Corps of Engineers," and inserting the following:

"(1) Regular officers of the Corps of Engineers of the Army.

"(2) The following members of the Army who are assigned to the Corps of Engineers:

"(A) Reserve component officers.

"(B) Warrant officers (whether regular or reserve component)."

"(C) Enlisted members (whether regular or reserve component)."

SA 4425. Mr. REED (for himself, Mr. SULLIVAN, Mr. SASSÉ, Ms. ERNST, Mrs. SHAHEEN, Ms. HIRONO, and Mr. ROMNEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1216. SPECIAL IMMIGRANT STATUS FOR NATIONALS OF AFGHANISTAN EMPLOYED THROUGH A COOPERATIVE AGREEMENT WITH THE UNITED STATES GOVERNMENT.**

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

"(1) the United States recognizes the immense contributions of Afghans who worked, through cooperative agreements, grants, and nongovernmental organizations in Afghanistan, in support of the United States mission to advance the causes of democracy, human rights, and the rule of law in Afghanistan;

"(2) due to the close association of such nationals of Afghanistan with the United States, their lives are at risk; and

"(3) such nationals of Afghanistan should be provided with special immigrant status under the Afghan Allies Protection Act of 2009 (9 U.S.C. 1101 note; Public Law 111-8).

(b) SENSE OF CONGRESS.—In the matter preceding paragraph (1), by striking "the United States mission to advance the causes of democracy, human rights, and the rule of law in Afghanistan;" and inserting "the United States mission to advance the causes of democracy, human rights, and the rule of law in Afghanistan;" and

"(2) due to the close association of such nationals of Afghanistan with the United States, their lives are at risk; and

"(3) such nationals of Afghanistan should be provided with special immigrant status under the Afghan Allies Protection Act of 2009 (9 U.S.C. 1101 note; Public Law 111-8).

SA 4427. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3157. UNIVERSITY-BASED NUCLEAR NON-PROLIFERATION COLLABORATION PROGRAM.**

(a) IN GENERAL.—Title XLIII of the Atomic Energy and National Defense Act (96 U.S.C. 2566 et seq.) is amended by adding at the end the following new section:

"SEC. 4312. UNIVERSITY-BASED NUCLEAR NON-PROLIFERATION COLLABORATION PROGRAM.

“(a) PROGRAM.—The Administrator shall—...
“(1) establish a program to develop a policy research consortium of institutions of higher education and nonprofit entities in support of implementing and innovating the defense nonproliferation programs of the Administration; and

“(2) execute such program in a manner similar to the program established under subsection (a).";

“(b) PURPOSES.—The purposes of the consortium established under subsection (a) are as follows:

“(1) To inform the formulation and application of policy through the conduct of research and analysis regarding defense nuclear nonproliferation programs;

“(2) To maintain open-source databases on issues relevant to understanding defense nuclear nonproliferation, arms control, and nuclear security;

“(3) To facilitate the collaboration of research centers of excellence regarding defense nuclear nonproliferation to better distribute expertise to specific issues and scenarios regarding to nuclear nonproliferation, arms control, and nuclear security.

“(c) DUTIES.—

“(1) SUPPORT.—The Administrator shall ensure that the consortium established under subsection (a) provides support to individuals described in paragraph (2) through the use of nongovernmental fellowships, scholarships, research internships, workshops, short courses, summer schools, and research grants.

“(2) INDIVIDUALS DESCRIBED.—Individuals described in this paragraph are graduate students, academics, and policy specialists, who are focused on defense innovation related to—

“(A) defense nuclear nonproliferation;

“(B) arms control;

“(C) nuclear deterrence;

“(D) foreign nuclear programs;

“(E) nuclear safeguards and security; or

“(F) educating and training individuals interested in the study of defense nuclear nonproliferation policy.

“(d) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4311 the following new item:

“Sec. 4312. University-based nuclear nonproliferation collaboration program.”

SA 4428. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 4428. ASSISTANCE IN THE TRANSITION OF A CERTAIN HOSPITAL TO A MEDICARE RURAL EMERGENCY HOSPITAL.**

(a) **SPECIAL RULE.—**In the case of a critical access hospital in section 1861(mm) of the Social Security Act (42 U.S.C. 1395x(mm)) with a Centers for Medicare & Medicaid Services certificate number of 371338, the following shall apply:

“(1) Pursuant to the June 11, 2021, Centers for Medicare & Medicaid Services letter sent to the critical access hospital—

“(A) the Secretary of Health and Human Services (referred to in this section as the ‘Secretary’), if the Secretary has had adequate time to conduct a determination with respect to such request.

“(B) the Secretary of Health and Human Services shall have 19.7 months to make the determination with respect to such request.

“The Secretary shall ensure that the proposed and final rule required under paragraph (1) contain a description of the additional information that will be the subject of the determination made under paragraph (1) of section 1861(EEE)(4) of the Social Security Act (42 U.S.C. 1395x(EEE)(4)).

“SA 4430. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

**SEC. 4430. EDUCATION PROGRAM TO SUPPORT PRIMARY HEALTH SERVICE FOR UNDERSERVED POPULATIONS.**

(a) **FINDINGS.—**Congress finds the following:

“(1) Access to high quality primary care is associated with improved health outcomes and lower health care costs.

“(2) Substantial disparities exist in the distribution of primary care providers.

“(3) Shortages of health care providers affect Tribal, rural, and medically underserved communities more than the populations of more densely populated areas, resulting in such communities experiencing significant health challenges and disparities.

“(4) American Indian, Alaska Native, and Native Hawaiians tend to have lower health status, lower life expectancy, and disproportionate disease burden when compared to other Americans.

“(5) Having training experiences in, living among, and being a member of Tribal, rural, and medically underserved communities increases cultural awareness and can influence career choice for physicians to better serve such populations.

“(6) Research shows there is a relationship between the characteristics of a physician and the eventual practice location, including being part of an underrepresented minority or being part of a rural population.

“(b) **ESTABLISHMENT OF PROGRAM.—**Part B of title VII of the Public Health Service Act (42 U.S.C. 205 et seq.) is amended by adding at the end the following:

“SEC. 742. EDUCATION PROGRAM TO SUPPORT PRIMARY HEALTH SERVICE FOR UNDERSERVED POPULATIONS.

“(a) **ESTABLISHMENT.—**The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a new program to award grants to public institutions of higher education located in a covered State to carry out the activities described in subsection (b) for the purposes of—

“(1) expanding and supporting education for medical students who are preparing to become physicians in a covered State; and

“(2) preparing and encouraging each such student training in a covered State to serve Tribal, rural, or medically underserved communities as a primary care physician after completing such training.

“(b) **ELIGIBILITY.—**In order to be eligible to receive a grant under this section, a public institution of higher education shall submit an application to the Secretary that includes—

“(1) a certification that such institution will report amounts provided to the institution to carry out the activities described in subsection (d); and
"(2) a description of how such institution will carry out such activities.

"(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to public institutions of higher education that—

"(1) are located in a State with not fewer than 2 federally recognized Tribes; and

"(2) demonstrate a public-private partnership.

"(d) AUTHORIZED ACTIVITIES.—An eligible entity that receives a grant under this section shall use the funds made available under such grant to carry out the following activities:

"(1) Support or expand community-based experiences, including with medical students who will practice in or serve Tribal, rural, and medically underserved communities.

"(2) Develop and operate programs to train primary care students in primary care services.

"(3) Develop and implement curricula that—

"(A) includes a defined set of clinical and community-based training activities that emphasize care for Tribal, rural, or medically underserved communities;

"(B) is applicable to primary care practice with medical students from Tribal, rural, or medically underserved communities;

"(C) identifies and addresses challenges to health care delivery in communities in need of Tribal, rural, and medically underserved communities;

"(D) supports the use of teledhealth technologies and practices;

"(E) considers social determinants of health in care planning;

"(F) integrates behavioral health care into primary care practice, including prevention and treatment of opioid disorders and other substance use disorders;

"(G) promotes interprofessional training that supports a patient-centered model of care; and

"(H) builds cultural and linguistic competency.

"(4) Increase the capacity of faculty to implement the curricula described in paragraph (3).

"(5) Develop or expand strategic partnerships to improve health outcomes for individuals from Tribal, rural, and medically underserved communities, including with—

"(A) federally recognized Tribes, Tribal colleges, and universities;

"(B) Federally-qualified health centers;

"(C) rural health clinics;

"(D) Indian health programs;

"(E) primary care delivery sites and systems; and

"(F) other community-based organizations.

"(6) Develop a plan to track graduates' chosen specialties for residency and the States in which such residency programs are located.

"(7) Develop, implement, and evaluate methods to improve recruitment and retention of medical students from Tribal, rural, and medically underserved communities.

"(8) Train and support instructors to serve Tribal, rural, and medically underserved communities.

"(9) Prepare medical students for transition into primary care residency training and future practice.

"(10) Provide scholarships to medical students.

"(e) GRANT PERIOD.—A grant under this section shall be awarded for a period of not more than 5 years.

"(f) GRANT AMOUNT.—Each fiscal year, the amount of a grant made to a public institution of higher education under this section shall be in amount that is not less than $1,000,000.

"(g) MATCHING REQUIREMENT.—Each public institution of higher education that receives a grant under this section shall provide, from non-Federal sources, an amount equal to any portion of the total amount of Federal funds provided to the institution each fiscal year during the period of the grant (which may be provided in cash or in kind).

"(h) DEFINITIONS.—In this section:

"(1) COVERED STATE.—The term 'covered State' means a State that is in the top quartile of states ranked by demand for primary care providers, as determined by the Secretary.

"(2) FEDERALLY QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given such term in section 1905(c)(2)(B) of the Social Security Act.

"(3) INDIAN HEALTH PROGRAM.—The term 'Indian health program' has the meaning given such term in section 4 of the Indian Health Care Improvement Act.

"(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 1001 of the Higher Education Act of 1965, provided that such institution is public in nature.

"(5) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' has the meaning given such term in section 799B.

"(6) RURAL HEALTH CLINIC.—The term 'rural health clinic' has the meaning given such term in section 1861(aa) of the Social Security Act.

"(7) RURAL POPULATION.—The term 'rural population' means the population of a geographical area located—

"(A) in a non-metropolitan county; or

"(B) in a metropolitan county designated as rural by the Director of the Health Resources and Services Administration.

"(8) TRIBAL POPULATION.—The term 'Tribal population' means the population of any Indian Tribe recognized by the Secretary of the Interior pursuant to section 104 of the Indian Health Care Improvement Act.

"(9) TRIBAL HEALTH CENTER.—The term 'Tribal health center' has the meaning given such term in section 1905(c)(2)(B) of the Social Security Act.
(1) Identification and designation of relevant personnel within the United States Government with expertise relevant to the objectives specified in subsection (a), including personnel from (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; (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 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; 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) Negotiations, 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 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 mechanisms of cooperation with local public and private sector officials and entities. 

(6) REPORTS REQUIRED.—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 mission of the pilot program, the personnel and institutions involved, and the degree to which the program incorporates the elements described in subsection (a). 

(7) 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. 

(8) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex. 

(9) DECISION OF AN ECONOMIC CRISIS REQUIRED.—

(1) NOTIFICATION.—The President may activate an economic defense response team for a period of 180 days 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.

(3) SUNSET.—The authorities provided under this section shall expire on December 31, 2026.
"SEC. 342. NATIONAL SECURITY EXCLUSION FOR ARTICLES OR COMPONENTS OF ARTICLES THAT CONTAIN, WERE PRODUCED USING, BENEFIT FROM, OR USE TRADE SECRETS MISAPPROPRIATED OR IMPORTED USING IMPROPER MEANS BY A FOREIGN AGENT OR FOREIGN INSTRUMENTALITY.

"(a) In General.—Upon a determination under subsection (c)(1), and subject to the procedures required under subsection (d), the Commission shall direct the exclusion from the United States of, on the basis of national security, imports of articles that contain, were produced using, benefit from, or use any trade secret acquired through improper means by a foreign agent or foreign instrumentality (in this section referred to as a ‘covered article’).

"(b) Interagency Committee on Trade Secrets.—

"(1) In General.—There is established an Interagency Committee on Trade Secrets (in this section referred to as the ‘Committee’) to carry out the review and submission of allegations under paragraph (5) and such other duties as the President may designate necessary to carry out this section.

"(2) Membership.—(A) In General.—The Committee shall be comprised of the following voting members (or the designee of any such member):

(i) The Secretary of Homeland Security.

(ii) The Secretary of Commerce.

(iii) The Attorney General.

(iv) The Intellectual Property Enforcement Coordinator.

(v) The United States Trade Representative.

(vi) The head of such other Federal agency or other executive office as the President determines appropriate, generally or on a case-by-case basis.

(B) Director of National Intelligence.—

"(1) In General.—The Director of National Intelligence shall serve as an ex officio, non-voting member of the Committee.

"(2) Notice.—The Director of National Intelligence shall be provided with all notices received by the Committee regarding allegations under paragraphs (1) through (3) but shall serve no policy role on the Committee other than to provide analysis unless serving on the Committee under subparagraph (A).

"(3) Duties.—The Attorney General shall serve as the Chairperson of the Committee.

"(4) Meetings.—The Committee shall meet upon request of the President or upon the call of the chairperson, without regard to section 552b of title 5, United States Code (if otherwise applicable).

"(5) Unfair Trade Practice Review.—The Committee—

"(A) shall review upon complaint under oath by the owner of a trade secret or on its own initiative any exclusion order under subsection (b)(5), and shall serve no policy role on the Committee other than to provide analysis unless serving on the Committee under subparagraph (A); and

"(B) shall, if the Committee decides to proceed with such an action, submit to the Commission a report including those allegations.

"(c) Ex Parte Preliminary Review, Investigation, and Determination.—

"(1) Ex Parte Preliminary Review.—Not later than 30 days after receipt of an allegation contained in a report under subsection (b)(5), the Committee, or the Commission, shall concur a confidential, ex parte, preliminary review to determine whether a covered article is more likely than not a covered article.

"(2) Investigation.—

"(A) In General.—Not later than 105 days after an affirmative determination under paragraph (1), the Commission shall conduct an ex parte investigation, which may include a hearing at the discretion of the Commission, to consider if that determination should be extended under paragraph (3).

"(B) Analysis by Director of National Intelligence.—

"(1) In General.—As part of an investigation conducted under subparagraph (A) with respect to an article, the Director of National Intelligence at the request of the Commission, shall expeditiously carry out a thorough analysis of an article and shall incorporate the views of appropriate intelligence agencies with respect to the allegation.

"(2) Timing.—Not later than 20 days after the date on which the Commission begins an investigation under subparagraph (A), the Director of National Intelligence shall submit to the Commission the analysis requested under clause (1).

"(i) Supplementation or Amendment.—Any analysis submitted under clause (1) may be supplemented by the Director of National Intelligence considers necessary or appropriate or upon request by the Commission for additional information.

"(ii) Beginning of Analysis Before Investigation.—The Director of National Intelligence may begin an analysis under clause (1) of an allegation contained in a report submitted before investigation by the Commission of the allegation under subparagraph (A), in accordance with applicable law.

"(3) Extension, Modification, or Termination.—

"(A) In General.—The Commission, at its sole discretion, may extend, modify, or terminate a determination under paragraph (1) for good cause and as necessary and appropriate, as determined by the Commission and based on the findings of the investigation conducted under paragraph (2).

"(B) Reconsideration.—The Commission shall reconsider any extension, modification, or termination under subparagraph (A) of a determination under paragraph (1) upon request in writing from the Committee.

"(4) Consideration.—In conducting a preliminary review under paragraph (2) with respect to an article, the Commission may consider the following:

"(A) whether the article contains, was produced using, benefits from, or use any trade secret acquired through improper means or misappropriated by a foreign agent or foreign instrumentality.

"(B) the national security and policy interests of the United States, as established by the Committee for purposes of this section.

"(5) Disclosure of Confidential Information.—

"(A) In General.—Information submitted to the Commission or exchanged among the interested persons in connection with a preliminary review under paragraph (1) or an investigation under paragraph (2), including by the owner of the trade secret with respect to which the review or investigation is connected, may not be disclosed (except under a protective order issued under subparagraphs (C) of this section that authorizes limited disclosure of such information) to any person other than a person described in subparagraph (B).

"(B) Exception.—Notwithstanding the prohibition under subparagraph (A), information described in that subparagraph may be disclosed to—

"(i) an officer or employee of the Commission who is directly concerned with—

"(i) carrying out the preliminary review, investigation, or related proceeding in connection with which the information is submitted;

"(ii) the administration or enforcement of a national security exclusion order issued under subsection (d);

"(iii) a proceeding for the modification or rescission of a national security exclusion order issued under subsection (d); or

"(iv) maintaining the administrative record of the preliminary review, investigation, or related proceeding in connection with which the information is submitted.

"(6) Publication of Results.—Not later than 30 days after a determination under paragraph (1) or an extension under paragraph (3), the Commission shall publish notice of the determination or extension, as the case may be, in the Federal Register.

"(7) Designation of Lead Agency from Committee.—

"(A) In General.—The Attorney General shall designate, as appropriate, a Federal agency represented on the Committee to be the lead agency or agencies on behalf of the Committee for each action under paragraphs (1) through (3).

"(B) Duties.—The duties of the lead agency or agencies designated under paragraph (A), with respect to an action under paragraphs (1) through (3), shall include assisting in the action and coordinating activity between the Committee and the Commission.

"(8) Consultation.—

"(A) In General.—In conducting an action under paragraphs (1) through (3), the Commission shall consult with the heads of such other Federal agencies (or their designees) as the Commission determines appropriate on the basis of the facts and circumstances of the action.

"(B) Cooperation.—The heads of Federal agencies consulted under paragraph (A) may designate for an action, and the agency or agencies designated under paragraph (A), shall cooperate with the Commission in conducting the action, including by—

"(i) producing documents and witnesses for testimony; and

"(ii) assisting with any complaint or report or any analysis by the Committee.

"(C) Ex Parte Preliminary Review, Investigation, and Determination.—

"(1) Ex Parte Preliminary Review.—Not later than 30 days after receipt of an allegation contained in a report under subsection (b)(5), the Committee, or the Commission, shall conduct a confidential, ex parte, preliminary review to determine whether a covered article is more likely than not a covered article.

"(2) Investigation.—

"(A) In General.—If the Commission determines under subsection (c)(1) that it is more
likely than not that an article to be imported into the United States is a covered article, not later than 30 days after receipt of the allegation described in that subsection with respect to that determination, the Commission shall—

(1) issue an order directing that the article concerned be excluded from entry into the United States under subsection (c)(1)(A) of this section;

(2) notify the President of that determination.

(2) PRESIDENTIAL REVIEW.—If, before the end of the 30-day period beginning on the day after the date on which the President is notified under paragraph (1) of the determination of the Commission under subsection (c)(1)(A) of this section, the President disapproves of that determination and notifies the Commission of that disapproval, effective on the date of notice that determination shall have no force or effect.

(3) EXCLUSION OF COVERED ARTICLES.—

(A) Notification.—Upon expiration of the 30-day period described in paragraph (2), or notification from the President of approval of the determination of the Commission under subsection (c)(1)(A) before the expiration of that period, the Commission shall notify the Secretary of the Treasury and the Secretary of Homeland Security of its action under subsection (a) to direct the exclusion of covered articles from entry.

(B) Notice.—Upon receipt of notice under subparagraph (A) regarding the exclusion of covered articles from entry, the Secretary of the Treasury and the Secretary of Homeland Security shall refuse the entry of those articles.

(4) CONTINUATION IN EFFECT.—Any exclusion from entry of covered articles under subsection (a) shall continue in effect until the determination—

(A) determines that the conditions that led to such exclusion from entry do not exist;

(B) notifies the Secretary of the Treasury and the Secretary of Homeland Security of that determination.

(5) MODIFICATION OR REJECTION.—

(A) IN GENERAL.—An interested person may petition the Commission for a modification or rescission of an exclusion order issued under subsection (a) with respect to covered articles only after an affirmative extension of the order is issued under subsection (c) in accordance with the procedures under subsection (c)(2).

(B) REVIVIATION OF EXCLUSION.—The Commission may modify or rescind an exclusion order issued under subsection (a) at any time for which a petition is made by an interested person under subparagraph (A) shall be on the interested person.

(D) RELIEF.—A modification or rescission for which a petition is made under subparagraph (A) may be granted by the Commission—

(i) on the basis of new evidence or evidence that could not have been presented at the prior proceeding; or

(ii) on grounds that would permit relief from a judgment or order under the Federal Rules of Civil Procedure.

(E) EVIDENTIARY STANDARD.—A modification or rescission may be made under subparagraph (A) if the Commission determines that there has been a clear and convincing showing to the Commission from an interested person that such a modification or rescission should be made.

(F) JUDICIAL REVIEW.—

(1) General.—Any interested person adversely affected by a final modification or rescission determination by the Commission under subdivision (d)(5) may appeal such determination only—

(A) in the United States Court of Appeals for the Federal Circuit; and

(B) no later than 30 days after that determination has become final.

(2) NO OTHER JUDICIAL REVIEW.—Except as authorized under paragraph (1), the determination under this section and any exclusion from entry or delivery or demand for redelivery in connection with the enforcement of an order by the Commission may not be reviewed by any court, including for constitutional claims, whether by action in the nature of mandamus or otherwise.

(3) PROCEDURE WITH RESPECT TO PRIVILEGED INFORMATION.—If an appeal is brought under paragraph (1) and the administrative record contains classified or other information subject to privilege or protections under law, that information shall be considered confidentially to the court and the court shall maintain that information under seal.

(4) APPLICABILITY OF USE OF INFORMATION PROVISIONS.—The use of information provisions of sections 106, 305, 405, and 706 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806, 1825, 1845, and 1881e) shall not apply to an appeal under paragraph (1).

(f) INAPPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT.—

(1) IN GENERAL.—The requirements of subchapter II of chapter 5 of title 5, United States Code, shall not apply to—

(A) an action by the Commission under paragraphs (1) through (3) of subsection (c); or

(B) the procedures for exclusion under paragraphs (4) and (5) of subsection (d).

(2) ADJUDICATION.—Any adjudication under this section shall not be subject to the requirements of sections 554, 556, and 557 of title 5, United States Code.

(g) FREEDOM OF INFORMATION ACT EXCERPT.—Section 552(a)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act), shall not apply to the activities conducted under this section.

(h) REGULATIONS.—The Commission may prescribe such regulations as the Commission considers necessary and appropriate to carry out this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as may be necessary to carry out this section.

(j) DEFINITIONS.—In this section:

(1) ARTICLE.—The term ‘article’ includes any article or component of an article.

(2) FOREIGN AGENT; FOREIGN INSTRUMENTALITY; IMPROPER MEANS; MISAPPROPRIATION; OWNER; TRADE SECRET.—The terms ‘foreign agent’, ‘foreign instrumentality’, ‘improper means’, ‘misappropriation’, ‘owner’, and ‘trade secret’ have the meanings given those terms in section 1839 of title 18, United States Code.

(3) INTERESTED PERSON.—An interested person, with respect to an allegation under subsection (b)(5), means a person named in the allegation or otherwise identified by the Commission as having a material interest with respect to the allegation.

(c) FREEDOM OF INFORMATION ACT EXCERPT.—Section 552(a)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act), shall not apply to the activities conducted under this section.

(2) PRESIDENTIAL REVIEW.—If, before the end of the period beginning on the day after the date on which the President is notified under paragraph (1) of the determination of the Commission under subsection (a) to direct the exclusion of covered articles from entry, the President disapproves of that determination and notifies the Commission of that disapproval, effective on the date of notice that determination has become final.

(3) CONFORMING AMENDMENT.—Section 514(a)(4) of the Tariff Act of 1930 (19 U.S.C. 1514(a)(4)) is amended by striking “a determination appealable under section 337 of this Act” and inserting “in connection with the enforcement of an order of the United States International Trade Commission issued under section 337”.
(3) Cooperation of Secretary of Defense.—To the extent practicable and consistent with law, the Secretary of Defense shall provide to the Inspector General any such information and assistance as the Inspector General may request for the purpose of conducting the evaluation required by this subsection.

(b) Form.—The report required by paragraph (a) shall be in a classified form but may include a classified annex.

SA 4436. Mr. GRASSLEY (for himself, Mr. SANDERS, and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 104. DEFENSE FINANCIAL SYSTEMS COMMISSION.

(a) Establishment.—There is established in the legislative branch the Defense Financial Systems Commission (in this section referred to as the "Commission").

(b) Duties.—

(1) In General.—The Commission shall—

(A) review the financial management systems of the Department of Defense, including policies, procedures, and past and planned investments;

(B) review the spending of the Department on financial management systems, including new investments, operations and maintenance of financial management systems;

(C) determine which financial management systems of the Department meet the standards described in paragraph (2); and

(D) improve such systems and related processes to ensure effective internal control and ability to achieve auditable financial statements, effective financial management and operational needs, including, as appropriate, recommendations for both short-term and long-term actions; and

(E) assess the progress of the Department of Defense in implementing any previous recommendations of the Commission.

(2) Standards Described.—A financial management system meets the standards described in this paragraph if the system—

(A) complies with—

(i) the accounting principles, standards, and regulations, as prescribed under section 3511 of title 31, United States Code;

(ii) the most recent government wide financial management plan prepared under section 3511 of title 31, United States Code; and

(iii) guidance and recommendations made by the Comptroller General of the United States, the Inspector General of the Department of Defense, and other auditors;

(B) addresses the findings of financial statement audits; and

(C) provides useful, and timely information to support the preparation of auditable financial statements and meet other financial management and operational needs, including, as appropriate, with respect to both short-term and long-term actions.

(3) Report Required.—Not later than March 31 and September 30 of fiscal year 2022 and each fiscal year thereafter, the Commission shall submit to the Secretary of Defense, the secretaries of the military departments, Congress, and the Comptroller General of the United States a report that includes—

(A) the findings of the reviews conducted under subparagraphs (A) and (B) of paragraph (2); and

(B) the determinations required by subparagraph (C) of that paragraph;

(C) the recommendations required by subparagraph (D) of paragraph (1); and

(D) the results of the assessment required by subparagraph (E) of that paragraph; and

(E) a description of the work the Commission plans to conduct during the six-month period following submission of the report.

(c) Commission Membership.—

(1) Number and Appointment.—The Commission is composed of three members appointed by the Comptroller General of the United States.

(2) Qualifications; Representation.—In appointing members of the Commission, the Comptroller General shall include individuals—

(A) knowledgeable of accounting, auditing, financial management, information technology, data science, change management, and the operating environment of the Department of Defense; and

(B) to the extent feasible, who have relevant experience in—

(i) the Department;

(ii) the Federal Government (other than the Department); and

(iii) the private sector.

(3) Terms.—

(A) In General.—A member of the Commission appointment for a term of 3 years, except that the Comptroller General shall designate staggered terms for the members first appointed.

(B) Vacancies.—

(i) In General.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(ii) Minimum Period to Fill Vacancies.—Any member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which the member's appointment was ap pointed only for the remainder of that term.

(iii) Continuation of Service Till Successor Takes Office.—A member of the Commission shall be considered an employee of the Government for the duration of that member's term until a successor has taken office.

(C) Chairperson; Vice Chairperson.—

(A) In General.—The Comptroller General shall designate a member of the Commission as the Chairperson and a member of the Commission as the Vice Chairperson at the time of their appointment and for that term of appointment.

(B) Vacancies.—If the member of the Commission designated under subparagraph (A) as the Chairperson leaves the Commission before the end of the member's term, the Comptroller General may designate another member of the Commission as the Chairperson and the Vice Chairperson for the remainder of that member's term.

(d) Meetings.—The Commission shall meet at the call of the Chairperson.

(e) Compensation and Employment Status of Members and Staff.—

(1) Compensation of Members.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate of pay equal to the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 3511 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(2) Travel Expenses.—A member of the Commission may be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Commission, as authorized by the chairperson of the Commission.

(3) Financial Disclosure Requirements.—A member of the Commission shall be considered an employee of Congress whose compensation is disbursement and the Secretary for purposes of applying title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), except that a member of the Commission is required to file financial disclosure reports without regard to their number of days of service or rate of pay.

(4) Members Employed by Other Agencies.—The employment status and pay of a member of the Commission who is employed by another Federal agency shall not be affected by the service of the member on the Commission.

(f) Director and Staff; Experts and Consultants.—The Commission shall hire such personnel as may be necessary to carry out the duties of the Board.
33 of title 5, United States Code, governing appointments in the competitive service;
(2) seek such assistance and support as may be required in the performance of the duties of the Commission from appropriate Federal and State agencies;
(3) enter into such contracts or make such other arrangements as may be necessary for the completion of the work of the Commission without regard to the requirements of section 6101 of title 41, United States Code;
(4) make advance, progress, and other payments that relate to the work of the Commission;
(5) provide transportation and subsistence for members, staff, and persons serving without compensation;
(6) prescribe such rules and regulations as the Commission deems necessary with respect to the organization and operation of the Commission.
(h) OBTAINING INFORMATION FROM OTHER FEDERAL AGENCIES.—
(1) REQUESTS FROM COMMISSION.—The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out this section.
(2) ACCESS OF GOVERNMENT ACCOUNTABILITY OFFICE TO INFORMATION.—The Comptroller General shall have access to all deliberations, records, data, and personnel of the Commission, immediately upon request.
(3) PERIODIC AUDITS.—The Commission shall be subject to periodic audit by the Comptroller General.
(4) REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE TO CONGRESS.—Not later than 90 days after the Commission submits each report under subsection (a), the Comptroller General shall submit to Congress a report on the work of the Commission and the implementation by the Department of Defense of the recommendations of the Commission.
(i) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE OPEN INFORMATION ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.
(k) FUNDING.—Of amounts appropriated to any entity within the Department of Defense for operation and maintenance for fiscal year 2022 and each fiscal year thereafter for program activities that are provided directly to students unless the activities are provided directly to students (except funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or other postsecondary educational institutions (referred to in this section as an “institution”) shall not be eligible to receive Federal funds from the Department of Education (except funds under title IV of the Higher Education Act of 1965 (29 U.S.C. 1070 et seq.) or other Department of Education funds that are provided directly to students) unless the institution ensures that any contract or agreement between the institution and a Confucius Institute includes clear provisions that:
(1) protect academic freedom at the institution;
(2) prohibit the application of any foreign law or other legal requirements of the Confucius Institute; and
(3) grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made, and who is employed at the Confucius Institute.
the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 2. TRADING PROHIBITION FOR 2 CONSECUTIVE PERFORMANCE-INSPECTION YEARS.

Section 104(i) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)) is amended—

(1) in paragraph (2)(A)(i), by striking "the foreign jurisdiction described in clause (ii)" and inserting "a foreign jurisdiction"; and

(2) in paragraph (3)—

(A) in the paragraph heading, by striking "2" and inserting "3"; and

(B) in subparagraph (A), in the matter preceding clause (i), by striking "3" and inserting "2".

SA 4440. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. TRANSFER AND REDEMPTION OF SAVINGS BONDS.

Section 3105 of title 31, United States Code, is amended by adding at the end the following:

"(i) Notwithstanding any other Federal law, the ownership of an applicable savings bond may be transferred pursuant to a valid judgment of escheatment vesting a State with title to the bond. Nothing in this section, or in any regulation promulgated by the Secretary to implement this section, may be construed to preempt State law prohibiting or regulating the transfer of ownership of an applicable savings bond.

(ii) The Secretary shall recognize an order of a court of competent jurisdiction that vests title to an applicable savings bond with a State, regardless of whether the State has possession of such bond if the State provides the Secretary with a certified copy of such order.

‘(3) If a State has title or is seeking to obtain title through a judicial proceeding to an applicable savings bond, the Secretary shall provide to the State, upon request, the serial number of such bond, and any reasonably available records or information—

(1) relating to the purchase or ownership of such bond, including any transactions involving such bond; or

(ii) which may provide other identifying information relating to such bond.

(B) Any record or information provided to a State pursuant to subparagraph (A) shall be sufficient to enable the State to redeem the applicable savings bond for full value, whether the bond is lost, stolen, destroyed, mutilated, defaced, or otherwise not in the State’s possession.

(C) Subject to paragraph (C), a State shall not receive payment for an applicable savings bond for which the State has title pursuant to the same procedures established pursuant to regulations which are available for payment or redemption of a savings bond by any owner of such bond.

(D) The Secretary may not prescribe any regulation which prohibits a State from obtaining title to an applicable savings bond by redeeming such bond pursuant to the procedures described in subparagraph (A).

(E) In the case of an applicable savings bond which is lost, stolen, mutilated or destroyed, defaced, or otherwise not in the possession of the State, if the State has requested and received all information and records under paragraph (3)(A), but not in subparagraph (B) of such paragraph, the State shall not begin to run against the State until the date on which the Secretary has provided the State with the records and information described in such paragraph.

(F) If the United States Government makes payment to a State for an applicable savings bond pursuant to paragraph (4)—

(i) that State shall attempt to locate the original owner of each applicable savings bond with an address in that State pursuant to the same standards and requirements as exist under that State’s abandoned property rules and regulations;

(ii) except as provided in subparagraph (C), the United States Government shall not retain any further obligation or liability relating to such bond, including any obligation or liability with respect to the registered owner of such bond (as described in paragraph (6));

(iii) should a State that receives payment for an applicable savings bond pursuant to paragraph (4) fail to make payment to a registered owner of such bond (as described in subparagraph (C)) for the amount of a valid claim of ownership pursuant to that State’s abandoned property rules and regulations, such owner may then seek redemption of such bond by the Secretary or any paying agent authorized by the United States Government to make payments to redeem such bonds, and it shall be paid; and

(iv) where the United States Government has made payment of an applicable savings bond under subparagraph (C), the respective State shall indemnify the United States for payments made on such bond.

(G) For purposes of this subsection, the term ‘applicable savings bond’ means any United States savings bond that—

(i) matured on or before December 31, 2017;

(ii) is lost, stolen, destroyed, mutilated, defaced, or otherwise not in the possession of the State, regardless of whether the State has possession of such bond if the State provides the Secretary with a certified copy of such order.

SA 4441. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2022 (Public Law 116-283) is amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

(B) PRELIMINARY COST ESTIMATE.—Not later than September 30, 2022, the Commission shall submit to the Committees on Armed Services of the Senate and House of Representatives a preliminary cost estimate for the activities of the Commission.

SA 4442. Mr. KENNEDY (for himself and Mr. MENEZES) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 4. ADDITIONAL AMOUNT FOR EXECUTION OF CLIN 0101.

(a) ADDITIONAL AMOUNT.—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by $14,770,000, with the amount of the increase to be available for Medium Unmanned Surface Vehicle, line 695 of the table in section 4201, to carry out execution of CLIN 0101.

(b) OFFSETS.—

(1) DEDUCTION.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby decreased by $41,700,000.

(2) AVAILABILITY.—The amount available for operation and maintenance pursuant to section 301 is hereby reduced as follows:

(A) The amount for Operation and Maintenance, Air Force, Base Support, as specified on line 90 of the table in section 4301, by $15,000,000.

(B) The amount for Operation and Maintenance, Army, Base Operations Support, as specified on line 110 of the table in section 4301, by $14,000,000.

(C) The amount for Operation and Maintenance, Navy, Basic Operations Support, as specified on line 280 of the table in section 4301, by $10,000,000.

(D) The amount for Operation and Maintenance, Defense-Wide, Office of the Secretary of Defense, as specified on line 540 of the table in section 4301, by $2,700,000.

SA 4443. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. REPORT ON VETTING NATIONALS OF AFGHANISTAN.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on the process used to vet nationals of Afghanistan who arrived in the United States during the period beginning on July 15, 2021 and ending on August 31, 2021. The report required by subsection (a) shall include the following:

(1) A description of such process.

(2) The number of such nationals of Afghanistan who arrived in the United States who, upon entry to the United States—

(A) did not present the identification documents required for admission into the United States; and

(B) were allowed to provide only a name and date of birth to vetting officials to input into tracking systems of the Government.

(3) The training of the vetting officials receive regarding the detection of fraudulent identification documents.

(4) In the case of any such national of Afghanistan who has been detained following entry to the United States for reasons related to national security, a specific justification for such detention.

(5) A description of the vetting national security risk that poses to the national security of the United States.

SA 4444. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1216. REPORT ON THE NUMBER OF UNITED STATES CITIZENS AND INTERPRETERS AND ALLIES OF THE UNITED STATES REMAINING IN AFGHANISTAN.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on the number of United States citizens and interpreters and allies of the United States who remain in Afghanistan following the evacuation of Afghanistan beginning on July 15, 2021, and ending on August 31, 2021; and

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

(1) The number of United States citizens and lawful permanent residents in Afghanistan.

(2) The number of nationals of Afghanistan who—

(A) sought assistance from the Government of the United States to evacuate Afghanistan during the period beginning on July 15, 2021 and ending on August 31, 2021; and

(B) remain in Afghanistan.

(3) The number of nationals of Afghanistan who—

(A) served as interpreters for, or were allies of, the United States; and

(B) remain in Afghanistan.

SA 4445. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS INVOLVING AFGHANISTAN'S RARE EARTH MINERALS.

(a) In General.—The President shall impose the sanctions described in subsection (b) with respect to each foreign person the President determines engages, on or after the date of the enactment of this Act, in any transaction involving rare earth minerals mined or otherwise extracted in Afghanistan.

(b) Sanctions Described.—The sanctions to be imposed under subsection (a) with respect to a foreign person are the following:

(1) Blocking—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 the President determines that such property and interests in property are owned by, under the control of, or subject to the direction or control of the foreign person, and that such property and interests in property are located in the United States, or are otherwise subject to the laws of the United States.

(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 immigration benefit.

(B) Current Visas Revoked.—The President may revoke the visas of any alien described in subsection (a) who is not a United States person.

(c) Implementation; Penalties.—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 the President determines that such property and interests in property are owned by, under the control of, or subject to the direction or control of the foreign person, and that such property and interests in property are located in the United States, or are otherwise subject to the laws of the United States, or are otherwise subject to the laws of the United States.

(d) Definitions.—In this section:

(1) Admission; Admitted; Alien.—The terms "admission", "admitted", and "alien" have the meanings given those terms in section 211 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 lawful permanent resident of the United States; and

(B) an entity organized under the laws of the United States or any jurisdiction within the United States.

SA 4446. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military
personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. REPORTS ON CURRICULUM USED IN SCHOOLS IN AREAS CONTROLLED BY THE PALESTINIAN AUTHORITY

(a) FINDINGS.—Congress finds the following:

(1) In 2016 and 2017, the Palestinian Authority published a report that found the following:

(A) Textbooks in schools in areas controlled by the Palestinian Authority feature inaccurate and misleading maps of the region and include militaristic, adversarial imagery and content that incite hatred.

(B) The Department of State raised with Palestinian officials the objectionable content in the textbooks, including a specific paragraph (1) shall include the following:

(i) The Secretary of State shall post on a publicly available website of the Department of State each report required by paragraph (1).

(ii) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

(iii) A detailed report on United States diplomatic efforts, during the 5-year period preceding the date on which the report is submitted, to encourage peace and tolerance in Palestinian education.

(iv) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

(v) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

(b) REPORTS REQUIRED.—

(1) In 2016 and 2017, the Palestinian Authority published a report that found the following:

(i) The Secretary of State shall post on a publicly available website of the Department of State each report required by paragraph (1).

(ii) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

(iii) A detailed report on United States diplomatic efforts, during the 5-year period preceding the date on which the report is submitted, to encourage peace and tolerance in Palestinian education.

(iv) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

(c) REPORTS REQUIRED.—

(1) In 2016 and 2017, the Palestinian Authority published a report that found the following:

(i) The Secretary of State shall post on a publicly available website of the Department of State each report required by paragraph (1).

(ii) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

(iii) A detailed report on United States diplomatic efforts, during the 5-year period preceding the date on which the report is submitted, to encourage peace and tolerance in Palestinian education.

(iv) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

SEC. 1285. REPORTS ON CURRICULUM USED IN SCHOOLS IN AREAS CONTROLLED BY THE PALESTINIAN AUTHORITY

(a) FINDING.—Congress finds the following:

(1) In 2016 and 2017, the Palestinian Authority published a report that found the following:

(ii) The Secretary of State shall post on a publicly available website of the Department of State each report required by paragraph (1).

(iii) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

(iv) A detailed report on United States diplomatic efforts, during the 5-year period preceding the date on which the report is submitted, to encourage peace and tolerance in Palestinian education.

SEC. 1287. REPORTS ON CURRICULUM USED IN SCHOOLS IN AREAS CONTROLLED BY THE PALESTINIAN AUTHORITY

(a) FINDING.—Congress finds the following:

(1) In 2016 and 2017, the Palestinian Authority published a report that found the following:

(ii) The Secretary of State shall post on a publicly available website of the Department of State each report required by paragraph (1).

(iii) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

(iv) A detailed report on United States diplomatic efforts, during the 5-year period preceding the date on which the report is submitted, to encourage peace and tolerance in Palestinian education.

SEC. 1289. REPORTS ON CURRICULUM USED IN SCHOOLS IN AREAS CONTROLLED BY THE PALESTINIAN AUTHORITY

(a) FINDING.—Congress finds the following:

(1) In 2016 and 2017, the Palestinian Authority published a report that found the following:

(ii) The Secretary of State shall post on a publicly available website of the Department of State each report required by paragraph (1).

(iii) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.

(iv) A detailed report on United States diplomatic efforts, during the 5-year period preceding the date on which the report is submitted, to encourage peace and tolerance in Palestinian education.

SEC. 1291. REPORTS ON CURRICULUM USED IN SCHOOLS IN AREAS CONTROLLED BY THE PALESTINIAN AUTHORITY

(a) FINDING.—Congress finds the following:

(1) In 2016 and 2017, the Palestinian Authority published a report that found the following:

(ii) The Secretary of State shall post on a publicly available website of the Department of State each report required by paragraph (1).

(iii) If any diplomatic efforts referred to in subparagraph (E) were stopped by the Secretary of State, the reasons for such stoppages.
defense committees on the activities the Department is undertaking to ensure that authoritative enterprise data is available to and interoperable among multiple data management and analytics platforms for the Secretary of Defense, Deputy Secretary of Defense, Principal Staff Assistants, and components of the Department in adherence with an open data architecture.

(b) ELEMENTS.—The briefing provided under subsection (a) shall include the following:

(1) An assessment of how data analytics platforms currently in use adhere to an open data standard architecture in accordance with the Deputy Secretary of Defense’s memorandum on Creating Data Advantage.

(2) A description of the process and metrics used by the Chief Data Officer to approve additional platforms for use.

(3) A plan to federate data that can be accessed across the enterprise, wherever it exists, by multiple data analytics platforms.

(4) An assessment of the cybersecurity benefits derived through implementing a diversity of data platforms.

(5) An assessment of the ability to better meet unique mission requirements at the edge with operator access to competitive, multi-tool analytics platforms.

SEC. 450. Ms. KLOBUCHAR (for herself, Mr. CORNYN, Mr. COONS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1054. STUDY ON FACTORS AFFECTING EMPLOYMENT OPPORTUNITIES FOR IMMIGRANTS AND REFUGEES WITH PROFESSIONAL CREDENTIALS OBTAINED IN FOREIGN COUNTRIES.

(a) DEFINITIONS.—

(1) APPLICABLE IMMIGRANTS AND REFUGEES.—In this section, the term "applicable immigrants and refugees" means

(A) individuals who

(i) are not citizens or nationals of the United States; and

(ii) are lawfully present in the United States; and

(B) includes individuals described in section 602(b)(2) of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 8 U.S.C. 1101 note).

(2) OTHER TERMS.—Except as otherwise defined in this subsection, terms used in this section have the definitions given such terms as used in this subsection.

(b) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Labor shall, in coordination with the Secretary of Homeland Security, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the Internal Revenue Service, and the Commissioner of the Social Security Administration, conduct a study of the factors affecting employment opportunities in the United States of applicable immigrants and refugees who have professional credentials that were obtained in a country other than the United States.

(2) WORK WITH OTHER ENTITIES.—The Secretary of Labor shall seek to work with relevant immigration and State agencies to use the existing data and resources of such entities to conduct the study required under paragraph (1).

(c) LIMITATIONS ON DISCLOSURE.—Any information provided to the Secretary of Labor in connection with the study required under paragraph (1) may only be used for the purpose of, and to the extent necessary to ensure the efficient operation of, such study; and may not be made available to any other person or entity except as provided under this subsection.

(d) INCLUSIONS.—The study required under subsection (b)(1) shall include—

(1) an analysis of the employment history of applicable immigrants and refugees admitted to the United States during the 5-year period immediately preceding the date of the enactment of this Act, which shall include, to the extent practicable—

(A) a comparison of the employment applicable immigrants and refugees held before immigrating to the United States with the employment they obtained in the United States, if any; and

(B) the occupational and professional credentials and academic degrees held by applicable immigrants and refugees before immigrating to the United States;

(2) an assessment of any barriers that prevent applicable immigrants and refugees from using occupational experience obtained outside the United States to obtain employment in the United States;

(3) an analysis of available public and private resources assisting applicable immigrants and refugees who have professional experience and qualifications obtained outside of the United States to obtain skill-appropriate employment in the United States; and

(4) policy recommendations for better enabling applicable immigrants and refugees who have professional experience and qualifications obtained outside of the United States to obtain skill-appropriate employment in the United States.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Labor shall—

(1) submit a report to Congress that describes the results of the study conducted pursuant to subparagraph (d); and

(2) make such report publicly available on the website of the Department of Labor.

SEC. 451. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, as follows:

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

SEC. 1064. ADDRESSING THREATS TO NATIONAL SECURITY WITH RESPECT TO WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Expansion Act of 1962 (19 U.S.C. 1825 et seq.) is amended by adding at the end the following:

"SEC. 234. STATEMENT OF POLICY.

'(1) It is the policy of the United States—

'(2) to ensure the continued strength and leadership of the United States with respect to the research and development of key technologies for future wireless telecommunications and standards and infrastructure; and

'(3) that the national security and foreign policy of the United States requires the United States to maintain its leadership in the research and development of key technologies for future wireless telecommunications and standards and infrastructure; and

'(b) OTHER TERMS.—Except as otherwise defined in this subsection, terms used in this section have the definitions given such terms as used in this subsection.

'(c) LIMITATIONS ON DISCLOSURE.—Any information provided to the Secretary of Labor in connection with the study required under paragraph (1) may only be used for the purpose of, and to the extent necessary to ensure the efficient operation of, such study; and may not be made available to any other person or entity except as provided under this subsection.

'(d) INCLUSIONS.—The study required under subsection (b)(1) shall include—

'(1) an analysis of the employment history of applicable immigrants and refugees admitted to the United States during the 5-year period immediately preceding the date of the enactment of this Act, which shall include, to the extent practicable—

'(A) a comparison of the employment applicable immigrants and refugees held before immigrating to the United States with the employment they obtained in the United States, if any; and

'(B) the occupational and professional credentials and academic degrees held by applicable immigrants and refugees before immigrating to the United States;

'(2) an assessment of any barriers that prevent applicable immigrants and refugees from using occupational experience obtained outside the United States to obtain employment in the United States;

'(3) an analysis of available public and private resources assisting applicable immigrants and refugees who have professional experience and qualifications obtained outside of the United States to obtain skill-appropriate employment in the United States; and

'(4) policy recommendations for better enabling applicable immigrants and refugees who have professional experience and qualifications obtained outside of the United States to obtain skill-appropriate employment in the United States.

'(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Labor shall—

'(1) submit a report to Congress that describes the results of the study conducted pursuant to subparagraph (d); and

'(2) make such report publicly available on the website of the Department of Labor.

'(f) EXPANDED LIST OF FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY WITH RESPECT TO WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.—

'(1) IN GENERAL.—The Secretary of Commerce (in this section referred to as the 'Secretary') shall establish and maintain a list of each foreign entity that the Secretary determines—

'(A)(i) causes or has as its ultimate parent a person of concern; and

'(ii) with respect to which a covered person has made the demonstration described in paragraph (2) in a petition submitted to the Secretary for the inclusion of the entity on the list; or

'(B) is a successor to an entity described in subparagraph (A).

'(2) DEMONSTRATION OF ESSENTIALITY.—

'(A) IN GENERAL.—A covered person has made a demonstration described in this paragraph if the person has reasonably demonstrated to the Secretary—

'(i)(I) the person owns at least one unexpired patent that is essential for the implementation of wireless communications standard and is held by a covered person; and

'(ii) with respect to which a covered person has made the demonstration described in paragraph (2) in a petition submitted to the Secretary for the inclusion of the entity on the list; or

'(B) is a successor to an entity described in subparagraph (A).

'(3) LIST OF FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY WITH RESPECT TO WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.—

'(a) IN GENERAL.—The Secretary of Commerce (in this section referred to as the 'Secretary') shall establish and maintain a list of each foreign entity that the Secretary determines—

'(A)(i) causes or has as its ultimate parent a person of concern; and

'(ii) with respect to which a covered person has made the demonstration described in paragraph (2) in a petition submitted to the Secretary for the inclusion of the entity on the list; or

'(B) is a successor to an entity described in subparagraph (A).

'(4) EXPANSION OF LIST.—

'(A) IN GENERAL.—The Secretary of Commerce shall expand the list established under paragraph (1) to include—

'(i) a description of the process and metrics used by the Secretary to expand the list; and

'(ii) a description of how the Secretary determined that the foreign entity on the list is causing or has as its ultimate parent a person of concern.

'(B) REVIEWS.—The Secretary shall review the list established under paragraph (1) at least once every 18 months and before the date that is 180 days after the covered person; and

'(C) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the list established under paragraph (1) and the procedures for expanding the list.
“(1) A decision by a court or arbitral tribunal that a patent owned by the person is essential for the implementation of that standard.

“(2) A determination by an independent patent evaluator not hired by the person that a patent owned by the person is essential for the implementation of that standard.

“(3) A showing that wireless communications device manufacturers that are persons described in subparagraph (A)(ii) or any of its affiliates with respect to a reasonably similar portfolio of patents that are essential for the implementation of that standard.

“(4) ACCOUNTING OF WIRELESS COMMUNICATIONS DEVICE MARKET.—A showing described in subparagraph (B)(iii) may be made either by including or excluding wireless communications device manufacturers that are persons described in subparagraph (A)(ii) or any of its affiliates with respect to a reasonably similar portfolio of patents that are essential for the implementation of that standard.

“(5) MATTERS CONSIDERED AT HEARING.—An agency hearing conducted under clause (i) only after notice and opportunity for an agency hearing on the record in accordance with (except as provided in clause (ii)) sections 554 through 557 of title 5, United States Code.

“(6) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a United States person; or

“(B) an entity organized under the laws of a country of concern (as determined by the President) or an entity that is headquartered in, or organized under the laws of, a country of concern; or

“(C) any person in the United States.

“(7) WIRELESS COMMUNICATIONS STANDARD.—The term ‘wireless communications standard’ means—

“(A) a cellular wireless telecommunication standard, including such a standard promulgated by the 3rd Generation Partnership Project (commonly known as ‘3GPP’) or the 3rd Generation Partnership Project 2 (commonly known as ‘3GPP2’); or

“(B) a wireless local area network standard, including such a standard designated as IEEE 802.11 and developed by the Institute of Electrical and Electronic Engineers (commonly known as the ‘IEEE’).

“SEC. 236. IMPORT SANCTIONS WITH RESPECT TO CERTAIN FOREIGN ENTITIES THAT MENACE NATIONAL SECURITY.

“(1) IN GENERAL.—Any foreign entity on the list required by section 235(a) may be subject to the following:

“(A) a description of the process followed by the Secretary of Commerce in an amount determined by the Secretary to be sufficient to maintain a wireless communications research and development program in the United States; or

“(B) a bond paid under subsection (b) of $10,000,000, or an equivalent amount, to be forfeited if the foreign entity is not able to reasonably demonstrate that it has entered into a patent license agreement or a binding arbitration agreement with each covered United States person that has made the demonstration described in subsection (b)(2) with respect to the entity.

“(d) REMOVAL FROM LIST.—A foreign entity on the list required by subsection (b)(1) may be removed from the list if the Secretary of Commerce in an amount determined by the Secretary to be sufficient to maintain a wireless communications research and development program in the United States is able to reasonably demonstrate that it has entered into a patent license agreement or a binding arbitration agreement with each covered United States person that has made the demonstration described in subsection (b)(2) with respect to the entity.

“(e) DEFINITIONS.—In this section:

“(1) AFFILIATE.—The term ‘affiliate’, with respect to an entity, means any entity that is an individual who is a citizen or national of the United States, including a foreign branch of such an entity; or

“(B) an entity organized under the laws of the United States, including a foreign branch of such an entity; or

“(C) any person in the United States.

“(2) NON-INTEREST-BEARING BONDS.—A bond under this section shall be non-interest-bearing.

“(c) CONTROLS ON IMPORTS OF GOODS OR TECHNOLOGY AGAINST PERSONS THAT RAISE NATIONAL SECURITY CONCERNS.—Section 233 of the Trade Expansion Act of 1962 (19 U.S.C. 1861) is amended to read as follows:

“(a) IN GENERAL.—A person described in subsection (b) or any national security export control imposed under section 1750 of the Export Control Reform Act of 2018 (50 U.S.C. 4814) or any regulation, order, or license issued under that Act—

“SEC. 235. IMPORT SANCTIONS FOR EXPORT VIOLATIONS.

“(a) IN GENERAL.—A person described in subsection (b) may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

“(b) PERSONS DESCRIBED.—A person described in this subsection is a person that—

“(A) has failed any national security export control imposed under section 1750 of the Export Control Reform Act of 2018 (50 U.S.C. 4814) or any regulation, order, or license issued under that Act; or

“(2) raises a national security concern under—

“(A) section 235 or any regulation, order, or license issued under that section; or

“(B) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.) or any regulation, order, or license issued under that Act.”.

SA 4452. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

“SEC. 1264. REPORTS ON ADOPTION OF CRYPTOQUERGENCY AS LEGAL TENDER IN EL SALVADOR.

“(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Department of Treasury and the Government of El Salvador, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the adoption by the Government of El Salvador of a cryptocurrency as legal tender.

“(b) ELEMENTS.—The report required by subsection (a) shall include—

“(1) A description of the process followed by the Government of El Salvador to develop
and enact the Bitcoin Law (Legislative Decre
No. 57, Official Record No. 110, Volume 431, enacted June 9, 2021), which provides the cryp
tocurrency, Bitcoin, with legal tender status in El Sala
vador.

(2) An assessment of—

(A) the regulatory framework in El Sal
vador with respect to the adoption of a cryp
tocurrency as legal tender and the techni
cal capacity of El Salvador to effectively miti
gate the financial integrity and cyber secu
rity risks associated with virtual-asset transac
tions;

(B) whether the regulatory framework in El Salvador meets the requirements of the Financial Action Task Force with respect to virtual currency transactions;

(C) whether the regulatory framework for the adoption of a cryptocurrency as legal tender in El Salvador meets the guidelines set forth by the Group of Seven in the docu
ment entitled “Public Policy Principles for Retail Central Bank Digital Currencies” issued on October 14, 2021;

(D) the impact of such adoption of a cryp
tocurrency on—

(i) the macroeconomic stability and public finances of El Salvador;

(ii) the rule of law, democratic governance, and respect for inalienable rights in El Sala
vador;

(iii) bilateral and international efforts to combat transnational illicit activities; and

(iv) El Salvador’s bilateral economic rela
tionship with the United States;

(C) a description of internet infrastructure of El Salvador and an assessment of—

(A) the degree to which cryptocurrency is
used in El Salvador; and

(B) access to transparent and affordable internet infrastructure among the unbanked population of El Salvador.

(c) PLAN TO MITIGATE RISKS TO UNITED STATES FINANCIAL SYSTEM.—Not later than 90 days after the submittal of the report re
quired by subsection (a), the Secretary, in coordin
ation with the heads of the relevant Federal departments and agencies, shall sub
mit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan to mitigate any potential risk to the United States financial system posed by the adoption of a cryptocurrency as legal tender in El Salvador.

(d) SUBSEQUENT REPORT.—Not later than 270 days after the submittal of the report re
quired by subsection (a), the Secretary, in coordin
ation with the heads of other relevant Federal departments and agencies, shall sub
mit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representa
tives an updated version of such report, in
ccluding a description of any significant de
velopment related to the risks to the United States financial system posed by the use of a cryptocurrency as legal tender in El Sala
vador.

SA 4453. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appro
priations for fiscal year 2022 for mili
tary activities of the Department of Defense, for military construction, and for defense activities of the Depart
ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1054. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON OVERSIGHT OF INTERNATIONAL LIFE SCIENCES RESEARCH.
(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate con
gressional committees on the following mat
ters:
(1) An audit of United States Government authorities, policies, and processes gov
erning cooperation with other nations as it relates to life sciences research that could be weaponized or dual-use concerns, such as pathogens or toxins, synthetic biology, and related emerging technologies, and the degree to which these authorities, policies, and processes address national security, proliferation, and country-specific consider
ations in decisions on whether to pursue such collaboration.
(2) An assessment of the degree of coordi
nation between Federal departments and agencies responsible for public health pre
paredness and the governance of biomedical research and Federal departments and agen
cies responsible for national security, espe
cially the United States Department of State, to assess and account for security im
plications of collaboration with other nations on life sciences research.
(b) ELEMENTS.—The report required under subsection (a) shall address the following ele
ments:
(1) The Federal department or agencies or other governmental entities that provide funding or other material support for life sciences research, especially biological re
search, with other nations.
(2) The authorities, policies, and processes that currently exist for reviewing, approv
ing, and monitoring grant funding or other material support for biological research with other nations, including a description of all the steps involved reviewing, approving, and monitoring such funding or other support.
(3) Which Federal departments and agen
cies, including specific bureaus and offices, are involved in the authorities, policies, and processes described in paragraph (2).
(4) The circumstances under which Federal departments and agencies apply enhanced re
view, monitoring, and coordination to pro
posed collaborative research work analysis of the extent to which and how national secu
rity, proliferation, or country-specific con
siderations, especially with respect to the Biological Weapons Convention, are
among the circumstances that trigger en
hanced scrutiny of whether the United States Government should fund a particular research program.
(5) The information required to be included in an application for United States Govern
ment funding of life sciences research to ad
dress potential national security, prolifera
tion, or country-specific concerns, and whether the information required varies across departments.
(6) The extent to which Federal depart
ments and agencies with national security responsibilities have visibility into the infor
mation described in paragraph (5) prior to an
award being made, even if grantees are ap
plying to funding from another Federal de
partment or agency.
(7) The present and timeline by which funds are issued to the awardee or awardees after a grant or other funding award is made, and to what extent these funds are mon
itored to ensure that funding will not be used thereafter, including how Federal depart
ments and agencies with national security responsibilities are involved in monitoring such research activities.
(c) REPORT SUBMISSION.—Within 15 days of the completion of the report required under subsection (a), the Comptroller General shall submit the report to—
(1) the Committee on Foreign Relations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Armed Services of the Senate; and
(2) the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Armed Services of the House of Representatives.
(d) FORM OF REPORT.—The report required under subsection (a) shall be submitted in typewritten form, but may include a classi
ned annex.

SA 4454. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appro
priations for fiscal year 2022 for mili
tary activities of the Department of Defense, for military construction, and for defense activities of the Depart
ment of Energy, to 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 follow:

SEC. 1283. LIMITATION ON REMOVING GOVERN
MENT OF CUBA FROM STATE SPONSORS OF TERRORISM LIST.
(a) IN GENERAL.—Not later than January 31, 2022, the Secretary of Defense, in coordi
nation with the Secretary of State, shall brief the appropriate congressional commit
tees on all consultations with United States alli
es regarding the 2021 Nuclear Posture Re
view.

(b) ELEMENTS.—The briefing required by sub
section (a) shall include the following:

(1) A listing of all countries consulted with the President, without delegation, certifies and reports to Congress that the Government of Cuba has ceased to provide sanctuary to terrorists and United States fugitives.

SA 4455. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appro
priations for fiscal year 2022 for mili
tary activities of the Department of Defense, for military construction, and for defense activities of the Depart
ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1357, insert the following:

SEC. 1358. BRIEFING ON CONSULTATIONS WITH UNITED STATES ALLIES REGARDING NUCLEAR POSTURE REVIEW.
(a) IN GENERAL.—Not later than January 31, 2022, the Secretary of Defense, in coordi
nation with the Secretary of State, shall brief the appropriate congressional commit
tees on all consultations with United States alli
es regarding the 2021 Nuclear Posture Re
view.

(b) ELEMENTS.—The briefing required by sub
section (a) shall include the following:

(1) A listing of all countries consulted with the President, without delegation, certifies and reports to Congress that the Government of Cuba has ceased to provide sanctuary to terrorists and United States fugitives.

(2) An overview of the topics and concepts discussed with each such country during such consultations, including any discussion on conclusions, and the determination or declaratory policy of the United States.

(3) A summary of any feedback provided during such consultations.

(d) FORM.—The briefing required by sub
section (a) shall be conducted in both an unclassified and classified format.
(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 4456. Mr. RISCH (for himself and Mr. MURPHY) submitted an amendment identical to amendment SA 3967 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Diplomatic Support and Security

SEC. 1291. SHORT TITLE.
This subtitle may be cited as the “Diplomatic Security Act of 2021”.

SEC. 1292. FINDINGS.
Congress makes the following findings:
(1) A robust overseas diplomatic presence is an effective foreign policy, particularly in unstable environments where a flexible and timely diplomatic response can be decisive in preventing and addressing violent conflict.
(2) Diplomats routinely put themselves and their families at great personal risk to serve their country overseas where they increasingly face threats related to international terrorism, violent conflict, and public health, among others.
(3) The Department of State has a remarkable record of protecting personnel while enlisting an enormous amount of global diplomatic activity, often in insecure and remote places and facing a variety of evolving risks and threats.
(4) However, there is broad consensus that the pendulum has swung too far toward eliminating risk, excessively inhibiting diplomatic activity, too often resulting in embassies closure, reducing footprints, and postponing or denying travel requests.
(5) Diplomatic missions rely on robust staff to support on-the-ground efforts to advance United States interests as diverse as competing with China’s malign influence around the world, fighting terrorism and transnational organized crime, preventing and addressing violent conflict and humanitarian disasters, promoting United States businesses and trade, protecting the rights of marginalized groups, addressing climate change, and preventing pandemic disease.
(6) Despite the fact that Congress currently provides annual appropriations in excess of $3.4 billion for personnel, diplomatic, security, construction, and maintenance, the Department of State is unable to fully transform this considerable investment into true overseas presence conducive to embassies securing and safety restrictions that inhibit the ability of diplomats to—

(A) meet outside United States secured facilities with foreign leaders to explain, defend, and advance United States priorities;
(B) understand and report on foreign political, social, and economic conditions through meeting and interacting with community officials outside of United States facilities;
(C) provide United States citizen services that can be are often a matter of life and death in insecure places; and
(D) collaborate and, at times, compete with other diplomatic missions, such as the People’s Republic of China, that do not have the same restrictions on meeting locations.
(7) Given these threats, Congress has a responsibility to support, and hold the Department of State accountable for implementing an aggressive presence strategy that mitigates potential risks and adequately considers the myriad direct and indirect consequences of a lack of presence.

SEC. 1293. ENCOURAGING EXPEDIENTIAL DIPLOMACY.

(a) PURPOSE.—Subsection (b) of section 102 of the Diplomatic Security Act (22 U.S.C. 4801(b)) is amended—
(1) by amending paragraph (3) to read as follows:
“(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend the Director General of the Foreign Service investigate accountability for United States Government personnel with security-related responsibilities;”;
(2) by redesigning paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and
(3) by inserting after paragraph (3) the following new paragraph:
“(4) to support a culture of risk management, instead of risk avoidance, that enables the Department of State to pursue its vital goals in a manner that is not desirable nor possible for the Department to avoid all risks.”;
(b) BRIEFINGS ON EMBASSY SECURITY.—Section 105(a)(1) of the Diplomatic Security Act (22 U.S.C. 4804(a)) is amended—
(1) by striking “any plans to open or reopen a high risk, high threat post” and inserting “progress towards opening or reopening a high risk, high threat posts, and the risk to national security of the continued closure and remaining barriers to do so”;
(2) in subsection (b), by striking “the type and level of security threats such post could encounter” and inserting “the risk to national security of the post’s continued closure”;
(3) in subparagraph (C), by inserting “the type and level of security threats such post could encounter, and” before “security tripwires”;
(c) SECURITY REVIEW COMMITTEE.—Section 301 of the Diplomatic Security Act of 1986 (22 U.S.C. 4801) is amended—
(1) in the section heading, by striking “ACCOUNTABILITY REVIEW BOARD” and inserting “SECURITY REVIEW COMMITTEE”; and
(2) by striking “Board” each place it appears and inserting “SRC”.

SEC. 1294. INVESTIGATION OF SERIOUS SECURITY INCIDENTS.

(a) Purpose.—Subsection (b) of section 102 of the Diplomatic Security Act (22 U.S.C. 4801(b)) is amended—
(1) by amending paragraph (3) to read as follows:
“(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend the Director General of the Foreign Service investigate accountability for United States Government personnel with security-related responsibilities;”;
(2) by redesigning paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and
(3) by inserting after paragraph (3) the following new paragraph:
“(4) to support a culture of risk management, instead of risk avoidance, that enables the Department of State to pursue its vital goals in a manner that is not desirable nor possible for the Department to avoid all risks.”;
(b) BRIEFINGS ON EMBASSY SECURITY.—Section 105(a)(1) of the Diplomatic Security Act (22 U.S.C. 4804(a)) is amended—
(1) by striking “any plans to open or reopen a high risk, high threat post” and inserting “progress towards opening or reopening a high risk, high threat posts, and the risk to national security of the continued closure and remaining barriers to doing so”;
(2) in subsection (b), by striking “the type and level of security threats such post could encounter” and inserting “the risk to national security of the post’s continued closure”;
(3) in subparagraph (C), by inserting “the type and level of security threats such post could encounter, and” before “security tripwires”;
(c) SECURITY REVIEW COMMITTEE.—Section 301 of the Diplomatic Security Act of 1986 (22 U.S.C. 4801) is amended—
(1) in the section heading, by striking “ACCOUNTABILITY REVIEW BOARD” and inserting “SECURITY REVIEW COMMITTEE”; and
(2) by striking “Board” each place it appears and inserting “SRC”.

SEC. 1295. SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.
Section 303 of the Diplomatic Security Act of 1986 (22 U.S.C. 4833) is amended—
(1) in the section heading, by striking “ACCOUNTABILITY REVIEW BOARD” and inserting “SECURITY REVIEW COMMITTEE”; and
(2) by striking “Board” each place it appears and inserting “SRC”.

SEC. 303. SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.

(a) INVESTIGATION PROCESS.—
(1) INITIATION.—The Serious Security Incident review process begins when a United States mission reports a serious security incident at the mission, including an initial report within three days of the occurrence.
(2) INVESTIGATION.—The Diplomatic Security Service shall assemble an investigative
team to carry out the investigation of an incident reported under paragraph (1). The investigation shall cover the following matters:

(1) An assessment of what occurred, who perpetrated or is suspected of having perpetrated the attack, and whether applicable security procedures were followed.

(2) If the security incident was an attack on a United States diplomatic compound, motorcade, residence, or other facility, a determination whether adequate security procedures were in effect and the incident was based on known threat at the time of the incident.

(3) If the incident was an attack on an individual or group of officers, employees, or families of the chief of mission or authorized conducting approved operations or movements outside the United States mission, a determination whether proper security briefings and procedures were in place and whether adequate consideration of threat and weighing of risk of the operation or movement took place.

(4) An assessment of whether the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident.

(b) REPORT OF INVESTIGATION.—The investigative team shall prepare a Report of Investigation at the conclusion of the Serious Security Incident Investigation and submit the report to the SRC. The report shall include the following elements:

(1) A detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related findings.

(2) An accurate account of the casualties, inures, and damage resulting from the incident.

(3) A review of security procedures and directives in place at the time of the incident.

(4) A determination whether the attack was an assault or a deliberate attack.

(5) Other facts and circumstances that may be relevant to the appropriate security management of United States missions abroad.

(c) PERSONNEL RECOMMENDATIONS.—If in the course of conducting an investigation under subparagraph (a), the investigative team finds reasonable cause to believe any individual described in section 303(a)(2)(D) has breached the duty of that individual or finds lesser failures on the part of an individual in the performance of his or her duties related to the incident, it shall be reported to the SRC. If the SRC finds reasonable cause to support the determination, it shall be reported to the Director General of the Foreign Service for appropriate action.

SEC. 1295. RELATION TO OTHER PROCEEDINGS.

Section 305 of the Diplomatic Security Act of 1986 (22 U.S.C. 4385) is amended—

(1) by inserting "(a) NO EFFECT ON EXISTING REMEDIES.—" before "Nothing in this title"; and

(2) by adding at the end the following new subsection:

(b) FUTURE INQUIRIES.—Nothing in this title shall be construed to preclude the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident for which a terminal disclaimer has been filed over a later-issued patent if—

(i) the earliest-filed application to which there is a specific reference under section 120, 121, 356(c), or 386(c) in the terminal disclaimer patent is the same; or

(ii) the patents are commonly owned; and

(iii) the later-issued patent is in force on the date of enactment of this subpart.

(d) APPLICABILITY.—The amendments made by subsection (a) shall apply only to a patent for which a terminal disclaimer is filed after the date of enactment of this Act.

SEC. 1249. TREATMENT OF EXEMPTIONS AND RECORDKEEPING UNDER FARA.

(a) LIMITATION ON EXEMPTIONS.—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 615), is amended, in the matter preceding subsection (a), by inserting "except that the exemptions under subsections (d)(1) and (2) shall not apply to any agent of a foreign principal that is included on the list maintained by the Assistant Secretary of Commerce for Communication and Information under section (b)(1) before the colon.

(b) BOOKS AND RECORDS.—

(1) LIST OF AGENTS OF FOREIGN ADVERTISERS.—Section 5 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 615), is amended—
In this subtitle—

(1) the term "community college" has the meaning given the term "junior or community college" in the Higher Education Act of 1965 (20 U.S.C. 1058);

(2) the term "consortium" means a group primarily composed of nonprofit entities, including universities, that develop, update, and deliver cybersecurity training in support of homeland security;

(3) the terms "cybersecurity risk" and "incident" have the meaning given those terms in section 2209(e) of the Homeland Security Act of 2002 (6 U.S.C. 659(a));

(4) the term "Department" means the Department of Energy; and

(5) help States, Tribal organizations, and communities develop cybersecurity information sharing programs, in accordance with section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), for the dissemination of homeland security information related to cybersecurity risks and incidents; and

(6) help incorporate cybersecurity risk and incident communication into the emergency plans of State, Tribal, and local emergency plans, including continuity of operations plans; and

(7) assist States and Tribal organizations in developing cybersecurity plans.

(c) CONSIDERATIONS REGARDING SELECTION OF A CONSORTIUM.—In selecting a consortium with which to work under this subtitle, the Secretary shall take into consideration the following:

(1) Prior experience conducting cybersecurity training, education, and exercises for State and local entities.

(2) Geographic diversity of the members of any such consortium so as to maximize coverage of the different regions of the United States.

(3) The participation in such consortium of 1 or more historically Black colleges and universities, Hispanic-serving institutions, other minority-serving institutions, and community colleges that participate in the National Centers of Excellence in Cybersecurity program, as carried out by the Department.

(d) METRICS.—If the Secretary works with a consortium under subsection (a), the Secretary shall measure the effectiveness of the activities undertaken by the consortium under this subtitle.

(e) OUTREACH.—The Secretary shall conduct outreach to universities and colleges, including, in particular, outreach to historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, other minority-serving institutions, and community colleges, regarding opportunities to support efforts to address cybersecurity risks and incidents, by working with the Secretary under subsection (a).

SEC. 04. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed to authorize a consortium to control or direct any law enforcement agency in the exercise of the duties of the law enforcement agency.

SA 4461. Mr. WARNER (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4330, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 F—National Cybersecurity Preparedness Consortium Act

SEC. 03. INTRODUCTION.

This subtitle may be cited as the "National Cybersecurity Preparedness Consortium Act of 2021".

SEC. 02. DEFINITIONS.

In this subtitle—

(1) the term "community college" has the meaning given the term "junior or community college" in the Higher Education Act of 1965 (20 U.S.C. 1058);

(2) the term "consortium" means a group primarily composed of nonprofit entities, including universities, that develop, update, and deliver cybersecurity training in support of homeland security;

(3) the terms "cybersecurity risk" and "incident" have the meaning given those terms in section 2209(e) of the Homeland Security Act of 2002 (6 U.S.C. 659(a));

(4) the term "Department" means the Department of Energy; and

(5) help States, Tribal organizations, and communities develop cybersecurity information sharing programs, in accordance with section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), for the dissemination of homeland security information related to cybersecurity risks and incidents; and

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TITLE I—INTELLIGENCE ACTIVITIES
Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.

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 communities.
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. 333. Assessment of intelligence community counterterrorism 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 chains.
Sec. 344. Review of National Security Agency and United States Cyber Command.
Sec. 345. Support for and oversight of Unidentified Aerial Phenomena Task Force.
Sec. 346. Publication of unclassified appendices from reports on intelligence community participation in Vulnerabilities Equities Process.
Sec. 347. Report on future structure and responsibilities of Foreign Malign Influence Center.
Subtitle D—People's Republic of China
Sec. 351. Assessment of posture and capabilities of intelligence community with respect to actions of the People's Republic of China targeting Taiwan.
Sec. 352. Plan to cooperate with intelligence agencies of key democratic countries regarding technological competition with People's Republic of China.
Sec. 353. Assessment of People's Republic of China genomic collection.
Sec. 354. Updates to annual reports on influence operations and campaigns in the United States by the Chinese Communist Party.
Sec. 355. Report on influence of People's Republic of China through Belt and Road Initiative projects with other countries.
Sec. 356. Study on the creation of an official digital currency by the People's Republic of China.
Sec. 357. Report on efforts of Chinese Communist Party to erode freedom and autonomy in Hong Kong.
Sec. 358. Report on targeting of renewable sectors by China.

TITLE IV—ANOMALOUS HEALTH INCIDENTS
Sec. 401. Definition of anomalous health incident.
Sec. 402. Assessment and report on interagency communication relating to efforts to address anomalous health incidents.
Sec. 403. Advisory panel on the Office of Medical Services of the Central Intelligence Agency.
Sec. 404. Joint task force to investigate anomalous health incidents.
Sec. 405. Reporting on occurrence of anomalous health incidents.

TITLE V—SECURITY CLEARANCES AND TRUSTED WORKFORCE
Sec. 501. Exclusivity, consistency, and transparency in security clearance procedures, and right to appeal.
Sec. 502. Federal policy on sharing of derogatory information pertaining to contractor employees in the trusted workforce.
Sec. 503. Performance measures regarding timeliness for personnel mobilization.
Sec. 504. Governance of Trusted Workforce 2.0 initiative.

TITLE VI—OTHER INTELLIGENCE MATTERS
Sec. 601. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.
Sec. 602. Reports on intelligence support for and capacity of the Sergeants at Arms of the Senate and the House of Representatives and the United States Capitol Police.
Sec. 603. Study on vulnerability of Global Positioning System to hostile actions.
Sec. 604. Authority for transportation of federally owned canines associated with force protection duties of intelligence community.

SEC. 2. DEFINITIONS.
In this division:
(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘‘congressional intelligence committees’’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003). (2) INTELLIGENCE COMMUNITY.—The term ‘‘intelligence community’’ has the meaning given such term in such section.

TITLE I—INTELLIGENCE ACTIVITIES
SEC. 101. AUTHORIZATION OF APPROPRIATIONS.
Funds are hereby authorized to be appropriated for fiscal year 2022 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:
(1) The Office of the Director of National Intelligence.
(2) The Central Intelligence Agency.
TITLE III—GENERAL INTELLIGENCE MATTERS
Subtitle A—Intelligence Community Matters
SEC. 301. INCREASING AGRICULTURAL AND COMMERCIAL GEOSPATIAL 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 intelligence facilities.

(c) Contents.—The plan required by subsection (b) shall include the following:

(1) An explanation of how the Director of National Intelligence will leverage the contracts authorized under this section to improve intelligence support to the Department of Agriculture and the Department of Commerce.

(2) An updated acquisition strategy that—

(A) provides for an annual evaluation of commercial geospatial intelligence data services and capabilities to meet new intelligence challenges informed by operational requirements; and

(B) provides for a flexible contract approach that will rapidly leverage innovative commercial geospatial intelligence data services and capabilities to meet new intelligence challenges informed by operational requirements.

(c) Elements.—The plan required by subsection (b) shall include the following:

(1) An explanation of how the Federal Government will leverage the contracts authorized under this section to improve intelligence support to the Department of Agriculture and the Department of Commerce.

(2) An updated acquisition strategy that—

(A) specifies as the head of the office a representative from the National Geospatial-Intelligence Agency; and

(B) specifies as the deputy head of the office a representative from the National Geospatial-Intelligence Agency.

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 Geospatial-Intelligence Agency shall submit to the appropriate committees of Congress a plan for establishing 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 commercial geospatial intelligence data services and capabilities to meet new intelligence challenges informed by operational requirements; and

(B) provides for a flexible contract approach that will rapidly leverage innovative commercial geospatial intelligence data services and capabilities to meet new intelligence challenges informed by operational requirements.

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 National Intelligence, in consultation with 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) An explanation of how the Director of National Intelligence will leverage the contracts authorized under this section to improve intelligence support to the Department of Agriculture and the Department of Commerce.

(2) An updated acquisition strategy that—

(A) specifies as the head of the office a representative from the National Geospatial-Intelligence Agency; and

(B) specifies as the deputy head of the office a representative from the National Geospatial-Intelligence Agency.
(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.—Within 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 the necessary training and capability to request information needed 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) objections 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) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 3383(d)) is amended to read as follows:  
"(d) NATIONAL COUNTERINTELLIGENCE OUTREACH, WATCH, AND WARNING.—  
(A) COUNTERINTELLIGENCE VULNERABILITY RISK ASSESSMENT.—(1) In paragraph (7) of such section is amended by striking "surveys of the vulnerability of the United States Government, and the private sector, and "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.—  
"(1) 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 Federal departments and agencies, the United States Government, State, local, and Tribal governments, foreign governments and allies of the United States, the private sector, and United States academic institutes.  

"(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 5313 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 MAINLY BY INTELLIGENCE COMMUNITY.  

Section 602(a) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 3396c(a)) is amended by striking—  
(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 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 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 subsection (b)(2) the execution of related expenditures.  

(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 for the director of the National Security Agency or for the Director of National Intelligence.  

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, there is a Diversity, Equity, and Inclusion Officer of the Intelligence Community shall submit to the congressional intelligence committees and the Intelligence Community a report on the implementation of the strategies and initiatives developed pursuant to subsection (b)(2) and the execution of related expenditures.  

(c) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER DIVERSITY, EQUITY, AND INCLUSION OFFICER 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 any equivalent employees of the Office of the Director of National Intelligence or the Office of the National Director of Counterintelligence, or the Office of the National Director of Intelligence.  

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to subsection (b)(2) the execution of related expenditures.  

(c) 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, there is a 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 REPORT 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 committees a report on the implementation of the strategies and initiatives developed pursuant to subsection (b)(2) and the execution of related expenditures.  

(4) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER DIVERSITY, EQUITY, AND INCLUSION OFFICER 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 any equivalent employees of the Office of the Director of National Intelligence or the Office of the National Director of Counterintelligence, or the Office of the National Director of Intelligence.  

(5) Limitation.—None of the funds authorized to be appropriated by this Act may be used to increase the number of full-time equivalent employees for the director of the National Security Agency or for the Director of National Intelligence.  

(6) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to subsection (b)(2) the execution of related expenditures.  

(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 for the director of the National Security Agency or for the Director of National Intelligence.  

(6) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to subsection (b)(2) the execution of related expenditures.
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 impact of 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 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 related to 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 individual or group that 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. App. 2501 et seq.) is amended by adding at the end the following:

**SEC. 26. CHAPLAIN CORPS AND CHIEF OF CHAPLAIN.**

"(a) ESTABLISHMENT OF CHAPLAIN CORPS.—There is in the Agency a Chaplain Corps for the provision of spiritual or religious pastoral services.

(b) HEAD OF CHAPLAIN CORPS.—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 may be necessary to carry out the purposes of this section.

(2) BRIEFING ON THE PILOT PROGRAM.—Not later than 120 days after the date of the enactment of this Act, 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 after the date of the enactment of this Act, the Assistant Secretary shall provide 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.

(h) RETENTION OF PRESCRIBED RATES OF PAY AFTER TERMINATION OF PILOT PROGRAM.—After the period set forth in subsection (a), 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 the date as the applicable rate of pay for the person under the General Schedule exceeds the rate of basic pay that was in effect under subsection (c).

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 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 (b) 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 financial and cyber intelligence analyst positions eligible for the additional pay under subsection (c).

(2) COVERED PERSONS.—For purposes of paragraph (1), a covered person under the pilot program is—

(A) an employee who was employed in that position on the day before the date of the enactment of this Act; or

(B) an employee who was employed in that position on the date on which the person begins employment in the Office.

(e) CLOSING 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.

(f) 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 pilot program similar to the pilot program required by subsection (a); and

(2) what, if any, modifications the Director will recommend for the pilot program.
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 Justice, the Department of the Treasury, the Department of Defense, and other elements of the intelligence community 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; and

(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).

Subtitle B—Inspector General of the Intelligence Community

SEC. 321. SUBMITTAL OF COMPLAINTS AND INFORMATION BY WHISTLEBLOWERS IN THE INTELLIGENCE COMMUNITY.

(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 inserting ''or any other committee of jurisdiction'' in subsection (a); (B) by inserting the following:

''(b) 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 who intends to report to Congress a complaint or information under this section, or a member of the staff and a member of the minority staff of the committee.''; (C) 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 also contact the applicable security officer pursuant to subsection (a)(3), the Chairman and/or the Vice 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 staff and a member of the minority staff of the committee.''; (D) by inserting the following:

''(2) PROCEDURES.—Subsection (d) of such section is amended—

(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); or

(C) by amending clause (ii) to read as follows:

''(ii) Except as provided in subclause (I), an employee may contact a congressional intelligence committee after either or both of the intelligence committees''.
(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 clause (bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report that 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 redesigning clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

(1) 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 Chair or Ranking Member of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following such procedural direction otherwise required under such subclause.

(2) A matter of national security; and

(A) in subparagraph (A), as amended by section 321(a)(1)(A), redesignated by subparagraph (B), by inserting (‘‘(1) 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.—Section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033) is amended by adding at the end the following:

(II) If an employee seeks procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

(III) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information to the Chair or Ranking Member of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following such procedural direction otherwise required under such subclause.

(1) A matter of national security; and

(A) in subclause (I), as amended by subsection (a)(1), redesignated 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) 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.’’);

(2) AUTHORITY OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY TO DETERMINE MATTERS OF URGENT CONCERN.—Section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033) is amended by adding at the end the following:

(II) If an employee seeks procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

(III) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information to the Chair or Ranking Member of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following such procedural direction otherwise required under such subclause.

(1) A matter of national security; and

(A) in subparagraph (A), as amended by section 321(a)(1)(A), redesignated by subparagraph (B), by inserting (‘‘(1) 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.’’);

(2) AUTHORITY OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033) is amended by adding at the end the following:

(II) If an employee seeks procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

(III) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information to the Chair or Ranking Member of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following such procedural direction otherwise required under such subclause.

(1) A matter of national security; and

(A) in subparagraph (A), as amended by section 321(a)(1)(A), redesignated by subparagraph (B), by inserting (‘‘(1) 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.’’);
(C) in the matter before clause (1), 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. 232. 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 subparagraph (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. 3314(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 repercussions from agency employees.—Section 1104(c)(1) of such Act (50 U.S.C. 3314(c)(1)), as amended by paragraph (1)(B) of this subsection, is further amended, in the matter preceding paragraph (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 202(b) of title 1, United States Code.

(b) Retaliatory revocation of security clearances and access determinations.—

(1) Personnel actions.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3311) is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following:

"(8) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

(A) General.—Section 103(h)(5) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3317(h)(5)) is amended by striking "gross mismanagement" and inserting "mismanagement";

(B) in subparagraph (B)(ii), by striking "gross mismanagement" and inserting "mismanagement";

(c) 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," after "the head of the employing agency," and inserting "or" before "the head of the employing agency."

(B) by inserting after subsection (c) the following:

"(d) Disclosures by contractor employees to supervisors.—Section 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)) is amended—

(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

(B) by adding at the end the following:

"(C) 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.); or

(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) subsections (a), (D), and (I) of section 103(h)(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 (1); 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, investigation, or other inquiry conducted by the Inspector General."

(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 excepted from the provisions of 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 (b)(2); or

‘‘(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.

(b) CORRECTION RELATING TO NORMAL COURSE DISCLOSURES.—Section 3001(j)(3) of the Intelligence Reform and Terrorism Prevention Act of 2001 (50 U.S.C. 3314(j)(3)) is amended—

‘‘(1) by striking ‘‘Disclosures.‘‘— and all that follows through ‘‘because—‘‘ and inserting ‘‘Disclosures shall not be excepted from this section because—‘‘;

‘‘(2) by striking subparagraph (B);

‘‘(3) by redesigning 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 ‘‘for determining whether a prosecution should be undertaken‘‘ and inserting ‘‘a knowing and willful disclosure revealing the identity or other personally identifiable information of an employee or contractor employee;‘‘;

‘‘(2) by redesigning subsections (f) and (g), as redesignated by section 323(g)(1), as subsections (f) and (g), respectively, and by inserting after subsection (e), as added by section 323(g)(2), the following:

‘‘(f) PERSONNEL ACTIONS IN VIO- 

LATION OF WHISTLEBLOWER

IDENTITY.—A personnel action described in subsection (a)(3) of this Act 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) the personnel action was unavoidable because—

‘‘(A) the personnel action was made to an employee who had been detailed to an agency because—

‘‘(i) the employee was notified of the final disposition of the employee’s claim under section 1106; and

‘‘(ii) an inspector general of the employing agency notified the employee of the final disposition of the employee’s claim under section 1106.

‘‘(B) the personnel action was made to an employee who was notified of the final disposition of the employee’s claim under section 1106; and

‘‘(C) the inspector general notified the employee of the final disposition of the employee’s claim under section 1106; and

‘‘(3) an employee or contractor employee shall have exhausted all 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 General Oversight Community a request for a review of the claim by an external review panel as established with section 1221 of title 5, United States Code, bring a private action for all appropriate remedies, including declaratory relief and compensatory and punitive damages, in an amount not to exceed $250,000, against the agency of the employee or contractor employee which took the personnel action, in a Federal district court of competent jurisdiction.

‘‘(g) 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 have exhausted all administrative remedies by—

‘‘(1) providing for the enforcement of this section.

‘‘(ii) second, submitting to the Inspector General of the General Intelligence Community a request for a review of the claim by an external review panel as established with section 1221 of title 5, United States Code, bring a private action for all appropriate remedies, including declaratory relief and compensatory and punitive damages, in an amount not to exceed $250,000, against the agency of the employee or contractor employee which took the personnel action, in a Federal district court of competent jurisdiction.

‘‘(H) 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.

‘‘(I) 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 House of Representatives; and

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

‘‘(2) CONGRESSIONAL LEADERSHIP.—The term ‘congressional leadership’ means—

‘‘(A) the majority leader of the House of Representatives;

‘‘(B) the minority leader of the Senate;

‘‘(C) the Speaker of the House of Representatives; and

‘‘(D) the minority leader of the Senate.

‘‘(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 BRIEFSING REQUIRED.—The term ‘periodic briefing’ means a briefing provided under paragraph (1) that shall include, at a minimum, the following:

‘‘(A) A description of the activity of the controlled access program as of the date of the briefing; and

‘‘(B) Documentation with respect to how the controlled access programs have achieved the briefing.

‘‘(1) 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 have exhausted all 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 General Intelligence Community a request for a review of the claim by an external review panel as established with section 1221 of title 5, United States Code, bring a private action for all appropriate remedies, including declaratory relief and compensatory and punitive damages, in an amount not to exceed $250,000, against the agency of the employee or contractor employee which took the personnel action, in a Federal district court of competent jurisdiction.

‘‘(H) 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.
(c) LIMITATIONS.—

(1) LIMITATION ON ESTABLISHMENT.—A head of an element of the intelligence community may not establish a controlled access program, compartment, or subcompartment therein, until the head notifies the appropriate committees of Congress and congressional leadership of such compartment, 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 a report on controlled access programs.

(d) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of 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 administered by 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 GFM 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), the Director shall:

(aa) 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

(bb) For each certification—

(aa) the rationale for the revalidation, validation, or substantial modification, including termination, of each controlled access program, compartment, and subcompartment; and

(bb) the identification of a control officer for each controlled access program; and

(cc) Any protection requirements for each controlled access program.

(c) CONFIRMING 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).

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 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 a report on the status of the intelligence community’s development of a comprehensive hybrid space architecture that combines national and commercial capabilities and large and small satellites.

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 coordination with the Under Secretary of Defense for Intelligence and Security and the Director of National Intelligence, 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. 333. 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) REPORT 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. 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 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 National Intelligence shall, in consultation with such other Federal Government entities as the Director considers appropriate, 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 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. 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 in terms of 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 REPORTS ON ADVANCED TECHNOLOGIES IN TECHNIQUES OF STRATEGIC IMPORTANCE TO UNITED STATES.

(a) IN GENERAL.—Not less frequently than once every 2 years and not later than 4 years after the date of the enactment of this Act, the Director of National Intelligence 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...
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 that 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 in which the Director considers to be of 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 (b) shall be submitted in unclassified form, but may include a classified annex, if necessary.

SEC. 338. REPORT ON NORD STREAM II EFFORTS.

(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 Affairs, and the Committee on Appropriations of the Senate; and

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

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Secretary of Energy, 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 the potential risks associated with such activities and how the United States can mitigate such risks.

(c) FORM.—The report required by 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.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Secretary of Energy, shall submit to the appropriate committees of Congress a report on the activities and submission to the appropriate committees of Congress of the findings of the Director with respect to the assessment completed under paragraph (1).

(c) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex, if 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 applications at speed and scale from headquarters to the tactical edge; and

(2) submit to the appropriate committees of Congress 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 road map 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 (b) 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 45 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, to the joint command and control and 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, foreign 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 model at the Office of the Director of National Intelligence and recommendations for such changes as the Director considers necessary to strengthen those capabilities.

(2) An analysis of the effectiveness of the Office of the Director of National Intelligence in analyzing and reporting on cyber
supply chain risks, including efforts undertaken by the National Counterintelligence and Security Center.

(3) Mitigation plans for any gaps or deficiencies identified in the assessments included under paragraphs (1) and (2).

SEC. 344. REVIEW OF NATIONAL SECURITY AGENCY AND UNITED STATES CYBER COMMAND.

(a) REVIEW REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the National Security Agency and the Inspector General of the Department of Defense shall complete a review of the National Security Agency and the United States Cyber Command.

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

(1) Whether sources, authorities, activities, missions, facilities, and personnel are appropriately being delineated and used to conduct the intelligence and cybersecurity missions at the National Security Agency as well as the cyber offense and defense missions at the Cyber Command.

(2) The extent to which current resource-sharing arrangements between the National Security Agency and United States Cyber Command create an adequate intelligence collection in support of United States Cyber Command missions rather than foreign intelligence collection.

(3) The intelligence analysis and projection conducted by United States Cyber Command using National Security Agency authorities, with a focus on analytic integrity and influence oversight to ensure proper analysis is informing mission operations.

(c) REPORT AND BRIEF.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community and the Inspector General of the Department of Defense shall jointly submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) a report on the findings of the inspectors general with respect to the review completed under subsection (a).

SEC. 345. SUPPORT FOR AND OVERSIGHT OF UNIDENTIFIED AERIAL PHENOMENA TASK FORCE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ includes:

(A) The congressional intelligence committees;

(B) The Committee on Armed Services of the Senate;

(C) The Committee on Commerce, Science, and Transportation of the Senate;

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

(E) The Committee on Transportation and Infrastructure of the House of Representatives;

(F) The Committee on Science, Space, and Technology of the House of Representatives.

(2) UNIDENTIFIED AERIAL PHENOMENA TASK FORCE.—The term ‘Unidentified Aerial Phenomena Task Force’ means the task force established by the Department of Defense on August 4, 2020, to be led by the Department of the Navy, under the Office of the Under Secretary of Defense for Intelligence and Security.

(b) AVAILABILITY OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—The Director of National Intelligence and the Secretary of Defense shall, on a regular basis, coordinate 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 the collection and analysis of data related 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 the previous report.

(3) FORM.—Each report submitted under paragraph (1) shall be submitted in classified form.

SEC. 346. PUBLICATION OF UNCLASSIFIED APPENDICES FROM REPORTS ON INTELLIGENCE COMMUNITY PARTICIPATION IN FOREIGN MALIGN INFLUENCE EVENTS.

Section 7520(c) of the National Defense Authorization Act for Fiscal Year 2020 (30 U.S.C. 3316a(c)) is amended by adding at the end the following:

‘‘(4) PUBLICATION.—The Director of National Intelligence, in consultation with the appropriate committees of Congress and in accordance with section 347 of the Intelligence Reform and Terrorism Prevention Act of 2004, shall publish unclassified appendices to the report submitted under paragraph (1) pursuant to paragraph (2) in a timely manner after the date of receipt of the report.’’.

SEC. 347. REPORT ON FUTURE STRUCTURE AND RESPONSIBILITIES OF FOREIGN MALIG INFLUENCE CENTER.

(a) 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 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) 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;

(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.

Title 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 Affairs, 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 Appropriations of the Senate; and

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

(3) the Committee on Financial 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 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) an 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, research and development, and genetic information of United States citizens; and

(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.

(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); and

(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 symp- toms 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, hearing the sound, changes in balance, 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 Affairs of the House of Representatives; 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 and the Director shall name such personnel as the Director considers appropriate, an advisory panel to address 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 intelligence 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 the medical treatment by the Office of Medical Services with regard to anomalous health incidents, including with respect to access to external treatment facilities and specialists.

(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, sources, 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 Committees Act (5 U.S.C. App.) shall not apply to the advisory panel established pursuant to subsection (a).

(e) REPORTS.

(1) IN GENERAL.—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 a 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) additional recommendations for legislation or administrative action as the panel considers appropriate.

(3) INTERIM REPORT OR BRIEFING.—Not later than 90 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 additional information concerning the terms of reference of the advisory panel as the Director considers appropriate to ensure there is a process to provide employees of the intelligence community and their family members with an experienced medical community to review 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 90 days after the date of the enactment of this Act, 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 shall, in coordination with the Director of the Federal Bureau of Investigation, establish a task force to investigate anomalous health incidents.

(c) CONSULTATION.—In carrying out an investigation under subsection (b), the task force 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 shall submit to the appropriate committees of Congress a written report on the findings of that investigation.

(2) FURTHER INVESTIGATION.—The Director of National Intelligence shall, in coordination with the Director of the Federal Bureau of Investigation, the Secretary of Defense, and other appropriate committees of Congress, carry out a comprehensive investigation of matters covered by subsection (b) in coordination with the appropriate committees of Congress.

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) 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) REPORT TO CONGRESS.—The task force shall complete the investigation required by subsection (b) and submit to the appropriate committees of Congress a written report on the findings of the task force with respect to such investigation.

(d) FORM.—The report submitted pursuant to paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 406. ACCESS TO CERTAIN FACILITIES OF UNITED STATES, TREATMENT FOR ASSESSMENT OF ANOMALOUS HEALTH CONDITIONS.

(a) ASSESSMENT.—The Director of National Intelligence shall ensure that elements of the intelligence community that make a determination regarding eligibility for access to facilities of the United States, treatment, or assessment 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 that there is a process to provide employees of the intelligence community and their family members with an experienced medical community to review the interim findings of the advisory panel with respect to the elements set forth in paragraph (2).

(c) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term ‘eligibility for access to classified information’ has the meaning given the term ‘Executive agency’ in section 105 of title 5, United States Code. The term ‘classified information’ includes classified national security information 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 which such determination requires; or

(B) a coercion or reprisal described in section 2302(b)(3) of title 5, United States Code; and

(d) does not violate section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3314(j)(1)).
subsection of paragraph (4) of such section.

((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—

((I) the basis of the agency determines is consistent with the interests of national security; and

((II) permitted by other applicable provisions of law, including—

((aa) to appear personally before an adjudicative or other authority, other than the investigating entity, and to present such evidence as the head of the agency may require; 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 and as permitted—

((i) necessary for the panel to hear and review an appeal under this subsection; and

((ii) consistent with the interests of national security.

((iv) 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 such evidence as the head of the agency may require; 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 and as permitted—

((i) necessary for the panel to hear and review an appeal under this subsection; and

((ii) consistent with the interests of national security.

((v) 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 hearing required under this clause.

((b) AGENCY REVIEW.—

((i) IN GENERAL.—Each 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—

((ii) necessary for the panel to hear and review an appeal under this subsection; and

((iii) consistent with the interests of national security.

((ii) 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 (commonly known as the 'Freedom of Information Act');

((ii) published to explain the facts of the case, the decision under review, and relevant classified 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 established under this subsection.

“(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 a 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, 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.

“(f) Reporting.—

“(1) Case-by-case.—In each case in which the head of an agency makes under paragraph (1) a procedure established under subsection (b) cannot be made available to a covered person, the head of the agency 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.

“(2) 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 that 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.

“(g) Denials and Revocations Under Other Provisions of Law.—

“(I) In General.—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.

“(II) Denials and Revocations.—The power and responsibility of the head of an agency 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 is not diminished by this section.

“(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) CASH-BY-CASE.

(ii) Noncompliance.—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 commonly referred to as ‘‘sensitive compartmented information,’’ and which National Security Adjudicative Guideline It falls under, with the exception that the Security Executive Agent may waive such requirement in circumstances the Security Executive Agent considers extraordinary;

(3) UPDATED POLICIES.—Not later than 1 year after the date on which the Director issues the policy under subsection (a), the Director shall submit to Congress a report on each year thereafter until the date that is 3 years after the date of such issuance, the Director considers appropriate.

(2) REQUIREMENTS.—The policy issued under subsection (a) shall—

(1) IN GENERAL.—The policy issued under subsection (a) shall require, as a condition of accepting a security clearance with the Federal Government, that a contractor employee provide prior written consent for the Federal Government to share covered derogatory information with the chief security officer of the contractor employer that employs the contractor employee.

(2) COVERED DEROGATORY INFORMATION.—For purposes of this section, covered derogatory information:

(A) is information that—


(ii) a Federal Government agency certifies is accurate and reliable;

(iii) is that the Security Executive Agent’s ability to protect against insider threats as required by section 1–202 of the National Industrial Security Program Operating Manual (NISPM), or successor manual; and

(iv) may have a bearing on the contractor employee’s suitability for a position of public trust or to obtain clearance to certain facilities of the Federal Government; and

(2) COVERED DEROGATORY INFORMATION.—

(1) IN GENERAL.—The policy issued under subsection (a) shall require that covered derogatory information will be shared with contractor employers exclusively for risk management, human resources review, transfer of the contractor employer of a contractor employee; and

(C) to provide documentation pertinent to subparagrapgh (B) for an agency to place in relevant security clearance databases;

(7) establish a procedure by which the contractor employee may consult with the Federal Government prior to taking any remedial action under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual, to address the derogatory information the Federal agency has provided;

(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including security professionals at the contractor employer; and

(9) require companies in the National Industrial Security Program to comply with this policy and the policy issued under subsection (a).

(d) CONSIDERATION OF LESSONS LEARNED FROM INFORMATION-SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCE—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 classified 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) require agencies, except under exceptional circumstances specified by the Security Executive Agent, to share with the contractor employer of a contractor employee on the National Industrial Security Program, the existence of potentially derogatory information and which National Security Adjudicative Guideline It falls under, with the contractor employee’s security clearance.

(1) IN GENERAL.—In each case in which 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, to deny: a contractor employer; and

(2) C OVERED DEROGATORY INFORMATION.—

(1) I N GENERAL.—The policy issued under subsection (a) shall—

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(7) establish a procedure by which the contractor employee may consult with the Federal Government prior to taking any remedial action under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual, to address the derogatory information the Federal agency has provided;

(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including security professionals at the contractor employer; and

(9) require companies in the National Industrial Security Program to comply with this policy and the policy issued under subsection (a).

(d) CONSIDERATION OF LESSONS LEARNED FROM INFORMATION-SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCE—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 classified 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.

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(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including security professionals at the contractor employer; and

(9) require companies in the National Industrial Security Program to comply with this policy and the policy issued under subsection (a).

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(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including security professionals at the contractor employer; and

(9) require companies in the National Industrial Security Program to comply with this policy and the policy issued under subsection (a).

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(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including security professionals at the contractor employer; and

(9) require companies in the National Industrial Security Program to comply with this policy and the policy issued under subsection (a).

(d) CONSIDERATION OF LESSONS LEARNED FROM INFORMATION-SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCE—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 classified 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.

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(7) establish a procedure by which the contractor employee may consult with the Federal Government prior to taking any remedial action under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual, to address the derogatory information the Federal agency has provided;

(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including security professionals at the contractor employer; and

(9) require companies in the National Industrial Security Program to comply with this policy and the policy issued under subsection (a).
SEC. 601. IMPROVEMENTS RELATING TO CON- 
GRESSIONAL STAFF AND THE UNITED STATES 
CAPITOL POLICE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMIT- 
TEES.—The term ‘‘appropriate committees of Congress’’ means—

(A) the congressional intelligence commit- 
tees; 

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and 

(C) the Committee on Homeland Security, the Committee on Homeland Security, the House Committee on the Judiciary, and the Committee on Appropriations 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 shall submit to the appropriate committees of Congress a report on intelligence support to provided to the Senators at Arms and the United States Capitol Police.

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

(A) An assessment of intelligence support, including performance metrics, that was provided to the Senators at Arms and the United States Capitol Police.

(B) An assessment of the relative effectiveness of the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police.

(C) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are effective.

(D) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are adequate.

(E) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are efficient.

(F) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are cost-effective.

(G) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are sustainable.

(H) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are scalable.

(I) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are replicable.

(J) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are adaptable.

(K) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are flexible.

(L) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are resilient.

(M) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are robust.

(N) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are reliable.

(O) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are secure.

(P) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are available.

(Q) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are accessible.

(R) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are understandable.

(S) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are usable.

(T) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are interoperable.

(U) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are interoperable.

(V) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are interoperable.

(W) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are interoperable.

(X) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are interoperable.

(Y) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are interoperable.

(Z) An evaluation of the extent to which the programs and procedures for the provision of intelligence support to the Senators at Arms and the United States Capitol Police are interoperable.

(a) DETERMINATION OF APPROPRIATE COM- 
MITTEES.—In this section, the term ‘‘appropriate committees of Congress’’ means—

(1) the congressional intelligence commit- 
tees;

(2) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Science, Space, and Technol- 
yogy, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) STUDY REQUIRED.—The Director of National Intelligence shall, within 180 days after the date of the enactment of this Act, 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 Position- 
ing System to hostile actions.

(2) The potential negative effects of a pro- 
longed Global Positioning System outage, including with respect to the entire society, 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, es- 
pecially for the purpose of providing position- 
ing, navigation, and timing, to United States civil, commercial, and government users.

(4) Any actions being planned or under-
taken by the intelligence community, the
Section 334(a)(2)(B) of title 31, United States Code, is amended by inserting "or" after "the" in paragraph (3), and before the period at the end of the paragraph, 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 Independence and Empowerment Act of 2021, the President includes a report on the determination described in clause (i), including the report required under subparagraph (B), in 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 after 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 required under subparagraph (B), including the report required under clause (ii) of that subparagraph, and

"(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 Troubled Asset Relief Program, and the Special Inspector General for Pandemic Response; 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 a reference to—

"(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. 3053(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)); and

"(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); and

"(IV) in the case of the Special Inspector General for Pandemic Response, a reference to section 4918(b)(3) of the CARES Act (15 U.S.C. 9503(b)(3)); and

"(V) 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);]

[(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General Independence and Empowerment Act of 2021, the President includes a report on the determination described in clause (i), including the report required under subparagraph (B), in 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 after 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 required under subparagraph (B), including the report required under clause (ii) of that subparagraph, and

"(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 Troubled Asset Relief Program, and the Special Inspector General for Pandemic Response; 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 a reference to—

"(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. 3053(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)); and

"(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);]

[(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General Independence and Empowerment Act of 2021, the President includes a report on the determination described in clause (i), including the report required under subparagraph (B), in 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 after 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 required under subparagraph (B), including the report required under clause (ii) of that subparagraph, and

"(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 Troubled Asset Relief Program, and the Special Inspector General for Pandemic Response; 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 a reference to—

"(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. 3053(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)); and

"(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);]"
in the workplace poses a threat described in any of clauses (i) through (iv) of section 3349b(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 certification that contains a statement that the individual is performing the functions and duties of an 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 individual is serving 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 employees 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) the certification submitted under this clause includes the reason for the direction that the individual is serving in a position temporarily in an acting capacity.

(a) W HISTLEBLOWER PROTECTION COORDINATOR.—Subchapter III of chapter 3, title 5, United States Code, 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 by order, 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)(I)—

(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—

(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 by order, as the first assistant to the position of Inspector General; 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;

(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 the Pandemic Response; and

(2) If an Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

(A) the President, by and with the advice and consent of the Senate, shall by appointment 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 date on which the vacancy occurred or on which a nomination is rejected, withdrawn, or returned, and ending on the day that is 30 days after the date on which the President makes that direction.

(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 paragraph (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; and

(3) Notwithstanding subsection (a) of section 3345(a) of title 5, United States Code, only if—

(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 otherwise becomes unable to perform the functions and duties temporarily in an acting capacity, the President makes that direction.

(4) An individual may perform the functions and duties of an Inspector General temporarily and in an acting capacity subject to the time limitations of section 3345a(a) of title 5, United States Code, only if—

(A) the individual is serving in a position in an Office of an Inspector General and

(B) not later than 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.

(5) If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction takes effect, the President may take under law with respect to an individual who is otherwise unable to perform the functions and duties described in clause (i)(II) —

(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 the Inspector General temporarily in an acting capacity—

(I) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General; or

(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 employees 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) the certification submitted under this clause includes the reason for the direction that the individual is serving in a position temporarily in an acting capacity.
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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) by inserting after subsection (d) the following:

"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:

"(5)(B) the term 'Inspector General'—

"(2) the term 'Inspector General'—

"(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.—

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 inserting after the date on which an Inspector General received a report submitted under paragraph (1), the Inspector General shall submit to the President, the appropriate congressional committees, and the head of the establishment—

"(i) the report received under paragraph (1); and

"(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) by the Inspector General of the establishment or a designated Federal entity (as defined in section 82(a)); and

"(ii) the date on which the investigation opened;

"(i) the date on which the investigation was opened; and

"(F) The number and category or type of pending investigations.

"(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) 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;

"(g) On each report submitted under subsection (a), the Chairperson of the Integrity Committee shall, immediately after the date on which the report is submitted, transmit a copy of the report to the appropriate congressional committees, and the head of the establishment—

"(F) The number and category or type of pending investigations.

"(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) 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;

"(g) On each report submitted under subsection (a), the Chairperson of the Integrity Committee shall, immediately after the date on which the report is submitted, transmit a copy of the report to the appropriate congressional committees, and the head of the establishment—

"(F) The number and category or type of pending investigations.

"(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) 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;

"(g) On each report submitted under subsection (a), the Chairperson of the Integrity Committee shall, immediately after the date on which the report is submitted, transmit a copy of the report to the appropriate congressional committees, and the head of the establishment—

"(F) The number and category or type of pending investigations.

"(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) 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;

"(g) On each report submitted under subsection (a), the Chairperson of the Integrity Committee shall, immediately after the date on which the report is submitted, transmit a copy of the report to the appropriate congressional committees, and the head of the establishment—

"(F) The number and category or type of pending investigations.

"(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) 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;
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 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 require by subpoena the attendance and testimony of a contractor, consultant, or other non-Federal individual or entity.

(3) DETERMINATION BY INSPECTOR GENERAL.—The determination of whether a matter constitutes an audit, inspection, evaluation, or investigation, or investigation, shall be made 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 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 for approval—

(A) request that information; 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 a request for approval to issue a subpoena submitted under paragraph (1) not later than 10 days after the submission of the request.

(e) PANEL REVIEW BEFORE ISSUANCE.—(1) A REQUEST FOR APPROVAL BY SUBPOENA PANEL.—Before the issuance of a subpoena described in subsection (b), an Inspector General shall submit 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.

(2) 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 paragraph (1) 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 (ii) is not immediately available to serve on the Subpoena Panel within 24 hours of receiving a notification from the Chairperson or a designee of the Chairperson for a request for a subpoena, 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) PROOF OF CONVERSION FROM DISCLOSURE.—(1) 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.

(2) REQUEST FOR DISCLOSURE.—Any request for disclosure of the information described in clause (i) shall be submitted to the Inspector General requesting the subpoena.

(E) TIME TO RESPOND.—(1) 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.

(2) 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).

(F) APPROVAL BY PANEL.—If all members of the Subpoena Panel unananimously approve a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Inspector General may issue the subpoena.

(2) 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.

(3) 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 Comptroller General of the United States, and the Comptroller General of the United States a report on the use of subpoena described in paragraph (1) in any audit, inspection, evaluation, or investigation that concluded during the immediately preceding 6-month period ending on March 31 and September 30, which shall include—

(i) a list of each Inspector General that has submitted a request for approval of a subpoena to the Subpoena Panel; and

(ii) an analysis of any patterns and trends identified in the use of subpoenas.

(4) any other information the Council of the Inspectors General on Integrity and Efficiency considers appropriate to include.

(G) 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.

(H) TERMINATION.—The authorities provided under subsection (b) shall terminate on January 1, 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”;

(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(c)(1), by inserting “6A.,” before “and 7.”

SEC. 5142. REVIEW BY THE COMPROLLER 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(1) of the Inspector General Act of 1978 (5 U.S.C. App. 1) and, including an analysis of any patterns and trends identified in the use of the authority during the report period; and

(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 recommendations based on observations or information gathered by the Comptroller General of the United States during the course of the review.

TITLe LV—I nvestIGATIoNS OF DEPARTMENT OF JUSTICE PERSONNEL

SEC. 5151. SHORT TITLE.

This title may be cited as the “Inspector General Access Act.”

SEC. 5152. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.


(1) in subsection (b)—

(A) in paragraph (2), by striking “and paragraph”;

(B) by striking paragraph (3);

(C) by redesigning paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(D) by striking paragraph (4).
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 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 after subsection (e), as added by section 5135 of this division, the following:

"(1) for each investigation—

(a) the nature and scope;
(b) the fiscal quarter in which the Office initiated the investigation;
(c) the relevant Federal agency, including the 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, entity, or organization being investigated; 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 INSPECTOR GENERAL ON INTEGRITY AND EFICIENCY 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) 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)(2)");"

TITLES VI—TRAINING RESOURCES FOR INSPECTORS GENERAL AND OTHER MATTERS

SEC. 5191. TRAINING RESOURCES FOR INSPECTORS GENERAL AND OTHER MATTERS

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;
(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.


(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 (c), by striking "committees or subcommittees of Congress" and inserting "congressional committees";
(2) in section 6(h)—
(A) in subparagraph (B), by striking "government" and inserting "the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives and the Committee on Ways and Means of the House of Representatives"; and
(B) in subsection (d), by striking "committees or subcommittees of Congress" and inserting "congressional committees";
(3) in section 8—
(A) in subsection (a), by striking "Committees on Governmental Affairs and Judiciary of the Senate" and the Committee on the Judiciary of the House of Representatives"; and
(B) in subsection (c), by striking "committees or subcommittees of Congress and Congress" and inserting "congressional committees";
(4) in section 10—
(A) in paragraph (1), by striking "the Appropriations Committee of Congress, the Committee on Finance of the Senate and the Committee on Finance of the House of Representatives and the Committee on Ways and Means of the House of Representatives" and inserting "the Committee on Finance of the Senate and the Committee on Finance of the House of Representatives, 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 Committee on Governmental Reform and Oversight and Ways and Means of the House of Representatives" and inserting "Committees 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 Committee on the Judiciary of the House of Representatives"; and
(B) in subsection (c), by striking "committees or subcommittees of Congress and Congress" and inserting "congressional committees";
(6) in section 8F—
(A) in subsection (d)(3)(B), in the matter preceding clause (1), 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, including the Committee on Armed Services of the Senate and the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives, and to other appropriate committees or subcommittees of the Congress";
(ii) by striking subparagraph (C);
(7) in section 8G—
(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 (a)(3)(B)(viii)—
(i) by striking subclauses (III) and (IV);
(ii) in clause (1), by adding "and" at the end; and
(iii) by amending subclause (I) to read as follows:

"(II) the appropriate congressional committees;" and
(B) in subsection (d)(8)(A)(ii), by striking "the" and all that follows through "jurisdiction" and inserting "to the" and all that follows through "jurisdiction";"
(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.


(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;’’

(ii) by redesigning 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) a report by the establishment to interfere with the independence of the Office, including—

(i) with budget constraints designed to limit the abilities 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)—

(1) 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 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—

(A) disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise;

(B) disallowed costs that were written off by management;

(C) disallowed costs and funds to be put to better use not yet recovered or written off by management;

(D) recommendations that were completed; and

(E) 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 corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decisions;’’;

(ii) by redesigning paragraph (4) as paragraph (3); and

(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, or 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; and

(ii) the report is under informal 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;’’;

(C) by redesigning 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) in lieu of including the information in that report.’’.

SEC. 5194. SUBMISSION OF REPORTS THAT SPECIFICALLY AFFECT 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 5130 of this division, is amended by adding at the end the following:

‘‘(6A) Except as provided in subparagraph (B), if an audit, evaluation, inspection, or other non-investigative report prepared by the 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;

and

(II) the non-governmental organization or business entity shall have—

(I) 30 days to review the audit, evaluation, inspection, or non-investigative report and 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

(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) Relocation.—Paragraph (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 that refused to provide information or assistance sought by an Inspector General; and

(2) any written response submitted under clause (i) of section 5130(g)(6A) 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.
(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 other appropriate Inspec-
tor general, shall conduct a thorough review of efforts to support and process evacuees from Afghanistan and the Afghan special immi-
grant 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 was capable of detecting—

(i) instances of human trafficking and domes-
tic abuse;

(ii) evacuees who are unaccompanied mi-
nors; 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 determine the total number of indi-
vidual evacuated from Afghanistan in 2021 with support of the United States Govern-
ment, 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 1099 of the National Defense Author-
ization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–166) at the time of evacu-
ation;

(E) eligibility for employment-based non-
immigrant visas at the time of evacuation; and

(F) familial relationship to evacuees who are eligible for visas described in subparagraphs (D) and (E);

(5) to provide eligible individuals with spe-
cial immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) and section 1099 of the Na-

(A) a detailed step-by-step description of the application process for such special im-

migrant 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 de-
nied, disaggregated by fiscal year;

(C) the number of such special immigrant visas issued, as compared with the number available under law, disaggregated by fiscal year;

(D) an assessment of the average length of time taken for such 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 applica-
tions for such special immigrant visas that remained pending at the end of each fiscal year;

(F) an accounting of the number of inter-
views of applicants for such special immi-
grant visas conducted during each fiscal year;

(G) the number of noncitizens who were ad-
mitted 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 im-
migrant visas so as to address the backlog and ex-
pand 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,

(1) to streamline the processing of applica-
tions 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 Homeland Security and the Inspect-

or General Act of 1978 (5 U.S.C. App.), the Secretary of State implemented rec-
tended by the Inspector General for informa-
tion or assistance.

(f) LIMITATIONS ON PURCHASES.—(1) The Inspector General for information or assist-
ance under subsection (a), the head of any Federal agency involved shall, insofar as is prac-
ticable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the infor-
mation is requested, furnish to such Inspec-
tor General, or to an authorized designee, such information or assistance.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the abil-
ity of the Inspector General of the Depart-
ment of Homeland Security and the Inspector General of the Department of State to enter into agreements to conduct joint audits, in-
spections or investigations of the oversight responsibilities of the Inspec-
tor 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 immi-
grant visas and asylum, and any resettlement in the United States of such evacuees.

SA 4463. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appro-
priations for fiscal year 2022 for mili-
tary construction, defense activities of the Depart-
ment of Defense, for military construction, and for defense activities of the Depart-
ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. OVERSIGHT OF THE PROCUREMENT OF EQUIPMENT BY STATE AND LOCAL GOVERNMENTS THROUGH THE DE-
PARTMENT OF DEFENSE.

Section 281 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as sub-

section (f); and

(2) by inserting after subsection (c) the fol-

owing new subsection:

“(d) LIMITATIONS ON PURCHASES.—(1) The Secretary shall require, as a condition of any purchase of equipment under this section, that if the Department of Justice opens an investigation into a State or unit of local government under section 210401 of the Vio-

lent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 10014), the Secretary shall pause all pending or future purchases by that State or unit of local government.

“(2) The Secretary shall prohibit the pur-

chase by any unit of local government for a period of 5 years upon a finding that equipment purchased under
(2) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 3401).

(3) PHYSICIAN.—The term “physician” means a physician appointed by the Secretary of Veterans Affairs under title 38, United States Code.

(4) STATE.—The term “State” has the meaning given that term in section 101 of title 38, United States Code.

SEC. 1072. STUDIES ON USE OF MEDICAL MARIJUANA BY VETERANS.

(a) STUDY ON EFFECTS OF MEDICAL MARIJUANA ON VETERANS IN PAIN.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a study on the effects of medical marijuana on veterans in pain.

(2) REPORT.—Not later than 180 days after the date on which the study required under paragraph (1) is completed, the Secretary shall submit to Congress a report on the study, which shall include such recommendations for legislative or administrative action as the Secretary considers appropriate.

(b) STUDY OF EFFECTS OF STATE CONTROLLED SUBSTANCES ACT (21 U.S.C. 802). (a) DEFINITIONS.—In this section:

(1) JAPANESE AMERICAN MUSEUM.—The term “Japanese American museum” means a museum located in the United States established to promote the understanding and appreciation of the ethnic and cultural diversity of the United States by illustrating the Japanese American experience throughout the history of the United States.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) COMPETITIVE GRANTS FOR JAPANESE AMERICAN CONFINEMENT EDUCATION.—

(1) IN GENERAL.—The Secretary shall establish a program to award competitive grants to a Japanese American museum to educate individuals in the United States on the historical importance of Japanese American confinement during World War II so that present and future generations may learn from the Japanese American experience, and the commitment of the United States to equal justice under the law.

(2) USE OF FUNDS.—A grant awarded under paragraph (1):

(A) shall be used—

(i) for the research and education relating to the Japanese American confinement in World War II; and

(ii) for the dissemination of accurate, relevant, and accessible resources to promote understanding about how and why the Japanese American confinement in World War II happened, which—

(I) shall include digital resources; and

(II) may include other types of resources, including print resources and exhibitions; and

(B) shall not be used at a Japanese American museum that does not provide—

(i) free admission to individuals who were placed within a Japanese American confinement camp; and

(ii) dedicated free admission hours for the general public not less than once per month.

(3) APPLICATION.—To be eligible to receive a grant under this subsection, a Japanese American museum shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(4) DEADLINE FOR AWARD.—Not later than 120 days after the date on which the Secretary receives an application from a Japanese American museum for a grant that is approved by the Secretary under this subsection, the Secretary shall award a grant to the Japanese American museum.

(5) PRIORITY CONSIDERATIONS.—In awarding a grant under this subsection, the Secretary shall give priority using the following considerations:

(A) The needs of the Japanese American museum.

(B) The proximity of the project for which the grant funds will be used to cities with populations that include not less than 100,000 Japanese Americans, as certified by the most recent census.

(C) The ability and commitment of the Japanese American museum to use grant funds—

(i) to educate future generations of individuals in the United States; and

(ii) to locate Japanese American confinement survivors.

(D) The existing relationship the Japanese American museum has with Japanese American cultural and advocacy organizations.

(4) REPORT.—Not later than 90 days after the end of each fiscal year for which a Japanese American museum obligates or expends amounts made available under a grant under this subsection, the Japanese American museum shall submit to the Secretary and the appropriate committees of Congress a report that—

(A) specifies the amount of grant funds obligated or expended for the preceding fiscal year;
(B) specifies any purposes for which the funds were obligated or expended; and
(C) includes any other information that the Secretary may require to more effect- ively administer the grant program.

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

(c) PRESERVATION OF HISTORIC CONFINE- MENT SITES.—

(1) IN GENERAL.—Section 1 of Public Law 109–441 (120 Stat. 3288) is amended by striking subsection (e).

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 4 of Public Law 109–441 (120 Stat. 3290) is amended, in the first sentence—

(A) by striking “are authorized” and insert- ing “is authorized”; and

(B) by inserting “for fiscal year 2022 and each fiscal year thereafter” after “this Act”.

SA 4466, Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appro- priations for fiscal year 2022 for mili- tary activities of the Department of Defense, including construction, and for defense activities of the Depart- ment of Energy, to 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 fol- lowing:

SEC. 1. REFORM AND OVERSIGHT OF DEPART- MENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW EN- FORCIMENT AGENCIES AND OTHER ENTITIES.

(a) In General.—Section 2576a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter pre- ceding subparagraph (A), by striking “sub- section (b)” and inserting “the provisions of this section”; and

(B) by adding at the end the following:

“(3) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(7) the recipient, on an annual basis, cer- tifies that if the recipient determines that the property is surplus to the needs of the re- cipient, the recipient will return the property to the Department of Defense;

“(8) the Secretary submits to the Depart- ment of Defense a description of how the re- cipient expects to use the property;

“(9) with respect to a recipient that is not a Federal agency, the recipient certifies to the Department of Defense that the recipient notified the local community of the request for property under this section by—

(A) publishing a notice of such request on a publicly accessible internet website;

(B) posting such notice at several promi- nent locations in the jurisdiction of the re- cipient; and

(C) ensuring that such notices were available to the local community for a period of not less than 30 days;

“(10) with respect to any recipient that is not a Federal agency, the recipient submits to the Department of Defense a description of

the training courses or certifications re- quired for use of transferred property;

“(11) with respect to a recipient that is a local law enforcement agency, the recipient has—

(A) notified the local community of the city council, or other local governing body to acquire the property sought under this section; and

(B) with respect to a recipient that is a State law enforcement agency, the recipient has received the approval of the appropriate state governing body to acquire the property sought under this section;

“(3) in subsection (c), by striking the end of the subsection and inserting the following:

“(1) the Secretary shall submit to the Congress a report setting forth the following:

“A description of the description of the equipment transferred to the agency and the

property transferred under this section; and

“A description of the description of the property transferred under this section; and

“A description of the description of the property transferred under this section unless the Sec- retary proposes to make available for transfer under this section any personal property of the Department of Defense not previously made available for transfer under this section, the Secretary shall submit to the appropriate committees of Congress a report setting forth the following:

“A description of the description of the property proposed to be made available for transfer.

“(B) A description of the conditions, if any, to be imposed on use of the property after transfer.

“(C) A certification that transfer of the property would not violate a provision of this section or any other provision of law.

“(1) CONDITIONS FOR EXTENSION OF PRO- GRAM.—The Secretary of Defense may extend the program provided in this section in writing that each recipient to which the Secretary has transferred personal property

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under this section during the preceding fiscal year:

(A) has provided to the Secretary documentation accounting for all property the Secretary has transferred to such recipient under this section; and

(B) has compiled with paragraphs (5) and (6) of subsection (b) with respect to the property transferred under such fiscal year.

(2) If the Secretary cannot provide a certification under paragraph (1) for a recipient, the Secretary may not transfer additional property to the recipient under this section, effective as of the date on which the Secretary would otherwise make the certification under this subsection, and such recipient shall be suspended or terminated from further receipt of property under this section.

(1) QUARTERLY REPORTS ON USE OF CONTROLLED EQUIPMENT.—Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to Congress a report on any uses of controlled property transferred under this section during that fiscal quarter.

(2) The Secretary shall report a on the following for the preceding fiscal year:

(A) the percentage of equipment lost by recipients of property transferred under this section, including specific information about the type of property lost, the monetary value of each item of the type of property lost, and the recipient that lost the property.

(B) The transfer of any new (condition code A) property transferred under this section, including specific information about the type of property, the recipient of the property, the monetary value of each item of the property, and the total monetary value of all such property transferred during the fiscal year.

(C) PUBLICLY ACCESSIBLE WEBSITE ON TRANSFERRED CONTROLLED PROPERTY.—(1) The Secretary shall create and maintain a publicly available internet website that provides information on the controlled property transferred under this section and the recipients of such property.

(2) The contents of the internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the property, transfer, denial, and repossession of controlled property under this section, including—

(A) a current inventory of all controlled property transferred to Federal and State agencies under this section, listed by—

(i) the name of the Federal agency, or the State, county, and recipient agency;

(ii) the item name, item type, and item model;

(iii) the date on which such property was transferred; and

(iv) the current status of such item;

(B) all pending requests for transfers of controlled property under this section, including the information submitted by the Federal and State agencies requesting such transfers;

(C) a list of each agency suspended or terminated from further receipt of property under this section, including any State, county, or local agency, and the reason for and duration of such suspension or termination;

(D) all reports required to be submitted to the Secretary under this section by Federal and State agencies that receive controlled property under this section.

(3) The Secretary shall update on a quarterly basis the contents of the internet website required under paragraph (1), on which the Secretary shall make available the internet website described in paragraph (2) shall be made publicly available in a searchable format.

(1) DEFINITIONS.—In this section:

(1) The term ‘appropriate committees of Congress’ means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(2) The term ‘agent of a State Coordinator’ means any individual to whom a State Coordinator delegates responsibilities for the duties of the State Coordinator to conduct inventories described in subsection (a).

(3) The term ‘controlled property’ means any item assigned a demilitarization code of B, C, D, E, G, or Q under Department of Defense Military Equipment Disposition Manual, or any successor document.

(4) The term ‘State Coordinator’, with respect to a State, means the individual appointed by the governor of the State to maintain property accountability records and oversee property use by the State.

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

(1) INTERAGENCY LAW ENFORCEMENT EQUIPMENT WORKING GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish an interagency Law Enforcement Equipment Working Group (referred to in this subsection as the ‘Working Group’) to support oversight and policy development functions for controlled equipment programs.

(2) PURPOSE.—The Working Group shall—

(A) examine and evaluate the Controlled and Prohibited Equipment Lists for possible additions or deletions;

(B) track law enforcement agency controlled equipment, including the types of law enforcement agencies that have the equipment and the implementation of obligations resulting from receipt of Federal financial assistance, including training on the protection of civil rights and civil liberties; and

(C) ensure Government-wide criteria to evaluate requests for controlled equipment;

(D) ensure uniform standards for compliance reviews;

(E) harmonize Federal programs to ensure the programs have consistent and transparent policies with respect to the acquisition of controlled equipment by law enforcement agencies;

(F) require after-action analysis reports for significant incidents involving Federally provided or Federally funded controlled equipment;

(G) develop policies to ensure that law enforcement agencies abide by any limitations or affirmative obligations imposed on the acquisition of controlled equipment or receipt of funds to purchase controlled equipment from the Federal Government and the obligations resulting from receipt of Federal financial assistance;

(H) require State and local governing body to review and authorize a law enforcement agency’s request for or acquisition of controlled equipment;

(I) require that law enforcement agencies participating in Federal controlled equipment programs receive necessary training regarding appropriate use of controlled equipment and the implementation of obligations resulting from receipt of Federal financial assistance, including training on the protection of civil rights and civil liberties; and

(J) provide uniform standards for suspending law enforcement agencies from Federal controlled equipment programs for specified violations of law, including civil rights laws, and ensuring those standards are implemented consistently across agencies; and

(K) require that sales or transfers of transfer of controlled equipment from the Federal Government or controlled equip-

ment purchased with funds from the Federal Government by law enforcement agencies to third parties.

(3) COMPOSITION.—(A) IN GENERAL.—The Working Group shall be co-chaired by the Secretary of Defense, the Attorney General, and the Secretary of Homeland Security.

(B) MEMBERSHIP.—The Working Group shall be comprised of—

(i) representatives of interested parties, who are not Federal employees, including experts from the State, local officials, law enforcement organizations, civil rights and civil liberties organizations, and academics; and

(ii) the heads of such other agencies and offices as the Co-Chairs may, from time to time, designate.

(4) DESIGNATION.—A member of the Working Group described in subparagraph (A) or in subparagraph (B)(ii) may designate a senior-level official from the agency represented by the member to perform the day-to-day Working Group functions of the member, if the designated official is a full-time officer or employee of the Federal Government.

(5) SUBGROUPS.—At the direction of the Co-Chairs, the Working Group may establish subgroups consisting exclusively of Working Group members or their designees under this subsection, as appropriate.

(E) EXECUTIVE DIRECTOR.—(i) IN GENERAL.—There shall be an Executive Director of the Working Group, to be appointed by the Attorney General.

(ii) RESPONSIBILITIES.—The Executive Director appointed under clause (i) shall determine the agenda of the Working Group, convene regular meetings, and supervise the work of the Working Group under the direction of the Co-Chairs.

(F) FUNDING.—(i) IN GENERAL.—To the extent permitted by law and using amounts already appropriated, the Secretary shall fund, and provide administrative support for, the Working Group.

(ii) REQUIREMENT.—Each agency shall bear its own expenses for participating in the Working Group.

(G) COORDINATION WITH THE DEPARTMENT OF HOMELAND SECURITY.—In general, the Working Group shall coordinate with the Homeland Security Advisory Council of the Department of Homeland Security to identify and analyze the preparedness implications of further changes to Federal controlled equipment programs.

(H) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(I) REPORT ON DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES.—(1) APPLICABLE RECIPIENTS DEFINED.—In this subsection, the term ‘appropriate recipients’ means—

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

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

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

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

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense, in consultation with the Attorney General and the Secretary of Homeland Security, shall submit a report to the appropriate recipients.
(3) CONTENTS.—The report required under paragraph (2) shall contain—
(A) a review of the efficacy of the surplus equipment-transfer program; and
(B) a determination of whether to recommend continuing or ending the program in the future.

SA 4467. Mr. SCHATZ (for himself, Mr. PORTMAN, Mr. ROUDS, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strength 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. 3. IMPROVING TRANSPARENCY AND ACCOUNTABILITY OF EDUCATIONAL INSTITUTIONS FOR PURPOSES OF VETERANS EDUCATIONAL ASSISTANCE.

(a) Requirement relating to G.I. Bill comparison tool.—The Secretary of Veterans Affairs shall maintain the G.I. Bill Comparison Tool that was established pursuant to Executive Order 13667 (77 Fed. Reg. 59506, relating to establishing principles of excellence for educational institutions serving service members, veterans, spouses, and other family members) and in effect on the day before the date of enactment of this Act, or successor tool, to provide relevant and timely information about programs of education approved under chapter 36 of title 38, United States Code, and the educational institutions that offer such programs.

(b) Requirement to maintain tool.—The Secretary of Veterans Affairs shall maintain the G.I. Bill Comparison Tool that was established pursuant to Executive Order 13667 (77 Fed. Reg. 59506, relating to establishing principles of excellence for educational institutions serving service members, veterans, spouses, and other family members) and in effect on the day before the date of enactment of this Act, or successor tool, to provide relevant and timely information about programs of education approved under chapter 36 of title 38, United States Code, and the educational institutions that offer such programs.

(c) Requirement relating to G.I. Bill comparison tool.—The Secretary shall ensure that the G.I. Bill Comparison Tool is an effective and efficient method for determining appropriate to ensure that such information provided pursuant to clause (i), the amount of educational assistance that the individual may be eligible to receive under the program; and

(B) in subparagraph (C)—
(i) in clause (i), by striking "and a definition of each term of institution" before the semicolon;
(ii) by striking clause (v) and inserting the following:
"(v) the average total cost, the average tuition, the average cost of room and board, the average cost and the average fees to earn a certificate, associate’s degree, a bachelor’s degree, a postdoctoral degree, and any other degree or credential the institution awards;"

(C) in subparagraph (D), by striking paragraph (2) and inserting the following:
"(2) DATA RETENTION.—The Secretary shall within six years of commencing such program, a description of each such program, of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;
"(xv) credentials available and the average time for completion of each credential;
"(xvi) employment rate and median income of graduates of the institution in general, disaggregated by—
(i) specific credential;
(ii) individuals who are veterans;
(iii) individuals who are members of the Armed Forces; and
(iv) individuals who are neither veterans nor members of the Armed Forces;
"(xvii) percentage of individuals who received educational assistance under this title to pursue a program of education at the institution who did not earn a credential within six years of commenceing such program of education;
"(xviii) the median amount of debt incurred from a Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) by an individual who pursued a program of education at the institution with education assistance under this title, disaggregated by—
(i) individuals who received a credential and individuals who did not; and
(ii) individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;
"(xix) whether the institution participates in Federal student aid programs, and if so, which programs;
"(xx) the average number of individuals enrolled in the institution per year, disaggregated by—
(i) individuals who are veterans;
(ii) individuals who are members of the Armed Forces; and
(iii) individuals who are neither veterans nor members of the Armed Forces; and
"(xxi) a list of each civil settlement or agreement under section 121, title 38, United States Code, is amended—
(A) by striking subparagraph (B) and inserting the following:
"(B) The Secretary shall ensure that information provided pursuant to subsection (b)(5) is provided in a manner that is easy and accessible to individuals enrolled under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) by an individual who pursued a program of education at the institution with education assistance under this title, disaggregated by—
(i) specific credential;
(ii) individuals who are veterans;
(iii) individuals who are members of the Armed Forces; and
(iv) individuals who are neither veterans nor members of the Armed Forces; and
	"(xxii) whether the institution participates in Federal student aid programs, and if so, which programs;
"(xxiii) the average number of individuals enrolled in the institution per year, disaggregated by—
(i) individuals who are veterans;
(ii) individuals who are members of the Armed Forces; and
(iii) individuals who are neither veterans nor members of the Armed Forces; and
"(xxiv) transfer-out rates, disaggregated by individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces; and
"(xxv) a determination of whether each program is approved under this chapter, retains, modifies, or discontinues its participation under this chapter, and the reason why such modification or discontinuation was necessary or appropriate, including whether such institution or is the result of illicit activity, including deceptive marketing or misrepresentation, that is provided to prospective students or current enrollees.”.

(4) CLARITY OF INFORMATION PROVIDED.—Paragraph (2) of such section is amended—
(A) by inserting “(A) before “To the extent” and
(B) by adding at the end the following new subparagraph:
"(B) The Secretary shall ensure that information provided pursuant to subsection (b)(5) is provided in a manner that is easy and accessible to individuals enrolled under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) by an individual who pursued a program of education at the institution with education assistance under this title, disaggregated by—
(i) specific credential;
(ii) individuals who are veterans;
(iii) individuals who are members of the Armed Forces; and
(iv) individuals who are neither veterans nor members of the Armed Forces; and
	"(xxii) whether the institution participates in Federal student aid programs, and if so, which programs;
"(xxiii) the average number of individuals enrolled in the institution per year, disaggregated by—
(i) individuals who are veterans;
(ii) individuals who are members of the Armed Forces; and
(iii) individuals who are neither veterans nor members of the Armed Forces; and
"(xxiv) transfer-out rates, disaggregated by individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces; and
"(xxv) a determination of whether each program is approved under this chapter, retains, modifies, or discontinues its participation under this chapter, and the reason why such modification or discontinuation was necessary or appropriate, including whether such institution or is the result of illicit activity, including deceptive marketing or misrepresentation, that is provided to prospective students or current enrollees.”.

(5) IMPROVEMENTS FOR STUDENT FEEDBACK.—

(1) IN GENERAL.—Subsection (b)(2) of such section is amended—
(A) by amending subparagraph (A) to read as follows:
"(A) providing institutions of higher learning up to 30-days to review and respond to any feedback and address issues regarding the feedback before the feedback is published;”
(B) in subparagraph (B), by striking “;” and inserting a semicolon;
(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and
(D) by adding at the end the following new subparagraphs:
"(D) for each institution of higher learning that is approved under this chapter, retains, modifies, or discontinues its participation under this chapter, for the entire duration that the institution of higher learning is approved under this chapter; and
"(E) is easily accessible to individuals described in subsection (a) and to the general public.”.

(2) ACCESSIBILITY FROM G.I. BILL COMPARISON TOOL.—The Secretary shall ensure that—
(A) the feedback tracked and published under subsection (b)(2) of such section, as amended by paragraph (1), is prominently displayed in the tool maintained under subsection (a) of this section; and
(B) when such tool displays information for an institution of higher learning, the applicable feedback is also displayed for such institution of higher learning.

(3) TRAINING FOR PROVISION OF EDUCATIONAL COUNSELING SERVICES.—

(1) IN GENERAL.—Not less than one year after the date of the enactment of this Act, the Secretary shall ensure that personnel employed or contracted by the Department of Veteran Affairs to provide education counseling, vocational or transition assistance, or similar functions, including employees or contractors of the Department who provide such counseling or assistance as part of the Transition Assistance Program, are trained on how—
(A) to use properly the tool maintained under subsection (a); and
(B) to provide appropriate educational counseling services to veterans, members of the Armed Forces, and other individuals.

(2) TRANSITION ASSISTANCE PROGRAM DEFINED.—In this subsection, the term “Transition Assistance Program” means the program of counseling, information, and services under section 1142 of title 38, United States Code.

SEC. 4. RESTORATION OF ENTITLEMENT TO VETERANS EDUCATIONAL ASSISTANCE AND OTHER BENEFITS TO VETERANS AFFECTED BY CIVIL ENFORCEMENT ACTIONS AGAINST EDUCATIONAL INSTITUTIONS.

(a) In general.—Section 3699(b)(1) of title 38, United States Code, is amended—

"(A) by striking “(a)” before “To the extent” and
"(B) by adding at the end the following new subparagraph:
"(B) The Secretary shall ensure that information provided pursuant to subsection (b)(5) is provided in a manner that is easy and accessible to individuals enrolled under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) by an individual who pursued a program of education at the institution with education assistance under this title, disaggregated by—
(i) specific credential;
(ii) individuals who are veterans;
(iii) individuals who are members of the Armed Forces; and
(iv) individuals who are neither veterans nor members of the Armed Forces; and
	"(xxii) whether the institution participates in Federal student aid programs, and if so, which programs;
the Defense of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3157. TRANSFER OF BUILDING LOCATED AT 4170 ALLIUM COURT, SPRINGFIELD, OHIO.

(a) IN GENERAL.—The National Nuclear Security Administration shall release all of its reversionary rights without reimbursement to the building located at 4170 Allium Court, Springfield, Ohio, also known as the Advanced Technical Intelligence Center for Human Capital Development, to the Community Improvement Corporation of Clark County and the Chamber of Commerce.

(b) FEE SIMPLE INTEREST.—The fee simple interest in the property, on which the building is located, shall be transferred from the Advanced Technical Intelligence Center for Human Capital Development to the Community Improvement Corporation of Clark County and the Chamber of Commerce.
REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

(1) in subsection (b)—

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

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

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

(D) by adding at the end the following:—

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

The Secretary of Labor, based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary, determines;

(ii) by inserting "such head" and inserting "Secretary of Labor";

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

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

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

(b) MILITARY CONTRACTS.—Section 1232 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 41 U.S.C. 4714 note, 10 U.S.C. 2359 note), is amended—

(1) in subparagraph (b), by inserting "Secretary of Labor" after "Secretary";

(2) by striking "such head" and inserting "Secretary of Labor";

(3) by inserting "Secretary" after "such head";

(4) in subsection (b), by inserting ", as necessary" after ".

SEC. 858. ELIMINATION OF INCREASED PENALTIES FOR COCAINE INVOLVED IN COCAINE BASE.

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

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

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

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

(1) Subparagraph (C) of section 101(b)(1)(C) (21 U.S.C. 960(b)(1));

(2) Paragraph (C) of section 101(b)(2) (21 U.S.C. 960(b)(2));

(c) APPLICABILITY TO PENDING AND PAST CASES.—

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

(2) PAST CASES.—In the case of a defendant who, before the date of enactment of this Act, was convicted or sentenced for a Federal offense involving cocaine base, the sentencing court may, on motion of the defendant, the Bureau of Prisons, the attorney for the United States, or counsel, upon a showing that it is in the interests of justice and the best interests of the defendant, impose a reduced sentence after considering the factors set forth in section 3553(a) of title 18, United States Code.

SA 4474. Mr. COONS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3965 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 II—Accelerating Access to Critical Therapies for ALS

SEC. 101. GRANTS FOR RESEARCH ON THERAPIES FOR ALS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section as the "Secretary") shall award grants to participating entities for purposes of scientific research utilizing data from expanded access registries to investigate access to investigational and/or approved treatment(s) for amyotrophic lateral sclerosis. In the case of a participating entity seeking such a grant, an expanded access request must be submitted to the Secretary, under section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb) and part 312 of title 21, Code of Federal Regulations (or any successor regulations), before the application for such grant is submitted.

(b) APPLICATION.—

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

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

(c) SELECTION.—Consistent with sections 406 and 492 of the Public Health Service Act (42 U.S.C. 244a, 289a), the Secretary shall determine whether to award a grant under this section, confirm that—

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

(2) such grant shall not have the effect of diminishing eligibility for, or impeding enrollment of, ongoing clinical trials for the
prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis by determining that individuals who receive expanded access to investigational drugs through such a grant are not eligible for enrollment in—

(A) ongoing clinical trials that are registered on ClinicalTrials.gov (or successor website), with respect to a drug for prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis; or

(B) clinical trials for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis for which an exemption under section 563(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is granted by the Food and Drug Administration and which are expected to begin enrollment within one year; and

(3) the resulting project funded by such grant will allow for equitable access to investigational drugs by minority and underserved populations.

(d) USE OF FUNDS.—A participating entity shall use funds received through the grant—

(1) to pay the manufacturer or sponsor for the direct costs of the investigational drug, as defined in section 312 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or successor regulations, to prevent, diagnose, mitigate, treat, or cure amyotrophic lateral sclerosis that it has experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(2) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(3) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(4) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(5) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(6) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(7) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(8) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(9) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(10) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(11) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(12) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(13) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(14) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(15) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(16) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(17) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(18) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(19) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(20) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(21) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(22) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(23) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(24) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(25) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(26) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(27) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(28) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(29) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(30) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population; and

(31) to have experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population.

(e) DEFINITIONS.—In this section:

(1) the term "participating entity'' means—

(A) a participating clinical trial site or sites sponsored by a small business concern (as defined in section 3(a) of the Small Business Act (15 U.S.C. 632a) that is the sponsor of a drug that is the subject of an investigational new drug application under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) to prevent, diagnose, mitigate, treat, or cure amyotrophic lateral sclerosis;

(B) the National Institutes of Health, the Food and Drug Administration, and one or more eligible entities (to be known and referred to in this section as the "Partnership") through cooperative agreements, contracts, or other appropriate mechanisms with such eligible entities, for the purpose of advancing the understanding of neurodegenerative diseases and fostering the development of treatments for amyotrophic lateral sclerosis and other rare neurodegenerative diseases. The Partnership shall—

(1) establish partnerships and consortia with other public and private entities and individuals with expertise in amyotrophic lateral sclerosis and other rare neurodegenerative diseases for the purposes described in this subsection;

(2) focus on advancing regulatory science and scientific research that will support and accelerate the development of drugs for patients with amyotrophic lateral sclerosis and other rare neurodegenerative diseases; and

(3) foster the development of effective drugs that improve the lives of people that suffer from amyotrophic lateral sclerosis and other rare neurodegenerative diseases.

(b) ELIGIBLE ENTITY.—In this section, the term "eligible entity'' means an entity that—

(1) is—

(A) an institution of higher education (as such term is defined in section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a consortium of such institutions; or

(B) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under subsection (a) of such section;

(2) has experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(3) demonstrates to the Secretary's satisfaction that the entity is capable of identifying and establishing collaborations between the participating clinical trial sites and individuals with expertise in neurodegenerative diseases, including patients, in order to facilitate—

(A) development and critical evaluation of tools, methods, and processes—

(i) to characterize neurodegenerative diseases and their natural history;

(ii) to identify molecular targets for neurodegenerative diseases; and

(iii) to increase efficiency, predictability, and productivity of clinical development of new therapies for neurodegenerative diseases, including rational therapeutic development and establishment of clinical trial networks; and

(B) securing funding for the Partnership from Federal grant, private, and public sources, foundations, and private individuals; and

(4) provides an assurance that the entity will not accept funding for a Partnership project from any organization that manufactures or distributes products regulated by the Food and Drug Administration unless the entity provides assurances in its agreement with the Secretary that the results of the project will not be influenced by any source of funding.

(c) GIFTS.—

(1) IN GENERAL.—The Partnership may solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in support of basic research and research associated with phase 3 clinical trials, including grants for investigational drugs that are the subjects of expanded access requests under section 566 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360g).

(2) USE.—In addition to any amounts appropriated for purposes of carrying out this section, the Partnership may, without regard to the provisions of any fund derived from a gift, grant, or other donation accepted pursuant to paragraph (1).

SEC. 1073. ALS AND OTHER RARE NEURODEGENERATIVE DISEASE ACTION PLAN.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commissioner of Food and Drugs shall publish on the website of the Food and Drug Administration an action plan describing actions the Food and Drug Administration intends to take during the 5-year period following publication of the plan with respect to program enhancements, policy development, regulatory science, regulatory pathways, and other appropriate initiatives to—

(1) foster the development of safe and effective drugs that improve or extend, or both, the lives of people living with amyotrophic lateral sclerosis and other rare neurodegenerative diseases; and

(2) facilitate access to investigational drugs for amyotrophic lateral sclerosis and other rare neurodegenerative diseases.

(b) CONTENTS.—The initial action plan published under subsection (a) shall—

(1) identify appropriate representation from within the Food and Drug Administration to be responsible for implementation of such action plan;

(2) include elements to facilitate—

(A) interactions and collaboration between the Food and Drug Administration, including the review centers and other holding entities including patients, sponsors, and the external biomedical research community; and

(B) consideration of cross-cutting clinical and regulatory policy issues; and

(3) be subject to review, as determined appropriate by the Secretary of Health and Human Services.

SEC. 1074. FDA RARE NEURODEGENERATIVE DISEASE GRANT PROGRAM.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall award grants and contracts to public and private entities to cover the costs of research on, and development of treatments for, neurodegenerative diseases; and other rare neurodegenerative diseases in adults and children, including conditions that are linked with the development and critical evaluation of tools, methods, and processes—

(1) to characterize such neurodegenerative diseases and their natural history;

(2) to identify molecular targets for such neurodegenerative diseases; and

(3) to increase efficiency and productivity of clinical development of therapies, including—

(A) the use of master protocols and adaptive and add-on clinical trial designs; and

(B) the development of grants for the establishment of or leverage existing clinical trial networks.

SEC. 1075. GAO REPORT.

Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Appropriations of the Senate a report containing—

(1) with respect to grants awarded under the program established under section 1071—

(A) an analysis of what is known about the impact of such grants on research or development related to the prevention, diagnosis,
mitigation, treatment, or cure of amyotrophic lateral sclerosis; and
(B) data concerning such grants, including—
(i) the number of grants awarded;
(ii) the participating entities to whom grants were awarded;
(iii) the value of each such grant;
(iv) a description of the research each such grant was used to further;
(v) the number of patients who received expanded access to an investigational drug to prevent, mitigate, treat, or cure amyotrophic lateral sclerosis under each grant;
(vi) whether the investigational drug that was the subject of such a grant was approved by the Food and Drug Administration; and
(vii) the average number of days between when a grant application is submitted and when a grant is awarded; and
(2) with respect to grants awarded under the program established under section 1074—
(A) an analysis of what is known about the impact of such grants on research or development related to the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis;
B) an analysis of what is known about how such grants increased efficiency and productivity of the clinical development of therapeutics, including the use of clinical trials that operated with common master protocols, or had adaptive or add-on clinical trial designs; and
(C) data concerning such grants, including—
(i) the number of grants awarded;
(ii) the participating entities to whom grants were awarded;
(iii) the value of each such grant;
(iv) a description of the research each such grant was used to further; and
(v) whether the investigational drug that was the subject of such a grant received approval by the Food and Drug Administration.
SEC. 1076. AUTHORIZATION OF APPROPRIATIONS.
For purposes of carrying out this subtitle, there are authorized to be appropriated $100,000,000 for each of fiscal years 2022 through 2026.
SA 4475. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle F of title X, add the following:
SEC. 1054. ENSURING GEOGRAPHIC DIVERSITY
A. FINDINGS; SENSE OF CONGRESS.—
(1) FINDINGS.—Congress finds the following:
(A) The United States is in a new era of geostrategic competition with the People’s Republic of China, a great power that seeks to challenge international norms, laws and institutions, and confront the United States across diplomatic, economic, military, technological, and informational domains.
(B) As it has during previous periods of great power competition, the United States must articulate and refine its grand strategy, including rigorous testing of assumptions and by drawing on expertise outside the Government, to ensure its ultimate success, as well as global peace, stability, and shared prosperity.
(C) Historically, presidents of the United States have used different models for grand strategy development, including the following efforts:
(i) In January 1950, President Truman requested an independent commission of all elements of national power of the United States to examine the state of the world, actions taken by adversaries of the United States, and the development of a comprehensive national strategy, resulting in a report entitled “Subjects of a National Security Strategy and Programs for National Security”, also known as NSC-68.
(ii) President Eisenhower utilized experts from both inside and outside the United States Government during Project Solarium to produce NSC 1622, a “Statement of Policy by the National Security Council on Basic National Security Policy” in order to “meet the Soviet Threat to U.S. security” and guide United States national security policy.
(iii) President Ford authorized the Team B project outside the United States Government to question and strengthen the analysis of the Central Intelligence Agency.
(c) CONTENTS.—The China Strategy developed under subsection (b) shall set forth the strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall submit to Congress the China Strategy developed under paragraph (1).
(2) SENATE.—Not later than 270 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall submit to Congress the China Strategy developed under paragraph (1).
(3) FUND.—The China Strategy shall be submitted in classified form and shall include an unclassified summary.
(d) CONTENTS.—The China Strategy developed under subsection (b) shall set forth the national security strategy of the United States with respect to the People’s Republic of China and shall include an unclassified description and discussion of the following:
(1) The strategy of the People’s Republic of China regarding the military, economic, and political power of China in the Pacific region and worldwide, including why the People’s Republic of China has decided on such strategy and what the strategy means for the long-term interests, values, goals, and objectives of the United States.
(2) The worldwide interests, values, goals, and objectives of the United States as they relate to geostrategic and geoeconomic competition with the People’s Republic of China.
(3) The foreign and economic policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States as they relate to the new era of competition with the People’s Republic of China.
(4) How the United States will exercise the political, economic, military, diplomatic, and other elements of its national power to protect or advance its interests and values and achieve the goals and objectives referred to in paragraph (1).
(5) The adequacy of the capabilities of the United States Government to carry out the national security strategy of the United States within the context of new and emergent challenges to the international order posed by the People’s Republic of China, including an evaluation—
(A) of the balance among the capabilities of all elements of national power of the United States; and
(B) the balance of all United States elements of national power in comparison to equivalent elements of national power of the People’s Republic of China.
(6) The assumptions and end-state or end-states of the strategy of the United States globally and in the Indo-Pacific region with respect to the People’s Republic of China.
(7) Such other information as the President considers necessary to help inform Congress on matters relating to the national security strategy of the United States with respect to the People’s Republic of China.
(d) ADVISORY BOARD ON UNITED STATES GRAND STRATEGY WITH RESPECT TO CHINA.—
(1) ESTABLISHMENT.—There is hereby established in the executive branch a commission to be known as the Presidential Grand Strategy Advisory Board with respect to China’’ (in this section referred to as the “Board”).
(2) PURPOSE.—The purpose of the Board is to convene outside experts to advise the President on development of the China Strategy.

(3) DUTIES.—

(A) REVIEW.—The Board shall review the current national security strategy of the United States with respect to the People’s Republic of China, including assumptions, capabilities, strategy, and end-state or end-states.

(B) ASSESSMENT AND RECOMMENDATIONS.—The Board shall analyze the United States national security strategy with respect to the People’s Republic of China, including assumptions, capabilities, strategy, and end-state or end-states, and make recommendations to the President for the China Strategy.

(C) CLASSIFIED BRIEFING.—Not later than 30 days after the date on which the President submits the China Strategy to Congress under subsection (b)(2), the Board shall provide to Congress a classified briefing on its review, assessment, and recommendations.

(4) COMPOSITION.—

(A) RECOMMENDATIONS.—Not later than 30 days after the date on which the President first submits a classified strategy to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the majority leader of the Senate, the Speaker of the House of Representatives under subparagraph (A), and the minority leader of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives shall each provide to the chairman of the committee on foreign relations of the Senate and the committee on foreign affairs of the House of Representatives a list of not fewer than 10 candidates for membership on the Board, at least 5 of whom shall be individuals in the private sector and 5 of whom shall be individuals in academia or employed by a nonprofit research institution.

(B) MEMBERSHIP.—The Board shall be composed of 9 members appointed by the President as follows:

(i) The National Security Advisor or such other designee as the President considers appropriate, such as the Asia Coordinator from the National Security Council.

(ii) Four shall be selected from among individuals in academia or employed by a nonprofit research institution.

(iii) Four shall be selected from among individuals in the private sector.

(iv) Two members shall be selected from among individuals included in the list submitted by the minority leader of the Senate under subparagraph (A), of whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(v) Two members shall be selected from among individuals included in the list submitted by the Speaker of the House of Representatives under subparagraph (A), of whom—

(I) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(vi) Two members shall be selected from among individuals included in the list submitted by the Speaker of the House of Representatives under subparagraph (A), of whom—

(I) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(ii) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(C) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Board.

(iv) One of the former shall be filled in the same manner as the original appointment.

(D) DEADLINE FOR APPOINTMENT.—Not later than 90 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall—

(A) appoint the members of the Board pursuant to paragraph (4); and

(B) submit to Congress a list of the members so appointed.

(6) EXPERTS AND CONSULTANTS.—The Board is authorized to procure temporary and intermittent services under section 3109 of title 5, United States Code, to the extent possible pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this Act without the appropriate security clearances.

(7) SECURITY CLEARANCES.—The appropriate Federal departments or agencies shall cooperate with the Board in expeditiously providing to the Board members and experts and consultants appropriate security clearances to the extent consistent with existing procedures and requirements, except that no person may be provided with access to classified information under this Act without the appropriate security clearances.

(8) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Board and any experts and consultants consistent with all applicable statutes, regulations, and Executive orders.

(9) INDEPENDENT REVIEW.—

(A) THE FEDERAL SECURITY ADVISORY PANEL.—The Federal Security Advisory Panel (5 U.S.C. App.) and section 5252 of title 5, United States Code (commonly known as the "Government sunshine Act"), shall not apply to the Board.

(B) UNCOMPENSATED SERVICE.—A member of the Board who is not an officer or employee of the Federal Government shall serve without compensation.

(10) COOPERATION FROM GOVERNMENT.—In carrying out its duties, the Board shall receive the full cooperation of the heads of relevant Federal departments and agencies in providing the Board with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(12) TERMINATION.—The Board shall terminate on the date that is 60 days after the date on which the President submits the China Strategy to Congress under subsection (b)(2).

SA 4477. Mr. ROMNEY (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 3300, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1214. PURPOSE OF CONGRESS ON ALLIES AND PARTNERS ASSISTING EVACUATION FROM AFGHANISTAN.

It is the sense of Congress—

(1) following the Afghan Taliban takeover of the Islamic Republic of Afghanistan, Albania, Bahrain, Georgia, Germany, Greece, Hungary, Italy, Jordan, Kosovo, Kyrgyzstan, Laos, Latvia, Lebanon, Libya, Lithuania, Luxembourg, the Maldives, Morocco, the Netherlands, Norway, Mexico, Qatar, Rwanda, Saudi Arabia, Spain, Sudan, Uganda, Ukraine, the United Arab Emirates, the United Kingdom, and the Self-Declared Independent Republic of Somaliland responded to the United States’ request for assistance in the effort to evacuate and support thousands of United States citizens, lawful permanent residents of the United States, vulnerable Afghans, and their families; and

(2) the United States values the vital contributions of these partners and allies to the evacuation effort and is grateful for their support of this critical humanitarian mission.

SEC. 1424. REPORT ON DOMESTIC PROCESSING OF RARE EARTHS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Economic Resilience and Sustainment shall submit to the appropriate committees of Congress a report on domestic processing of rare earths to achieve supply chain independence for the United States Armed Forces and key allies and partners of the United States.

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

(1) An estimate of the annual demand for processed rare earths for the United States Armed Forces and key allies and partners of the United States.

(2) An outline of the necessary processed rare earths value chain required to support the needs of the Department of Defense.

(3) An assessment of the rare earths processing capacity described in paragraph (2) indicating where sufficient capacity already exists and where such capacity does not exist.

(4) An identification of any Federal funds, including any funds made available under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.), currently being deployed to meet its stated goal of domestic capacity to address those gaps.

(5) An estimate of the additional capital investment required to build and operate capacity to address those gaps.

(6) An estimate of the annual funding necessary for the Department of Defense to purchase domestically processed rare earths sufficient to achieve supply chain independence and meet its stated goal of domestic capacity to address those gaps.
(7) An estimate of the cost difference between the Department of Defense sourcing rare earths processed in the United States and sourcing rare earths on the open market.

(8) An identification of how the Department of Defense would direct its weapon suppliers to use the domestically processed rare earths.

(9) An assessment of what changes, if any, to authorities under title III of the Defense Production Act of 1950 are necessary to enter into a long-term offset agreement to contract on domestically processed rare earths.

(10) An assessment of the length of potential contracts necessary for preventing the collapse of domestic processing of rare earths and the potential price fluctuations from increases in the People's Republic of China's export quota.

(11) Recommendations for international cooperation with allies and partners to jointly reduce dependence on rare earths processed in or by the People's Republic of China.

(c) Form of Report.—The report required by subsection (a) shall be submitted in classified form but shall include an unclassified summary.

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

(1) the Committee on Energy and Natural Resources;

(2) the Committee on Foreign Relations;

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

(4) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

SA 4479. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. DEFENSE TRADE DIALOGUE TO PRIORITIZE AND EXPEDITE TRANSFER OF DEFENSIVE ASYMMETRIC CAPABILITIES TO TAIWAN.

The Secretary of State shall—

(1) not later than 60 days after the date on which the report required under section 1250c is submitted, initiate a defense trade dialogue with Taiwan with the goal of prioritizing and expediting the transfer of defensive asymmetric capabilities to Taiwan; and

(2) not later than 90 days after the date on which such dialogue is initiated, and every 90 days thereafter, provide the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives with a briefing on the status of such dialogue.

SA 4480. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

(a) FINDINGS.—Congress finds the following:

(1) President Xi of the People's Republic of China has—

(A) declared that reunification of the People's Republic of China and Taiwan must occur; and

(B) not excluded using force as a means to accomplish such reunification.

(2) The People's Republic of China is taking aggressive actions toward Taiwan through frequent air incursions, including by sending 149 airplanes from the People's Republic of China into the air defense zone of Taiwan from October 1 through October 4, 2020.

(3) The defense policy of the United States towards Taiwan continues to be governed by the Taiwan Relations Act of 1979 (Public Law 96–8; 22 U.S.C. 3301 et seq.).

(b) STATEMENT OF POLICY.—It is the policy of the United States to support efforts by Taiwan to defend itself from aggression and the potential use of force by the People's Republic of China by enhancing its defensive asymmetric capabilities.

(c) ASSESSMENT OF DEFENSIVE ASYMETRIC CAPABILITIES OF TAIWAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the defensive
asymmetric capabilities of Taiwan and options for the United States to enhance such capabilities.

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

(A) A comprehensive description and assessment of scenarios and likely outcomes with respect to a possible use of force against Taiwan by the People’s Republic of China, compiled from existing descriptions and assessments from Federal departments and agencies.

(B) An assessment of the defensive asymmetric capabilities of Taiwan, including—

(i) a description and assessment of the current and future defensive asymmetric capabilities of Taiwan; and

(ii) a description of the defensive asymmetric capabilities necessary for Taiwan to successfully alter scenarios and likely outcomes with respect to a possible use of force by the People’s Republic of China against Taiwan, including the estimated cost of such capabilities.

(C) An assessment of options for the United States to support Taiwan’s defense budgeting and procurement process in a manner that aligns sustained investment in capabilities aligned with the asymmetric defense strategy of Taiwan, including—

(i) a review of technical advisory options for enabling defensive budgeting across military services in Taiwan;

(ii) an evaluation of any administrative, institutional, or personnel barrier, in the United States, to implementing the options described in clause (i);

(iii) an evaluation of the most appropriate entities within the Department of Defense to lead any options;

(iv) an evaluation of the appropriate entities within the Ministry of National Defense of Taiwan and the National Security Council of Taiwan to implement such options; and

(v) a description of additional personnel, resources, and authorities in Taiwan or the United States that may be required to implement such options.

(D) An assessment of the merits, including any potential risks or costs, of other policy options to support the enhancement of the defensive asymmetric capabilities of Taiwan identified under subparagraph (B)(ii), including—

(i) assisting Taiwan in the domestic production of such capabilities, including through the transfer of intellectual property or co-development or co-production arrangements; and

(ii) establishing a permanent fund to support regular investment by Taiwan in such capabilities.

(E) With respect to each element required by subparagraph (A) through (D), a description of any lack of consensus and alternative views and analyses.

(f) STRATEGIES FOR ENGAGEMENT WITH TAIWAN TO ENHANCE DEFENSIVE ASYMMETRIC CAPABILITIES.—Not later than 60 days after the date on which the report required under subsection (a) is submitted, the Secretary of State shall—

(1) initiate negotiations with Taiwan with the goal of significantly increasing the sale to Taiwan of the defensive asymmetric capabilities identified under subsection (c)(2)(B)(ii); and

(2) every 180 days after the initiation of such negotiations, brief the appropriate congressional committees on the status of such negotiations.

(2) FORMS OF REPORTS.—The reports required under this section shall be submitted in classified form but may include an unclassified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term ‘appropriate congressional committees’ means—

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

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

SEC. 4482. MR. HOEVEN (for himself, Mr. CORNYN, Mr. CRAMER, Mr. COTTON, Mr. MARSHALL, Mr. ROMNEY, Mr. TUBERVILLE, Mr. SCOTT of Florida, Mr. HAWLEY, Mr. INHOFE, Mr. GRAHAM, Mrs. BLACKBURN, Mr. TULLIS, Ms. LUMMIS, Mr. DAINES, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1548. PROHIBITION ON THE USE OF FUNDS TO REDUCE UNITED STATES NUCLEAR FORCES.

(a) PROHIBITION.—None of the funds authorized to be appropriated to the Department of Defense or the National Nuclear Security Administration for any fiscal years 2022 through 2027 may be obligated or expended to—

(1) the total quantity of strategic delivery systems below the quantity of such systems as of January 1, 2021;

(2) the quantity of deployed or non-deployed strategic delivery systems below the quantities described as the ‘Final New START Treaty Force Structure’ in the plan on the implementation of the New START Treaty required by section 1042 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1575); or

(3) the size of the nuclear weapons stockpile below the size of the stockpile as of January 1, 2021.

(b) EXCEPTIONS.—The prohibition under subsection (a) does not apply to—

(1) reductions made to ensure the safety, security, reliability, and credibility of the United States’ nuclear stockpile and strategic deliver systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear weapons and strategic delivery systems; and

(2) temporary reductions in the quantity of nuclear weapons or deployed strategic delivery systems to facilitate the fielding of modernized replacements;

(3) nuclear weapons that are retired or awaiting dismantlement as of January 1, 2021; and

(4) reductions made pursuant to a treaty with respect to which the Senate has provided its advice and consent pursuant to article II, section 2, clause 2 of the Constitution of the United States.

(c) DEFINITIONS.—In this section:


(2) STRATEGIC DELIVERY SYSTEM.—The term ‘strategic delivery system’ means any of the following:

(A) LGM–30G Minuteman III intercontinental ballistic missiles and any associated reentry vehicles.

(B) Launch facilities for LGM–30G Minuteman III intercontinental ballistic missiles, whether deployed or non-deployed.

(C) Ohio-class fleet ballistic missile submarines.

(D) UGM–133 Trident II submarine-launched ballistic missiles and any associated reentry vehicles.

(E) B–2A Spirit stealth bombers.

(F) B–52H Stratofortress long-range heavy bombers.

(G) AGM–86B air-launched cruise missiles.

SEC. 4483. MR. WARNER (for himself, Mr. RUBIO, Mrs. FEINSTEIN, Mr. BURR, Mr. WYDEN, Mr. RISCH, Mr. HEINICH, Ms. COLLINS, Mr. KING, Mr. COTTON, Mr. BENNET, Mr. CORNYN, Mr. CASEY, Mrs. GILLIBRAND, and Mr. Sasse) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1. DESIGNATION OF SENATOR ROY BLUNT GEOSPATIAL LEARNING CENTER.

(a) DESIGNATION.—The Geospatial Learning Center in the Next NGA West facility in St. Louis, Missouri, shall, after the date of the enactment of this Act be known and designated as the Senator Roy Blunt Geospatial Learning Center.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Geospatial Learning Center in the Next NGA West facility referred to in subsection (a) shall be deemed to be a reference to the Senator Roy Blunt Geospatial Learning Center.

SEC. 4484. MR. LIJAN (for himself, Mr. CRUZ, Mr. HEINICH, Mr. BOOKER, and Mr. MENENDEZ) submitted an amendment intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction,
and for defense activities of the Department of Energy, to 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 the act, add the following:

SEC. 1253. INFRASTRUCTURE TRANSACTION AND ASSISTANCE NETWORK.

(a) Authority.—The Secretary of State is authorized to establish an initiative, to be known as the "Infrastructure Transaction and Assistance Network", under which the Secretary of State, in consultation with other relevant Federal agencies, including those responsible for the Global Infrastructure Coordinating Committee, may carry out various programs to advance the development of such networks, and high-quality infrastructure in the Indo-Pacific region by—

(1) strengthening capacity-building programs to implement regulations, policies, and guidelines on the provision of such networks, and high-quality infrastructure that utilizes United States-manufactured goods and services, and catalyzing investment led by the private sector.

(b) Transaction Advisory Fund.—As part of the "Infrastructure Transaction and Assistance Network" described under subsection (a), the Secretary of State and the Secretary of the Air Force shall submit to the House of Representatives a report on the progress of the Air Force in carrying out section 344 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note).

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed description of any real property contaminated by perfluorooctanoic acid and perfluorooctane sulfonate by activities of the Air Force;

(B) a description of any progress made by the Secretary of the Air Force to acquire and remediate property contaminated by activities of the Air Force located in the United States; and

(C) if the Secretary of the Air Force has not acquired and remediated or disposed of property pursuant to Federal and State environmental laws, or provided relocation assistance pursuant to that section, an explanation of why not.

SEC. 1283. PROHIBITION ON USE OF FUNDS FOR PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

SEC. 12. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

"None of the funds authorized to be appropriated or otherwise made available under this title or under any other provision of law imposed sanctions with respect to Syria other than those imposed with respect to the international peacekeeping activities under this Act may be made available for an international peacekeeping operation that has not been expressly authorized by the United Nations Security Council.".

SEC. 1286. MR. RISCH SUBMITTED AN AMENDMENT INTENDED TO BE PROPOSED TO AN ADDITIONAL AMENDMENT TO THE BILL H.R. 4350, TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2022 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE, FOR MILITARY CONSTRUCTION, AND FOR DEFENSE ACTIVITIES OF THE DEPARTMENT OF ENERGY, TO PRESERVE MILITARY PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES; WHICH WAS ORDERED TO LIE ON THE TABLE; AS FOLLOWS:

At the end of subtitle G of title XII, insert the following:

SEC. 1263. PROHIBITION ON USE OF FUNDS FOR THE ARAB GAS PIPELINE.

(a) In General.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 may be obligated or expended to implement any activity relating to the construction, repair, restoration, or assessment of the Arab Gas Pipeline.

(b) Certification.—The Secretary of State may waive the application of subsection (a) if, not less than 30 days before the date on which an activity described in that subsection is proposed to commence, the Secretary certifies to the Committees on Appropriations of Congress in writing that the implementation of the activity does not—

(1) knowingly provide significant financial, military, or technological support, to, or in- involve knowingly engaging in a significant transaction with—

(A) the Government of Syria (including any entity owned or controlled by the Government of Syria) or a senior political figure of the Government of Syria; or

(B) a foreign person who is a military contractor, mercenary, or unauthorized force knowingly operating in a military capacity inside Syria for, or on behalf of, the Government of Syria, the Government of the Russian Federation, or the Government of Iran; or

(C) a foreign person subject to sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to Syria or any other provision of law that imposes sanctions with respect to Syria;

(2) knowingly involve the sale or provision of significant goods, services, technology, information, or other forms of support that significantly facilitate the maintenance, re- place and expansion of Syria’s productive capacity, or Syria’s domestic production of natural gas, oil, or other oil or petrolium products, including
pipelines that facilitate the transit of energy into neighboring countries; or
(3) require a waiver under the Caesar Syria Civilian Protection Act of 2019 (Public Law 116–87) (22 U.S.C. 8791 note), supplies to Lebanon in a manner that reduces Lebanon’s dependence on Iran; and
(4) the response of the Administration to fuel from Iran entering Lebanon, particularly amid reports that additional vessels have departed Iran; and
(5) a list of entities involved in the production and transport of fuel from Syria to Lebanon in 2020 and 2021.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term “appropriate committees of Congress” means—
(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and
(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SA 4888. Mr. RISCH submitted an amendment that was to be proposed to amendment SA 3867, submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SECTION 1216. RESTRICTIONS RELATING TO INTERNATIONAL FINANCIAL INSTITUTION ASSISTANCE TO THE TALIBAN.

(a) FINDINGS.—Congress makes the following findings:
(1) In 2021, in response to the Taliban’s toppling of the internationally recognized Government of Afghanistan, and growing concerns over reported human rights abuses, donors suspended foreign aid to Afghanistan, which accounts for approximately 40 percent of Afghanistan’s gross domestic product.
(2) From the donors referred to in paragraph (1) are international financial institutions, such as the International Monetary Fund, which froze the disbursement of more than $10 billion in credits on emergency currency reserves allocated to Afghanistan because of concerns related to the credibility and legitimacy of the Taliban rule.
(3) The World Bank, which has committed more than $5,300,000,000 in reconstruction and development funding for Afghanistan since 2002, similarly suspended funding for projects in 2021, citing concerns over how Taliban rule would impact “the country’s development prospects, especially for women.”
(4) Since Taliban rule in Afghanistan threatens vital gains achieved in Afghanistan during the past 20 years, particularly gains regarding the rule of law, counterterrorism, and the rights of women and girls, it should be denied credibility and international legitimacy on the world stage.
(5) In April 2021, Secretary of State Antony Blinken stated, “I can say very clearly and categorically that an Afghanistan that does not respect (the rights of women and girls), that does not include in the gains we’ve made, will be a pariah.”
(6) Despite the freeze in funding, the World Bank, along with the rest of the international community, has continued to support to Afghanistan, citing concerns related to the credibility and legitimacy of the Government of Afghanistan under the direction or control of the Taliban; and
(7) the Secretary of State should find that—
(A) remains firmly committed to assisting the Afghan people; and
(b) is “exploring ways [through which the World Bank] can remain engaged to preserve hard-won development gains and continue to support the people of Afghanistan.”
(8) STATEMENT OF POLICY.—It is the policy of the United States to oppose the extension of loans, guarantees, or other financial or technical assistance to the Taliban, any agency or instrumentality of the Government of Afghanistan that is under the direction or control of the Taliban, or any member of the Taliban until the Taliban has—
(1) publicly and privately broken all ties with other terrorist groups, including al Qaeda;
(2) verifiably prevented the use of Afghanistan as a platform for terrorist attacks against the United States or against partners or allies of the United States, including by denying terrorist groups—
(A) sanctuary space in Afghanistan;
(B) transit through Afghan territory; and
(C) the use of Afghanistan for terrorist training, planning, or equipping;
(3) provided humanitarian actors with full, unimpeded access to vulnerable populations throughout Afghanistan, without interference or disruption;
(4) respected freedom of movement, including by facilitating—
(A) the departure of foreign nationals, applicants for the special immigrant visa program, and other at-risk Afghans by air or land routes; and
(B) the safe, voluntary, and dignified return of displaced persons; and
(5) supported the establishment of an inclusive government of Afghanistan that respects the rule of law, press freedom, and human rights, including the rights of women and girls.
(9) DEFINITIONS.—In this section:
(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—
(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Appropriations of the Senate;
(3) the Committee on Foreign Affairs of the House of Representatives;
(4) the Committee on Appropriations of the House of Representatives.
(B) INTERNATIONAL FINANCIAL INSTITUTION.—The term “international financial institution” includes—
(1) the International Monetary Fund;
(2) the International Bank for Reconstruction and Development;
(3) the European Bank for Reconstruction and Development;
(4) the International Development Association;
(5) the International Finance Corporation;
(6) the Multilateral Investment Guarantee Agency;
(7) the African Development Bank;
(8) the African Development Fund;
(9) the African Development Bank;
(10) the Asian Development Bank;
(11) the Inter-American Development Bank;
(12) the Caribbean Development Bank;
(13) the Asian Development Bank; and
(14) the Inter-American Development Bank.
(C) EXCLUSION FOR HUMANITARIAN PURPOSES.—The restrictions under subparas. (A) and (B) of paragraph (1) shall not apply with respect to transactions which are integral to the provision of humanitarian assistance in Afghanistan.

(d) PROHIBITION.—The restrictions described in subsection (b) shall not apply with respect to transactions which are integral to the provision of humanitarian assistance in Afghanistan.

SECTION 1217. REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report that—
(A) details United States efforts to work with other governments in the region to develop and implement international cooperation mechanisms that will assist in securing Afghanistan; and
(B) is “exploring ways [through which the World Bank] can remain engaged to preserve hard-won development gains and continue to support the people of Afghanistan.”

SECTION 1218. TERMINATION.—Paragraph (1) shall not apply on or after the date that is 30 days after the date on which the President determines and certifies to the appropriate congressional committees that the Taliban have—
(A) publicly and privately broken all ties with other terrorist groups, including al Qaeda;
(B) verifiably prevented the use of Afghanistan as a platform for terrorist attacks against the United States or partners or allies of the United States, including by denying terrorist groups—
(1) sanctuary space in Afghanistan;
(2) transit through Afghan territory; and
(3) the use of Afghanistan for terrorist training, planning, or equipping;
(3) provided humanitarian actors with full, unimpeded access to vulnerable populations throughout Afghanistan, without interference or disruption;
(4) respected freedom of movement, including by facilitating—
(A) the departure of foreign nationals, applicants for the special immigrant visa program, and other at-risk Afghans by air or land routes; and
(B) the safe, voluntary, and dignified return of displaced persons; and
(5) supported the establishment of an inclusive government of Afghanistan that respects the rule of law, press freedom, and human rights, including the rights of women and girls.

(2) EXCLUSION FOR HUMANITARIAN PURPOSES.—The restrictions under subparas. (A) and (B) of paragraph (1) shall not apply with respect to transactions which are integral to the provision of humanitarian assistance in Afghanistan.

TERMINATION.—Paragraph (1) shall not apply on or after the date that is 30 days after the date on which the President determines and certifies to the appropriate congressional committees that the Taliban have—
(A) publicly and privately broken all ties with other terrorist groups, including al Qaeda;
(B) verifiably prevented the use of Afghanistan as a platform for terrorist attacks against the United States or partners or allies of the United States, including by denying terrorist groups—
(1) sanctuary space in Afghanistan;
(2) transit through Afghan territory; and
(3) the use of Afghanistan for terrorist training, planning, or equipping;
(3) provided humanitarian actors with full, unimpeded access to vulnerable populations throughout Afghanistan, without interference or disruption;
(4) respected freedom of movement, including by facilitating—
(A) the departure of foreign nationals, applicants for the special immigrant visa program, and other at-risk Afghans by air or land routes; and
(B) the safe, voluntary, and dignified return of displaced persons; and
(5) supported the establishment of an inclusive government of Afghanistan that respects the rule of law, press freedom, and human rights, including the rights of women and girls.

(2) EXCLUSION FOR HUMANITARIAN PURPOSES.—The restrictions under subparas. (A) and (B) of paragraph (1) shall not apply with respect to transactions which are integral to the provision of humanitarian assistance in Afghanistan.

TERMINATION.—Paragraph (1) shall not apply on or after the date that is 30 days after the date on which the President determines and certifies to the appropriate congressional committees that the Taliban have—
(A) publicly and privately broken all ties with other terrorist groups, including al Qaeda;
(B) verifiably prevented the use of Afghanistan as a platform for terrorist attacks against the United States or partners or allies of the United States, including by denying terrorist groups—
(1) sanctuary space in Afghanistan;
(2) transit through Afghan territory; and
(3) the use of Afghanistan for terrorist training, planning, or equipping;
(3) provided humanitarian actors with full, unimpeded access to vulnerable populations throughout Afghanistan, without interference or disruption;
(4) respected freedom of movement, including by facilitating—
(A) the departure of foreign nationals, applicants for the special immigrant visa program, and other at-risk Afghans by air or land routes; and
(B) the safe, voluntary, and dignified return of displaced persons; and
(5) supported the establishment of an inclusive government of Afghanistan that respects the rule of law, press freedom, and human rights, including the rights of women and girls.
(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the restrictions under subsection (d)(1) are terminated pursuant to subsection (d)(3), the Secretary of the Treasury and the Secretary of State, after consultation with the Secretary of Defense, shall jointly submit a report to the appropriate congressional committees that describes—

(1) the efforts of the United States Executive Directors of international financial institutions to obtain, with the approval of the Secretary of the Treasury and the Secretary of State, access to the compulsorily held financial assets ofitable financial institutions, the United States Treasury has deemed to be complicit in the growing and continuous threat that emanates from the Houthis in Yemen;

(2) the status of the Taliban’s adherence to international human rights principles that are recognized by the United States, and

(3) the degree to which the Taliban has met its commitments under the peace agreement signed by the United States and the Taliban in Doha, Qatar on February 29, 2020.

SA 4489. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of the Treasury, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. AUTHORIZATION OF APPROPRIATIONS FOR COUNTERING CHINESE INFLUENCE-FUND.

(a) COUNTERING CHINESE INFLUENCE-FUND.—There is authorized to be appropriated $300,000,000 for each of fiscal years 2022 through 2026 for the Countering Chinese Influence Fund to counter the malign influence of the Chinese Communist Party globally. Amounts appropriated pursuant to this authorization are authorized to remain available until expended and shall be in addition to amounts otherwise authorized to be appropriated to counter such influence.

(b) CONSULTATION REQUIREMENTS.—The obligation of funds appropriated or otherwise made available for the program authorized by this section shall be subject to prior consultation with, and consistent with section 614A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–4), the regular notification procedures of the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(c) POLICY GUIDANCE, COORDINATION, AND APPROVAL.—

(1) COORDINATOR.—The Secretary of State shall designate an existing senior official of the Department at the rank of Assistant Secretary or above to provide policy guidance, coordination, and approval for the obligation of funds authorized pursuant to subsection (a).

(2) DUTIES.—The senior official designated pursuant to paragraph (1) shall be responsible for—

(A) on an annual basis, the identification of their strategic priorities for using the funds authorized to be appropriated by subsection (a), such as geographic areas of focus or functional categories of programming; and

(B) ensuring that all programming approved bears a sufficiently direct nexus to such acts by the Chinese Communist Party that provide leverage to support the strategic objectives of the United States, as established in the 2017 National Security Strategy, the 2018 National Defense Strategy, and other relevant national and regional strategies as appropriate.

SEC. 1254. USE OF MILITARY FORCE.—Nothing in this section shall be construed to authorize the use of military force.
(D) conducting oversight, monitoring, and evaluation of the effectiveness of all programming conducted using the funds authorized to be appropriated by subsection (a) to ensure that it advances United States interests and degrades the ability of the Chinese Communist Party, to advance activities that align with subsection (d) of this section.

(3) COORDINATION.—The senior official designated pursuant to paragraph (1) shall, in coordinating and approving programming pursuant to paragraph (2), seek to—

(A) conduct appropriate interagency consultation; and

(B) ensure, to the maximum extent practicable, that senior officials involved in programming in concert with other Federal activities to counter the malign influence and activities of the Chinese Communist Party.

(4) ASSISTANT COORDINATOR.—The Administrator of the United States Agency for International Development shall designate a senior official at the rank of Assistant Administrator or above to assist and consult with the senior official designated pursuant to paragraph (1) in implementing this section.

SEC. 1253. ANNUAL REVIEW ON THE PRESENCE OF CHINESE COMPANIES IN UNITED STATES CAPITAL MARKETS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

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

(B) the Select Committee on Intelligence of the Senate;

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

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

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

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

(2) PRC.—The term "PRC" means the People's Republic of China.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in consultation with the Director of National Intelligence, the Director of the Central Intelligence Agency, and the Secretary of the Treasury, shall submit an unclassified report to the appropriate committees of Congress that describes the risks posed to the United States by the presence in United States capital markets of companies incorporated in the PRC.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall—

(A) identify companies incorporated in the PRC that—

(i) are listed or traded on at least 1 stock exchange within the United States, including over-the-counter market and "A Shares" added to indexes and exchange-traded funds out of mainland exchanges in the PRC; and

(ii) based on reasonable consideration described in paragraph (3), have knowingly and materially contributed to—

(I) activities that undermine United States national security;

(II) serious abuses of internationally recognized human rights; or

(III) a substantially increased financial risk exposure for United States-based investors;

(B) describe the activities of the companies identified pursuant to subparagraph (A), and the implications of such activities for the United States; and

(C) develop policy recommendations for the Federal Government, State governments, United States financial institutions, United States equity and debt exchanges, and other relevant stakeholders to address the risks posed by the presence in United States capital markets of companies identified pursuant to subparagraph (A).

(3) FACTORS FOR CONSIDERATION.—In completing the report under paragraph (1), the Secretary of State shall consider whether a company identified pursuant to paragraph (2)(A)—

(A) has materially contributed to the development of surveillance techniques or simplified procurement by the People's Liberation Army of the PRC, of lethal military equipment or component parts of such equipment;

(B) has contributed to the construction and militarization of features in the South China Sea;

(C) has been sanctioned by the United States or has been determined to have conducted business with sanctioned entities; or

(D) has contributed to the repression of religious and ethnic minorities within the PRC, including in Xinjiang Uyghur Autonomous Region or Tibet Autonomous Region;

(E) has contributed to the proliferation of nuclear or missile technology in violation of United Nations Security Council resolutions or United States sanctions;

(F) has contributed to the development of technologies that enable censorship directed or directly supported by the PRC government;

(G) has failed to comply fully with Federal securities laws (including required audits by the Public Company Accounting Oversight Board) and "material risk" disclosure required by the Public Company Accounting Oversight Board; or

(H) has contributed to other activities or behavior determined to be relevant by the Secretary of State.

(c) REPORT FORM.—The report required under subsection (b)(1) shall be submitted in classified form, but may include a classified annex.

(d) PUBLICATION.—The unclassified portion of the report required under subsection (b)(1) shall be made available online through relevant United States Government websites.

SA 4492. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. STATEMENT OF POLICY ON INDO-PACIFIC REGION.

It shall be the policy of the United States to—

(1) prioritize the Indo-Pacific region in United States foreign policy, and prioritize resources for achieving United States political and military objectives in the region;

(2) exercise freedom of operations in the Indo-Pacific maritime domains, which are critical to the prosperity, stability, and security of the Indo-Pacific region; and

(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 communication architectures, improve alliance strategies 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) the Treaty of Mutual Defense Cooperation and Security between the United States and Japan, signed at Washington January 19, 1960; and
(B) Article III of the Mutual Defense Treaty between the United States and the Republic of Korea, signed at Washington October 1, 1953; and
(C) Article IV of the Mutual Defense Treaty between the United States and the Republic of the Philippines, signed at Washington August 27, 1951, recognizing 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 Communiqué of 1960;
(F) collaborate with United States treaty allies in the Indo-Pacific to foster greater multilateral security and defense cooperation with regard to the Western Pacific, and pursuing maximum readiness and advance interoperability with United States and allied forces, including ground-launched cruise missiles, networks to United States and allied forces, and hypersonic, conventional and nuclear weapons through the Indo-Pacific region; and
(G) pursue maximum advantage to the United States and allies for military balance, including, as appropriate, the United States ability to operate in the Indo-Pacific region, including, as appropriate, in international waters and airspace in accordance with established principles and practices of international law; and

SEC. 1253. INCREASING DEPARTMENT OF STATE PERSONNEL AND RESOURCES DEPLOYED TO THE INDO-PACIFIC REGION.
(a) Sense of Congress.—It is the sense of Congress that—
(1) the Secretary of State should expand and strengthen existing measures under the United States Convention on Arms Transfer Policy to provide capabilities to allies and partners consistent with agreed-on division of responsibility for alliance roles, missions and capabilities, prioritizing allies and partners in the Indo-Pacific region in accordance with United States strategic imperatives;
(2) the United States should design for export to Indo-Pacific allies and partners capabilities critical to maintaining a favorable military balance in the region, including long-range precision strike, land-based missile defense systems, anti-ship cruise missiles, land attack cruise missiles, conventional hypersonic systems, intelligence, surveillance, and reconnaissance capabilities, and command and control systems;
(3) the United States should pursue, to the maximum extent possible, anticipatory technology and foreign disclosure policy on the systems described in paragraph (2); and
(4) the Secretary of State, in coordination with the Secretary of Defense, should—
(A) urge allies and partners to invest in sufficient quantities of munitions to meet contingency requirements and avoid the need for accessing United States stocks in wartime; and
(B) cooperate with allies to deliver such munitions, or when necessary, to increase allies’ capacity to produce such munitions
(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘appropriate committees of Congress’ means—
(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 1254. REPORT ON CAPABILITY DEVELOPMENT OF INDO-PACIFIC ALLIES AND PARTNERS.
(a) Sense of Congress.—It is the sense of Congress that—
(1) the Secretary of State should expand and strengthen existing measures under the United States Conventional Arms Transfer Policy to provide capabilities to allies and partners consistent with agreed upon division of responsibility for alliance roles, missions and capabilities, prioritizing allies and partners in the Indo-Pacific region in accordance with United States strategic imperatives;
(2) the Secretary of Defense should—
(A) ensure that deliveries of advanced capabilities and training that will better enable them to repel People’s Republic of China coercion and aggression, and
(B) 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; and

SA 4493. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. ROBPORT, that was ordered to lie on the table.

SA 4494. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. ROBPORT, that was ordered to lie on the table.

SEC. 1255. INCREASING DEPARTMENT OF STATE PERSONNEL AND RESOURCES DEPLOYED TO THE INDO-PACIFIC REGION.
(a) Findings.—Congress makes the following findings:
(1) In fiscal year 2020, the Department of State allocated $1,500,000,000 to the Indo-Pacific region in bilateral and regional foreign
assistance resources, including as authorized by section 201(b) of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409; 132 Stat. 5391), and $798,000,000 in the diplomatic engagement budget and only 4 percent of the combined Department of State and United States Agency for International Development budget.

(2) Between fiscal years 2017 through 2021, the diplomatic engagement budget and personnel in the Indo-Pacific region averaged only 5 percent of the total Department of States budget, while foreign assistance resources committed worldwide.

(3) In 2020, the Department of State began a process to realign certain positions at posts to ensure that its personnel footprint matches the demands of great-power competition, including in the Indo-Pacific region.

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

(1) the size of the United States diplomatic corps must be sufficient to meet the current and emerging challenges of the 21st century, including those posed by the People’s Republic of China in the Indo-Pacific region and elsewhere;

(2) increases in the diplomatic corps must be designed to meet the objectives of an Indo-Pacific strategy focused on strengthening the good governance and sovereignty of states that wield the rule-based international order; and

(3) increase in the diplomatic corps must be implemented with a focus on increased numbers of economic, political, and public diplomacy officers, representing a cumulative increase of at least 200 foreign service officers generally:

(A) to advance free, fair, and reciprocal trade and open investment environments for United States companies, and engaged in increased commercial diplomacy in key markets;

(B) to better articulate and explain United States policies;

(C) to strengthen civil society and democratic principles;

(D) to enhance reporting on the People’s Republic of China’s global activities;

(E) to promote people-to-people exchanges;

(F) to advance United States’ influence in the Indo-Pacific region; and

(G) to increase capacity at small- and medium-sized embassies and consulates in the Indo-Pacific region and in other regions around the world, as necessary.

(c) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to ensure that Department of State funding levels and its personnel footprint in the Indo-Pacific region reflect the region’s high degree of importance and its significance to United States political, economic, and security interests;

(2) to increase diplomatic engagement and foreign assistance spending and the quantity of personnel dedicated to the Indo-Pacific region respective to the Department of State’s total budget; and

(3) to increase the number of resident Defense attachés in the Indo-Pacific region, particularly in locations where the People’s Republic of China has a resident military attaché, Coalitions does have a resident military attaché, to ensure coverage at all appropriate posts.

(d) ARMED FORCES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit an action plan to the appropriate committees of Congress that—

(1) identifies requirements to advance United States strategic objectives in the Indo-Pacific region and the personnel and budgetary resources needed to meet such objectives, assuming an unconstrained resource environment;

(2) includes a plan for increasing the portion of the Department of State’s budget that is dedicated to the Indo-Pacific region in terms of diplomatic engagement and foreign assistance resources, including as authorized by section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2583(a)) in the relevant calendar year.

SEC. 1253. REPORT ON DIPLOMATIC OUTREACH WITH RESPECT TO CHINESE MILITARY INSTALLATIONS OVERSEAS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a certification to the appropriate committees of Congress that—

(A) a description of increases at each post or bureau;

(B) breakdown of increases by cone; and

(C) a description of how such increases in personnel will advance United States strategic objectives in the Indo-Pacific region;

(4) defines concrete and annual benchmarks that the Department of State will meet in implementing the action plan; and

(d) describes any barriers to implementing the action plan.

(e) UPDATES TO REPORT AND BRIEFING.—Not later than 90 days after the submission of the action plan required under subsection (d), and quarterly until September 30, 2020, the Secretary of State shall submit an updated action plan and brief the appropriate committees of Congress on the implementation of such action plan, with supporting data, including a detailed assessment of benchmarks that have been reached.

(3) REPORT ON CERTIFICATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary of State shall submit a certification to the appropriate committees of Congress that—

(A) a description of increases at each post or bureau;

(B) breakdown of increases by cone; and

(C) a description of how such increases in personnel will advance United States strategic objectives in the Indo-Pacific region;

(4) defines concrete and annual benchmarks that the Department of State will meet in implementing the action plan; and

(d) describes any barriers to implementing the action plan.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated, for fiscal year 2022—

(A) $2,000,000,000 for bilateral and regional foreign assistance resources to carry out the purposes of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2364 et seq.) in the Indo-Pacific region; and

(B) $1,250,000,000 for diplomatic engagement resources to the Indo-Pacific region.

(2) INCLUSION OF AMOUNTS APPROPRIATED PURSUANT TO ASIA REASSURANCE INITIATIVE ACT OF 2018.—Amounts authorized to be appropriated under section 201(b) of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409) for fiscal year 2022.

SA 4495. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

End of subtitle E of title XII, add the following:

SEC. 1254. PROHIBITION WITH RESPECT TO CERTAIN TYPES OF LIFE SCIENCES RESEARCH.

No Federal agency shall be obligated or expended for the purpose of conducting research that increases the pathogenicity, contagiousness, or transmissibility of viruses or bacteria, including any research anticipated to involve enhanced potential pandemic pathogens, if such research involves a foreign entity that is subject to the jurisdiction of any of the following countries:

(1) The People’s Republic of China.

(2) The Russian Federation.

(3) The Islamic Republic of Iran.

(4) The Democratic People’s Republic of Korea.

(5) The Syrian Arab Republic.

(a) Any other country certified in the report assessing compliance with the Biological Weapons Convention, as required by section 450(a) of the Arms Control and Disarmament Act (22 U.S.C. 2583(a)) in the relevant calendar year.

SA 4497. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to
the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1235. INFRASTRUCTURE TRANSACTION AND ASSISTANCE NETWORK.

(a) AUTHORITY.—The Secretary of State is authorized to establish an initiative, to be known as the "Infrastructure Transaction and Assistance Network," by which the Secretary of State, in consultation with other relevant Federal agencies, including those represented on the Global Infrastructure Coordination Council, may carry out various programs to advance the development of sustainable, transparent, and high-quality infrastructure in the Indo-Pacific region by—

(1) strengthening capacity-building programs to improve project evaluation processes, regulatory and procurement environment, and project preparation capacity of countries that are partners of the United States in such development;

(2) providing transaction advisory services and project preparation assistance to support sustainable infrastructure; and

(3) coordinating the provision of United States assistance for the development of infrastructure including infrastructure that utilizes United States-manufactured goods and services, and catalyzing investment led by the private sector.

(b) TRANSACTION ADVISORY FUND.—As part of the "Infrastructure Transaction and Assistance Network" described under subsection (a), the Secretary of State is authorized to—

(1) to provide grants, loan guarantees, or any other financial assistance under the Transaction Advisory Fund, for advisory services to help boost the capacity of partner countries to evaluate contracts and assess the financial and environmental impacts of potential infrastructure projects, including through providing services such as—

(A) legal services;

(B) project preparation and feasibility studies;

(C) debt sustainability analyses;

(D) bid or proposal evaluation; and

(E) other services relevant to advancing the development of sustainable, transparent, and high-quality infrastructure.

(c) STRATEGIC INFRASTRUCTURE FUND.—

(1) In general.—As part of the "Infrastructure Transaction and Assistance Network" described under subsection (a), the Secretary of State is authorized to provide grants, loan guarantees, and any other financial assistance under the Strategic Infrastructure Fund, for technical assistance, project preparation, pipeline development, and other infrastructure projects.

(2) JOINT INFRASTRUCTURE PROJECTS.—Funds authorized for the Strategic Infrastructure Fund should be used in coordination with Department of Defense, the International Development Finance Corporation, like-minded donor partners, and multilateral banks, as appropriate, to support joint infrastructure projects in the Indo-Pacific region.

(3) STRATEGIC INFRASTRUCTURE PROJECTS.—Funds authorized for the Strategic Infrastructure Fund should be used to support strategic infrastructure projects that are in the national security interest of the United States and vulnerable to strategic competitors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of fiscal years 2022 to 2026, $75,000,000 to the Infrastructure Transaction and Assistance Network, of which $20,000,000 is to be provided for the Transaction Advisory Fund.

SA 4498. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1237. EXTENSION AND MODIFICATION OF LIMITATION ON MILITARY CO-OPTION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

(a) EXTENSION.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2486) is amended by striking "or 2021" and inserting "or 2022".

(b) WAIVER.—Subsection (c)(2) of such section is amended to read as follows:

"(2) not later than 15 days before the date on which the waiver takes effect, and every 90 days thereafter, submits to the appropriate congressional committees—

(A) a notification that the waiver is in the national security interest of the United States and a description of the national security interest covered by the waiver during the applicable reporting period;

(B) a description of any condition or prerequisite placed by the Russian Federation on military cooperation between the United States and the Russian Federation;

(C) a description of the results achieved by United States-Russian Federation military cooperation during the applicable reporting period and an assessment of whether such results meet the national security objectives described under subparagraph (A);

(D) a description of the measures taken by the United States to mitigate counterintelligence or operational security concerns and an assessment of whether such measures have succeeded, submitted in classified form as necessary; and

(E) a report explaining why the Secretary of Defense cannot make the certification under subsection (a)."

SA 4500. Mr. RISCH (for himself, Mr. PORTMAN, Mr. CRUZ, Mr. BARRASSO, Mr. JOHNSON, and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1237. IMPOSITION OF SANCTIONS WITH RESPECT TO NORD STREAM 2.

(a) IMPOSITION OF SANCTIONS.—(1) In general.—Not later than 15 days after the date of the enactment of this Act, the President shall—

(A) impose sanctions under paragraph (2) with respect to—

(i) any entity responsible for planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity; and

(ii) any other corporation, business, or principal shareholder with a controlling interest in an entity described in clause (i); and

(ii) any other corporation, business, or principal shareholder with a controlling interest in an entity described in clause (i); and
(B) impose sanctions under paragraph (3) with respect to any entity responsible for planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity.

(2) NECESSARY TO PERMIT THE UNITED STATES TO COMPLY WITH THE AGREEMENT REGARDING THE NORD STREAM 2 PIPELINE OR A SUCCESSION ENTITY—

(A) IN GENERAL.—This subsection shall not apply with respect to the admission of an alien or parole of an identified person or parole of identified persons and corporate officers—

(i) in paragraph (1)(A) is—

(A) IN ADMISSION, OR PAROLE.—An alien described in paragraph (1)(A) is—

(1) admissible to the United States; or

(2)ineligible to receive a visa or other documentation to enter the United States; and

(ii) 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.).

(i) CURRENT VISAS REVOKED.—

The President shall revoke any valid visa or entry documentation of an alien described in paragraph (1)(A) or parolized under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101) or the Defense Production Act of 1941 (50 U.S.C. 2065 et seq.), whenever such visa or entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under subclause (I) shall—

(1) on or before the date when such visa or other entry documentation is revoked, regardless of—

(A) the date when such visa or entry documentation was issued; or

(B) the date when such visa or entry documentation was revocable, or

(C) compliance with the Agreement regarding the Nord Stream 2 pipeline;

(2) take effect, and

(3) terminate, any provision of this subsection that is or was in effect when such visa or other entry documentation is revoked.

(ii) IN諮TERPRETATION.—The term ‘contract’ means any agreement for the acquisition by purchase, lease, or barter of property or services for the direct or indirect benefit or use of the United States; and

(iii) ineligible to receive a visa or other entry documentation that is in the alien’s possession.

(iii) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), to the extent necessary to block and prohibit all transactions in all property and interests in property of an entity described in paragraph (1)(B) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(i) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subsection.

(ii) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subsection or any regulation, license, or order issued to carry out this subsection shall be subject to the penalties set forth in subsection (b) or (c) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(iii) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subsection or any regulation, license, or order issued to carry out this subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(iv) PENalties.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subsection or any regulation, license, or order issued to carry out this subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).
Committee under paragraph (2)(K) the heads of other executive departments, agencies, or offices, the President shall give due consideration to the heads of relevant research and science laboratories, departments, and agencies, including the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Director of the National Science Foundation.

(5) CONTENTS OF ANNUAL REPORT RELATING TO CRITICAL TECHNOLOGIES.—Subsection (m)(3) of such section is amended—

(A) in paragraph (B), by striking “and” and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(D) an evaluation of whether there are foreign malign influence or espionage activities directed or directly assisted by foreign governments against institutions of higher education (as defined in subsection (a)(4)(G)) aimed at obtaining broadly defined critical technologies; and

“(E) an evaluation of, and recommendation for any changes to, reviews conducted under this section with respect to institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by inserting after “the Secretary” the following: “and the Secretary of the Treasury (in the capacity of the Secretary of the Treasury);”;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) an evaluation of, and recommendation for any changes to, reviews conducted under this section with respect to institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by inserting after “the Secretary” the following: “and the Secretary of the Treasury;”;

(2) by striking “to the Secretary” and inserting “to each such Secretary;” and

(3) by striking “with the Secretary” and inserting “with the Secretary and the Secretary of the Treasury”; and

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act, the Committee shall, in consultation with the Chair of the House Committee on Appropriations, publish in the Federal Register—

(A) a proposed determination of the scope of and procedures for the pilot program required by paragraph (1); and

(B) an assessment of the burden on institutions of higher education likely to result from compliance with the pilot program.

(2) in subparagraph (B), by striking the following: “(E) an evaluation of, and recommendation for any changes to, reviews conducted under this section with respect to institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by inserting after “the Secretary” the following: “and the Secretary of the Treasury;”;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) an evaluation of, and recommendation for any changes to, reviews conducted under this section with respect to institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by inserting after “the Secretary” the following: “and the Secretary of the Treasury;”;

(2) by striking “to the Secretary” and inserting “to each such Secretary;” and

(3) by striking “with the Secretary” and inserting “with the Secretary and the Secretary of the Treasury”.

If the Federal Register notice is published after the date of enactment of this Act, the Committee shall, in consultation with the Chair of the House Committee on Appropriations, publish in the Federal Register—

(A) a summary of the reviews conducted by the Committee on Foreign Investment in the United States directed or directly assisted by foreign governments against institutions of higher education likely to result from compliance with the pilot program; and

(B) guidance with respect to—

(i) which gifts and contracts described in paragraph (4)(B) of section 721 of the Defense Production Act of 1950, as added by subsection (a)(1), would be subject to filing mandatory declarations under subsection (b)(3)(C)(v)(IV) of that section; and

(ii) the meaning of “control”, as defined in subsection (a) of that section, as that term applied to covered transactions described in clause (vi) of paragraph (4)(B) of that section, as added by subsection (a)(1).

(3) ISSUANCE OF FINAL RULE.—The Committee shall issue a final rule to carry out the amendments made by subsection (a) after assessing the findings of the pilot program required by subsection (e).

(e) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning on the date that is 30 days after the publication in the Federal Register of the matter required by paragraph (2) and ending on the date that is 570 days thereafter, the Committee shall conduct a pilot program to assess methods for implementing the review of covered transactions described in clause (vi) of section 721(a)(4)(B) of the Defense Production Act of 1950, as added by subsection (a)(1).

(2) PROPOSED DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, the Committee shall, in consultation with the Chair of the House Committee on Appropriations, publish in the Federal Register—

(A) a proposed determination of the scope of and procedures for the pilot program required by paragraph (1); and

(B) an assessment of the burden on institutions of higher education likely to result from compliance with the pilot program.

(3) REPORT ON FINDINGS.—Upon conclusion of the pilot program required by paragraph (1), the Committee shall prepare and submit to the Committee on Foreign Investment in the United States a report on the findings of that pilot program that includes—

(A) a summary of the reviews conducted by the Committee on Foreign Investment in the United States directed or directly assisted by foreign governments against institutions of higher education likely to result from compliance with the pilot program;

(B) an assessment of any additional resources required by the Committee to carry out this section or the amendments made by subsection (a); and

(C) findings regarding the additional burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a) and any additional recommended steps to reduce such burdens; and

(D) any recommendations for Congress to consider regarding the scope or procedures described in this section or the amendments made by subsection (a).

SA 4502. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350. San Francisco, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy. The amendment would prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—AFGHANISTAN COUNTERTERRORISM, OVERSIGHT, AND ACCOUNTABILITY ACT OF 2021

SEC. 1701. SHORT TITLE.

This title may be cited as the “Afghani­stan Counterterrorism, Oversight, and Accountabil­ity Act of 2021.”

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) On April 14, 2021, President Joseph R. Biden announced the unconditional with­drawal of United States Armed Forces from Afghanistan after 20 years of conflict.

(2) United States troop withdrawals led to the rapid collapse of the democratically elected government of Afghanistan, effec­tively ended prospects for a negotiated settle­ment, threatened to reverse the hard­earned rights of Afghanistan’s women and youth, and created dangerous sanctuary space for potential terrorist attacks against the United States and allies and partners of the United States.

(3) Under the terms of the peace agreement signed by the United States and the Taliban in Doha, Qatar, on February 29, 2020, the withdrawal of the United States Armed Forces from Afghanistan began an operation at Hamid Karzai Interna­tional Airport to evacuate United States citizens and Afghans affiliated with the Taliban, which was successful.

(4) The Taliban’s rise to power and inabil­ity to control its borders may result in a safe haven for violent jihadist groups, like al Qaeda and the Afghan affiliate of the Islamic State, which was re­ferred to as “ISIS-K”.

(5) According to a May 2020 report of the United Nations, “The senior leadership of Al-Qaeda remains present in Afghanistan, as well as hundreds of armed operatives, Al-Qa­ida in the Indian Subcontinent, and groups of foreign terrorist fighters aligned with the Taliban.”

(6) According to the same United Nations report, “The Taliban regularly consulted with Al-Qa­ida during negotiations with the United States with the hope that it would honor their historical ties.”

(7) In November 2020, the Lead Inspector General for Operation Freedom’s Sentin­el of the Counterterrorism, Oversight, and Ac­countability Act of 2021, re­ferred to as the “Lead Inspector General”) echoed similar concerns, noting that “mem­bers of al-Qaeda were integrated into the Taliban’s leadership and command struc­ture.”

(8) In May 2021, the Lead Inspector General reaffirmed those concerns, noting that “A June 2020 report of the Defense Intelligence Agency, the Taliban maintained close ties with al-Qaeda and was very likely preparing for large-scale offensive actions.”

(9) On September 14, 2021, the Deputy Di­rector of the Central Intelligence Agency stated, “We are already beginning to see some of the indications of some potential movement of al Qaeda, which we believe would honor their historical ties.”

(10) On August 14, 2021, the United States began an operation at Hamid Karzai Inter­national Airport to evacuate United States citizens and Afghans affiliated with the United States, an action which forced the North Atlantic Treaty Organization (com­monly referred to as “NATO”) and allied counterterrorism efforts against the Taliban to redouble their efforts.

(11) During the evacuation operation con­ducted in August 2021, United States allies, all of which had contributed soldiers and re­sources to the fight against the Taliban, and terrorism in Afghanistan since 2001, assisted in the exfiltration of thousands of United
States citizens, their own nationals, and Afghans affiliated with NATO. (12) In August 2021, at the height of the United States evacuation operation, ISIS-K carried out a suicide attack on a hotel by the Karzai International Airport and the Baron Hotel, killing more than 170 civilians, including 13 members of the United States Armed Forces.

(13) According to the reports of the Department of State, as many as 10,000 to 15,000 United States citizens were in Afghanistan before the evacuation efforts.

(14) As of August 31, 2021, the Department of State evacuated just over 6,000 United States citizens, leaving untold numbers of United States citizens stranded in Afghanistan with little resources for departure.

(15) As of August 31, 2021, the United States evacuated 765 out of 22,000 Afghans who applied for special immigrant visas, leaving the vast majority of Afghans behind and vulnerable to retribution by the Taliban.

(16) The Taliban continues to hamper the movement of United States citizens and at-risk Afghans out of Afghanistan.

(17) On September 10, 2021, the Taliban appointed Sirajuddin Haqqani, a wanted terrorist responsible for attacks against United States citizens, as the Taliban minister of Interior, ostensibly responsible for the continued evacuations of United States citizens and any foreign Afghans out of Afghanistan.

(18) A Taliban-led government rooted in Sharia law would undermine the vital gains made since 2001, particularly with respect to the rule of law and the rights of women and girls, and would lack credibility and international legitimacy on the world stage.

(19) As noted by Human Rights Watch, “Even before their takeover of Kabul on August 15, Taliban forces were already committing atrocities, including summary executions of government officials and security force members in their custody.”

(20) Since the Taliban’s takeover of Kabul, the Taliban has raided the homes of journalists and activists, as well as members of their families, and restricted girls’ access to public spaces, but may include a classified annex.

(21) The Lead Inspector General reported in May 2021 that the Taliban had carried out “dozens of killings of Afghan civilians, including government officials, teachers, journalists, medical workers, and religious scholars.”

(22) Despite reportedly providing written assurances to donors and the United Nations, the Taliban also continues to hinder humanitarian access to the most vulnerable areas and in Afghanistan, with an estimated 18,400,000 people, or roughly half of the population in Afghanistan, currently in dire need of lifesaving assistance.

(23) Between 2001 and 2020, at least 569 humanitarian workers were targeted for attack in Afghanistan, and in August 2021 alone, at least 240 incidents affecting humanitarian access or relief agencies.

(24) The United States has invested more than $56,000,000,000 since 2002 in efforts to address profound humanitarian needs and help the people of Afghanistan, including women, girls, and religious and ethnic minorities, realize their democratic and development aspirations.

(25) Despite consistent challenges, United States humanitarian and development assistance has helped expand access to education for more than 3,000,000 girls since 2008, reduced maternal and child deaths by more than half since 2000, provided first-time access to safe drinking water for 650,000 people and improved sanitation services for 1,200,000 people, catalyzed a 3% increase in per capita gross domestic product between 2002 and 2018.

(26) Following the Taliban takeover in Afghanistan, those notable achievements are at risk of reversal, the country stands on the verge of economic collapse, and according to the United Nations, an estimated 14,000,000 people are “marching toward starvation.”

SEC. 1703. DEFINITIONS.

In this subpart—

(1) SPECIAL IMMIGRANT VISA PROGRAM.—The term ‘special immigrant visa program’ means—

(A) the special immigrant visa program under section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–18; 8 U.S.C. 1101 note); and

(B) the special immigrant visa program under section 1559 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note) with respect to nationals of Afghanistan.

(2) TALIBAN.—The term ‘Taliban’ means the entity—

(A) known as the Taliban;

(B) established in Afghanistan; and

(C) designated as a specially designated global terrorist under part 594 of title 31, Code of Federal Regulations (other than the Taliban); or

(D) any foreign terrorist organization (as defined in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)).

(3) UNITED STATES LAWFUL PERMANENT RESIDENT.—The term ‘United States lawful permanent resident’ means an alien lawfully admitted for permanent residence to the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))).

Subtitle C—State Department Afghanistan Task Force and Diplomatic Engagement

SEC. 1711. TASK FORCE ON EVACUATIONS FROM AFGHANISTAN.

(a) IN GENERAL.—The Secretary of State shall establish and maintain a task force dedicated to—

(1) the implementation of a comprehensive strategy relating to the evacuation of United States citizens, United States lawful permanent residents, and applicants for the special immigrant visa program, from Afghanistan; and

(2) identifying individuals in Afghanistan who have—

(A) applied to the United States Refugee Admissions Program; or

(B) sought entry into the United States as humanitarian parolees under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1152(d)(5));

(b) FOCUS OF TASK FORCE.—The task force established under subsection (a) shall prioritize efforts of the Department of State—

(1) to account for all United States citizens still within Afghanistan and ensure all United States citizens have the opportunity to safely depart Afghanistan; and

(2) to account for United States lawful permanent residents and applicants for the special immigrant visa program still within Afghanistan and help ensure those individuals have an opportunity to safely depart Afghanistan.

(c) REPORTING REQUIREMENT.—Not later than one year after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing lessons learned from the task force established under subsection (a), including such lessons related to the evacuation of United States citizens, United States lawful permanent residents, and applicants for the special immigrant visa program, from Afghanistan.

(d) BRIEFING REQUIREMENT.—The task force established under subsection (a) shall provide quarterly briefings to the appropriate congressional committees on—

(1) the strategy described in subsection (a); and

(2) any additional authorities the Department of State requires to better advance the strategy.

(e) TERMINATION.—The task force established under subsection (a) shall terminate on the date that is one year after the date of enactment of this Act.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

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

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

SEC. 1712. REPORT ON DIPLOMATIC ENGAGEMENT WITH THE TALIBAN.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and not less frequently thereafter, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Director of the Office of Foreign Assistance, shall submit to the appropriate congressional committees a report detailing the manner and extent to which foreign governments and international organizations have pursued diplomatic engagement or economic or security cooperation with the Taliban or members of the Taliban.

(b) ELEMENTS.—The report required by subsection (a) shall include a description of—

(1) steps taken by foreign governments and international organizations toward formal diplomatic recognition of the Taliban or a government of Afghanistan under the direction or control of the Taliban or members of the Taliban;

(2) efforts to maintain or re-establish a diplomatic presence in Kabul;

(3) the extent to which formal bilateral relationships serve to bolster the Taliban’s credibility on the world stage;

(4) the scale and scope of economic cooperation with the Taliban or any agency or instrumentality of the Government of Afghanistan under the direction or control of the Taliban or a member of the Taliban, by foreign governments and international organizations toward formal diplomatic recognition of the Taliban or a government of Afghanistan under the direction or control of the Taliban or members of the Taliban; and

(5) any assistance provided by foreign governments and international organizations to or through the Taliban or any agency or instrumentality described in paragraph (4), including humanitarian, technical, security assistance, or military assistance.

(c) FORM OF REPORT; AVAILABILITY.—The report described in subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

(1) the Committee on Foreign Relations of the Senate; and
The United States Ambassador to the United States shall use the voice, vote, and influence of the United States at the United Nations—

(1) to object to the issuance of credentials to any member of the delegation of Afghanistan to the United Nations General Assembly who is a member of the Taliban;

(2) to ensure that no member of the Taliban may serve in a leadership position in any United Nations body, fund, program, or specialized agency;

(3) to support a resolution on human rights abuses committed by the Taliban at the United Nations Human Rights Council and calling for the immediate deployment of human rights monitors to Afghanistan under the special procedures of the Council;

(4) to demand immediate, unfettered humanitarian access to the whole of Afghanistan, including to prevent famine and to expand access to lifesaving vaccines and immunizations; and

(5) to prevent diversions of humanitarian assistance delivered through United Nations bodies, funds, programs, and specialized agencies to individuals and entities subject to sanctions imposed by the United Nations Security Council Resolutions 1890 (2011) and 2255 (2015), including through the imposition of duties, fees, or taxes on such humanitarian assistance or the manipulation of beneficiary lists.

SEC. 1714. OPPOSITION TO PARTICIPATION OF TALIBAN AT THE UNITED NATIONS AND OTHER MEASURES.

The United States Ambassador to the United States shall—

(a) consult with the appropriate congressional committees a strategy after the date of the enactment of this Act, including—

(A) human intelligence and multi-source diplomatic, economic, and defense cooperation with the Government of India, as appropriate, to address economic and security challenges posed by the People’s Republic of China, the Russian Federation, and the Taliban in the region, and an assessment of how the changes to India’s security environment resulting from the Taliban’s takeover of Afghanistan will affect United States engagement with India;

(B) a description of the coordination mechanisms among key regional and functional bodies of the United States, the Department of Defense, and the Office of the United States Trade Representative, the Department of Energy, and the Department of Commerce, the Department of State and the Department of Defense tasked with engaging with the countries of South and Central Asia on strategies to build resilience in their political systems and economies.

(b) E LEMENTS.—The strategy described in subsection (a) shall include the following elements:

(1) An assessment of terrorist activity in Afghanistan and threats posed to the United States by that activity.

(2) An assessment of whether the Taliban is taking meaningful action to ensure that Afghanistan is not a safe haven for terrorist groups, such as al Qaeda or ISIS-K, pursuant to the peace agreement signed by the United States and the Taliban in Doha, Qatar, on February 29, 2020, or subsequent agreements or arrangements.

(3) A detailed description of all discussions, transactions, deconfliction agreements, or other agreements or arrangements with the Taliban.

(4) An assessment of the status or access, basing, and overflight agreements with countries neighboring Afghanistan that facilitate ongoing United States counterterrorism missions and operations.

(5) An assessment of the status of—

(A) human intelligence and multi-source intelligence assets dedicated to Afghanistan; and

(B) the ability of the United States to detect emerging threats against the United States and allies and partners of the United States.

(6) A description of the number and types of intelligence, surveillance, and reconnaissance assets and strike assets dedicated to Afghanistan counterterrorism missions and operations, and the flight times and times on station for such assets.

(7) An assessment of local or indigenous counterterrorism partners.

(8) An assessment of risks to the mission and risks to United States personnel involved in over-the-horizon counterterrorism operations.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) CONSULTATION.—Not later than 120 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall consult with the appropriate congressional committees regarding the development and implementation of the strategy required by subsection (a).

(e) DEFINITIONS.—In this section:

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

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

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

(2) CS+1 FORMAT.—The term “CS+1 format” means meetings of representatives of the governments of the United States, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan, and the Republic of Uzbekistan.

Subtitle B—Counterterrorism Strategies and Reports

SEC. 1721. COUNTERTERRORISM STRATEGY FOR AFGHANISTAN.

(a) I N GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report setting forth the United States counterterrorism strategy for Afghanistan and the scope of each of the elements described in subsection (b).

(b) E LEMENTS.—The elements described in this subsection are the following:

(1) An assessment of terrorist activity in Afghanistan and threats posed to the United States by that activity.

(2) An assessment of the status of access, basing, and overflight agreements with countries neighboring Afghanistan that facilitate ongoing United States counterterrorism missions and operations.

(3) A detailed description of all discussions, transactions, deconfliction agreements, or other agreements or arrangements with the Taliban.

(4) An assessment of the status of access, basing, and overflight agreements with countries neighboring Afghanistan that facilitate ongoing United States counterterrorism missions and operations.

(5) An assessment of the status of—

(A) human intelligence and multi-source intelligence assets dedicated to Afghanistan; and

(B) the ability of the United States to detect emerging threats against the United States and allies and partners of the United States.

(6) A description of the number and types of intelligence, surveillance, and reconnaissance assets and strike assets dedicated to Afghanistan counterterrorism missions and operations, and the flight times and times on station for such assets.

(7) An assessment of local or indigenous counterterrorism partners.

(8) An assessment of risks to the mission and risks to United States personnel involved in over-the-horizon counterterrorism operations.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

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

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

SEC. 1722. REPORT ON ENTITIES PROVIDING SUPPORT FOR THE TALIBAN.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on entities providing support to the Taliban.

(b) ELEMENTS OF FIRST REPORT.—The first report required by subsection (a) shall include—

(1) an assessment of support by state and non-state actors, including the Government of Pakistan, for the Taliban between 2001 and 2020, including the provision of sanctuary space, financial support, intelligence support, logistics and medical support, training, equipping, and tactical, operational, or strategic direction; and

(2) an assessment of support by state and non-state actors, including the Government of Pakistan, for the 2021 offensive of the Taliban that toppled the Government of the Islamic Republic of Afghanistan, including the provision of sanctuary space, financial support, intelligence support, logistics and medical support, training, equipping, and tactical, operational, or strategic direction; and

(3) an assessment of support by state and non-state actors, including the Government of Pakistan, for the September 2021 offensive of the Taliban against the Panjshir Valley and the Afghan resistance; and

(4) a detailed description of United States diplomatic and military activities undertaken to curtail support for the 2021 offensive of the Taliban that toppled the Government of Afghanistan.

(c) ELEMENTS OF SUBSEQUENT REPORTS.—Each report required by subsection (a) after the first such report shall include—

(1) an assessment of support by state and non-state actors for the Taliban, including the provision of sanctuary space, financial support, intelligence support, logistics and medical support, training, equipping, and tactical, operational, or strategic direction; and

(2) an assessment of support by state and non-state actors for the Taliban against any elements of the Afghan resistance; and

(3) a detailed description of United States diplomatic and military activities undertaken to curtail support for the Taliban.

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

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

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

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

SEC. 1723. REPORT AND STRATEGY ON UNITED STATES-ORIGIN DEFENSE ARTICLES AND SERVICES PROVIDED TO AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Secretary of Defense, and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on United States-origin defense articles and defense services provided to the Government of Afghanistan on or before August 14, 2021.

(b) STRATEGY REQUIRED.—The strategy required by subsection (a) shall in—

(1) an assessment of whether there is credible information that detained United States citizens or United States lawful permanent residents are being held hostage or are being detained unlawfully or wrongfully by the Taliban; and

(2) an assessment of whether there is credible information that citizens of NATO allies are being held hostage or are being detained unlawfully or wrongfully by the Taliban.

(b) STATEMENT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

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

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

SEC. 1724. BRIEFINGS ON STATUS OF SPECIAL IMMIGRANT VISA APPLICANTS, REFUGEES, AND PAROLEES.

(a) In General.—Not later than 10 days after the date of the enactment of this Act, and every 15 days thereafter until September 30, 2022, the Secretary of State, in consultation with the Secretary of Homeland Security, shall provide a briefing to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the status of—

(1) the processing of applications for the special immigrant visa program; and

(b) refugees and parolee designations for nationals of Afghanistan.

(b) ELEMENTS.—

(1) INITIAL BRIEFING.—The initial briefing required by subsection (a) shall include, for the period beginning on August 1, 2021, and ending on the date of the briefing—

(A) the number of nationals of Afghanistan who have—

(aa) submitted applications for—

(1) the special immigrant visa program; or

(bb) resettlement in the United States through the United States Refugee Admissions Program; or

(B) sought entry to the United States as humanitarian parolees under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(ii) failed to meet United States vetting requirements.

(2) SUBSEQUENT BRIEFINGS.—Each subsequent briefing required by subsection (a) shall include, for the period beginning on August 1, 2021, and ending on the date of the briefing—

(I) the processing of applications for the special immigrant visa program; and

(ii) failed to meet United States vetting requirements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, as necessary.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) DEFENSE ARTICLE; DEFENSE SERVICE; TRAINING.—"The terms "defense article", "defense service", and "training" have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2774).

Subtitle C—Matters Relating to Hostages, Special Immigrant Visa Applicants, and Refugees

SEC. 1731. REPORT ON HOSTAGES TAKEN BY THE TALIBAN.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the extent to which the Taliban has engaged in the politically motivated kidnaping or release of hostages, including, but not limited to—

(1) an assessment of whether taking or release of hostages is engaging in practices of unlawful or wrongful detention.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an assessment of whether there is credible information that detained United States citizens or United States lawful permanent residents are being held hostage or are being detained unlawfully or wrongfully by the Taliban; and

(2) an assessment of whether there is credible information that citizens of NATO allies are being held hostage or are being detained unlawfully or wrongfully by the Taliban.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

SEC. 1732. BRIEFINGS ON STATUS OF SPECIAL IMMIGRANT VISA APPLICANTS, REFUGEES, AND PAROLEES.

(a) In General.—Not later than 10 days after the date of the enactment of this Act, and every 15 days thereafter until September 30, 2022, the Secretary of State, in consultation with the Secretary of Homeland Security, shall provide a briefing to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the status of—

(1) the processing of applications for the special immigrant visa program; and

(b) refugees and parolee designations for nationals of Afghanistan.

(b) ELEMENTS.—

(1) INITIAL BRIEFING.—The initial briefing required by subsection (a) shall include, for the period beginning on August 1, 2021, and ending on the date of the briefing—

(A) the number of nationals of Afghanistan who have—

(aa) submitted applications for—

(aa) the special immigrant visa program; or

(bb) resettlement in the United States through the United States Refugee Admissions Program; or

(ii) failed to meet United States vetting requirements.

(2) SUBSEQUENT BRIEFINGS.—Each subsequent briefing required by subsection (a) shall include, for the period beginning on August 1, 2021, and ending on the date of the briefing—

(I) the processing of applications for the special immigrant visa program; and

(ii) failed to meet United States vetting requirements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, as necessary.
(d) Written Materials.—The Secretary of State may submit written materials in conjunction with a briefing under this section.

Subtitle D—Restrictions on Foreign Assistance

SEC. 1741. STATEMENT OF POLICY ON UNITED STATES ASSISTANCE IN AFGHANISTAN.


(b) Humanitarian Assistance.—It is the policy of the United States to support the provision of humanitarian assistance for displaced and conflict-affected persons in Afghanistan consistent with chapter 9 of the Foreign Assistance Act of 1961 (22 U.S.C. 2252 et seq.), provided that it is not provided to or through the Taliban or entities controlled by the Taliban or persons with respect to which sanctions have been imposed under section 1772 or 1783.

(c) Strategy.—Not later than 30 days after the date of the enactment of this Act, the President shall brief the appropriate congressional committees on the United States strategy to ensure the safe and timely delivery of targeted humanitarian assistance in Afghanistan, including by enabling humanitarian organizations access to financial services, consistent with this section.

SEC. 1742. HUMANITARIAN ASSISTANCE TO COUNTRIES AND ORGANIZATIONS SUPPORTING AFGHAN REFUGEES AND AFGHAN ALLIES OF THE UNITED STATES.

Subject to section 1743, it is the policy of the United States to support the provision of humanitarian assistance for displaced and conflict-affected persons seeking refuge from Afghanistan, as well as for hosting communities with measurable need in such third countries.

SEC. 1743. REVIEW OF FOREIGN ASSISTANCE TO CouNTRIES AND ORGANIZATIONS SUPPORTING THE TALIBAN.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and not less than annually thereafter, the Secretary of State, in consultation with the appropriate congressional committees, shall conduct a comprehensive review of all forms of United States foreign assistance provided to or through the government of any country or any organization providing any form of material support to the Taliban, utilizing transparent mechanisms to measure the forms, amounts, goals, objectives, benchmarks, and outcomes of such assistance.

(b) Amendment.—The Secretary of State shall suspend all forms of United States foreign assistance not covered by an exception under section 1766(b)(3) provided to or through the government of any country or any organization providing any form of material support to the Taliban.

(2) Termination.—The suspension of United States foreign assistance under paragraph (1) shall be in effect on the date on which the Secretary—

(A) has certified to the appropriate congressional committees that the government or organization subject to such suspension has ceased to provide material support to the Taliban; or

(B) has submitted to the appropriate congressional committees a certification described in section 1766(c).

(3) Waiver.—The Secretary may waive the suspension of United States foreign assistance required under paragraph (1) if, not later than 10 days before issuing such a waiver, the Secretary certifies to the appropriate congressional committees that—

(A) providing such assistance is in the national security interest of the United States; and

(B) sufficient safeguards are in place to ensure that no United States assistance is diverted to support the Taliban.

SEC. 1744. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

Subtitle E—Human Rights in Afghanistan

SEC. 1751. REPORT ON HUMAN RIGHTS ABUSES BY THE TALIBAN.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and not less than annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the extent to which the Taliban in Afghanistan, including by enabling human rights abuses in Afghanistan, are responsible for the abuses described in subsection (a), constitute war crimes or crimes against humanity; and

(b) Elements.—The report required by subsection (a) shall include—

(1) an assessment of the Taliban’s respect for the rule of law, press freedom, and human rights, including the rights of women, girls, and minorities, in Afghanistan;

(2) an assessment of the extent to which the Government of Afghanistan has adhered to the international human rights standards set out in the United Nations Covenant on Civil and Political Rights, which was ratified by Afghanistan in 1983, and the Universal Declaration of Human Rights;

(3) a description of the scale and scope of any incidents of arbitrary arrest or extrajudicial execution;

(4) an assessment of the degree to which Afghanistan’s neighbors have part of the internationally recognized government of Afghanistan or who have ties to the United States have been the target of Taliban-support or financial, political, or technological support for, or financial or other support to or in support of, any terrorist group in Afghanistan;

(5) a detailed description of how the rights of women, girls, and minorities in Afghanistan have been impacted, specifically with respect to access to education, freedom of movement, and right to employment, since the Taliban’s August 2021 takeover of Afghanistan;

(6) an evaluation of the ability of human rights defenders, female activists, and journalists to freely operate in Afghanistan without fear of retribution;

(7) an assessment of whether any of the abuses carried out by the Taliban, or any agency or instrumentalities described in subsection (a), constituted war crimes or crimes against humanity; and

(8) a description of any steps taken to impede access by independent human rights monitors and investigators.

(c) Form.—The report required by subsection (a) shall be provided in unclassified form, but may include a classified annex.

(d) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

Subtitle F—Sanctions With Respect to the Taliban

SEC. 1761. DEFINITIONS.

In this subtitle—

(1) ADMISSION; ADMITTED; ALIEN.—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) Agricultural Commodity.—The term “agricultural commodity” has the meaning given that term in section 1(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(3) Appropriate Congressional Committees.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(4) Foreign Person.—The term “foreign person” means—

(A) a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such entity.

SEC. 1762. IMPOSITION OF SANCTIONS WITH RESPECT TO ACTIVITIES OF THE TALIBAN AND OTHERS IN AFGHANISTAN.

(a) Sanctions Relating to Support for the Taliban.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (d) with respect to any foreign person, including a member of the Taliban, that the President determines provides financial, material, or technological support for, or financial or other support to or in support of, any terrorist group in Afghanistan.

(b) Sanctions Relating to Human Rights Abuses.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (d) with respect to any foreign person, including a member of the Taliban, that the President determines is responsible for, complicit in, or has directly or indirectly engaged in, serious human rights abuses in Afghanistan.

(c) Sanctions Relating to Narcotic Drugs Trafficking.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (d) with respect to any foreign person, including any member of the Taliban, that the President determines—

(1) has a significant role in international narcotics trafficking centering in Afghanistan; or

(2) provides significant financial, material, or technological support to, or financial or other services to or in support of, any person described in paragraph (1).
(d) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) PROPERTY BLOCKING.—The exercise of all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a), (b), or (c) if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a), (b), or (c) shall be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) The visa or other entry documentation of any alien described in subsection (a), (b), or (c) is subject to revocation regardless of the issue date of the visa or other entry documentation.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the possession of the alien.

SEC. 1764. SUPPORT FOR MULTILATERAL SANCTIONS WITH RESPECT TO THE TALIBAN.

(a) VOICE AND VOTE AT UNITED NATIONS.—


(b) ENGAGEMENT WITH ALLIES AND PARTNERS.—

The Secretary of State shall, acting through the Office of Coordination established under section 1(h) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(h)), engage with the governments of all of the United States to promote their use of sanctions against the Taliban, particularly for any support for terrorism, serious human rights abuses, or international narcotics trafficking.

SEC. 1765. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.—

The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704(b)) to carry out this subtitle.

(b) PENALTIES.—

A person who violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or any regulation, license, or order issued to carry out this subtitle shall be subject to the penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(c) REPORT ON IMPLEMENTATION OF SANCTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of the Treasury shall jointly submit to the appropriate congressional committees a report on the implementation of sanctions under this subtitle.

(2) ELEMENTS.—Each report required by paragraph (1) shall include—

(A) a description of the number and identity of foreign persons with respect to which sanctions were imposed under sections 1762 and 1763 during the 90-day period preceding submission of the report;

(B) a description of the efforts of the United States Government to maintain sanctions on the Taliban at the United Nations pursuant to section 1764(a) during that period;

(C) a description of the impact of sanctions imposed under sections 1762 and 1763 on the behavior of the Taliban, other groups, and other foreign governments during that period.

SEC. 1766. WAIVERS; EXCEPTIONS; SUSPENSION.

(a) WAIVER.—The President may waive the application of sanctions under this subtitle with respect to a foreign person if the President, not later than 10 days before the waiver is to take effect, determines and certifies to the appropriate congressional committees that the waiver is in the vital national security interest of the United States. The President shall submit with the certification a detailed justification explaining the reason for the waiver.

(b) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this subtitle shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authority for intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under section 1762(d)(2) or 1763(c)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(3) EXCEPTIONS FOR HUMANITARIAN PURPOSES.

(A) IN GENERAL.—Sanctions under this subtitle shall not apply with respect to the following activities:

(i) Activities to support humanitarian projects to meet basic human needs in Afghanistan, including—

(I) disaster relief;

(II) assistance to refugees, internally displaced persons, and conflict victims;

(III) provision of health services; and

(IV) provision of agricultural commodities, food, medicine, medical devices, or other articles to provide humanitarian assistance to the people of Afghanistan.

(ii) Activities to support democracy building in Afghanistan, including projects relating to the rule of law, citizen participation, government accountability, and civil society development.

(iii) Activities determined by the Secretary of State to be appropriate for supporting education in Afghanistan and that do not directly benefit the Taliban, including combating illiteracy, increasing access to education, particularly for girls, and assisting education reform projects.

(iv) Activities that do not directly benefit the Taliban to prevent infectious disease and promote maternal and child health, food security, and clean water assistance.

(v) Transactions necessary and incident to activities described in paragraph (iv).

(vi) Transactions incident to travel or work to conduct activities described in subparagraphs (v) and (vi).

(b) PROHIBITION AGAINST IMPORTS.—

A description of any import—

(i) hardware, software, or technology necessary to enable such services; or

(ii) personal communication that does not involve a transfer of anything of value.

(c) VOICE AND VOTE AT UNITED NATIONS.—

The President may use the voice and vote of the United States at the United Nations to maintain the sanctions described in and imposed pursuant to United Nations Security Council Resolution 1988 (2011) and United Nations Security Council Resolution 2259 (2015) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) OTHER COMMUNICATION ACTIVITIES.—

Sanctions under this subtitle shall not apply to the provision of—

(i) personal communication that does not involve a transfer of anything of value.

(ii) hardware, software, or technology necessary for access to the internet.

(e) OTHER COMMUNICATION ACTIVITIES.—

Sanctions under this subtitle shall not apply to the provision of—

(i) a description of the impact of sanctions imposed under sections 1762 and 1763 on the behavior of the Taliban, other groups, and other foreign governments during that period.

(f) ELECTRONIC COMMUNICATION ACTIVITIES.—

Sanctions under this subtitle shall not apply to the provision of—

(i) a description of the impact of sanctions imposed under sections 1762 and 1763 on the behavior of the Taliban, other groups, and other foreign governments during that period.

(g) OTHER COMMUNICATION ACTIVITIES.—

Sanctions under this subtitle shall not apply to the provision of—

(i) a description of the impact of sanctions imposed under sections 1762 and 1763 on the behavior of the Taliban, other groups, and other foreign governments during that period.

(h) ELECTRONIC COMMUNICATION ACTIVITIES.—

Sanctions under this subtitle shall not apply to the provision of—

(i) a description of the impact of sanctions imposed under sections 1762 and 1763 on the behavior of the Taliban, other groups, and other foreign governments during that period.
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 goods, services, or technologies necessary to ensure the safe operation of commercial aircraft produced in the United States or commercial aircraft into which aircraft components produced in the United States are incorporated, if the provision of such goods, services, or technologies is approved by the Secretary of State, in consultation with the Secretary of Commerce, pursuant to regulations prescribed by the Secretary of the Treasury regarding the provision of such goods, services, or technologies, if appropriate.

(4) Exception relating to importation of goods.—

(A) In general.—The authorities and requirements for sanctions authorized under this subtitle shall not include the authority or requirement to impose sanctions on the importation of goods.

(B) Good defined.—In this paragraph, the term “good” means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(c) Suspension of sanctions.—

(1) Suspension.—The Secretary of State, in consultation with the Secretary of Energy, the Director of National Intelligence, and the Secretary of the Treasury, may suspend the imposition of sanctions under this subtitle if the Secretary of State certifies in writing to the appropriate congressional committees that the Taliban has—

(A) publicly and privately broken all ties with other terrorist groups, including al Qaeda;

(B) verifiably prevented the use of Afghanistan as a platform for terrorist attacks against the United States or partners or allies of the United States, including by denying sanctuary space, transit of Afghan territory, and use of Afghanistan for terrorist training and equipping;

(C) provided humanitarian actors with full, unimpeded access to vulnerable populations throughout Afghanistan without interference or diversion;

(D) respected freedom of movement, including by facilitating the departure of foreign nationals, applicants for the special immigrant visa program, and other at-risk Afghans by air or land routes, and the safe, voluntary, and dignified return of displaced persons; and

(2) Report required.—The Secretary of State shall submit to the appropriate congressional committees with any certification under paragraph (1) a report addressing in detail each of the criteria for the suspension of sanctions under paragraph (1). Such report shall be submitted in unclassified form.

Subtitle G—General Provisions

SEC. 1773. TERMINATION

This title shall terminate on the date that is 10 years after the date of the enactment of this Act.

SA 4503. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED, and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. BRIEFING ON SYNCHRONIZATION OF IMPLEMENTATION OF PACIFIC DETERRENCE INITIATIVE AND EUROPEAN DETERRENCE INITIATIVE.

(a) Briefing.—Not later than 180 days after the date of enactment of this Act, the Deputy Secretary of Defense shall provide to the congressional defense committees a briefing on the synchronization of the processes used to implement the Pacific Deterrence Initiative with the processes used to implement the European Deterrence Initiative, including—

(1) the allocation of fiscal topline in the program objective memorandum process to support such initiatives at the outset of process;

(2) the role of the combatant commanders in setting requirements for such initiatives; and

(b) Guidance.—In establishing program objective memorandum guidance for fiscal year 2024, the Deputy Secretary of Defense in conjunction with the appropriate congressional committees shall—

(A) before the submission of the program objective memorandum for each such initiative;

(B) during program review.

SEC. 1254. INELIGIBILITY FOR GENERALIZED SYSTEMS OF COUNTRIES THAT HOST CHINESE MILITARY INSTALLATIONS.

Section 522(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)) is amended by inserting after subparagraph (H) the following:

“(I) Such country has been determined by the President, based on the recommendation of the United States Trade Representative, in consultation with the Secretary of State and the Secretary of Defense, to be hosting on its territory a military installation of the Government of the People’s Republic of China.”.

SA 4505. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED, and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle P of title XII of division A, add the following:

SEC. 1264. FEASIBILITY STUDY ON SECURITY AND DEFENSE PARTNERSHIP WITH SOMALILAND.

(a) Defined term.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Armed Services of the House of Representatives; and

(4) the Committee on Foreign Affairs of the House of Representatives.

(b) Feasibility Study.—The Secretary of State, in consultation with the Secretary of Defense, shall conduct a study concerning the feasibility of the establishment of a security and defense partnership between the United States and Somaliland (a semi-autonomous region of the Republic of Somalia) that—

(1) is separate and distinct from any security and defense partnership with the Federal Republic of Somalia;

(2) includes coordination with Somaliland government security organs, including Somaliland’s Ministry of Defense and Armed Forces;

(3) determines opportunities for collaboration in the pursuit of United States national security interests in the Horn of Africa, the Gulf of Aden, and the broader Indo-Pacific region;

(4) identifies opportunities for United States training of Somaliland security sector actors to improve professionalization and capacity; and

(5) is separate and distinct from any security and defense partnership with the Federal Republic of Somalia.

(c) Report to Congress.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and other relevant Federal departments and agencies, shall submit a classified report to the appropriate congressional committees that contains the results of the study required under subsection (b), including an assessment of the extent to which—

opportunities exist for the United States to support the training of Somaliland’s security sector actors with a specific focus on counter-terrorism and maritime security;

(2) Somaliland’s security forces have been implicated in gross violations of human rights during the 3-year period immediately preceding the date of the enactment of this Act;

(3) the United States has provided, or discussed with Somaliland government and military officials the provision of, training to security forces, including—

(A) where such training has been provided;

(B) the extent to which Somaliland security forces have demonstrated the ability to absorb previous training; and

(C) the ability of Somaliland security forces to maintain and appropriately utilize such training, as applicable;

(4) a direct United States security and defense partnership with Somaliland would have a strategic impact, including by protecting United States and allied maritime interests in the Bab el-Mandeb Strait and at Somaliland’s Berbera Port;
(b) resettlement in the United States through the United States Refugee Admissions Program; or

(ii) sought entry to the United States as humanitarian parolee under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(ii) the location of each such national of Afghanistan.

(B) With respect to any national of Afghanistan who has been issued such a visa or who has received Chief of Mission approval, including any such national of Afghanistan who remains in Afghanistan and is actively in processing, and any dependent of such a national of Afghanistan, their location and immigration status.

(C) With respect to the adjudication and processing of applications for such visas and the entry to the United States of nationals of Afghanistan as humanitarian parolees—

(i) the number of Department of State and Department of Homeland Security employees assigned to such adjudication and processing; and

(ii) the respective timelines for such adjudication and processing.

(D) A description of the status of any agreement between the United States and the government of any foreign country hosting nationals of Afghanistan described in subparagraph (A) or (B).

(E) An assessment of any required revision to the levels and forms of United States foreign assistance provided to entities supporting such nationals of Afghanistan.

(F) The status of any national of Afghanistan who, after July 1, 2021, submitted an application for such a visa or sought entry to the United States as a humanitarian parolee and failed to meet United States vetting requirements.

(G) As of the date of the briefing, the number of nationals of Afghanistan located at an installation or assistance facility within the continental United States and overseas, disaggregated by evacuee category and immigration status.

(H) A description of, and justification for, the specific vetting procedures and requirements applicable to individuals of each evacuee category and immigration status.

(2) SUBSEQUENT BRIEFINGS.—Each subsequent briefing required by subsection (a) shall include, for the preceding 15-day period, the information described in subparagraphs (A) through (P) of paragraph (1).

(c) FORM.—A briefing required by subsection (a) may be provided in classified form, as necessary.

(d) WRITTEN MATERIALS.—The Secretary of State, the Secretary of Defense, or the Secretary of Homeland Security may submit written materials in conjunction with a briefing under this section.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriative committees of Congress” means—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SA 4507. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title B of title XXXI, add the following:

SEC. 12. BRIEFINGS ON STATUS OF OPERATION WELCOME ALLIES AT INSTALLATIONS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 10 days after the date of enactment of this Act, and every 15 days thereafter until September 30, 2022, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall provide to the appropriate committees of Congress a briefing on—

(1) the operational status of Operation Allies Welcome at installations of the Department of Defense within the continental United States and overseas;

(2) the processing of applications of nationals of Afghanistan for special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) and section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); and

(3) the processing of refugee and parolee designations for nationals of Afghanistan.

(b) REQUIREMENTS.—

(1) INITIAL BRIEFING.—The initial briefing required by subsection (a) shall include, for the period beginning on August 1, 2021, and ending on the date of the enactment of this Act, the information which the briefing is required to provide, the following:

(A)(i) The number of nationals of Afghanistan who have—

(aa) submitted applications for—

(aa) special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title E of title XXXII, add the following:

SEC. 315. INCREASE IN AMOUNT AUTHORIZED FOR PLANT-DIRECTED RESEARCH AND DEVELOPMENT.

Section 308 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (50 U.S.C. 2791a) is amended by striking “4 percent” and inserting “8 percent”.

SA 4508. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title B of title XXXII, add the following:

SEC. 3114. REPORT ON PLANT-DIRECTED RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Not later than March 15, 2022, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on plant-directed research and development by nuclear weapons production facilities.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A master plan for plant-directed research and development that ensures utilization of funds available for plant-directed research and development by the nuclear weapons production facilities.

(2) A list of research, development, and demonstration activities by each such facility in order to maintain and enhance the engineering and manufacturing capabilities at the facility and a brief scope of work for each such activity.

(3) An assessment of current and projected workload requirements for such activities and cost estimates necessary to complete each such activity.

(4) A review of the progress made in prioritizing and funding such activities.

(b) APPROPRIATIONS.—In this section, the term “appropriations” means—

(C) The status of any national of Afghanistan who has received Chief of Mission approval, in- cluding any such national of Afghanistan who remains in Afghanistan and is actively in processing, and any dependent of such a national of Afghanistan, their location and immigration status.

SA 4507. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title E of title XXXII, add the following:

SEC. 315. INCREASE IN AMOUNT AUTHORIZED FOR PLANT-DIRECTED RESEARCH AND DEVELOPMENT.

Section 308 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (50 U.S.C. 2791a) is amended by striking “4 percent” and inserting “8 percent”.

SA 4508. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title B of title XXXII, add the following:

SEC. 3114. REPORT ON PLANT-DIRECTED RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Not later than March 15, 2022, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on plant-directed research and development by nuclear weapons production facilities.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A master plan for plant-directed research and development that ensures utilization of funds available for plant-directed research and development by the nuclear weapons production facilities.

(2) A list of research, development, and demonstration activities by each such facility in order to maintain and enhance the engineering and manufacturing capabilities at the facility and a brief scope of work for each such activity.

(3) An assessment of current and projected workload requirements for such activities and cost estimates necessary to complete each such activity.

(4) A review of the progress made in prioritizing and funding such activities.
At the appropriate place, insert the following:

**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 cooperation over the past several 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 exercises, including Operation Blue Flag in 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 have committed to hold an upcoming Strategic Dialogue session in 2021 in Washington, D.C.


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.


10. In June 2020, United States Ambassador to Greece Geoffrey Pyatt characterized the importance of Naval Support Activity Souda Bay as a key military 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 Proceeding to support the navigation and military cooperation and to help bring peace and stability.”

11. The USBS Hershel “Woody” Williams, the second of a new class of United States naval strike ships, is 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, 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 $5 for every dollar invested by the United States in the program.

14. Greece’s defense spending in 2020 amounted to an estimated 2.88 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 516c(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321c(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 multirule 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 2025 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 pivotal ally 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 Hellenic Armed Forces;

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-developement 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 pursuant to a Joint Program, the United States Development Finance Corporation should consider supporting private investment in strategic infrastructure projects in Greece, such as 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

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 2025, should be considered for use as appropriate to assist the country in meeting its defense needs and transitioning away from Russian-produced military equipment.
(b) Reporting.—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 includes a full accounting of all funds distributed under the European Recapitalization Incentive Program, including—
(1) identification of each recipient country;
(2) description of how the funds were used; and
(3) an accounting of remaining equipment in recipient countries that was provided by the former 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 construction projects pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2783) to support the further development of Greece’s military capabilities.

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 is consistent with the certification requirements under section 36 of the Arms Export Control Act (22 U.S.C. 2786).

SEC. 1297. IMET COOPERATION WITH GREECE.
Of the amounts authorized to be appropriated for each of fiscal years 2022 through 2025 for International Military Education and Training (IMET) assistance, $1,000,000 shall be available for Greece, to the maximum extent practicable. The assistance shall be made available for the following purposes:
(1) Training of future leaders.
(2) Fostering a better understanding of the United States.
(3) Establishing a rapport between the United States Armed Forces and Greece’s military to build partnerships for the future.

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 matters of cooperation, energy initiatives, and countering malign influence efforts by the People’s Republic of China and the Russian Federation.

SEC. 1299. APPROPRIATE CONGRESSIONAL COMMITTEES.
In this subtitle, the term “appropriate congressional committees” means—
(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and
(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SA 4512. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3687 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle D of title X, add the following:

SEC. 1038. TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP PROGRAM.
(a) SHORT TITLE.—This section may be cited as the “Trans-Sahara Counterterrorism Partnership Program Act of 2021”.
(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) terrorist and violent extremist organizations, such as Al Qaeda in the Islamic Maghreb, Boko Haram, the Islamic State of West Africa, and other affiliated groups, have killed tens of thousands of innocent civilians, displaced populations, destabilized local and national governments, and caused mass human suffering in the affected communities;
(2) poor governance, political and economic marginalization, and lack of accountability for human rights abuses by security forces are drivers of peaceful populations;
(3) it is in the national security interest of the United States—
(A) to combat the spread of terrorism and violent extremism; and
(B) to build the capacity of partner countries to combat such threats in Africa;
(4) terrorist and violent extremist organizations exploit vulnerable and marginalized communities suffering from poverty, lack of economic opportunity (particularly among youth populations), corruption, and weak governance; and
(5) a comprehensive, coordinated inter-agency approach is needed to develop an effective strategy—
(A) to address the security challenges in the Sahel-Maghreb;
(B) to appropriately allocate resources and de-conflict programs among partners;
(C) to maximize the effectiveness of United States defense, diplomatic, and development capabilities; and
(D) the Select Committee on Intelligence of the Senate;
(E) the Committee on Foreign Affairs of the House of Representatives;
(F) the Committee on Appropriations of the House of Representatives; and
(G) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) IN GENERAL.—
(A) ESTABLISHMENT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall establish a partnership program, to be known as the “Trans-Sahara Counterterrorism Partnership Program” (referred to in this subsection as the “Program”), to coordinate all programs, projects, and activities of the United States Government in countries in North Africa and West Africa that are conducted—
(i) to improve governance and the capacity of countries in North Africa and West Africa to deliver basic services, particularly to at-risk communities, as a means of countering terrorism and violent extremism by strengthening state legitimacy and authority and countering corruption;
(ii) to address the factors that make people and communities vulnerable to recruitment by terrorist and violent extremist organizations, including economic vulnerability and mistrust of government and government security forces, through activities such as—
(I) strengthening local governance and civil society capacity;
(II) improving government transparency and accountability; and
(III) strengthening joint maritime security cooperation activities; and
}(vi) improving access to economic opportunities for young people; and
(c) STATEMENT OF POLICY.—It is the policy of the United States to assist countries in North Africa and West Africa, and other allies and partners that are active in those regions, in combating terrorism and violent extremism through a coordinated interagency approach with a consistent strategy that appropriately balances security activities with diplomatic and development efforts to address the political, socioeconomic, governance, and development challenges in North Africa and West Africa that contribute to terrorism and violent extremism.
(d) TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP PROGRAM.—
(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—
(A) the Committee on Foreign Relations of the Senate;
(B) the Committee on Armed Services of the Senate;
(C) the Committee on Appropriations of the Senate;
(D) the Select Committee on Intelligence of the Senate;
(E) the Committee on Foreign Affairs of the House of Representatives;
(F) the Committee on Appropriations of the House of Representatives; and
(G) the Permanent Select Committee on Intelligence of the House of Representatives.
(2) IN GENERAL.—
(A) ESTABLISHMENT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall establish a partnership program, to be known as the “Trans-Sahara Counterterrorism Partnership Program” (referred to in this subsection as the “Program”), to coordinate all programs, projects, and activities of the United States Government in countries in North Africa and West Africa that are conducted—
(i) to improve governance and the capacity of countries in North Africa and West Africa to deliver basic services, particularly to at-risk communities, as a means of countering terrorism and violent extremism by strengthening state legitimacy and authority and countering corruption;
(ii) to address the factors that make people and communities vulnerable to recruitment by terrorist and violent extremist organizations, including economic vulnerability and mistrust of government and government security forces, through activities such as—
(I) strengthening local governance and civil society capacity;
(II) improving government transparency and accountability; and
(III) strengthening joint maritime security cooperation activities; and

(VII) other development activities necessary to support community resilience;
(iii) to strengthen the rule of law in such countries, including by enhancing the capability of the judicial institutions to independently, transparently, and credibly deter, investigate, and prosecute acts of terrorism and violent extremism;
(iv) to improve the capability of military and law enforcement entities in partner countries—
(I) to detect, disrupt, respond to, and prosecute acts of terrorist activity, while respecting human rights; and
(II) to cooperate with the United States and other partner countries on counterterrorism and counter-extremism efforts;
(v) to enhance the border security capacity of partner countries, including the ability to monitor, detect, and interdict terrorists;
(vi) to identify, monitor, disrupt, and counter the human capital and financing pipelines of terrorism; or
(vii) to support the free expression and operations of independent, local-language media, particularly in rural areas, while countering the media operations and recruitment propaganda of terrorist and violent extremist organizations.

(B) Assistance Framework.—Program activities shall—
(i) be carried out in countries in which the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development,
(ii) have clearly defined outcomes;
(iii) be closely coordinated among United States diplomatic and development missions, United States Africa Command, and relevant participating departments and agencies;
(iv) have specific plans with robust indicators to regularly monitor and evaluate outcomes and impact;
(v) complement and enhance efforts to promote democratic governance, the rule of law, human rights, and economic growth;
(vi) train and equip programs, complement longer-term security sector institution-building; and
(vii) have mechanisms in place to track resources, monitor, and evaluate the efficacy of relevant programs.

(C) Consultation.—In coordinating activities through the Program, the Secretary of State shall consult with the heads of relevant Federal departments and agencies, as determined by the President.

(D) Congressional Notification.—Not later than 180 days before obligating amounts for an activity coordinated through the Program under subparagraph (A), the Secretary of State shall notify the appropriate congressional committees, in accordance with section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), of—
(i) the foreign country and entity, as applicable, with which the Program will be carried out in accordance with the purposes described in subparagraph (A);
(ii) the amount, type, and purpose of support to be provided; and
(iii) the absorptive capacity of the foreign country to effectively implement the assistance to be provided;
(iv) to the extent to which state security forces of the foreign country have been implicated in gross violations of human rights and the risk that obligated funds may be used to finance such abuses;
(v) the anticipated implementation timeline for the activity; and
(vi) the plans to sustain any military or security equipment provided beyond the completion date of such activity, if applicable, and the estimated cost and source of funds to support such sustainment.

(3) International Coordination.—Efforts carried out under this subsection—
(A) shall take into account partner country contributions, that will be part of a comprehensive 5-year strategy for the Program in the area of counterterrorism, and development strategies;
(B) shall be aligned with such strategies, to the extent practicable; and
(C) shall be aligned with counterterrorism and counter-extremism activities and programs in the areas of defense, diplomacy, and development carried out by other like-minded donors and international organizations in the relevant country.

(4) Strategies.—
(I) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development and other relevant Federal Government agencies, shall submit the strategies described in subparagraphs (B) and (C) to the appropriate congressional committees.

(B) Comprehensive, 5-Year Strategy for the Sahel-Maghreb.—The Secretary of State shall develop and publish a comprehensive 5-year strategy for the Sahel-Maghreb, including details related to whole-of-government efforts in the areas of defense, diplomacy, and development to combat terrorism and violent extremism, including efforts—
(i) to coordinate and prioritize the activities of the United States Government, including—
(I) to enhance the absorptive capacity of partner countries, including the ability to maintain and appropriately utilize such equipment;
(II) to address the root causes of terrorism and violent extremism;
(Iii) to improve the capability of military and law enforcement entities in partner countries—
(I) to detect, disrupt, respond to, and prosecute acts of terrorist activity, while respecting human rights; and
(II) to strengthen the rule of law;
such gross violations of human rights have been addressed and or will be addressed through Program activities;
(G) the assistance provided in each of the 3 preceding fiscal years under the Program, broken down by partner country, including the type, statutory authorization, and purpose of all United States security assistance provided in each of the preceding fiscal years pursuant to authorities under title 10, United States Code, the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other "train and equip" authority of the Department of Defense; and
(H) any changes or updates to the Comprehensive 5-Year Strategy for the Program required under paragraph (4)(C) necessitated by the findings in this audit report.

SEC. 2. ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

(a) Section 112(b) of Title I.—
(1) IN GENERAL.—Chapter 2 of title 1, United States Code, is amended by striking section 112(b) and inserting the following:

"§ 112b. Unilateral 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 a report to Congress that describes plans and qualifying non-binding instruments that entered into force 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 in effect.

"(B) R ULE OF CONSTRUCTION.—Nothing in subsection (a)(1)(A) may be provided 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—

"(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) 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, 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 subsection (a)(1)(A)(ii).

"(i) not later than 80 calendar days after the date on which the Secretary exercises the waiver; and

"(ii) 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 requirement under subsection (a)(1)(A) to any person other than the Deputy Secretary.

"(E) The certification required by subsection (a)(1)(A) may be satisfied by the provision in writing of—

"(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.

"(F) 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, 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 subsection (a)(1)(A)(ii).

SA 4513. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED, to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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:

"§ 112b. Unilateral 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 a report to Congress that describes plans and qualifying non-binding instruments that entered into force 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 in effect.

"(B) R ULE OF CONSTRUCTION.—Nothing in subsection (a)(1)(A) may be provided 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—

"(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) 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, 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 subsection (a)(1)(A)(ii).

"(i) not later than 80 calendar days after the date on which the Secretary exercises the waiver; and

"(ii) 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 requirement under subsection (a)(1)(A) to any person other than the Deputy Secretary.

"(E) The certification required by subsection (a)(1)(A) may be satisfied by the provision in writing of—

"(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.

"(F) 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, 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 subsection (a)(1)(A)(ii).

"(i) not later than 80 calendar days after the date on which the Secretary exercises the waiver; and

"(ii) 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 requirement under subsection (a)(1)(A) to any person other than the Deputy Secretary.

"(E) The certification required by subsection (a)(1)(A) may be satisfied by the provision in writing of—

"(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.

"(F) 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, 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 subsection (a)(1)(A)(ii).

"(i) not later than 80 calendar days after the date on which the Secretary exercises the waiver; and

"(ii) every 180 calendar days during the period in which a renewed waiver is in effect.
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.

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 President or an appropriate congressional committee requesting copies of any implementing agreements or instruments, whether binding or non-binding, the Secretary shall provide to the appropriate congressional committees a written communication describing the request and a description of the agreement or qualifying non-binding instrument.

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 entered into;

(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); 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 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) 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 any department or agency to fulfill 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 of paragraph (2) with respect to that international agreement.

(i) 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.

(j) 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 such a violation, the Secretary—

(i) certifies in writing to the appropriate congressional committees that, to the Secretary’s knowledge, the Department of State was unaware of the time of the obligation or expenditure; and

(ii) satisfies the substantive requirements in subsection (a) with respect to the international agreement concerned.

(k) This subsection shall take effect on October 1, 2022.

(l) 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.

(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) 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) could reasonably be expected to have a significant impact on the foreign policy of the United States; or

(ii)(I) is the subject of a written communication from the Chair or Ranking Member of either of the appropriate congressional committees to the Secretary.

(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 document, regardless of whether such document 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.

(B) The term ‘text’ in paragraphs (1) and (i) of subparagraph (A) refers to the authorized English version of the text in a treaty, executive agreement, or other international agreement or qualifying non-binding instrument.

(8) (A) It is the sense of Congress that the executive branch should not prescribe or otherwise commit to or include specific legislative text in treaty, executive agreement, or non-binding instrument unless Congress has authorized such action.

(B) The President shall, through the Secretary, promulgate such rules and regulations as may be necessary to carry out this section.

(c) The term ‘treaty, executive agreement’ has the meaning given that term in section in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).
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 547B of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1240w-5) is amended by striking "(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary."

SEC. 1066. CONTINUING CARE AND COMMUNITY SUPPORT TO MAINTAIN RECOVERY.

Title V of the Public Health Service Act is amended by inserting after section 547A of such title the following:

"SEC. 547B. CONTINUING CARE AND COMMUNITY SUPPORT TO MAINTAIN RECOVERY.

(a) IN GENERAL.—The Secretary shall award grants to provide continuing care and ongoing community support services, through credentialed peer support professionals, for individuals to maintain recovery from substance use disorders.

(b) DEFINITION.—For purposes of this section, the term 'peer recovery support services' means an independent nonprofit organization that provides peer recovery support services, through credentialed peer support professionals.

(c) AUTHORIZATION OF APPROPRIATIONS.—

This subsection is subject to enactment of USPS fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end, add the following:

DIVISION E—DEPARTMENT OF STATE AUTHORIZATION ACT OF 2021

SEC. 5001. SHORT TITLE.

This division may be cited as the "Department of State Authorization Act of 2021".

SEC. 5002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriation committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) DEPARTMENT.—If not otherwise specified, the term "Department" means the Department of State.

(3) SECRETARY.—If not otherwise specified, the term "Secretary" means the Secretary of State.

TITLE I—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 5101. STATEMENT OF CONGRESS ON IMPORTANCE OF DEPARTMENT OF STATE WORK.

It is the sense of Congress that—

(1) United States global engagement is key to a stable and prosperous world;

(2) United States leadership is indispensable in light of the many complex and interconnected threats facing the United States and the world;

(3) diplomacy and development are critical tools of national power, and full deployment of these tools is vital to United States national security;

(4) challenges such as the global refugee and migration crises, terrorism, historic famine and food insecurity, and fragile or failed states, and other infectious diseases, strengthening alliances, expanding educational opportunities for women and girls, promoting good governance, counterterrorism, corruption efforts, driving economic development and trade, preventing armed conflicts and humanitarian crises, and creating American jobs and export opportunities;

(5) the Department of State makes the United States and the world safer and more prosperous by alleviating global poverty and hunger, promoting political stability, and other infectious diseases, strengthening alliances, expanding educational opportunities for women and girls, promoting good governance, counterterrorism, corruption efforts, driving economic development and trade, preventing armed conflicts and humanitarian crises, and creating American jobs and export opportunities; and

(6) the Department of State must have the ability to project United States leadership worldwide, and without which Americans would be less safe, United States economic power would be diminished, and global stability and prosperity would suffer;

(7) investing in diplomacy and development before conflicts break out saves American lives while also being cost-effective; and

(8) the contributions of personnel working at the Department and USAID are extraordinarily valuable and allow the United States to maintain its leadership around the world.

SEC. 5102. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.

Paragraph (2) of section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2561a) is amended—

(1) in subparagraph (A), by adding at the end the following:

"(B) by inserting before the period at the end of subparagraph "(B)" the following: "(C) AUTHORITIES.—In addition to the duties, functions, and responsibilities specified in this paragraph, the Assistant Secretary for Democracy, Human Rights, and Labor is authorized to—"

(2) in subparagraph (B)(ii)—

"(A) by inserting "and" after "promote"; and

(3) by adding at the end the following:

"(iii) strengthen, empower, and protect civil society representatives, programs, and
organizations, and facilitate their ability to engage in dialogue with governments and other civil society entities;

(iv) work with regional bureaus to ensure adequate diplomatic posts are assigned responsibilities relating to advancing democracy, human rights, labor rights, women’s equal participation in society, and the rule of law, with particular attention paid to adequate oversight and engagement on such issues by senior officials at such posts;

(v) review and, as appropriate, make recommendations that shall be given equal weight to those of other bureaus or offices to the Secretary of State regarding the proposed transfer of—

(I) defense articles and defense services authorized under the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), or the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

(II) military items listed on the ‘‘600 series’’ of the Commerce Control List contained in (5) in Supplement No. 1 to part 774 of subchapter B of title 15, Code of Federal Regulations;

(vi) coordinate programs and activities that protect and advance the exercise of human rights and internet freedom in cyberspace; and

(vii) implement other relevant policies and provisions of law.

(D) LOCAL GOVERNMENT.—United States missions, when executing DRL programming, to the extent practicable, should assist in exercising local authority and cooperation with the Bureau of Democracy, Human Rights, and Labor to ensure that funds are appropriately used and comply with anti-corruption principles.

SEC. 5100. ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) IN GENERAL.—Section 11(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 261a(c)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

‘‘(3) A SSISTANT SECRETARY FOR INTER-

NATIONAL NARCOTICS AND LAW ENFORC-

EMENT AFFAIRS.—

(A) IN GENERAL.—There is authorized to be established in the Department an Assistant Secretary for International Narcotics and Law Enforcement Affairs, who shall be responsible to the Secretary of State for all matters related to programs and activities pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy by the Department, including, (1) the implementation of programs carried out by United States Government agencies abroad, and such other related duties as the Secretary may designate.

‘‘(B) AREAS OF RESPONSIBILITY.—The Assistant Secretary for International Narcotics and Law Enforcement Affairs shall maintain continuing and coordinated coordination of all matters pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy, including programs carried out by other United States Government agencies when such programs pertain to the following matters:

(I) Combating international narcotics production and trafficking;

(ii) Strengthening foreign justice systems, including judicial and prosecutorial capacity, appeals systems, law enforcement agencies, physical security systems, and the sharing of recovered assets.

(iii) Training and equipping foreign police, border control, other government officials, and law enforcement authorities for anti-crime purposes, including ensuring that no foreign security unit or member of such unit shall receive such assistance from the United States Government absent appropriate vetting.

(iv) Ensuring the inclusion of human rights and labor rights of particular subparagraphe within law enforcement programs, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, and other senior officials in regional and thematic bureaus and offices.

(v) Combating, in conjunction with other relevant bureaus of the Department of State and other United Nations agencies, all forms of transnational organized crime, including human trafficking, illicit trafficking in arms, wildlife, and cultural property, migrant smuggling, corruption, money laundering, bulk cash, the illicit use of financial systems for malign purposes, and other new and emerging forms of crime.

(vi) Identifying and responding to global corruption, including strengthening the capacity of foreign government institutions responsible for addressing financial crimes and engaging with multilateral organizations responsible for monitoring and supporting foreign governments’ anti-corruption efforts.

(vii) Implement other relevant policies and provisions of law.

(2) DUTIES.—The Office should—

(C) ADDITIONAL DUTIES.—In addition to the responsibility specified in subparagraph (B), the Assistant Secretary for International Narcotics and Law Enforcement Affairs shall also—

(i) coordinate the timely and substantive consultation with chiefs of mission and, as appropriate, the heads of other United States Government agencies to ensure effective coordination of all international narcotics and law enforcement programs carried out overseas by the Department and such other agencies.

(ii) develop standard requirements for monitoring and evaluation of Bureau programs, including metrics for success that do not rely solely on the amounts of illegal drugs that are produced or seized;

(iii) in coordination with the Secretary of State, represent the United States Government to the Committee on Foreign Relations of the Senate that United States and the Committee on Foreign Affairs of the House of Representa-

fives as defined in Executive Order 12898 (22 U.S.C. 2927); and

(iv) carry out such other relevant duties as the Secretary may assign.

(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or impair the authority or responsibility of any other relevant official or other Federal agency with respect to law enforce-

ment, domestic security operations, or intelligence activities as defined in Executive Order 12333.

(b) MODIFICATION OF ANNUAL INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Subsection 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h) is amended by inserting after paragraph (9) the following new paragraph:

‘‘(10) A separate section that contains an identification of United States Government—

supported units funded by the Bureau of International Narcotics and Law Enforce-

ment Affairs and any Bureau-funded operations in which United States Government law enforcement personnel have been physically present.’’.

SEC. 5104. BUREAU OF CONSULAR AFFAIRS; BU-

REAU OF POPULATION, REFUGEES, AND MIGRATION.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 5103 of this Act, is further amended—

(1) by redesigning subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following new subsections:

‘‘(g) BUREAU OF CONSULAR AFFAIRS.—There is in the Department of State the Bureau of Consular Affairs, which shall be headed by the Assistant Secretary of State for Consular Affairs.

(h) BUREAU OF POPULATION, REFUGEES, AND MIGRATION.—There is in the Department of State the Bureau of Population, Refugees, and Migration, which shall be headed by the Assistant Secretary of State for Population, Refugees, and Migration.’’.

SEC. 5105. OFFICE OF INTERNATIONAL DIS-

ABILITY RIGHTS.

(a) ESTABLISHMENT.—There should be established in the Department of State an Office of International Disability Rights (referred to in this section as the ‘‘Office’’).

(b) DUTIES.—The Office should—

(1) seek to ensure that all United States foreign operations are accessible to, and inclusive of, persons with disabilities;

(2) promote the human rights and full participation in international development activities of all persons with disabilities;

(3) promote disability rights practices and the training of Department of State staff on soliciting quality programs that are fully inclusive of people with disabilities;

(4) represent the United States in diplomatic and multilateral fora on matters relevant to the rights of persons with disabilities, and work to raise the profile of disability issues across a broad range of organizations contributing to international development efforts;

(5) conduct regular consultation with civil society organizations working to advance international disability rights and empower persons with disabilities internationally;

(6) consult with other relevant offices at the Department that are responsible for drafting annual reports documenting progress on human rights, including, wherever applicable, references to instances of discrimination, harassment, or abuses of persons with disabilities;

(7) advise the Bureau of Human Resources or its equivalent within the Department responsible for the hiring and overseas practices of civil service employees and Foreign Service officers with disabilities and their family members with chronic medical conditions or disabilities; and

(8) carry out such other relevant duties as the Secretary of State may assign.

(c) SUPERVISION.—The Office may be headed by—

(1) a senior advisor to the appropriate Assistant Secretary of State; or

(2) an officer exercising significant authority who reports to the President or Secretary of State, appointed by and with the advice and consent of the Senate.

(d) CONSULTATION.—The Secretary of State should direct Ambassadors at Large, Representatives, Special Envoys, and coordinators working on human rights to consult with the Office to promote human rights and full participation in international development activities of all persons with disabilities.

SEC. 5106. SPECIAL APPOINTMENT AUTHORITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 5104 of this Act, is further amended—

(1) by redesigning subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following new subsection:

‘‘(1) SPECIAL APPOINTMENTS.—
(1) Positions exercising significant authority.—The President may, by and with the advice and consent of the Senate, appoint an individual as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department exercising significant authority pursuant to the laws of the United States, except as provided in paragraph (3) or in clause 3, section 2, article II of the Constitution (relating to recess appointments), an individual may not be designated as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department exercising significant authority pursuant to the laws of the United States without the advice and consent of the Senate.

(2) Positions not exercising significant authority.—The President or Secretary of State may appoint any Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State not exercising significant authority pursuant to the laws of the United States without the advice and consent of the Senate, if the President or Secretary, not later than 15 days after the appointment of a person to such a position, submits to the appropriate congressional committees a notification that includes the following:

(A) A certification that the position does not require the exercise of significant authority pursuant to the laws of the United States.

(B) A description of the duties and purpose of the position.

(C) The rationale for giving the specific title and function to the position.

(3) Limited exception for temporary appointments exercising significant authority.—The President may maintain or establish a position with the title of Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State exercising significant authority pursuant to the laws of the United States, not later than 180 days if the Secretary of State, not later than 15 days after the appointment of a person to such a position, or 30 days after the enactment of this subsection, whichever is earlier, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification that includes the following:

(A) The necessity for conferring such title and function.

(B) The purposes during which such title and function will be held.

(C) The justification for not submitting the proposed conferral of such title and function to the Senate as a nomination for advice and consent to appointment.

(D) All relevant information concerning any potential conflict of interest which the proposed recipient of such title and function may have with regard to the appointment.

(4) Renewal of temporary appointment.—The President may renew for one period not exceeding 90 days any position maintained or established under paragraph (3) if the President, not later than 15 days before issuing such renewal, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a detailed justification on the necessity of such extension, including the dates with respect to which such title will continue to be held and the justification for not submitting such title to the Senate as a nomination for advice and consent.

(5) Exemption.—Paragraphs (1) through (4) shall not apply to a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other person performing a similar function, regardless of title, at the Department of State if the position is expressly mandated by statute.

(6) Effective date.—This subsection shall apply to appointments made on or after January 3, 2021.

SEC. 5107. REPEAL OF AUTHORITY FOR SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

Section 7 of the Tom Lantos Block Burmese Jade (Junta’s Anti-Democratic Efforts) Act of 2008 (Public Law 110–286; 50 U.S.C. 1701 note) relating to the establishment of a Special Representative and Policy Coordinator for Burma is hereby repealed.

SEC. 5108. ANTI-PIRACY INFORMATION SHARING.

The Secretary is authorized to provide for the participation of the United States in the Regional Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre located in Singapore, as established by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

SEC. 5109. IMPORTANCE OF FOREIGN AFFAIRS TRAINING TO NATIONAL SECURITY.

It is the sense of Congress that—

(1) the Department is a crucial national security agency, whose employees, both Foreign and Civil Service, require the best possible training in the course of their careers to prepare them to promote and defend United States national interests and the health and safety of United States citizens abroad;

(2) the Secretary should explore establishing a “training float” requiring that a certain percentage of the Foreign Service shall be in long-term training at any given time;

(3) the Department’s Foreign Service Institute should seek to substantially increase its educational offerings to Department personnel, including developing new and innovative educational and training courses, methods, programs, and opportunities; and

(4) consistent with existing Department gift acceptance authority and other applicable laws, the Department and Foreign Service Institute may accept funds and other resources from foundations, not-for-profit corporations, and other appropriate sources to help the Department and the Institute accomplish the goals specified in paragraph (3).

SEC. 5110. CLASSIFICATION AND ASSIGNMENT OF FOREIGN SERVICE OFFICERS.

The Foreign Service Act of 1980 is amended—

(1) in section 501 (22 U.S.C. 2651a), by inserting—

“(i) if a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 309.” after “Positions designated under this section are excepted from the competitive service,”; and

(2) in paragraph (2) of section 502(a) (22 U.S.C. 2652(a)), by inserting “, or domestically, in a position on issues relating to an international trade or geographic area,” after “geographic area”.

SEC. 5111. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

Subsection (c) of section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 5103 of this Act, is further amended—

(1) by redesignating paragraph (4) (as redesignated pursuant to such section 5103) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) ENERGY RESOURCES.—

(1) AUTHORIZATION FOR ASSISTANT SECRETARY.—Subject to the numerical limitation specified in paragraph (1), there is authorized to be established in the Department of State an Assistant Secretary for Energy Resources.

(2) PERSONNEL.—If the Department establishes an Assistant Secretary of State for Energy Resources in accordance with the authorization provided in subparagraph (A), the Secretary of State shall ensure there are sufficient personnel dedicated to energy matters within the Department of State whose responsibilities shall include—

(i) formulating and implementing international policies aimed at protecting and advancing United States national energy security interests by effectively managing United States bilateral and multilateral relations;

(ii) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decision making process within the Department;

(iii) incorporating energy security priorities into the activities of the Department;

(iv) coordinating energy activities of the Department with relevant Federal departments and agencies;

(v) coordinating with the Office of Sanctions Coordination on economic sanctions pertaining to the international energy sector;

(vi) working internationally to—

(I) support the development of energy resources and the distribution of such resources for the benefit of the United States and United States allies and trading partners for their energy security and economic development needs;

(II) promote availability of diversified energy supplies and a well-functioning global market for energy resources, technologies, and expertise for the benefit of the United States and United States allies and trading partners;

(III) resolve international disputes regarding the exploration, development, production, or distribution of energy resources; and

(IV) support the economic and commercial interests of United States persons operating in the energy markets of foreign countries;

(v) support and coordinate international efforts to alleviate energy poverty;

(vi) leading the United States commitment to the Extractive Industries Transparency Initiative; and

(vii) coordinating energy security and other relevant functions within the Department currently undertaken by—

(aa) the Bureau of Economic and Business Affairs;

(bb) the Bureau of Oceans and International Environmental and Scientific Affairs; and

(cc) other offices within the Department of State.”

SEC. 5112. THE NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 63 (22 U.S.C. 2735) the following new section:

“SEC. 64. THE NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

(a) ACTIVITIES.—
SEC. 5114. ART IN EMBASSIES.

(a) IN GENERAL.—No funds are authorized to be appropriated for the purchase of any piece of art for the purposes of installation or display in any embassy, consulate, or other foreign mission of the United States if the purchase price of such piece of art is in excess of $50,000, unless such purchase is subject to prior consultation with, and the regular notification procedures of, the appropriate congressional committees.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the determinations described in paragraph (1) with respect to any such payment made under paragraph (1), with respect to all such payments made under paragraph (1) for each fiscal year covered by the report, and with respect to each such payment made under paragraph (1) after the date of the enactment of this Act.

(c) IMPLEMENTATION REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this section.

SEC. 5115. AMENDMENT OR REPEAL OF REPORTING REQUIREMENTS.

(a) BURMA.—Section 570 of Public Law 104–208 is amended—

(A) by amending subsection (c) to read as follows:

``(c) MULTILATERAL STRATEGY.—The President shall develop, in coordination with likeminded countries, a comprehensive, multilateral strategy to—

(1) assist in addressing corrosive malign influence of the People’s Republic of China; and

(2) support a return to democratic governance, and sustained, sustainable, economic, and security sector reforms in Burma designated to—

(A) advance democratic development and improve human rights practices and the quality of life; and

(B) promote genuine national reconciliation; and

(B) by redesignating paragraph (d) as paragraph (c) and inserting the following new paragraph:

``(d) Improvements in human rights practices;''

and

``(e) by redesignating paragraph (e) as paragraph (d) and inserting the following new paragraph:

``(e) progress toward broad-based and inclusive economic growth; and

``(f) progress toward genuine national reconciliation.''

(b) IMPLEMENTATION.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply with respect to the first report required under subsection (d) of section 570 of Public Law 104–208 that is required after the date of the enactment of this Act.

(b) REPEALS.—The following provisions of law are hereby repealed:

(1) Section 2(b) of section 804 of Public Law 101–246.

(2) Section 6 of Public Law 104–45.

(3) Subsection (c) of section 702 of Public Law 104–45.

(4) Section 404 of the Arms Control and Disarmament Act (22 U.S.C. 2389b).


(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report that includes each of the following:

(1) A list of all reports described in subsection (d) required to be submitted by their respective agencies.

(2) For each such report, a citation to the provision of law under which the report is required to be submitted.

(3) The reporting frequency of each such report.

(4) The estimated cost of each report, to include personnel time costs.

(c) REPORTING ON IMPLEMENTATION OF GAO RECOMMENDATIONS.

SEC. 5116. REPORTING ON IMPLEMENTATION OF GAO RECOMMENDATIONS.

(a) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that lists all of the Government Accountability Office’s recommendations relating to the Department that have not been fully implemented.

(b) COMPROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit the report under subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that identifies any discrepancies between the list of recommendations included in such report and the Government Accountability Office’s list of outstanding recommendations for the Department.

(b) IMPLEMENTATION REPORT.—

In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that describes the implementation status of each recommendation from the Government Accountability Office’s list of outstanding recommendations for the Department.

(c) REPORT TO CONGRESS.—The report under paragraph (1) shall include—

(A) a detailed justification for each decision not to fully implement a recommendation or to implement it in a different manner than specified by the Government Accountability Office;

(B) a timeline for the full implementation of the recommendation which the Secretary has decided to adopt, but has not yet fully implemented; and
an explanation for any discrepancies included in the Comptroller General report submitted under subsection (b).

(d) Form.—The information required in each annual report shall be submitted in unclassified form, to the maximum extent practicable, but may be included in a classified annex to the extent necessary.

SEC. 5111. OFFICE OF GLOBAL CRIMINAL JUSTICE.

(a) In General.—There should be established within the Department of State an Office of Global Criminal Justice (referred to in this section as the “Office”), which may be placed within the organizational structure of the Department at the discretion of the Secretary.

(b) Duties.—The Office shall carry out the following:

(1) Advise the Secretary and other relevant senior officials on issues related to atrocities, including war crimes, crimes against humanity, and genocide.

(2) Assist in formulating United States policy on the prevention of, responses to, and accountability for atrocities.

(3) Coordinate, as appropriate and with other relevant Federal departments and agencies, the deployment of diplomatic, legal, military, and other tools to prevent, respond to, and prosecute atrocities around the world.

(4) Work with other governments, international organizations, and nongovernmental organizations, as appropriate, to establish and assist international and domestic judicial, legal, and investigatory processes, and tribunals to investigate, document, and prosecute atrocities around the world.

(5) Coordinate, as appropriate and with other relevant Federal departments and agencies, the deployment of diplomatic, legal, military, and other tools to prevent, respond to, and prosecute atrocities around the world.

(6) Provide advice and expertise on transitional justice mechanisms to United States personnel operating in conflict and post-conflict environments.

(7) Act as a point of contact for international, hybrid, and domestic tribunals exercising jurisdiction over atrocities committed in the United States.

(8) Represent the Department on any international organization whole-of-government coordinating entities addressing genocide and other atrocities.

(9) Perform any additional duties and exercise such powers as the Secretary of State may prescribe.

(c) Supervision.—If established, the Office shall be led by an Ambassador-at-Large for Global Criminal Justice who is nominated by the President and appointed by and with the advice and consent of the Senate.

TITLE II—EMBASSY CONSTRUCTION

SEC. 5201. EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.

For “Embassy Security, Construction, and Maintenance” as authorized to be appropriated $1,975,449,000 for fiscal year 2022.

SEC. 5202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.

(a) Sense of Congress.—It is the sense of Congress that the Department’s Bureau of Overseas Building Operations (OBO) or successor office should give appropriate consideration to standardization in construction, in which each new United States embassy and consulate starts with a standard design and keeps customization to a minimum.

(b) Standard Design.—The Secretary shall carry out any new United States embassy compound or new consulate compound project that utilizes a non-standard design, including those projects that are in the design or pre-design phase as of the date of the enactment of this Act, only in consultation with appropriate congressional committees. The Secretary shall provide the appropriate congressional committees, for each such project, the following documentation:

(1) A comparison of the estimated full lifecycle costs of the project to the estimated full lifecycle costs of such project if it were to use a standard design.

(2) A comparison of the estimated completion date of such project to the estimated completion date of such project if it were to use a standard design.

(3) A comparison of the security of the completed project to the security of such completed project if it were to use a standard design.

(4) A justification for the Secretary’s selection of a non-standard design over a standard design for such project.

(5) A written explanation if any of the documentation necessary to support the comparison and justification, as the case may be, described in paragraphs (1) through (4) cannot be provided.

(c) Sunset.—The consultation requirement under subsection (b) shall expire on the date that is 4 years after the date of the enactment of this Act.

SEC. 5203. CAPITAL CONSTRUCTION TRANSPARENCY.

Section 5 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304) is amended—

(1) in the section heading , by striking “ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS” and inserting “BIANNUAL REPORT ON OVERSEAS CAPITAL CONSTRUCTION PROJECTS”;

(2) by striking subsections (a) and (b) and inserting the following new subsections:

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

(b) Report Required.—The report required under subsection (a) shall include the following with respect to each ongoing overseas capital construction project and major embassy security upgrade project:

(1) The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.

(2) The current cost estimate.

(3) The value of each request for equitable adjustment received by the Department to date.

(4) The value of each certified claim received by the Department to date.

(5) The value of any of the project’s contingency fund to date and the value of the remainder of the project’s contingency fund.

(6) An enumerated list of each request for equitable adjustment and certified claim that remains outstanding as of the date of the report.

(7) An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.

(8) The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs.

(9) The current date of estimated completion.

SEC. 5204. CONTRACTOR PERFORMANCE INFORMATION.

(a) Deadline for Completion.—The Secretary shall complete all contractor performance evaluations outstanding as of the date of the enactment of this Act required by subpart 42.15 of the Federal Acquisition Regulation for those contractors engaged in the construction of new embassy or new consulate compounds by April 1, 2022.

(b) Prioritization.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall develop a prioritization system for clearing the current backlog of required evaluations referred to in subsection (a).

(2) Elements.—The system required under paragraph (1) should prioritize the evaluations as follows:

(A) Project completion evaluations should be prioritized over annual evaluations.

(B) Evaluations for relatively large contracts should have priority.

(C) Evaluations that would be particularly informative for the awarding of government contracts should have priority.

(D) Sense of Congress.—It is the sense of Congress that—

(i) contractors deciding whether to bid on Department contracts would benefit from greater understanding of the Department as a client; and

(ii) the Department should develop a forum where contractors can comment on the Department’s project management performance.

SEC. 5205. GROWTH PROJECTIONS FOR NEW EMBASSIES AND CONSULATES.

(a) In General.—For each new United States embassy compound (NEC) and new consulate compound (NCC) that is not yet in the design phase as of the date of the enactment of this Act, the Department shall project growth over the estimated life of the facility using all available and relevant data, including the following:

(1) Relevant historical trends for Department personnel and personnel from other agencies represented at the NEC or NCC that is to be constructed.

(2) An analysis of the tradeoffs between risk and the needs of United States Government policy conducted as part of the most recent Vital Presence Validation Process, if applicable.

(3) Reasonable assumptions about the strategic importance of the NEC or NCC, as the case may be, over the life of the building at issue.

(4) Any other data that would be helpful in projecting the future growth of NEC or NCC.

(b) Other Federal Agencies.—The head of each Federal agency represented at a United States embassy or consulate shall provide to the Secretary, upon request, growth projections for the personnel of each such agency over the estimated life of each embassy or consulate, as the case may be.

(c) Basis for Estimation.—The Department shall base its growth assumption for all NECs and NCCs on the estimates required under subsection (a).
for a NEC or SCC submitted after the date of the enactment of this Act shall include the growth assumption used pursuant to subsection (c).

SEC. 5204. LONG-RANGE PLANNING PROCESS.

(a) PLANS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the next five years or such lesser period as the Secretary of State considers appropriate, the Secretary shall develop—

(A) a comprehensive 6-year plan documenting the Department’s overseas building program, including an inventory of overseas diplomatic posts taking into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety; and

(B) a comprehensive 6-year plan detailing the Department’s long-term planning for the maintenance and sustainment of completed diplomatic posts, which takes into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety.

(2) INITIAL REPORT.—The first plan developed pursuant to paragraph (1) shall include a one-time status report on existing small diplomatic posts and a strategy for establishing a physical diplomatic presence in countries in which there is no current physical diplomatic presence and with which the United States maintains diplomatic relations. Such report, which may include a classified annex, shall include the following:

(A) A description of the extent to which each small diplomatic post furthers the national interest of the United States.

(B) A description of how each small diplomatic post provides American Citizen Services, consular services, and other specific services provided and the number of Americans receiving services over the previous year.

(C) A description of whether each small diplomatic post meets current security requirements.

(D) A description of the full financial cost of maintaining each small diplomatic post.

(E) A relevant chief of mission discussion on any unique operational or policy value the small diplomatic post provides.

(F) A recommendation of whether any small diplomatic post should be closed.

(3) UPDATED INFORMATION.—The annual updates of each of the plans developed pursuant to paragraph (1) shall highlight any changes from the previous year’s plan to the ordering of construction and maintenance projects.

(b) REPORTING REQUIREMENTS.—

(1) SUBMISSION OF PLANS TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees in support of the Department’s budget for any fiscal year (as sub- missioned to the relevant chiefs of missions and the appropriate congressional committees regarding performance evaluation studies. The notifications required under paragraph (1) shall include notification that the Department has completed the requisite VE and risk management process described in subsection (a), or applicable successor process.

(c) PERFORMANCE EVALUATION.—Not later than five years after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a report detailing the steps the Department of State is taking to expand the embassy construction contractor base in order to increase competition and maximize value.

SEC. 5213. STATEMENT OF POLICY.

It is the policy of the United States that the Bureau of Overseas Building Operations of the Department or its successor office shall continue to balance the Department’s policy of meeting the diplomatic needs of the United States and the Department’s policy of accessibility, as defined by guidelines established by the United States Access Board in constructing embassies and consulates, and shall be consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 5051 et seq.) to the fullest extent possible.

SEC. 5214. DEFINITIONS.

In this title:

(1) DESIGN-BUILD.—The term ‘design-build’ means a method of project delivery in which one entity works under a single contract to design and construct the project, including the architectural design, engineering, construction, and operations, and without a separate design and construction phase.

(2) NON-STANDARD DESIGN.—The term ‘non-standard design’ means a design for a new embassy compound project or new consulate compound project that does not utilize a standardized design for the structural, spatial, or security requirements of such embassy compound or new consulate compound, as the case may be.

TITLE III—PERSONNEL ISSUES

SEC. 5301. DEFENSE BASE ACT INSURANCE WAIVERS.

(a) APPLICATION FOR WAIVERS.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall apply to the Department of Labor for a waiver from the Defense Base Act (42 U.S.C. 1651 et seq.) for all countries with respect to which the requirement

SEC. 5207. VALUE ENGINEERING AND RISK ASSESSMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A–131, Value Engineering, dated December 31, 2013.

(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

(b) NOTIFICATION REQUIREMENTS.—

(1) SUBMISSION TO AUTHORIZING COMMITTEES.—Any operating plan that includes the relocation or maintenance and sustainment of completed diplomatic posts as of the date of the enactment of this Act, the Secretary shall revise the Foreign Affairs Management Plan to OMB Circular A–131, Value Engineering, dated December 31, 2013.

(2) Certification of FEES.—OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

SEC. 5215. CONTRACTING METHODS IN CAPITAL CONSTRUCTION.

(a) DELIVERY.—Unless the Secretary of State notifies the appropriate congressional committees that the use of a delivery method other than design-build project delivery method would not be appropriate, the Secretary shall make use of such method at United States diplomatic posts that have not yet received design or capital construction contracts as of the date of the enactment of this Act.

(b) NOTIFICATION.—Before executing a contract for a delivery method other than design-build in accordance with subsection (a), the Secretary of State shall notify the appropriate congressional committees in writing of the decision, including the reasons therefor. The notification required by this subsection may be included in any other report regarding a new United States diplomatic post that is required to be submitted to the appropriate congressional committees.

(c) PERFORMANCE EVALUATION.—Not later than three years after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a report detailing the steps the Department of State is taking to expand the embassy construction contractor base in order to increase competition and maximize value.

SEC. 5212. COMPETITION IN EMBASSY CONSTRUCTION.

Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing the steps the Department of State is taking to expand the embassy construction contractor base in order to increase competition and maximize value.

SEC. 5213. STATEMENT OF POLICY.

It is the policy of the United States that the Bureau of Overseas Building Operations of the Department or its successor office shall continue to balance the Department’s policy of meeting the diplomatic needs of the United States and the Department’s policy of accessibility, as defined by guidelines established by the United States Access Board in constructing embassies and consulates, and shall be consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 5051 et seq.) to the fullest extent possible.

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(2) NON-STANDARD DESIGN.—The term ‘non-standard design’ means a design for a new embassy compound project or new consulate compound project that does not utilize a standardized design for the structural, spatial, or security requirements of such embassy compound or new consulate compound, as the case may be.

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(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A–131, Value Engineering, dated December 31, 2013.

(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

(b) NOTIFICATION REQUIREMENTS.—

(1) SUBMISSION TO AUTHORIZING COMMIT-
was waived prior to January 2017, and for which there is not currently a waiver.

(b) CERTIFICATION REQUIREMENT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

SEC. 5302. STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing an enterprise-wide study of the overseas allowances on the foreign assignment of Foreign Service officers (FSOs), to be conducted by a federally-funded research and development center carrying out the analysis required under subsection (a)(1).

(2) INTERIM REPORT TO CONGRESS.—The Secretary shall submit to the Senate and the Committee on Foreign Relations of the House of Representatives an interim report on such analysis not later than 180 days after the date of the enactment of this Act.

SEC. 5303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.

Section 501 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a) is amended by adding at the end the following new subsection:

(1) IN GENERAL.—The Secretary is authorized to make grants or enter into cooperative agreements related to Department of State science and technology fellowship programs, including for assistance in recruiting fellows and the payment of stipends, travel, and other appropriate expenses to fellows.

(2) EXCLUSION FROM CONSIDERATION AS COMPENSATION.—Stipends under paragraph (1) shall not be considered compensation for purposes of section 209 of title 18, United States Code.

SEC. 5304. TRAVEL FOR SEPARATED FAMILIES.

Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4013(15)) is amended—

(1) in the matter preceding subparagraph (A), by striking “1 round-trip per year for each child below age 21 of a member of the Service assigned abroad” and inserting “in the case of one or more children below age 21 of a member of the Service assigned abroad, 1 round-trip per year”;

(2) in subparagraph (A), by inserting “for each child” before “to visit the member abroad”; and

(3) by striking “or” and inserting a comma.

SEC. 5305. HUMAN RESOURCES TRAVEL FOR SEPARATED FAMILIES.

Section 903(b) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) is amended—

(1) in the matter preceding subparagraph (A), by striking “individual joining the Service” and inserting “promotional, on or after January 1, 2017”; and

(2) by striking “individual joining the Service” and inserting “Foreign Service officer, appointed under section 302(a)(1), who has general responsibility for carrying out the functions of the Service”.

SEC. 5306. FOREIGN SERVICE AWARDS.

(a) IN GENERAL.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended—

(1) by amending the section heading to read as follows: “DEPARTMENT AWARDS”;

(2) in the first sentence, by inserting “Civil Service” after “Construction, Maintenance,” and

(b) CONFORMING AMENDMENT.—The item relating to section 614 in the table of contents of the Foreign Service Act of 1980 is amended to read as follows: “Sec. 614. Department awards.”

SEC. 5309. DIPLOMATIC PROGRAMS.

(a) SENSE OF CONGRESS ON WORKFORCE RECRUITMENT.—It is the sense of Congress that the Department of State will lack the necessary workforce and level classes for Foreign Service officers and specialists and continue to recruit civil servants through programs such as the Presidential Management Fellows Program and Pathways Internship Programs in a manner and at a frequency consistent with prior years and consistent with the need to maintain a pool of experienced personnel effectively distributed across skill codes and ranks. It is further the sense of Congress that absent continuous recruitment and training of Foreign Service officers and civil servants, the Department will lack experienced, qualified personnel in the short, medium, and long terms.

(b) LIMITATION.—The Secretary should not implement any reduction-in-force action under section 3562 or 3595 of title 5, United States Code, or for any incentive payments for early retirement under any other provision of law unless—

(1) the appropriate congressional committees are notified not less than 15 days in advance of such action; and

(2) the Secretary has provided to the appropriate congressional committees a detailed report that describes the Department’s strategic staffing plans including—

(A) a justification that describes how any proposed workforce reduction enhances the effectiveness of the Department; and

(B) a certification that the proposed attendance reduction is in the national interest of the United States;
SEC. 5311. SENSE OF CONGRESS REGARDING VETERANS EMPLOYMENT AT THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Department should continue to promote the employment of veterans, in accordance with section 301 of the Foreign Service Act of 1980 (22 U.S.C. 2611), as amended by the Department's strategy issued not later than 18 months after the date of the enactment of this Act, which the Secretary shall submit to the appropriate congressional committees a comprehensive 5-year strategic staffing plan for the Department, that aligns with and further details the objectives of the National Security Strategy of the United States of America issued in December 2017, or any subsequent strategy issued in 2018, after the date of the enactment of this Act, which shall include the following:

(1) a dataset displaying comprehensive workforce data for current and planned employees of the Department, disaggregated by—

(A) Foreign Service officer and Foreign Service specialist rank;

(B) civil service job skill code, grade level, and bureau of assignment;

(C) contracted employees, including the equivalent job skill code and bureau of assignment; and

(D) employees hired under schedule C of subpart C of part 212 of title 5, Code of Federal Regulations, including their equivalent grade and job skill code and bureau of assignment.

SEC. 5312. RECALL AND REEMPLOYMENT OF CAREER MEMBERS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) career Department employees provide invaluable service to the United States as noncareer professionals who contribute subject matter expertise and professional skills to the successful development and execution of United States foreign policy; and

(2) skilled former members of the Foreign and civil service who have voluntarily separated from the Foreign or civil service due to family reasons or to obtain professional skills outside government is of benefit to the Department.

(b) NOTICE OF EMPLOYMENT OPPORTUNITIES.—Subsection (a) of section 414 of title 5, United States Code, as amended by the Department of State Authorities Act, 2017 (Public Law 115–127) is amended by inserting after section 504 of this Act, and

(1) Foreign Service officer and Foreign Service specialist rank;

(2) civil service job skill code, grade level, and bureau of assignment;

(3) contracted employees, including the equivalent job skill code and bureau of assignment; and

(4) employees hired under schedule C of subpart C of part 212 of title 5, Code of Federal Regulations, including their equivalent grade and job skill code and bureau of assignment.

SEC. 5313. STRATEGIC STAFFING PLAN FOR THE DEPARTMENT OF STATE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Department of State or the United States Agency for International Development or the United States Agency for International Development and who are eligible for reappointment, and who are aware of such opportunities, the Department for International Development.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 5, United States Code, is amended by inserting after the item relating to chapter 102 the following:

"103. Department of State .....

SEC. 5314. CONSULTING SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department should continue to encourage veteran employment and facilitate their participation in the workforce.

(b) APPEAL OF ASSIGNMENT RESTRICTION OR PRECLUSION.—Subsection (a) of section 411 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 2734c(a)) is amended by adding at the end the following new subparagraphs:

(3) the Department should continue to encourage veteran employment and facilitate their participation in the workforce.

(c) CEREMONIAL POSTS.—Subsection (a) of section 713 of the Foreign Service Act of 1980 (22 U.S.C. 2732c(a)) is amended by adding at the end the following new subparagraphs:

(1) the Department should continue to encourage veteran employment and facilitate their participation in the workforce.

(d) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall review and provide to the Committee on Foreign Relations and the Committee on Appropriations, the Committee on Veterans' Affairs, and the Senate Intelligence Committee, a report containing a description of the actions taken by the Department to implement the sense of Congress contained in section 5311 of this Act.

SEC. 5315. INCENTIVES FOR CRITICAL POSTS.

Section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) is amended by striking the following:

SEC. 5316. REVIEW ACCOUNTABILITY REVIEW BOARDS.


(1) in the heading, by striking "AFGHANISTAN," "YEMEN," "SYRIA," and "AND"; and

(2) in subparagraph (A)—

(A) in clause (i), by striking "Afghanistan" and inserting "Afghanistan, Yemen, Syria, and"; and

(B) in clause (ii), by striking "beginning on October 1, 2005, and ending on September 30, 2009," and inserting "beginning on October 1, 2020, and ending on September 30, 2022.";

SEC. 5317. FOREIGN SERVICE SUSPENSION WITH-DUE-PROCESS.

Subsection (c) of section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4331(a)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "suspense" and inserting "indefinitely suspend without duties";

(2) redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following new paragraphs:

"(5) any member of the Service suspended under subsection (a) but may consult or partner with private sector entities with expertise in labor economics, management, or human resources, as well as organizations familiar with the demands and needs of the Department’s workforce.

(d) RZQ.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report regarding root causes of Foreign Service and civil service shortages, the effect of such shortages on national security objectives, and the Department’s plan to implement recommendations described in GAO-19-220.

SEC. 5318. CONSULTING SERVICES.

Chapter 103 of title 5, United States Code, as added by section 5312, is amended by adding at the end the following:

"10302. Consulting services for the Department of State.

"Any consulting service obtained by the Department of State through procurement contract pursuant to section 309 of title 5, United States Code, shall be limited to those contracts with respect to which expenditures are a matter of public record and available for public inspection and which are otherwise provided under existing law, or under existing Executive order issued pursuant to existing law."

SEC. 5319. AUTHORITY FOR CERTAIN ACCOUNTABILITY REVIEW BOARDS.


(1) in the heading, by striking "AFGHANISTAN," "YEMEN," "SYRIA," and "AND"; and

(2) in subparagraph (A)—

(A) in clause (i), by striking "Afghanistan" and inserting "Afghanistan, Yemen, Syria, and"; and

(B) in clause (ii), by striking "beginning on October 1, 2005, and ending on September 30, 2009," and inserting "beginning on October 1, 2020, and ending on September 30, 2022.";
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(D) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and
moving such subparagraphs 2 ems to the left.

SEC. 5318. FOREIGN AFFAIRS MANUAL OR FOREIGN AFFAIRS HANDBOOK CHANGES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the Secretary shall submit to the appropriate congressional committees a report detailing all changes made to the Foreign Affairs Manual or Foreign Affairs Handbook.

(b) COVERED PERIODS.—The first report required under subsection (a) shall cover the 5-year period preceding the submission of such report. Each subsequent report shall cover the 180-day period preceding submission.

(c) CONTENTS.—Each report required under subsection (a) shall contain the following:

(1) The location within the Foreign Affairs Manual or the Foreign Affairs Handbook where a change has been made.

(2) The statutory basis for each such change.

(3) A side-by-side comparison of the Foreign Affairs Manual or Foreign Affairs Handbook before and after such change.

(4) A summary of such changes displayed in spreadsheet form.

SEC. 5319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPATIONAL REQUIREMENTS OF CERTAIN POSITIONS.

The Secretary of State may waive any or all of the individual occupational requirements for any employee or prospective employee of the Department of State for a civilian position categorized under GS-610 occupational series if the Secretary determines that the individual possesses significant scientific, technological, engineering, or mathematical expertise that is integral to performing the duties of that position, based on documented demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document that is transmitted to the Director of the Office of Personnel Management the rationale for the decision of the Secretary to waive such requirements.

SEC. 5320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL ENGAGEMENT CENTER.

The Secretary may appoint, for a 3-year period, any Federal employee or employee of a Federal agency who serves abroad where the conduct of business could pose potential security or safety related risks or would be inconsistent with host-country practice. Such regulations may provide that such days may be granted during such leave year if the head of the agency determines that to do so is necessary to advance the national security or foreign policy interests of the United States abroad, who are unable to obtain such services or support otherwise, with such assistance provided on a case-by-case basis to the extent feasible.

SEC. 5321. REST AND RECUPERATION AND OVERSEAS OPERATIONS LEAVE FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following new sections:

46329e. Overseas operations leave.

46329d. Rest and recuperation leave.

(b) DEFINITIONS.—In this section—

(1) The term ‘agency’ means an Executive agency (as that term is defined in section 105 of this title), but does not include the Government Accountability Office;

(2) the term ‘employee’ has the meaning given that term in section 6301 of this title;

(3) the term ‘leave year’ means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year;

(4) the term ‘leave year’ means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

(c) LEAVE FOR OVERSEAS OPERATIONS.—The head of an agency may prescribe regulations to grant up to 10 days of paid leave, per leave year, to an employee of the agency serving abroad where the conduct of business could pose potential security or safety related risks or would be inconsistent with host-country practice. Such regulations may provide that such days may be granted during such leave year if the head of the agency determines that to do so is necessary to advance the national security or foreign policy interests of the United States abroad, who are unable to obtain such services or support otherwise, with such assistance provided on a case-by-case basis to the extent feasible.

(d) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

(e) TERMINATION.—The authority under subsection (a) shall expire on September 30, 2022.

(f) CORONAVIRUS.

(1) The Secretary of State may allow the heads of Federal agencies to grant up to 20 days of paid leave to employees after the Secretary determines that the individual poses an immediate threat to the health and safety of the Secretary or other employees of the agency. Such leave is in addition to any other leave provided under this section.

(2) The authority under subsection (a) shall expire.

SEC. 5322. EXTENSION OF AUTHORITY FOR CORONAVIRUS RELATED PAYMENTS.

(a) IN GENERAL.—The authority under section 5924 of title 5, United States Code, may be extended to cover Coronavirus-related initiatives targeting undergraduate and graduate students abroad who has been interrupted or delayed because of the coronavirus pandemic without regard to the foreign area limitations referenced therein.

(b) TERMINATION.—The authority under subsection shall expire on September 30, 2022.

SEC. 5324. EMERGENCY MEDICAL SERVICES AUTHORITY.

Section 3 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) in subsection (l), by striking “and” after the semicolon;

(2) in subsection (m), by striking the period and inserting “;” and;

(3) by adding at the end the following new subsection:

“(n) in exigent circumstances, as determined by the Secretary, provide emergency medical services or related support for private United States citizens, nationals, and permanent resident aliens abroad, or third country nationals connected to such persons or to the diplomatic or development missions of the United States abroad, who are unable to obtain such services or support otherwise, with such assistance provided on a case-by-case basis to the extent feasible.

SEC. 5325. DEPARTMENT OF STATE STUDENT INTERNSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of State shall establish the Department of State Student Internship Program (in this section referred to as the “Program”) to offer internship opportunities at the Department of State to eligible students to raise awareness of the essential role of diplomacy in the conduct of United States foreign policy and the realization of United States foreign policy objectives.

(b) ELIGIBILITY.—To be eligible to participate in the Program, an applicant shall—

(1) be enrolled, not less than half-time, in a degree program at a postsecondary institution of higher education (as that term is defined in section 6501 of title 20, United States Code); or

(2) be a person of any age who is not an enrolled student and whose employment is necessary to advance the foreign policy interests of the United States.

(c) SELECTION.—The Secretary of State shall establish selection criteria for students to be admitted into the Program that include—

(1) Demonstrable interest in a career in foreign affairs.

(2) Academic performance.

(3) Such other criteria as determined by the Secretary.

(d) OUTREACH.—The Secretary of State shall advertise the Program widely, including on the internet, through the Department of State’s Diplomats in Residence program, and through other outreach and recruiting initiatives targeting undergraduate and graduate students. The Secretary shall actively encourage people belonging to traditionally underrepresented groups in terms of race, ethnicity, gender, other diversity, and disability status to apply to the Program, including by conducting targeted
outreach at minority serving institutions (as such term is described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).

(e) COMPENSATION.—

(1) IN GENERAL.—Students participating in the Program shall be paid at least—

(A) the amount specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); or

(B) the minimum wage of the jurisdiction in which the internship is located, whichever is greatest.

(2) HOUSING ASSISTANCE.—

(A) The Secretary of State shall provide housing to a student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is outside the United States.

(B) DOMESTIC.—The Secretary of State is authorized to provide housing to a student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is more than 50 miles away from such student’s permanent address.

(3) TRAVEL ASSISTANCE.—The Secretary of State shall—

(A) pay travel expenses of a student participating in the Program whose permanent address is within the United States financial assistance to cover the costs of travel once to and from the location of the internship in which such student is participating, including travel by air, train, bus, or other transit as appropriate, if the location of such internship is—

(A) more than 50 miles from such student’s permanent address; or

(B) outside the United States.

(f) WORKING WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary of State is authorized to enter into agreements with institutions of higher education to structure internships to ensure such internships satisfy criteria for academic programs in which participants in such internships are enrolled.

(g) REPORTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes—

(1) Information regarding the number of students, disaggregated by race, ethnicity, gender, whether permanently admitted to high school, and disability status, who applied to the Program, were offered a position, and participated.

(2) Information on the number of security clearance investigations started and the timeline for such investigations, including whether such investigations were completed or if, and when, an interim security clearance was granted.

(3) Information on expenditures on the Program.

(4) Information regarding the Department of State’s compliance with subsection (g).

(h) VOLUNTARY PARTICIPATION.—

(1) IN GENERAL.—Nothing in this section may prevent or compel any employee of the Department of State to participate in the collection of the data or divulge any personal information. Department employees shall be informed that their participation in the data collection contemplated by this title is voluntary.

(2) PRIVACY PROTECTION.—Any data collected under this title shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.

SEC. 5326. COMPETITIVE STATUS FOR CERTAIN EMPLOYEES HIRED BY INSPECTORS GENERAL TO SUPPORT THE LEAD IG MISSION

Subparagraph (A) of section 8L(d)(5)(A) of the Inspector General Act of 1978 (5 U.S.C. 552a(d)(5)(A)) is amended by inserting “lead Inspector General for” and inserting “any of the Inspectors General specified in subsection (c) for oversight of”.

SEC. 5327. REPORTS RELATING TO FOREIGN SERVICE OFFICER TRAINING AND DEVELOPMENT

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report documenting any measures Congress can take to improve the training and development for Department of State Foreign Service personnel.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) The number of Senior Foreign Service Officer graduates who, as of the date of the enactment of this Act, have done a tour of at least one year in any of the agencies or congressional committees described in subsection (a).

(2) The total number of senior Foreign Service Officer graduates as of the date of the enactment of this Act.

(3) The average number of Senior Foreign Service Officer graduates inducted annually during the 10 years preceding the date of the enactment of this Act.

(4) The total number of Department advisors stationed in any of the agencies or congressional offices described in subsection (a), including the agencies or offices in which such advisors serve.

(i) The total number of advisors from other United States Government agencies stationed in the Department of State (excluding defense attaches, senior defense officials, and other Department of Defense personnel stationed in United States missions abroad), the home agency of the advisor, and the offices in which such advisors serve.

SEC. 5328. INTERNATIONAL FAIRS AND EXPOSITIONS

There is authorized to be appropriated $20,000,000 for the Department of State for United States participation in international fairs and expositions abroad, including for construction and the operation of United States pavilions.

TITLE IV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PRO-MOTION

SEC. 5401. DEFINITIONS.

In this title:

(1) APPLICANT FLOW DATA.—The term “applicant flow data” means data that tracks the rate of applications for job positions among demographic categories.

(2) DEMOGRAPHIC DATA.—The term “demographic data” means facts or statistics related to the demographic categories specified in the Office of Management and Budget’s statistical policy directive entitled “Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity” (81 Fed. Reg. 67388).


(4) WORKFORCE.—The term “workforce” means—

(A) individuals serving in a position in the civil service (as defined in section 2101 of title 5, United States Code);

(B) individuals who are members of the Foreign Service stationed in the United States, or the Foreign Service Act of 1980 (22 U.S.C. 3902);

(C) all individuals serving under a personal services contract; and

(D) all individuals serving under a Foreign Service Limited appointment under section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3902).

(E) individuals other than Locally Employed Staff working in the Department of State under any other authority.

SEC. 5402. COLLECTION, ANALYSIS, AND DISSEMINATION OF WORKFORCE DATA

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, submit to the appropriate congressional committees a report, which shall also be posted on a publicly available website of the Department in a downloadable format, that includes disaggregated demographic data and other information regarding the diversity of the workforce of the Department.

(b) DATA.—The report under subsection (a) shall include the following data:

(1) Demographic data on each element of the workforce of the Department, disaggregated by rank and grade or grade-equivalent, with respect to the following groups:

(A) Applicants for positions in the Department.

(B) Individuals hired to join the workforce.

(C) Individuals promoted during the 2-year period ending on the date of the enactment of this Act, including any employees and within the Senior Executive Service or the Senior Foreign Service.

(D) Individuals serving on applicable selection boards.

(E) Members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department.

(F) Individuals participating in professional development programs of the Department, and the extent to which such participants have been placed into senior positions within the Department after such participation.

(G) Individuals participating in mentorship or retention programs.

(H) Individuals who separated from the agency during the 2-year period ending on the date of the enactment of this Act, including individuals in the Senior Executive Service or the Senior Foreign Service.


(3) Data on the overall number of individuals who are part of the workforce, the percentages of such workforce corresponding to each element listed in section 5401(d), and the percentages corresponding to each rank, grade, or grade-equivalent.

(c) RECOMMENDATION.—The Secretary may include in the report under subsection (a) a recommendation to Congress and the Office of Management and Budget and to the appropriate congressional committees regarding whether the Department should collect more detailed data on demographic categories in addition to the race and ethnicity categories specified in the Office of Management and Budget’s statistical policy directive entitled “Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity” (81 Fed. Reg. 67388).

(d) OVERT CONFLICTS.—The report under subsection (a) shall also describe and assess the effectiveness of the efforts of the Department to—

(A) promote fairness, impartiality, and inclusion in the work environment, both domestically and abroad;
(2) to enforce anti-harassment and anti-discrimination policies, both domestically and at posts overseas;
(3) to refrain from engaging in unlawful discrimination or any other violation of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training;
(4) to prevent and to take strong action against illegal retaliation against employees for participating in a protected equal employment opportunity activity or for reporting sexual harassment or sexual assault;
(5) to provide reasonable accommodation for qualified employees and applicants with disabilities;
(6) to recruit a representative workforce by—
(A) recruiting women and minorities;
(B) recruiting at women’s colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;
(C) placing job advertisements in newspapers, magazines, and job sites oriented toward women and minorities;
(D) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;
(E) providing opportunities through the Foreign Service Internship Program under chapter 12 of the Foreign Service Act of 1980 (22 U.S.C. 4141 et seq.) and other hiring initiatives;
(F) recruiting mid-level and senior-level professionals through programs designed to increase minority representation in international affairs;
(G) offering the Foreign Service written and oral assessment examinations in several locations throughout the United States to reduce the burden of applicants having to travel to the closest examination to take either or both examinations;
(H) expanding the use of paid internships; and
(i) supporting recruiting and hiring opportunities through—
(1) the Charles B. Rangel International Affairs Fellowship Program;
(2) the Thomas R. Pickering Foreign Affairs Fellowship Program; and
(iii) other initiatives, including agency-wide policy initiatives.
(e) UPDATES.—Not later than 1 year after the publication of the report required under subsection (a) and annually thereafter through the next 5 years, the Secretary shall work with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget to provide a report to the appropriate congressional committees, which shall be posted on the Department’s website, which may be included in another annual report required under another provision of law, that includes—
(1) disaggregated demographic data relating to the status and recruitment and retention of the workforce; and
(2) an analysis of applicant flow data; and
(3) disaggregated demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs.
SEC. 5403. EXIT INTERVIEWS FOR WORKFORCE.
(a) RETAINED MEMBERS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources of the Department, or his equivalent shall conduct periodic interviews with a representative and diverse cross-section of the workforce of the Department—
(1) to ascertain the opinions of individuals in such workforce for remaining in a position in the Department; and
(2) to receive feedback on workplace policies, professional development opportunities, and other issues affecting the retention of individuals in the workforce to remain in the Department.
(b) DEPARTING MEMBERS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or his equivalent shall conduct periodic exit interviews in a protected equal employment opportunity activity or for reporting sexual harassment or sexual assault for an exit interview to each individual in the workforce of the Department who separates from service with the Department to better understand the reasons of such individual for leaving such service.
(c) USE OF ANALYSIS FROM INTERVIEWS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or his equivalent shall analyze demographic data and other information obtained through interviews under subsections (a) and (b) to determine—
(1) to what extent, if any, the diversity of those participating in such interviews impacts the results; and
(2) whether to implement any policy changes or include any recommendations in a report required under subsection (a) or (e) of section 5620 relating to the determination reached pursuant to clause (1).
(d) TRACKING DATA.—The Department shall—
(1) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs; (2) annually evaluate such data—
(A) to identify ways to improve outreach and recruitment for such programs, consistent with merit system principles; and
(B) to understand the extent to which participation in any professional development program offered or sponsored by the Department differs among the demographic categories of the workforce; and
(3) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation, in such professional development programs.
SEC. 5404. RECRUITMENT AND RETENTION.
(a) IN GENERAL.—The Secretary shall—
(1) continue to seek a diverse and talented pool of applicants;
(2) instruct the Director General of the Foreign Service and the Director of the Bureau of Human Resources of the Department to have in place a comprehensive plan to recruit people belonging to traditionally under-represented groups, which should include outreach at appropriate colleges, universities, minority groups, and professional associations.
(b) SCOPE.—The diversity recruitment initiatives described in subsection (a) shall include—
(1) recruiting at women’s colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;
(2) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;
(3) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;
(4) providing opportunities through highly respected, international leadership programs, that focus on diversity recruitment and retention;
(5) expanding the use of paid internships; and
(6) cultivating partnerships with organizations dedicated to the advancement of the professional affairs and national security to advance shared diversity goals.
(c) EXPAND TRAINING ON ANTI-HARASSMENT AND ANTI-DISCRIMINATION.—
(1) IN GENERAL.—The Secretary shall, through the Foreign Service Institute and other educational and training opportunities—
(A) ensure the provision to all individuals in the workforce on training on anti-harassment and anti-discrimination policies and training for such programs, including in existing Foreign Service Institute courses or modules prioritized in the Department’s Diversity and Inclusion Strategic Plan for 2016–2020 to promote diversity in Bureau awards or mitigate unconscious bias;
(B) expand the provision of training on workplace rights and responsibilities to focus on anti-harassment and anti-discrimination information and policies, including policies relating to sexual assault prevention and response; and
(C) make such expanded training mandatory for—
(i) individuals in senior and supervisory positions;
(ii) individuals having responsibilities related to recruitment, retention, or promotion of employees; and
(iii) any other individual determined by the Department who needs such training based on analysis by the Department or OPM analyses.
(2) BEST PRACTICES.—The Department shall give special attention to ensuring the continuous incorporation of research-based best practices in training provided under this subsection.
SEC. 5405. LEADERSHIP ENGAGEMENT AND ACCOUNTABILITY.
(a) REWARD AND RECOGNIZE EFFORTS TO PROMOTE DIVERSITY AND INCLUSION.—
(1) IN GENERAL.—The Secretary shall implement performance and advancement requirements that reward and recognize the efforts of individuals in senior positions and supervisors in the Department in fostering an inclusive environment and cultivating talent consistent with merit system principles, such as through participation in mentoring programs or sponsorship initiatives, recruitment events, and other similar opportunities.
(2) OUTREACH EVENTS.—The Secretary shall create opportunities for individuals in senior positions and supervisors in the Department to participate in outreach events to discuss issues relating to diversity and inclusion with the workforce on a regular basis, including with employees.
(b) EXTERNAL ADVISORY COMMITTEES AND BOARDS.—For each external advisory committee or board to which individuals in senior positions in the Department appoint members, the Secretary is strongly encouraged by Congress to ensure such external advisory committee or board is developed, reviewed, and carried out by qualified teams that represent the diversity of the organization.
SEC. 5406. PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOOLS.
(a) EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—
(1) IN GENERAL.—The Secretary is authorized to expand professional development opportunities that support the mission needs of the Department, such as—
(A) academic programs;
(B) private–public exchanges; and
(C) detail assignments to relevant positions.
(ii) State, local, and Tribal governments;
(iii) other branches of the Federal Government;
(iv) professional schools of international affairs.
(2) Training for Senior Positions.—
(a) In General.—The Secretary shall offer, or sponsor members of the workforce to participate in, a Senior Executive Service candidate program or other program that trains members on the skills required for appointment to senior positions in the Department.

(b) Requirements.—In determining which members of the workforce are granted professional development or career advancement opportunities under subparagraph (A), the Secretary shall—
(i) ensure any program offered or sponsored by the Department under such subparagraph complies with the requirements of subparagraph C of paragraph (1) of Federal Regulation or Federal Regulations, or any successor thereto, including merit staffing and assessment requirements;
(ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;
(iii) understand how participation in any program offered or sponsored by the Department under such subparagraph differs by gender, race, national origin, disability status, or other demographic categories; and
(iv) ensure participation from a range of demographic categories, especially from categories with consistently low participation.

SEC. 5407. EXAMINATION AND ORAL ASSESSMENT FOR THE FOREIGN SERVICE.

(a) Sense of Congress.—It is the sense of Congress that the Department should offer both written examination and oral assessment in more locations throughout the United States. Doing so would ease the financial burden on potential candidates currently residing in and must travel at their own expense to one of the few locations where these assessments are offered.

(b) Foreign Service Examinations.—Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941) is amended—
(1) by striking "The Secretary" and inserting "(1) The Secretary; and"
(2) by adding at the end the following new paragraph:
(2) The Secretary shall ensure that the Board of Examiners for the Foreign Service annually offers the oral assessment examinations described in paragraph (1) in cities, chosen on a rotating basis, located in at least 50 percent of the different time zones across the United States.

SEC. 5408. PAYNE FELLOWSHIP AUTHORIZATION.

(a) In General.—Undergraduate and graduate components of the Donald M. Payne International Development Fellowship Program may conduct outreach to attract outstanding students with an interest in pursuing a Foreign Service career who represent diverse ethnic and socioeconomic backgrounds.

(b) Review of Past Programs.—The Secretary shall review past programs designed to increase minority representation in international affairs positions.

SEC. 5409. VOLUNTARY PARTICIPATION.

(a) In General.—Nothing in this title shall be construed to compel any employee to participate in the collection of the data or divulge any personal information. Department employees shall be informed that the data collection contemplated by this title is voluntary.

(b) Privacy Protection.—Any data collected under this title shall be subject to the relevant collection statute and regulations applicable to Federal employees.

TITLE V—INFORMATION SECURITY

SEC. 5501. DEFINITIONS.

In this title:

(1) Intelligence Community.—The term "intelligence community" has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(2) Communications Systems.—The term "communications systems" means systems, software, and applications as equivalent to electronic mail for the purpose of identifying Federal records, and shall also publish in the Foreign Affairs Manual the statutory penalties for failure to comply with such guidance. Beginning on the date the Secretary publishes the Foreign Affairs Manual guidance implementing chapter 31 of title 44, United States Code (commonly referred to as the "Federal Records Act"), Title V of the Foreign Affairs Manual guidance implementing chapter 31 of title 44, United States Code (commonly referred to as the "Federal Records Act"), Title V of the Foreign Affairs Manual guidance implementing chapter 31 of title 44, United States Code (commonly referred to as the "Federal Records Act").

(3) Access to Information.—The Department should seek to avoid entering into contracts. Not later than 30 days after the initial development of the list under this subsection, any update thereto, and annually thereafter for 5 years after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a copy of such list.

(4) Covered Contractor.—In this section, the term "covered contractor" means a provider of telecommunications, telecommunications equipment, or information technology equipment, including hardware, software, or services, that has knowingly assisted or facilitated a cyber attack or conducted surveillance, including passive or active monitoring, carried out against—
(1) the United States by, or on behalf of, any government, or persons associated with such government, listed as a cyber threat actor in the Department of Homeland Security’s 2017 assessment of worldwide threats to United States national security or any subsequent worldwide threat assessment of the Intelligence community;
(2) individuals, including activists, journalists, opposition politicians, or other individuals for the purposes of suppressing dissent or intimidating critics, on behalf of a country included in the annual country reports on human rights practices for the Department for systematic acts of political repression, including arbitrary detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights.

SEC. 5503. PRESERVING RECORDS OF ELECTRONIC COMMUNICATIONS CONDUCTED RELATED TO OFFICIAL DUTIES OF POSITIONS IN THE PUBLIC TRUST OF THE AMERICAN PEOPLE.

(a) Sense of Congress.—It is the sense of Congress that, in carrying out a rule of law and transparency in a democratic government, all officers and employees of the Department and the United States Agency for International Development preserve all records of communications conducted in their official capacities or related to their official duties with entities outside of the United States. It is further the sense of Congress that such practice should include foreign government officials or other foreign entities which may seek to influence United States Government policies and actions.

(b) Publication.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a notice describing the procedures for submitting security vulnerability discovery reports.

(c) Review.—In establishing the VDP pursuant to paragraph (1), the Secretary shall—
(1) identify which Department information technology should be included in the process;
(2) determine whether the process should differentiate among and specify the types of security vulnerabilities that may be targeted;
(3) provide a readily available means of reporting discovered security vulnerabilities and the form in which such vulnerabilities should be reported;
(4) identify which Department offices and positions will be responsible for receiving, prioritizing, and addressing security vulnerability disclosure reports;
(5) consult with the Attorney General regarding how to ensure that individuals, organizations, and companies that comply with the requirements of the process are protected from prosecution under section 1030 of...
title 18, United States Code, and similar pro-
visions of law for specific activities author-
ized under the process; 
(F) consult with the relevant offices at the
Department, including those responsible for
launching the 2016 Vulnerability Disclo-
sure Program, "Hack the Pentagon", and subse-
quent Department of Defense bug bounties
program; 
(G) engage qualified interested persons, in-
cluding nongovernmental sector representa-
tives, about the structure of such pilot pro-
gram as constructive and to the extent prac-
ticable; and
(H) award contracts to entities, as nec-
essary, to manage such pilot program and im-
plement the remediation of discovered security
vulnerabilities.
(3) ANNUAL REPORTS.—Not later than 180
days after the date of the enactment of this Act, the
Secretary shall submit to the Committee on
Foreign Relations of the Senate and the Committee
on Foreign Affairs of the House of Representa-
tives a report on the VDP, including infor-
mentation relating to the following:
(A) the number of registered clients,
in accordance with the National Vulnerabilities Data-
base of the National Institute of Standards and
Technology, of security vulnerabilities reported
under paragraph (1) and annually thereafter for
the next 5 years, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on
Foreign Affairs of the House of Representa-
tives a report on the VDP, including informa-
tion relating to the following:
(A) the number of approved individuals, or-
organizations, or companies involved in such
pilot program, broken down by the number of
approved individuals, organizations, or companies that—
(i) registered;
(ii) were approved;
(iii) submitted security vulnerabilities; and
(iv) received compensation;
(B) the number and severity, in accordance
with the National Vulnerabilities Database of the
National Institute of Standards and Technology, of security vulnerabilities re-
ported under paragraph (1) and annually thereafter for
the next 5 years, the Secretary shall submit to the
Committee on Foreign Relations of the Senate and the
Committee on Foreign Affairs of the House of Repre-
sentatives a report on the VDP, including infor-
tion relating to the following:
(A) the number of approved individuals, or-
organizations, or companies involved in such
pilot program, broken down by the number of
approved individuals, organizations, or companies that—
(i) registered;
(ii) were approved;
(iii) submitted security vulnerabilities; and
(iv) received compensation; 
(B) the number and severity, in accordance
with the National Vulnerabilities Database of the
National Institute of Standards and Technology, of security vulnerabilities re-
ported under paragraph (1) and annually thereafter for
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tion relating to the following:
(A) the number of approved individuals, or-
organizations, or companies involved in such
pilot program, broken down by the number of
approved individuals, organizations, or companies that—
(i) registered;
(ii) were approved;
(iii) submitted security vulnerabilities; and
(iv) received compensation;
(C) the number of previously unidentified
security vulnerabilities remediated as a re-
sult.
(C) the current number of outstanding previ-
ously unidentified security vulnerabilities and Department of State remediation plans.
(D) The average length of time between the
reporting of security vulnerabilities and re-
mediation of such vulnerabilities.
(E) The resources, surge staffing, roles, and responsibilities within the Department used
to implement the VDP and complete security
vulnerability remediation.
(F) Any other information the Secretary
determines relevant.
(c) DEPARTMENT OF STATE BUG BOUNTY
PILOT PROGRAM.—
(1) IN GENERAL.—Not later than 1 year after
the date of the enactment of this Act, the
Secretary shall establish a bug bounty pilot
program to minimize security vulnerabilities of
internet-facing information technology of the
Department.
(2) REQUIREMENTS.—In establishing the
pilot program described in paragraph (1), the
Secretary shall—
(A) provide compensation for reports of
previously unidentified security vulnerabilities within the websites, applica-
tions, and other internet-accessible systems,
facilities, or administrative functions provided
by the Department; and
(B) consult with the Attorney General on
how to ensure that individuals, organiza-
tions, or companies that comply with the re-
porting of security vulnerabilities and rem-
ediation of such vulnerabilities.
(F) any other information the Secretary
determines relevant.
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tions, and other internet-accessible systems,
facilities, or administrative functions provided
by the Department; and
(B) consult with the Attorney General on
how to ensure that individuals, organiza-
tions, or companies that comply with the re-
porting of security vulnerabilities and rem-
ediation of such vulnerabilities.
(F) any other information the Secretary
determines relevant.
(TITLE VI—PUBLIC DIPLOMACY)
SEC. 5601. SHORT TITLE.
This title may be cited as the "Public
Diplomacy Modernization Act of 2021".
SEC. 5602. AVOIDING DUPLICATION OF PROGRAMS AND EFFORTS.
The Secretary shall—
(1) identify opportunities for greater effi-
ciency of operations, including through im-
proved coordination of efforts across public diplomacy bureaus and offices of the
Department; and
(2) maximize shared use of resources be-
tween, and within, such public diplomacy bu-
reaus and offices; such programs and facilities, or administrative functions are dupli-
cate or substantially overlapping.
SEC. 5603. IMPROVING EVALUATION AND EVALU-
ATION OF PUBLIC DIPLOMACY.
(a) Research and Evaluation Activi-
ties.—The Secretary, acting through the Di-
rector of Research and Evaluation, shall:
(1) conduct regular research and eval-
uation of public diplomacy programs and activities of the Department, including the
time use of audience research, digital ana-
ytics, and impact evaluations, to plan and execute such programs and activities; and
(2) evaluate the effectiveness of the
findings of the research and evaluations conducted under paragraph (1).
and Cultural Exchange Programs' and "Diplomatic Programs' for research and evaluation of public diplomacy programs and activities of the Department pursuant to subsections of this Act that is commensurate with Federal Government best practices.

(d) Limited Exemption Relating to the Paperwork Reduction Act.—Chapter 35 of title 5, United States Code (commonly known as the "Paperwork Reduction Act") shall not apply to the collection of information directed at any individuals conducted by, or on behalf of, the Department of State for the purpose of audience research, monitoring, and partnering in connection with the Department’s activities conducted pursuant to any of the following:


(e) Limited Exemption Relating to the Privacy Act.—

(1) In general.—The Department shall maintain, collect, use, and disseminate audience research, digital analytics, and impact evaluations of communications related to public diplomacy efforts intended for foreign audiences.

(2) Conditions.—Audience research, digital analytics, and impact evaluations under this section (1) shall—

(A) reasonably tailored to meet the purposes of this subsection; and

(B) carried out with due regard for privacy and civil liberties guidance and oversight.

(f) United States Advisory Commission on Public Diplomacy.—

(1) Subcommittee for Research and Evaluation.—The United States Advisory Commission on Public Diplomacy shall establish a Subcommittee on Research and Evaluation to monitor and advise regarding audience research, digital analytics, and impact evaluations carried out by the Department and the United States Agency for Global Media.

(2) Annual Report.—The Subcommittee on Research and Evaluation established pursuant to paragraph (1) shall submit to the appropriate congressional committees an annual report on the performance of the Department and the United States Agency for Global Media describing all actions taken by the Subcommittee pursuant to paragraph (1) and any findings made as a result of such actions.

SEC. 5604. PERMANENT REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended—

(1) in the section heading, by striking "SUNSET" and inserting "CONTINUATION"; and

(2) by striking "until October 1, 2021".

SEC. 5605. STANDARDS OF SUPPORT FUNCTIONS.

(a) Working Group Established.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish a working group to explore the possibilities and cost-benefit analysis of transitioning to a shared services model as such pertains to human resources, travel, purchasing, budgetary planning, and all other executive support functions for all bureaus that report to the Under Secretary for Public Diplomacy of the Department.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan to implement any standards of the working group established under subsection (a).

SEC. 5606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY FACILITIES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall adopt, and include in the Foreign Affairs Manual, guidelines to collect and disseminate information about each diplomatic post at which the construction of a new embassy compound or new compound design of the intent to close any such diplomatic facility or co-locate public diplomacy staff in accordance with such Act.

(b) Requested.—The guidelines required by subsection (a) shall include the following:

(1) Standardized notification to each chief of mission at a diplomatic post describing the requirements of the Secure Embassy Construction and Counterterrorism Act of 1999 and the impact on the mission footprint of such requirements.

(2) An assessment and recommendations from each chief of mission of potential impacts of closing or co-locating a public diplomacy facility referred to in subsection (a) if closed or staff is co-located in accordance with such Act.

(3) A process by which assessments and recommendations under paragraph (2) are considered by the Secretary and the appropriate Under Secretaries and Assistant Secretaries of the Department.

(4) Notification to the appropriate congressional committees, prior to the initiation of a new compound design of the intent to close any such public diplomacy facility or co-locate public diplomacy staff in accordance with such Act.

(c) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the guidelines required under subsection (a) and any recommendations for any modifications to such guidelines.

SEC. 5607. DEFINITIONS.

In this title:

(1) AUDIENCE RESEARCH.—The term ‘audience research’ means research conducted at or on behalf of any diplomatic facility referred to in subsection (a) is closed or at which the construction of such country is making efforts to comply with the minimum standards set forth in section 5704.

(2) Digital analytics.—The term ‘digital analytics’ means the analysis of qualitative and quantitative data, accumulated in digital format, to measure and evaluate outcomes of a public diplomacy program or campaign.

(3) IMPACT EVALUATION.—The term ‘impact evaluation’ means an assessment of the changes in the audience targeted by a public diplomacy program or campaign that can be attributed to such program or campaign.

(4) Public Diplomacy Bureaus and offices.—The term ‘public diplomacy bureaus and offices’ means, with respect to the Department, the following:

(A) The Bureau of Educational and Cultural Affairs.

(B) The Bureau of Global Public Affairs.


(D) The Global Engagement Center.

(E) The public diplomacy functions within the regional and functional bureaus.

TITLE VII—COMBATING PUBLIC CORRUPTION

SEC. 5701. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is in the foreign policy interest of the United States to help foreign countries promote good governance and combat public corruption;

(2) multiple Federal departments and agencies operate programs that promote good governance in foreign countries and enhance their countries’ ability to combat public corruption; and

(3) the Department of State should—

(A) promote coordination among the Federal departments and agencies operating programs to promote good governance and combat public corruption in foreign countries in order to improve effectiveness and efficiency; and

(B) identify areas in which United States efforts to help other countries promote good governance and combat public corruption could be enhanced.

SEC. 5702. DEFINITIONS.

In this title:

(1) CORRUPT ACTOR.—The term ‘corrupt actor’ means any foreign or entity that is a government official or government entity responsible for, or complicit in, an act of corruption.

(2) Corruption.—The term ‘corruption’ means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, or embezzlement.

(3) Significant Corruption.—The term ‘significant corruption’ means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

(B) Involves economically or socially large-scale government activities.

SEC. 5703. PUBLICATION OF TIERED RANKING LIST.

(a) In General.—The Secretary of State shall publish on Global Media, on a public and accessible website, a tiered ranking of all foreign countries.

(b) Tier 1 Countries.—A country shall be ranked as a tier 1 country in the ranking published under subsection (a) if the government of such country is complying with the minimum standards set forth in section 5704.

(c) Tier 2 Countries.—A country shall be ranked as a tier 2 country in the ranking published under subsection (a) if the government of such country is making efforts to comply with the minimum standards set forth in section 5704, but is not achieving the requisite level of compliance to be ranked as a tier 1 country.

(d) Tier 3 Countries.—A country shall be ranked as a tier 3 country in the ranking published under subsection (a) if the government of such country is making de minimis or no efforts to comply with the minimum standards set forth in section 5704.

SEC. 5704. MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT SUBVERSIVE ACTIVITY

(a) In General.—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted and implemented laws and established government structures, policies,
and practices that prohibit corruption, including significant corruption; (2) enforces the laws described in paragraph (1) by punishing anyone who is found through a fair judicial process, to have violated such laws; (3) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and (4) is making serious and sustained efforts to address corruption, including through prevention measures.

(b) FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary shall consider, to the extent relevant or appropriate, factors such as—

(1) whether the government of the country has criminalized corruption, investigates and prosecutes acts of corruption, and convicts and sentences persons responsible for such acts over which it has jurisdiction, including, as appropriate, incarcerating individuals convicted of such acts;
(2) whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate corruption, including nationals of the country who are deployed in foreign military assignments, trade delegations, or diplomatic missions, or similar missions, who engage in or facilitate significant corruption;
(3) whether the government of the country has adopted measures to prevent corruption, such as measures to inform and educate the public, including potential victims, about the causes and consequences of corruption;
(4) what steps the government of the country has taken to prohibit government officials from participating in, facilitating, or condoning corruption, including the investiga-

tion, prosecution, and conviction of such officials;
(5) the extent to which the country provides access, or, as appropriate, makes adequate resources available, to civil society organiza-
tions and other institutions to combat corruption, including reporting, investiga-
tion, and monitoring;
(6) whether an independent judiciary or judicial body in the country is responsible for, and effectively capable of, deciding corruption cases on the basis of evidence and in accordance with the law, without any improper restrictions, influences, inducements, pressures, threats, or interferences (direct or indirect);
(7) whether the government of the country is assisting in international investigations of transnational corruption networks and in other cooperative efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors; (8) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others;
(9) whether the government of the country protects victims of corruption or whistle-blowers; and (10) whether the government of the country is willing and able to recover the proceeds of corruption, including, as appropriate, returning the proceeds of corruption to the national government.

(c) ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION IN RELATION TO RELATIVES OF FOREIGN PUBLIC OFFICIALS.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary shall consider the government of a country's compliance with the following, as relevant:

(5) Such other treaties, agreements, and international instruments for which the Secretary of State considers appropriate.

SEC. 5705. IMPOSITION OF SANCTIONS UNDER GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of the Treasury, may (except with respect to the list required by subsection (b)) provide a briefing to the committees specified in subsection (f) a report that includes—

(1) a list of foreign persons with respect to which the President imposed sanctions pursuant to the evaluation under subsection (a);
(2) the dates on which such sanctions were imposed;
(3) the reasons for imposing such sanctions;
(4) a list of all foreign persons found to have been engaged in significant corruption in relation to the planning, construction, or operation of the Nord Stream 2 pipeline.
(b) REPORT REQUIRED.—Not later than 180 days after publishing the list required by section 5703(a) and annually thereafter, the Secretary of State shall submit to the committees specified in subsection (f) a report that includes—

(1) a list of foreign persons with respect to which the President imposed sanctions pursuant to the evaluation under subsection (a);
(2) the dates on which such sanctions were imposed;
(3) the reasons for imposing such sanctions; and
(4) a list of all foreign persons found to have been engaged in significant corruption in relation to the planning, construction, or operation of the Nord Stream 2 pipeline.
(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in an unclassified form but may include a classified annex.

(d) BRIEFING IN LIEU OF REPORT.—The Secretary of State, in coordination with the Secretary of the Treasury, may (except with respect to the list required by subsection (b)) provide a briefing to the committees specified in subsection (f) instead of submitting the report required under subsection (b), if doing so would better serve existing United States anti-corruption efforts or the national interests of the United States.

(e) TERMINATION OF REQUIREMENTS RELATING TO NORD STREAM 2.—The requirements under subsections (a)(2) and (b)(4) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(f) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(1) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Aff airs, and the Committee on the Judiciary of the Senate; and
(2) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representa
tives.

SEC. 5706. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.

(a) IN GENERAL.—The Secretary of State shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified as tier 2 or tier 3 under section 5703, or which the Secretary otherwise determines is in need of such a point of contact. The point of contact shall be the chief of mission or the chief of mission's designee.

(b) RESPONSIBILITIES.—Each anti-corruption point of contact designated under subsection (a) shall be responsible for enhancing coordination and promoting the implementation of a whole-of-government approach among the relevant departments and agencies undertaking efforts to—

(1) promote good governance in foreign countries; and
(2) enable the ability of such countries—
(A) to combat public corruption; and
(B) to develop and implement corruption risk assessment tools and mitigation strategies.

(c) TRAINING.—The Secretary of State shall implement appropriate training for anti-corruption points of contact designated under subsection (a).

TITLE VIII—GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY REAUTHORIZATION ACT

SEC. 5801. SHORT TITLE.

This title may be cited as the “Global Magnitsky Human Rights Accountability Reauthorization Act”.

SEC. 5802. MODIFICATIONS TO AND REAUTHORIZATION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.

(a) DEFINITIONS.—Section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended by striking paragraph (2) and inserting the following:

“(2) IMMEDIATE FAMILY MEMBER.—The term ‘immediate family member’, with respect to a foreign person, means the spouse, parent, sibling, or adult child of the person.”.

(b) SENSE OF CONGRESS.—The Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended by inserting after section 1262 the following new section:

“SEC. 1262A. SENSE OF CONGRESS.

“It is the sense of Congress that the President should establish and regularize information sharing and assistance in making with like-minded governments possessing human rights and anti-corruption sanctions programs similar in nature to those authorized under this subtitle.”.

(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Subsection (a) of section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is amended to read as follows:

“(A) IN GENERAL.—The President may impos

“(1) any foreign person that the President determines, based on credible information—

(A) is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuses or significant corruption; or

(B) is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in—

(i) corruption, including—

(I) the misappropriation of state assets; or

(II) the misappropriation of private assets for personal gain; or

(ii) bribery; or

(iii) the transfer or facilitation of the proceeds of corruption; or

(iv) complicit in, or has directly or indirectly engaged in—

(A) an activity described in subparagraph (A) or (B) related to the tenure of the leader or official; or

(B) an activity whose property and interests in property are blocked pursuant to this section; and

(C) is or has been a leader official of—

(i) an entity, including a government entity, that has engaged in, or whose members have engaged in, any of the activities described in subparagraph (A) or (B) related to the tenure of the leader or official; or

(ii) an entity whose property and interests in property are blocked pursuant to this section as a result of activities related to the tenure of the leader or official;

(D) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—

(i) an activity described in subparagraph (A) or (B) that is conducted by a foreign person; or

(ii) a person whose property and interests in property are blocked pursuant to this section; or

(iii) an entity, including a government entity, that has engaged in, or whose members have engaged in, an activity described in subparagraph (A) or (B) conducted by a foreign person; or

(E) is owned or controlled by, or has acted or been purported to act for or on behalf of, directly or indirectly, a person whose property and interests in property are blocked pursuant to this section; and

(2) any immediate family member of a person described in paragraph (1).”.

(2) CONSIDERATION OF CERTAIN INFORMATION.—Subsection (c)(2) of such section is amended by inserting “or corruption and” after “monitor”.

(3) REQUESTS BY CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(ii) in subparagraph (B)(ii), by inserting “or an immediate family member of the person”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(1) in the subparagraph heading, by striking “HUMAN RIGHTS VIOLATIONS” and inserting “HUMAN RIGHTS VIOLATIONS and corruption”;

(2) by striking “described in subsection (a) or (b)” and inserting “described in subsection (a)(1) related to serious human rights abuses or corruption”;

(3) in the matter preceding clause (1), by striking “described in subsection (a) or (b)” and inserting “described in subsection (a)(1) related to serious human rights abuses or corruption or the transfer or facilitation of the transfer of the proceeds of corruption”;

(4) in subsection (g) of such section is amended, in the matter preceding paragraph (1), by inserting “and the immediate family members of that person” after “a person”.

(d) REPORTS TO CONGRESS.—Section 126(a) of the Global Magnitsky Human Rights Accountability Act (Subtitle F of Title XII of Public Law 114–322; 22 U.S.C. 2656 note) is amended—

(1) in paragraph (8), by striking “; and”;

(2) in paragraph (6), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(A) A description of the additional steps taken by the President through diplomacy, international engagement, and assistance to foreign or security sectors to address persistent underlying causes of human rights abuse and corruption in each country in which foreign persons with respect to which sanctions have been imposed under section 1268 are blocked.

(e) REPEAL OF SUNSET.—Section 1265 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of Title XII of Public Law 114–322; 22 U.S.C. 2656 note) is repealed.

TITLE IX—OTHER MATTERS SEC. 5901. LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT Section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370 note; Public Law 113–150) is amended—

(1) by striking “No assistance”;

(2) by adding at the end the following:

“(A) in subparagraph (A)—

(i) by striking “the government of” before “any country”; and

(ii) by inserting “the government of” before “such country”;

(B) in subparagraph (B)—

(i) by striking “and inserting “and”; and

(ii) by inserting “the government of” before “such country”;

(C) by striking “determines” and all that follows and inserting “determined, after consultation with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, that assistance for such country is in the national interest of the United States.”; and

(D) by adding at the end the following new paragraph:

“(2) No assistance shall be furnished under this Act, the Peace Corps Act, the Millennium Challenge Act of 2003, the African Development Foundation Act, the BUILD Act of 2018, section 504 of the FREEDOM Support Act, or section 23 of the Arms Export Control Act to the government of any country which is in default during a period in excess of 1 calendar year in default to the United States of principal or interest on any loan made to the government of such country by the United States unless the President determines, after consultation with the congressional committees specified in paragraph (1), that assistance for such country is in the national interest of the United States.”.

SEC. 5902. SEAN AND DAVID GOLDMAN CHILD ABUSE PREVENTION AND RETURN ACT OF 2014 Amendment Subsection (b) of section 101 of the Sean and David Goldman Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9111; Public Law 113–150) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting “, respectively,” after “ac- cess cases”; and

(ii) by striking “and the number of children involved” before the semicolon at the end; and

(B) in subparagraph (D), by inserting “respectively,” after “access cases,”;

(2) in paragraph (7), by inserting “, and number of children involved in such cases” before the semicolon at the end;

(3) in paragraph (8), by striking “and” after the semicolon at the end;
(b), the Secretary may revoke any such con-
currence.

(d) ANNUAL REPORT REQUIRED.—Net later
than January 31 of each year, the Secretary of
State shall submit to the Committee on Foreign
Relations of the Senate and the Committee on
Foreign Affairs of the House of Repre-
sentatives a report that includes the follow-
ing:

(1) A description of any support described in
subsection (a) that was provided with the concur-
cence of mission during the calendar year preceding the calendar year in
which the report is submitted.

(2) An analysis of the effects of the support
described in subsection (a) on the strategic
lines of effort, including with respect to—
(A) Nonproliferation, Anti-terrorism,
Demining, and Related Programs (NADR) and
associated Anti-Terrorism Assistance
(ATP) programs;
(B) International Narcotics Control
and Law Enforcement (INCLE) programs; and
(C) Foreign Military Sales (FMS), Foreign
Military Financing (FMP), and associated
training programs.

SEC. 5903. REPORT ON EFFORTS OF THE
CORONAVIRUS REPATRIATION TASK
FORCE.

Not later than 90 days after the date of the
enactment of this division, the Secretary of
State shall submit to the appropriate con-
gressional committees, the Committee on
Armed Services of the Senate and the House of
Representatives, a report evaluating the efforts of
the Coronavirus Repatriation Task Force
of the Department of State to repatriate
United States citizens and legal permanent
residents in response to the 2020 coronavirus
outbreak. The report shall identify—

(1) the most significant impediments to repa-
triation identified by the program;

(2) the lessons learned from such repatri-
ation efforts of the Department of State to
incorporate such lessons learned.

SA 4516. Mr. PETERS (for himself, Mr. PORTMAN, Mr. WARNER, Ms. COUL-
INS, and Ms. SINEMA) submitted an
amendment intended to be proposed to
amendment SA 3867 submitted by Mr. REED and intended to be proposed to
the bill H.R. 4350, to authorize appro-
priations for fiscal year 2022 for
military activities of the Department of
Defense, for military construction, and
for defense activities of the Depart-
ment of Energy to 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

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 PRO-
CEDURE.—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
chapter I of chapter 35 of title 44, United States
Code.

(3) APPROPRIATE CONGRESSIONAL COM-
MITTEES.—The term “appropriate congressio-
nal committees” means—

(A) the Committee on Homeland Security
and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Re-
form 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 3502(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 “penetra-
tion test” has the meaning given the term in
section 3502(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 sys-

TITLE I—UPDATES TO FISMA

SEC. 5121. TITLE 44 AMENDMENTS.

(a) SUBCHAPTER I AMENDMENTS.—Sub-
chapter I of chapter 35 of title 44, United States
Code, is amended—

(1) in section 3504—
(A) in subsection (a)(1)(B)—
(B) by inserting clause (v) and inserting the
following:

(‘v) confidentiality, disclosure, and shar-
ing of information;’’;
(i) by redesignating clause (vi) as clause
(vii); and
(iii) by inserting after clause (v) the fol-
lowing:

‘‘(vi) in consultation with the National
Cyber Director and the Director of the Cy-
bersecurity and Infrastructure Security
Agency, security of information; and’’;

(B) in subsection (g), by striking paragraph
(1) and inserting the following:

‘‘(1) with respect to information collected
or maintained by or for agencies—

(A) develop and oversee the implementa-
tion of policies, principles, standards, and
guidelines on privacy, confidentiality, dis-
closure, and sharing of the information; and

(B) in consultation with the National
Cyber Director and the Director of the Cy-
bersecurity and Infrastructure Security
Agency, develop and oversee policies, prin-
ciples, standards, and guidelines on security
of the information; and’’; and

(C) in paragraph (1)—
(i) in the matter preceding subparagraph
(A)—

(I) by inserting ‘‘the Director of the Cyber-
security and Infrastructure Security Agency
and the National Cyber Director’’ before
‘‘the Director’’; and

(II) by inserting a comma before ‘‘and the
Administration’’ and

(ii) in subparagraph (A), by inserting ‘‘se-
curity and’’ after ‘‘information technology’’;

(ii) in section 3505—
(A) in paragraph (3) of the first subsection
designated as subsection (c)—

(B) by inserting a comma before ‘‘and the
Director of the Cybersecurity and Infra-
structure Security Agency’’ and

(C) by striking the period at the end and inserting ‘‘; and’’;

(iii) by adding at the end the following:

‘‘(D) maintained on a continual basis
by the agency that the loss or corruption of the
information would have a serious impact
on the ability of the agency to perform the
mission of the agency or conduct business.’’;

(B) the term ‘major incident’ has the
meaning given the term in guidance issued
by the Director under section 3506(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 sys-
tem or a component of an information sys-

(B) evaluates an attack or other explo-
itiation capability of a potential adversary,
typically under specific constraints, in order
to identify any vulnerabilities of an informa-
tion system or a component of an informa-
tion system that could be exploited.’’; and

(E) by inserting after paragraph (11), as so
redesignated, the following:

‘‘(2) The term ‘shared service’ means a
specialized type of assessment that—

(A) is conducted on an information sys-
tem or a component of an information sys-

(B) evaluates an attack or other explo-
itiation capability of a potential adversary,
typically under specific constraints, in order
to identify any vulnerabilities of an informa-
tion system or a component of an informa-
tion system that could be exploited.’’.}

(5) DIRECTOR.—The term ‘‘Director’’ means
the Director of the Office of Management
and Budget.

(6) HIGH-VALUE ASSET.—The term ‘‘high-

value asset’’ means an asset that is provided to multiple organizations
under subsection (b) shall provide any por-
tions of the written plan addressing informa-
tion security or cybersecurity to the Direc-
tor 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 redesigning paragraphs (1), (2), (3),
(4), (5), (6), and (7) and as so redesignated
as subsection (c), (d), (e), (f), (g), (h), and (i),
respectively;

(B) by inserting after 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 promul-
gated under section 11311(b) of title 10 to in-
crease the security and reduce the cybe-

(C) by inserting after paragraph (6), as so
redesignated, the following:

‘‘(7) The term ‘high value asset’ means in-
formation 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 in-
formation system would have a serious impact
on the ability of the agency to perform the
mission of the agency or conduct business.’’;

(2) CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Sec-
tion 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 XV.—

(1) SECTION 2222.—Section 2222(e)(6) of title
10, United States Code, is amended by strik-
ing ‘‘section 5525(b)(6)’’ and inserting ‘‘sec-
tion 5525(b)’’.

(2) SECTION 2315.—Section 2315 of title 10,
United States Code, is amended by strik-
ing ‘‘section 2315(b)(6)’’ and inserting ‘‘sec-
tion 2315(b)’’.

(3) SECTION 3552.—Section 3552(c)(3) of title
10, United States Code, is amended by strik-
ing ‘‘section 3552(b)(6)’’ and inserting ‘‘sec-
tion 3552(b)’’.

(4) SECTION 3553.—Section 3553(h)(5) of title
10, United States Code, is amended by strik-
ing ‘‘section 3553(b)(6)’’ and inserting ‘‘sec-
tion 3553(b)’’.

(C) HIGH-PERFORMANCE COMPUTING ACT OF
1991.—Section 2307(a) of the High-Performance
Computing Act of 1991 (15 U.S.C. 5527(a)) is
amended by striking ‘‘section 2307(a)’’.
(D) by striking the section heading and inserting the following:

"(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.

(G) by adding at the end the following:

"(1) recognizing that—

(i) the Office of Management and Budget is the leader for policy development and oversight of Federal cybersecurity;

(ii) the Cybersecurity and Infrastructure Security Agency is the leader for implementing operations at agencies; and

(iii) the National Cyber Director is responsible for developing the overall cybersecurity strategy of the United States and advising the President on matters relating to cybersecurity;"

(2) in section 3553—

(A) by striking the section heading and inserting the following:

"(1) a summary of each assessment of Federal risk posture performed under section 3550; and

(B) by striking "and" at the end; and

(ii) by adding at the end the following:

"(B) in accounting for the differences described in section 3554(c)(4)";

(F) in subsection (c)—

(D) in subsection (g), by striking "the Cybersecurity and Infrastructure Security Agency"; and

(G) by adding at the end the following:

"(1) recognize that—

(i) the National Institute of Standards and Technology is the lead entity for operational cybersecurity coordination across the Federal Government; and

(ii) the National Institute of Standards and Technology is the lead entity for operational cybersecurity coordination across the Federal Government; and

(C) in subsection (h) by striking "the Secretary, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director of the National Federal Cyber Director on the findings of those assessments, including—

(1) the status of agency cybersecurity remedial action and inserting "that includes a summary of—"

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting "; and"

(iii) by adding at the end the following:

"(D) in subsection (a)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) recognize the role of the Cybersecurity and Infrastructure Security Agency as the lead entity for operational cybersecurity coordination across the Federal Government; and

(C) in paragraph (5), as so redesignated, by striking "diagnose and improve" and inserting "integrate, deliberate, diagnose, and improve"; and

(D) in paragraph (6), as so redesignated, by striking "and" at the end; and

(E) in paragraph (7), as so redesignated, by striking the period at the end and inserting a semicolon.

(F) by paragraph the end the following:

"(8) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency; and

(9) recognize that each agency does not have the same resources to secure agency systems, and an agency should not be expected to have the capability to secure the systems of the agency from advanced adversaries alone; and

(10) recognize that—

(A) evaluation of Federal cybersecurity is necessary to account for differences between the missions and capabilities of agencies; and

(B) accounting for the differences described in subparagraph (A) and ensuring overall Federal cybersecurity—

"(i) the Office of Management and Budget is the leader for policy development and oversight of Federal cybersecurity; and

(ii) the Cybersecurity and Infrastructure Security Agency is the leader for implementing operations at agencies; and

(iii) the National Cyber Director is responsible for developing the overall cybersecurity strategy of the United States and advising the President on matters relating to cybersecurity:"; and

(2) in section 3552—

(A) by striking section heading and inserting the following:

"(A) the Director and the Cybersecurity and Infrastructure Security Agency"; and

(B) in subsection (a), by inserting "in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, before "agency compliance" and inserting "cybersecurity agency"; and

(ii) in paragraph (5)—

(I) by inserting ", in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the National Cyber Director," before "agency compliance"; and

(II) by striking "and" at the end; and

(iii) by adding at the end the following:

"(B) the use of presumption of compromise and least privilege principles to improve resiliency and timely response actions to incidents on Federal systems; and

(C) in subsection (b)—

(i) by striking the subsection heading and inserting "CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY"; and

(ii) in the matter preceding paragraph (1), by striking "The Secretary, in consultation with the Director and the National Cyber 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 striking "the Director of the Cybersecurity and Infrastructure Security Agency"; and

(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 Secretary 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 during which agencies are required to submit reports under section 3554(c)";

(ii) by striking paragraph (1);

(iii) by redesigning paragraphs (2), (3), and (4) of paragraphs (1), (2), and (3), respectively;

(iv) in paragraph (3), as so redesignated, by striking "and" at the end; and

(v) by inserting after paragraph (3), as so redesignated the following:

"(D) by inserting before subparagraph (B, as so redesignated, the following:

"(A) in subsection (a)—

(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 risk assessments that review the implementation of the binding

"(1) identify and document the high value assets of the agency using guidance from the Director; and

(2) evaluate the data assets inventoried under section 3511 for sensitivity to compromise, in confidentiality, integrity, and availability; and

(B) identify agency systems that have access to or hold the data assets inventoried under section 3511; and

"(2) Federal Risk Assessments.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall perform 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); and

(2) any vulnerability information relating to the systems of an agency that is known by the agency; and

(3) analysis of incident information under section 3597; and

(4) evaluation of penetration testing performed under section 3599A; and

(5) evaluation of vulnerability disclosure program information under section 3599B; and

(6) evaluation of agency threat hunting results; and

(7) evaluation of Federal and non-Federal that intelligence; and

(8) data on agency compliance with standards issued under section 11331 of title 40; and

(9) agency system risk assessments performed under section 3544(a)(1)(A); and

(10) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant; and

(G) in subsection (d), as so redesignated—

(1) by inserting "leading the specific" and inserting "that includes a summary of—"

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting "; 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:

"(I) 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 or emergency 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

"(A) recognizing that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency; and

"(B) recognizing that the Office of Management and Budget is the leader for policy development and oversight of Federal cybersecurity; and

"(C) by redesigning subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively; and

"(D) by inserting before subparagraph (B, as so redesignated, the following:

"(A) on an ongoing and continuous basis, performing agency risk assessments that review the implementation of the binding
“(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, by analyzing—

“(I) the results of penetration testing performed by the Department of Homeland Security 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 affect 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 systems;

“(III) subparagraph (B), as so redesignated, in the matter preceding clause (i), by striking “providing information” and inserting “providing information from the assessment conducted under subparagraph (A), providing, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, information”;

“(IV) subparagraph (C), as so redesignated—

“(aa) in clause (i) by inserting “binding before “operational”;

“(bb) in clause (vi), by striking “and” at the end; and

“(cc) 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 the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director but not less frequently than annually, to—

“(I) the Director;

“(II) the Office 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 identification 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 agency or the Comptroller General of the United States a report that—

“(A) summarizes the agency system risk assessment performed under subsection (a)(A); and

“(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risk 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 2202 of the Cybersecurity Act of 2015 (6 U.S.C. 1532(c));

“(C) evaluates the system risk assessment 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; and

“(E) in paragraph (5), by striking ‘‘planning and 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 redesigning 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”;

“(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 redesigning subclause (IV) as subclause (III);

“(V) in subclause (c)—

“(i) by redesigning paragraph (2) as paragraph (5); and

“(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 performed under subsection (a)(1)(A), the head of each agency shall submit to the Director, the Director of the Cybersecurity and Infrastructure Security Agency, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the appropriate authorization and appropriations committees of Congress, the National Cyber Director, and the Comptroller General of the United States a report that—

“(A) summarizes the agency system risk assessment performed under subsection (a)(1)(A); and

“(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risk 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 2202 of the Cybersecurity Act of 2015 (6 U.S.C. 1532(c));

“(C) evaluates the system risk assessment 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.”
(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, all 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 required to be submitted under paragraph (1), the Director shall provide to the congressional committees described in paragraph (1) a briefing summarizing relevant agency and Federal risk postures; and

(iii) in paragraph (5), as so redesignated, by inserting “including the reporting procedures established under section 1131(b)(4) 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”;

(3) 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 3555(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) in paragraph (4), by striking “3554(b)” and inserting “3554(a)(1)(A)”;

(4) CONFORMING AMENDMENTS.—
"(a) TABLE OF CONTENTS.—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.’;

(b) OMB REPORTS.—Section 228(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1524(c)) is amended—
"(A) by striking “during the years during which a report is required to be submitted under section 3555(c) of title 44, United States Code’; and
"(B) in paragraph (2)(C), in the matter preceding clause (i)—
"(i) by striking “and insert”;

(5) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—
"(a) N OTIFICATION.—As expeditiously as

(6) 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.

(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) NATIONALWIDE CONSUMER REPORTING AGENCY.—The term ‘nationalwide consumer reporting agency’ means a consumer reporting agency described in section 602(p) of the Fair Credit Reporting Act (56 Stat. 619(a)(p)).

(9) VULNERABILITY DISCLOSURE.—The term ‘vulnerability disclosure’ means a vulnerability identified under section 3595B.

* § 3592. Notification of breach

(1) 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—
"(i) 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) at an electronic mail address if one is available.

* § 3591. Definitions

(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 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; and
"(B) the security controls that address the threat patterns described in subparagraph (A); and

(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.

* * *
“(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 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 establishment 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) CONTENTS.—A report required under paragraph (1) shall include a written description of the circumstances necessitating a delay in or exclusion from a notification under subsection (a), and any other information the head of the agency determines to be of sufficiently low risk of exposure.

“(d) APPROVAL.—The Director shall determine whether a delay requested under paragraph (1) in consultation with—

“A. the Director of the Cybersecurity and Infrastructure Security Agency; and

“B. the Attorney General.

“(e) DOCUMENTATION.—Any exemption granted by the Director under paragraph (1) shall be accompanied by a written notification required under section 3594(d) and status updates on the notification process described in section 3594(a), including any delay or exemption described in section 3592, if applicable.

“(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 providing 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) DAILY 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 shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate 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; and

“(B) the sensitivity of the details associated with the major incident.

“(2) CONTENTS.—A report required under paragraph (1) shall include, in a manner that excludes or 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, 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 impact to the agency, the Federal Government, or the United States, based on information available to agency officials on the date on which the agency submits the report.

“(b) ANNUAL 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) the major incident that 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; and

“(5) an assessment, 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.

“(c) UPDATE REPORT.—If the agency determines that there is a substantial 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.—The head of an agency shall submit as part of the annual report required under section 3594(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 may submit the report required under paragraph (1) as a component of the annual report submitted under section 3597.

“(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, joint in subsection (c), 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 (c) on the threat causing the major incident.

“(2) COMPONENTS.—The briefing required under paragraph (1) 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 briefing to Congress;

“(2) Congress from requesting additional information from agencies through reports, briefings, or other means.

“§ 3595. Responsibilities of contractors and awardees

“(a) General.—Each agency, contractor, or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee has a reasonable basis to conclude that—

“(A) an incident or breach has occurred with respect to Federal information collected 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 or a major incident involving a contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee;

“(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.

“(2) 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) REQUIREMENTS.—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 or any suspected incident involving information in any medium or form, including paper, oral, and electronic.

“(c) INFORMATION TECHNOLOGY 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) 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

“(C) 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 submitted 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

“(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)).

“(d) 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.

“(e) 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 over 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 owns 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 and Governmental Affairs 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.

"(c) 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 from disparate sources to determine that 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.

"§ 3508. 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 this subchapter and this subchapter.

"(b) REQUIREMENTS.—With respect to the guidance issued under subsection (a), the definition of the term ‘major incident’ shall—

"(1) be consistent with the requirements of 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 any other organization on behalf of an agency—

"(A) any incident that led to, the definition described in subsection (c) (5)(C).’’; and

"(3) an explanation of, and analysis of the impact of, the definition described in paragraph (1);";

"(C) SIGNIFICANT NUMBER OF INDIVIDUALS.—In determining what constitutes a significant number of individuals, the term ‘significant number of individuals’ has the meaning given the term ‘significant number of individuals’ in section 5122 of title 44, United States Code.''

"(2) 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—

"(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.

"(2) in subsection (b), by adding at the end the following:

"(B) 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

"(3) in subsection (c)—

"(i) in paragraph (2)(A)(iv), by inserting ‘‘, including 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 President, and (III) in paragraph (6)(A), by striking "shall be—" and all that follows through "4 employees" and inserting "shall be 4 employees;" and

(c) SUBCHAPTER I—Subchapter I of subtitle III of title 40, United States Code, is amended—

(1) in section 11302—

(A) in subsection (b), by striking "use, security, and disposal of" and inserting "use, and disposal of, and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, promote and improve the security of;"

(B) in subsection (c)—

(i) in paragraph (3)—

(1) in subparagraph (A)—

(aa) by striking "including data and" and inserting "which shall include data;"

(bb) in clause (i), as so designated, by striking "and, performance and" and inserting "and security and performance;"

(cc) by adding at the end the following: "(ii) specifically denote cybersecurity funding under the risk-based cyber budget model pursuant to section 3533(a)(7) of title 44; and

(ii) in subparagraph (B), as so designated, by adding at the end the following:

(B) in paragraph (4)(B), in the matter preceding clause (i), by inserting "not later than 30 days after the date on which the review described in 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 develop and insert";" and

(ii) by adding at the end the following: "(1) The Director shall provide to the National Cyber Director any cybersecurity funding information described in subparagraph (A)(i) that is provided to the Director under the supervision of the agency that are necessary, employ those standards.

(c) the Director, in consultation with 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;" and

(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 when the changes are anticipated to be implemented.

(4) CONGRESSIONAL BRIEFING.—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 issue updated guidance or policy to agencies determined appropriate by the Director, based on the results of the review.

(5) 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;" and

(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 when the changes are anticipated to be implemented.

(5) 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 (42 U.S.C. 7105-1), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, developing consultation with 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(b) of title 44, United States Code, as added by this division, and the report required under subsection (b) 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. 3545 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) 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 3509(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; and

(II) the pattern and type of incidents within the environments and systems of an agency; and

(ii) 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;

(i) 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 on incidents; and

(iv) include requirements for using automation and machine-readable data for data sharing and availability.

(c) CORRESPONDENCE 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 provisions under section 3594(c) of title 44, United States Code, as added by this division, to provide information to other agencies experiencing incidents.

(d) STANDARD GUIDANCE AND TEMPLATES.—

Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop guidance and templates, to be reviewed and 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.

(e) CONTRACTOR AND AWARENESS 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 subsection (A) shall allow contractors and awardees to use existing processes and procedures for identifying Federal agencies of incidents involving information of the Federal Government.

(f) 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)

(g) UPDATE TO THE PRIVACY ACT OF 1974.—

Section 552(a)(1) 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”;

(3) by adding at the end the following:

“(13) to another agency in furtherance of a response to an incident (as defined in section 3506(b)(4) of title 44, United States Code) to the extent practicable to provide 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 such data is necessary to fulfill the particular portion desired and the activity for which the record is sought.”;

SEC. 5124. ADDITIONAL GUIDANCE TO AGENCIES.

Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall issue guidance for agencies on—

(1) performing the ongoing and continuous evaluation of the inventory of the agency required under subsection (b)(1) 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;

(a) DEFINITIONS.—In this section:

(1) REPORTING ENTITY.—The term “reporting entity” means a Federal agency, a Federal 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 provide to 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 mobile device operated by or on behalf of the agency; and

(2) a vulnerability identified by the agency associated with a mobile device; and

(3) a requirement for an 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 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) requirements 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. CYBERSECURITY 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 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 for assigned agency; and
(3) familiarizing themselves with agency systems 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 agencies, if the 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:

11331(c)(1) of title 44, United States Code; and

SEC. 5154. ONGOING THREAT HUNTING PROGRAM.

(a) THREAT HUNTING PROGRAM.—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.

(b) 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—
(1) determine the method for collecting, storing, accessing, and analyzing appropriate agency data;
(2) provide on-premises support to agencies;
(3) staff threat hunting services;
(4) allocate available human and financial resources to implement the plan; and
(5) provide input to the heads of agencies on the use of—
(A) more stringent standards under section 3553(b); and
(B) any other information determined appropriate by the Director to carry out this chapter.
(ii) additional cybersecurity procedures under section 3554 of title 44, United States Code.

(b) REPORT.—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 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 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) to have a good faith effort to follow the vulnerability disclosure policy of the agency developed under subsection (d)(2); and

"(B) is authorized under the vulnerability disclosure policy of the agency developed under subsection (d)(2).

"(2) SHARING INFORMATION WITH CISA.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, shall issue guidance to agencies on sharing relevant information in a consistent, automated, and machine readable manner with the Cybersecurity and Infrastructure Security Agency, including—

"(A) any valid or credible reports of newly discovered or not publicly known vulnerabilities (including misconfigurations) on Federal information systems that use commercial software or services;

"(B) information relating to vulnerability disclosure, coordination, or remediation activities of an agency, particularly as those activities relate to outside organizations.

"(i) with which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency should assist;

"(ii) about which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency should know;

"(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) 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 the ability 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 on that domain.

"(2) VULNERABILITY DISCLOSURE POLICY.—

"(A) The head of each agency shall develop and make publicly available a vulnerability disclosure policy for the agency, which shall—

"(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.

"(e) SUBMISSION TO OMB.—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.

"(f) PAPERWORK REDUCTION ACT EXEMPTION.—The reporting of subsection (c)(1) (commonly known as the 'Paperwork Reduction Act') shall not apply to a vulnerability disclosure program established under this section.

"(g) 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.

"(h) EXEMPTIONS.—The authorities and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency under this section shall not apply to national security systems.

"(i) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities and functions 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)."

"(j) CLEANCUT 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 201, 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 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; and

"(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 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 "December 31, 2026."
SEC. 5150. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIREMENTS.—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 on the performance of the agency using the covered metrics included in the guidance.

(3) PENETRATION TESTS.—Not less than 2 occasions per year period following the date on which guidance is promulgated under paragraph (1), the Director shall ensure that not less than 3 agencies are subject to similar penetration tests, as determined by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, 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) PERFORMANCE OF AGENCY.—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) QUALITATIVE.—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 redesigning subsection (f) as subsection (e).”;

TITLE III—RISK-BASED BUDGET MODEL

SEC. 5161. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriative 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 44, 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” means—

(A) the information technology provided through contracts for goods and services for—

(i) programs for the defense of the information systems and the operations of other agencies;

(ii) information technology and cybersecurity architectures;

(iii) information technology and cybersecurity personnel; and

(iv) cybersecurity and information technology concepts of operations; and

(E) shall be used to establish, review, and update the annual cybersecurity and information technology budget requests of the agency.

(5) RISK-BASED BUDGET.—The term “risk-based budget” means a budget—

(A) developed by identifying and prioritizing cybersecurity risks and vulnerabilities and impact on agency operations in the case of a cyber attack, through analysis of threat intelligence, incident data, and tactics, techniques, procedures, and capabilities of cyber threats; and

(B) that allocates resources based on the risks identified and prioritized under subparagraph (A).

SEC. 5162. ESTABLISHMENT OF RISK-BASED BUDGET MODEL.

(a) IN GENERAL.—

(1) MODEL.—Not later than 1 year after the first publication of the budget submitted by the President under section 1105 of title 31, United States Code, following the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director and in coordination with the Director of the National Intelligence, shall develop a standard model for creating a risk-based budget for cybersecurity spending;

(2) RESPONSIBILITY OF DIRECTOR.—Section 353(a)(i) 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;

(8) the budget 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; and

(C) establish and allocate 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 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.

(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 353(a)(2) of title 44, United States Code, is amended by inserting “and the risk-based budget model required under section 353(a)” after “paragraph (1)”.

(c) REPORTS.

(1) IN GENERAL.—Section 1105(a)(35)(A)(i) of title 31, United States Code, is amended—

(A) in the matter preceding clause (i), by striking “by agency, and by initiative area (as determined by the administration)” and inserting “and by agency”; and

(B) in clause (iii), by striking “and” at the end;

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on November 4, 2021.
the date that is 2 years after the date on which the model developed under subsection (a) is published.

(d) REPORTS.—

(1) BRIEFING AND 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:

‘‘and (6) an assessment of—

(A) Federal agency implementation of the model required under subsection (a); and

(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)(3)(A)(a)(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; and

(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) In this section, the term ‘‘active defensive technique’’ means—

(1) an action taken on the systems of an entity to increase the security of information by increasing 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 President, shall perform a study on the use of active defensive techniques to enhance the security of information by increasing the network of an agency by misleading the adversary; and includes a honeypot, deception, or purposefully feeding false or misleading data to an adversary when the adversary is on the systems of the entity.

(c) REPORT.—Not later than 90 days after the date on which the first 1-year agreement entered into under subsection (b) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the House 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 (b) (1).

(5) DIRECTOR.—The term ‘‘Director’’ means—

(1) in section 2209(b) (6 U.S.C. 659(b)), as so redesignated by section 6203(b) of this division—

(A) the term ‘‘Center’’ means the center established under section 2209; and

(B) any additional agreements entered into with agencies under subsection (d).

DIVISION F—CYBER INCIDENT REPORTING

SEC. 5182. SECURITY OPERATIONS CENTER AS A SERVICE PILOT.

(a) PURPOSE.—The purpose of this section is for the Director of 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 in order to achieve 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 paragraph (2) is developed, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, shall enter into a 1-year agreement with the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, to enter into a 1-year agreement with the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, to establish a shared service offering within the Cybersecurity and Infrastructure Security Agency.

(2) ADDITIONAL AGREEMENTS.—After the date on which the briefing required under subsection (b) 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 90 days after the date on which the first 1-year agreement entered into under subsection (b) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the President, the House Committees on Homeland Security and Governmental Affairs, the Senate 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 parameters of any 1-year agreements entered into under subsection (b).

(2) REPORT.—Not later than 90 days after the date on which the first 1-year agreement entered into under subsection (b) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate committees of the Senate and the House of Representatives a report on—

(A) the agreement; and

(B) any additional agreements entered into with agencies under subsection (d).

DIVISION G—DEFINITIONS

SEC. 6102. DEFINITIONS.

In this title:

(1) COVERED CYBER INCIDENT; COVERED ENTITY; CYBER INCIDENT.—The terms ‘‘covered cyber incident’’ and ‘‘covered entity’’ have the meanings given those terms in section 2230 of the Homeland Security Act of 2002, as added by section 6103 of this division.

(2) RANSOM PAYMENT; RANSOMWARE ATTACK.—The terms ‘‘ransom payment’’ and ‘‘ransomware attack’’ have the meanings given those terms in section 2230 of the Homeland Security Act of 2002 (6 U.S.C. 651), as added by section 6203 of this division.

(3) DIRECTOR.—The term ‘‘Director’’ means the Director of the Cybersecurity and Infrastructure Security Agency.

(4) INFORMATION SYSTEM; SECURITY VULNERABILITY.—The terms ‘‘information system’’ and ‘‘security vulnerability’’ have the meanings given those terms in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1901).

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 2230(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 reporting to ransom payments submitted by entities in furtherance of the activities specified in sections 2232(e), 2233, and 2231, this subsection, and any other authorized activities of the Director to improve 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.


‘‘(3) COVERED CYBER INCIDENT.—The term ‘covered cyber incident’ means a substantial incident experienced by an 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 2230.

‘‘(6) CYBER THREAT.—The term ‘cyber threat’—

(A) has the meaning given the term ‘cyber threat’ in section 2230; 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 entity that holds a Federal Government contract, unless that contractor is a party only to—
“(A) a service contract to provide housekeeping or custodial services; or

“(B) a contract to provide products or services unrelated to information technology that is not a cybersecurity enhancement 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 2.101 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(d) of the Small Business Act (15 U.S.C. 632); or

“(ii) any nonprofit organization, including faith-based organizations and houses of worship, that is an entity employing 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. 2211. CYBER INCIDENT REVIEW.

“(a) ACTIVITIES.—The Center shall—

“(1) receive, aggregate, analyze, and secure, using processes consistent with the processes established 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 perpetrate 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, threat indicators, and ransomware attacks, to assist stakeholders in the critical infrastructure, the people of the United States, and the United States 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;

“(5) receive, aggregate, analyze, and secure reports to lead the identification of 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; and

“(6) coordinate and share information with appropriate Federal departments and agencies to identify and track ransom payments, including those utilizing virtual currencies;

“(7) enhance the quality and effectiveness of information sharing and coordination efforts with appropriate entities, including agencies, industry associations, 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, critical infrastructure owners and operators, cybersecurity and incident response firms, and security researchers, with timely, actionable, and anonymous information about a significant cyber incident, including any trends and features, and including, to the maximum extent practicable, related contextual information, cyber threat indicators, and defensive measures, pursuant to section 2215;

“(8) establish mechanisms to receive feedback from stakeholders on how the Agency can improve its reporting of cybersecurity incident reports, ransom payment reports, and other voluntarily provided information;

“(9) conduct the timely sharing, on a voluntary basis, between appropriate Federal agencies, information relating to covered cyber incidents and ransom payments, particularly with respect to any identified threats or security vulnerabilities identified by and disseminate ways to prevent or mitigate similar incidents.

“(10) 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 group or those incidents and identify and disseminate ways to prevent or mitigate similar incidents in the future;

“(11) with respect to covered cyber incident reports under subsection (b) involving an ongoing cyber threat or security vulnerability, immediately review those reports for cyber threat indicators that can be anonymized and disseminated to appropriate stakeholders, in coordination with other divisions within the Agency, as appropriate;

“(12) publish quarterly unclassified public reports that may be based on the unclassified information contained in the reports required under subsection (b);

“(13) 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 attack vectors and track, and seize ransom payments utilizing virtual currencies, to the greatest extent practicable;

“(14) proactively identify similarities, 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;

“(15) on a 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

“(16) in accordance with section 2236 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 pursuant to subsection (c), make available the information to appropriate Sector Risk Management Agencies and other appropriate Federal agencies.

“(b) INTERAGENCY SHARING.—The Director of the Office of Management and Budget, in consultation with the Director and the National Cyber Director, 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 majority leader 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 report 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 address 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 subject to requirements under paragraphs (1) and (2) 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).

“(3) SUPPLEMENTAL REPORTS.—A covered entity subject to requirements under paragraphs (1) and (2) 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 under paragraphs (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 subject to requirements under paragraphs (1), (2), or (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.

(2) Rulemaking.—The requirements under paragraphs (1), (2) and (3) shall not apply to an entity or the functions of an entity that the Director determines constitutes 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) MANAGER, 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 (6) shall take effect on the dates prescribed in the final rule issued pursuant to subsection (b).

(8) RULEMAKING.—

(1) NOTICE OF PROPOSED RULEMAKING.—Not later than 2 years after the date of enactment of this section, the Director, in consultation with the Sector Risk Management Agencies and the heads of other Federal agencies, shall publish in the Federal Register a notice of proposed rulemaking to implement subsection (a) after issuance of the final rule under paragraph (2), including a rule to amend or revise the final rule.

(2) FINAL RULE.—Not later than 18 months after publication of the notice of proposed rulemaking under paragraph (1), the Director shall issue a final rule to implement subsection (a).

(3) SUBSEQUENT RULEMAKINGS.—

(A) IN GENERAL.—The Director may issue regulations or rulemakings in this subsection only after issuance of the final rule under paragraph (2), including a rule to amend or revise the final rule.

(B) PROCEDURES.—Any subsequent rules issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, including the issuance of a notice of proposed rulemaking under section 553 of such title.

(C) ELEMENTS.—The final rule issued pursuant to subsection (a) shall be composed of the following elements:

(i) 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; and

(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.

(ii) 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, such as an attack on the safety and resiliency of operational systems and processes;

(ii) a disruption of business or industrial operations due to an incident; and

(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 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 perpetrated by a United States Government entity, good faith security research, or in response to an invitation by the owner or operator of the information system for third parties to find vulnerabilities in the information system, such as through a vulnerability disclosure program or the use of authorized penetration testing services; and

(ii) the threat of disruption as extortion, as described in section 2201(b)(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 respect of 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:

(i) a description of the covered cyber incident, including—

(A) a description of the covered cyber incident, including—

(I) an 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 to such an entity with a substantial loss of confidentiality, integrity, or availability of the affected information system, network, or device;

(III) the estimated date range of such incident; and

(IV) the impact to the operations of the covered entity.

(ii) procedures used to perpetrate the covered cyber incident.

(iii) a description of the vulnerabilities, tactics, and procedures used to perpetrate the ransomware attack.

(iv) Where applicable, a description of 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.

(7) Deadlines for submitting reports to the Director shall be 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

(8) BALANCE the need for situational awareness with the ability of the covered entity to conduct incident response and investigations.

(8) PROCEDURES.—

(A) Submittal of reports based on—

(i) A description of the types of data required to be preserved pursuant to section (a)(4) and the period of time for which the data is required to be preserved.

(ii) 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; and

(B) consider any existing regulatory 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.

(iii) 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, where applicable, a concise, user-friendly web-based form.

(B) the Agency to carry out the enforcement provisions of section 2233, including respect to the designation of, withdrawal, and enforcement of subpoenas, appeals and due process procedures, the suspension and debarment provisions in section 2239 and other aspects of noncompliance;

(C) implementing the exceptions provided in subparagraphs (A), (B), and (D) of subsection (a)(5); and

(D) protecting privacy and civil liberties consistent with processes adopted pursuant to section 10(b) of the Cybersecurity Act of 2015 (6 U.S.C. 1564(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, or identifying or sensitive 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 2201(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 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 a public education campaign or otherwise provide information 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 required by 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 cyber incident and ransomware payment reporting entities under paragraphs (1), (2), and (3) of subsection (a).

(D) An overview of the steps taken under section 2232 to the extent that an 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 (2), 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 reformattting of the means by which covered cyber incident reports, ransom payment reports, or ransom payment report submissions may voluntarily offered information is submitted to the Center.

§2233. VOLUNTARY REPORTING OF OTHER CYBER INCIDENTS.

(a) In General.— Entities may voluntarily report incidents or ransom payments to the Center that are not required under paragraphs (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.

§2234. NONCOMPLIANCE WITHOUT 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 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 2233(a), that an entity has experienced a covered cyber incident or ransom payment, and the Director fails to obtain the 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).

(2) TREATMENT.—Information provided to the Center in response to a request pursuant to 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 a ransomware incident or ransom payment has occurred, the Director may issue a subpoena 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. The court may punish a failure to comply with a subpoena issued under this subsection as contempt of court.

(c) CONTEMPT OF COURT.—A court may impose additional available penalties, including suspension or debarment.

(d) ACTIONS BY ATTORNEY GENERAL AND REGULATORS.—

(1) IN GENERAL.—Notwithstanding section 2235(a) and subsection (b)(2) of this section, if the Attorney General or the regulator determines, based on information provided in response to a subpoena issued pursuant to subsection (c), that the facts relating to a covered cyber incident or ransom payment at issue may constitute grounds for a regulatory enforcement action or criminal prosecution, the Attorney General or the appropriate regulator may use that information for a regulatory enforcement action or criminal prosecution.

(2) APPLICATION TO CERTAIN ENTITIES AND THIRD PARTIES.—A covered cyber incident or ransom payment report submitted to the Center by an entity that makes a ransom payment or third party under section 2232 shall not be used by any State, Tribal, or local government to investigate or take another law enforcement action against the entity that makes a ransom payment or third party.

§2235. 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.

§2236. CONSIDERATIONS.—When determining whether to exercise the authorities provided under this section, the Director shall take into account—

(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.

§2237. EXCLUSIONS.—This section shall not apply to a State, local, Tribal, or territorial government entity.

§2238. REPORT TO CONGRESS.—The Director shall submit to Congress a report on the number of times the Director—

(1) issued an initial request for information pursuant to subsection (b);

(2) issued a subpoena pursuant to subsection (c);

(3) brought a civil action pursuant to subsection (d); or

(4) conducted additional actions pursuant to subsection (d).

§2239. INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.

(a) DISCLOSURE, RETENTION, AND USE.—

(1) AUTHORIZED ACTIVITIES.—Information provided pursuant to this section shall be used by any Federal, State, or local government to—

(A) prevent, detect, and respond to cyber attacks;

(B) support law enforcement or national security investigations;

(C) prevent, detect, and respond to threats to the national security of the United States; and

(D) otherwise protect the national security interests of the United States.

§2240. RESPONSIBILITY TO ADVISE.—An entity that has reason to believe it may be required to report a cyber incident or ransom payment, and the Director fails 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 such entity to confirm whether or not a covered cyber incident or ransom payment has occurred.

§2241. TREATMENT.—Information provided to the Center in response to a request pursuant to paragraph (1) shall be treated as if it was submitted through the reporting procedures established in section 2232.

§2242. AUTHORITY TO ISSUE SUBPOENAS AND DEBAR.—

(1) AUTHORIZED ACTIVITIES.—Information provided pursuant to this section shall be used by any Federal, State, or local government to—

(A) prevent, detect, and respond to cyber attacks;

(B) support law enforcement or national security investigations;

(C) prevent, detect, and respond to threats to the national security of the United States; and

(D) otherwise protect the national security interests of the United States.
applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

(A) a cyber threat or ransom payment report to the Center or the Agency pursuant to section 2232, or any successor document; or

(B) any other threat to physical safety; or

(C) a threat to the physical safety of a specific private person or entity.

(2) Standards for Sharing Security Vulnerabilities.—With respect to information that identifies a specific individual, in accordance with processes to be developed for the protection of personal information consistent with processes adopted pursuant to section 105 of the Computer Fraud and Abuse Act, 18 U.S.C. 1030, and in a manner that protects from unauthorized use or disclosure any information that may contain—

(A) personally identifiable information of a specific individual; or

(B) information that identifies a specific individual that is not directly related to a cybersecurity threat indicator.

(3) 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 appendix A of the Federal Information Processing Standards Publication 199, or any successor document.

(4) Prohibition on Use of Information in Regulation.—A Federal entity shall not use information about a covered cyber incident or ransom payment obtained solely through reporting pursuant to this subtitle or any other provision of law in accordance with this subtitle to regulate, including through an enforcement action, the lawful activities of the covered entity or entity that made a ransom payment.

(5) No Waiver of Privilege or Protection.—The submission of a report to the Center or the Agency pursuant to 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 pursuant to section 2232(a) that is exempt from disclosure under subsection (b)(3)(B) of title 5, United States Code (commonly known as the ‘‘Freedom of Information Act’’), and any information contained in a report required by law requiring disclosure of information or records.

(d) Ex Parte Communications.—The submission of a covered cyber incident report to the Center or the Agency pursuant to 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 for or on account of any action taken or any other conduct in or related to the receipt or consideration of a report or ransom payment report to the Center or the Agency.

(2) Restrictions.—Notwithstanding paragraph (1)—

(A) immunity and any legal protection of a report submitted to the Center or the Agency pursuant to subsection (a) shall be exempt from any civil or criminal action or proceeding in the United States for or on account of any action taken or any other conduct in or related to the receipt or consideration of a report or ransom payment report submitted pursuant to that subsection; or

(B) a report submitted to the Center or the Agency pursuant to subsection (a) shall not be considered to be a report or ransom payment report for purposes of any law requiring disclosure of information or records.

(f) Sharing With Non-Federal Entities.—The Center and the Agency shall share information with non-Federal entities described in section 2235 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 avoid conflicting, duplicative, or burdensome requirements; and
(2) coordinate with the Director and regulatory authorities that receive reports relating to cyber incidents to identify opportunities to streamline reporting processes, and where feasible, facilitate interagency agreements or other 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 identified in paragraph (1), and the determination of vulnerabilities or vulnerable systems.
(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 security vulnerabilities identified in paragraph (1), and the determination of vulnerabilities or vulnerable systems.
(c) Entity Notification.—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 notify the owner of the information system.
(d) Prioritization of Notifications.—To prioritize the task force to coordinate an ongoing national—wide campaign against ransomware attacks, and identify and pursue opportunities for international cooperation.

SEC. 6107. CONGRESSIONAL REPORTING.
(a) 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 on the implementation of this Act and the amendments made by this Act.
(b) Report on Ransomware Vulnerability Warning Pilot Program.—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 on the implementation of this Act and the amendments made by this Act.
SEC. 6202. CONSOLIDATION OF DEFINITIONS.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) 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 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 production services related to information processing, as defined by the National Institute 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) any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, protective capability, or protective 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;

(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, 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;

(8) DEFENSIVE MEASURE.—The term ‘defensive measure’ means an action, device, procedure, signature, technique, or other measure applied to an information system or information system information, that is used on, procured by, or transiting an information system.

(9) 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.

(10) CYBERSECURITY THREAT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘cybersecurity threat’ means an action or action taken 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, 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 system information.

(12) CYBERSECURITY THREAT.—

(A) IN GENERAL.—The term ‘cybersecurity threat’ means an action or action taken 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, 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.

(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) sharing information, including critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, or respond to, or recover from, the effects of an interference, compromise, or a incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;
(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 3(4) of the National Security Act of 1947 (50 U.S.C. 101 et seq.).
(16) 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 a hosting), or in a third party data center.
(17) MONITOR.—The term ‘monitor’ means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transmitted 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 or incidents, to 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 and incidents, including potential cascading effects, and developing courses of action to mitigate such risks;
(D) facilitating information sharing and operations in coordination with threat response; and
(E) providing guidance on how best to utilize Federal resources and capabilities in a timely manner or order to speed recovery from cybersecurity risks.
(20) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 11163 of title 44, 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 unauthorized or malicious code on an information system, or the threat of use of another digital mechanism such as a denial of service attack, to interrupt or disrupt the operations of an information system or compromise the confidentiality, availability, or integrity of electronic data processed by an information system, by transiting an information system to extort a demand for a ransom payment; and
(B) does not include any such event where the demand is made by a Federal Government entity, good faith security research, or in response to an invitation by the owner or operator of the information system for third parties to identify vulnerabilities in the information system.
(23) SECTOR RISK MANAGEMENT AGENCY.—The term ‘Sector Risk Management Agency’ means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.
(24) SECURITY VULNERABILITY.—The term ‘security vulnerability’ means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.
(25) SHARING.—The term ‘sharing’ (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).
(26) SUPPLY CHAIN COMPROMISE.—The term ‘supply chain compromise’ means a cyber incident within the supply chain of an information technology system whereby an adversary exploits vulnerabilities of the information technology system or the information systems, processes, or transmits, and can continue through the life cycle.
(27) VIRTUAL CURRENCY.—The term ‘virtual currency’ means the digital representation of value that functions as a medium of exchange, a unit of account, or a store of value.
(28) VIRTUAL CURRENCY ADDRESS.—The term ‘virtual currency address’ means a unique public cryptographic key identifying the location to which a virtual currency payment can be made.
(b) TEC H NICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—
(i) in paragraph (1)—
(A) in subsection (a)(1), by striking ‘‘(c)’’ before ‘‘Assistant Director’’; and
(B) by redesignating subsections (b) through (2) as subsections (a) through (e), respectively;
(C) in subsection (b), as so redesignated, by striking ‘‘subsection (b)’’ and inserting ‘‘subsection (c)’’;
(D) in section 2211, by striking subsection (h); and
(E) in section 2212, by striking ‘‘information sharing and analysis organizations as defined in section 2222(b)’’ and inserting ‘‘Information Sharing and Analysis Organizations’’; and
(ii) by striking ‘‘(as defined in section 2220’’; and
(D) in subsection (c), as so redesignated, by striking ‘‘subsection (c)’’ and inserting ‘‘subsection (b)’’;
(10) in section 2216, as so redesignated—
(A) by striking subsections (b) through (h) as subsections (a) through (g), respectively;
(B) by redesigning subsections (b) through (h) as subsections (a) through (g), respectively;
(C) in subsection (a), as so redesignated—
(i) in the matter preceding paragraph (1), by striking ‘‘subsection (c)’’ and inserting ‘‘subsection (b)’’;
(ii) in paragraph (1), by striking ‘‘subsection (c)’’ and inserting ‘‘subsection (b)’’;
(9) in section 2212, by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘information sharing and analysis organizations as defined in section 2222(b)’’; and
(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)’’;
(E) in subsection (d), as so redesignated, by striking ‘‘subsection (c)’’ and inserting ‘‘subsection (b)’’;
(F) in subsection (e), as so redesignated—
(i) by striking ‘‘subsection (b)’’ and inserting ‘‘subsection (c)’’;
(ii) by striking ‘‘subsection (e)’’ and inserting ‘‘subsection (d)’’; and
(G) in subsection (f), as so redesignated, by striking ‘‘subsection (e)’’ and inserting ‘‘subsection (d)’’; and
(ii) by striking “subsection (b)(1)” and inserting “subsection (a)(1)”;

(G) in subsection (f), as so redesignated, by striking “subsection (c)” and inserting “subsection (b)(1)”;

(ii) in section 2217, as so redesignated, by striking subsection (f) and inserting the following:

“(I) CYBER DEFENSE OPERATION DEFINED.—In this section, the term ‘cyber defense operation’ means the use of a defensive measure.”;

(ii) in subsection 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.

(2) TITLE 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—

(A) in subsection 2201—

(A) by striking paragraphs (3), (5), and (8); and

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraphs 6 and 7 as paragraphs 4 and 5, respectively.

(3) 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—

(A) in subsection (a)—

(i) in paragraph (1), by striking “section 2213” and inserting “section 2200”;

(ii) in paragraph (4), by striking “section 2213(b)(1)” and inserting “section 2213(a)(1)”;

(iii) in paragraph (5), by striking “section 2213(b)” and inserting “section 2213(a)”;

(iv) in paragraph (9), by striking “section 2213(c)” and inserting “section 2213(d)”;

(v) by redesignating paragraphs 6 and 7 as paragraphs 4 and 5, respectively.

(4) SECURITY VULNERABILITY AND EXCELLENCE IN EDUCATION MODERNIZATION.—Section 1405 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 7026) is amended—

(a) by striking paragraph (5) and inserting the following:

“(5) The term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and any other territory or possession of the United States;” and

(b) by striking paragraph (6) and inserting the following:

“(6) The term ‘eligible person’ means—

(A) a permanent resident alien of the United States;

(B) a citizen or national of the United States;

(C) a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, or the Palauan;

(D) any person who may be admitted to lawfully engage in occupations and establish residence as a nonimmigrant in the United States as permitted under the Compact of Free Association agreements with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.”

(b) BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION AWARDS.—

(1) Section 146(a) of the Barry Goldwater Scholarship and Excellence in Education Program (20 U.S.C. 4704(a)) is amended—

(A) in the subheading, by striking “AWARDS OF SCHOLARSHIPS, FELLOWSHIPS, AND RESEARCH INTERNSHIPS” and inserting “AWARDS OF SCHOLARSHIPS, FELLOWSHIPS, AND RESEARCH INTERNSHIPS’’;

(B) in paragraph (1)—

(i) by striking “scholarships and fellowships” and inserting “scholarships, fellowships, and research internships”;

(ii) by striking “an individual’s award” and inserting “an individual’s scholarship, fellowship, or research internship”;

(iii) by striking “fellowships” and inserting “scholarships, fellowships, and research internships”;

(iv) by striking “the natural sciences, engineering, and mathematics” and inserting “the natural sciences, engineering, and mathematics”;

(C) by redesignating paragraph (5) as paragraph (4); and

(d) in paragraph (3), by striking “the natural sciences, engineering, and mathematics” and inserting “the natural sciences, engineering, and mathematics”;

(e) by redesigning paragraph (4) as paragraph (5);

(f) in paragraph (5), as so redesignated, by striking “scholarships and fellowships” and inserting “scholarships, fellowships, and research internships”;

(g) by inserting after paragraph (3) the following:

“(4) Research internships shall be awarded to outstanding undergraduate students who intend to pursue careers in the natural sciences, engineering, and mathematics, which shall be prioritized for students attending community colleges.

(2) Section 1405(b) of the Barry Goldwater Scholarship and Excellence in Education Program (20 U.S.C. 4704(b)) is amended by adding at the end the following:

“(b) The Board makes available research internships for two years in which recipients of research internships under this title shall be known as ‘Barry Goldwater Interns.’”

(c) BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION MODERNIZATION.—

(1) Section 1403 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 7023) is amended—

(a) CLARIFYING AMENDMENTS TO DEFINITIONS.—Section 1405 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 7026) is amended—

(A) by inserting before the item relating to "subsection (a)(1)";

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraphs 6 and 7 as paragraphs 4 and 5, respectively.

(2) TITLE 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—

(A) in subsection (a)—

(i) in paragraph (1), by striking “section 2213” and inserting “section 2200”;

(ii) in paragraph (4), by striking “section 2213(b)(1)” and inserting “section 2213(a)(1)”;

(iii) in paragraph (5), by striking “section 2213(b)” and inserting “section 2213(a)”;

(iv) in paragraph (9), by striking “section 2213(c)” and inserting “section 2213(d)”;

(b) PUBLIC HEALTH SERVICE ACT.—Section 281(b)(4)(D) of the Public Health Service Act (42 U.S.C. 300b-10(b)(4)(D)) is amended by striking “section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 140(c))” and inserting “section 228(c) of the Homeland Security Act of 2002”.

(c) WILLIAM M. (MAC) THORNBERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021.—Section 8002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a) is amended—

(A) in subsection (a)—

(i) in paragraph (5), by striking “section 2223(b)” of the Homeland Security Act of 2002 (116 Stat. 2135) and inserting “section 2223(d)(2)”;

(ii) in paragraph (9), by striking “section 2223(c)” and inserting “section 2223(d)”;

(b) in paragraph (11)—

(1) by inserting before the item relating to "subsection (a)(1)";

(2) by striking paragraph (5) and inserting the following:

“(5) The term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and any other territory or possession of the United States;” and

(c) in paragraph (6) and inserting the following:

“(6) The term ‘eligible person’ means—

(A) a permanent resident alien of the United States;

(B) a citizen or national of the United States;

(C) a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau; or

(D) any person who may be admitted to lawfully engage in occupations and establish residence as a nonimmigrant in the United States as permitted under the Compact of Free Association agreements with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.”

SA 4517. Mr. KELLY (for himself, Ms. COLLINS, Ms. SINEMA, Mrs. FEINSTEIN, and Mr. WYDEN) submitted an amendment—

(a) FEDERAL CYBERSCURITY ENHANCEMENT ACT OF 2015.—The Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521 et seq.) is amended—

(i) in section 2209—

(A) in paragraph (4), by striking “section 2219” and inserting “section 2210”;

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraphs 6 and 7 as paragraphs 4 and 5, respectively.

(ii) in section 2209—

(A) in paragraph (3), by striking “revised by the Board, which shall not exceed
the maximum stipend amount awarded for a scholarship or fellowship.

(d) SCHOLARSHIP AND RESEARCH INTERNSHIP CONDITIONS.—Section 1407 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4706) is amended—

(1) in the section heading, by inserting “AND RESEARCH INTERNSHIP” after “SCHOLARSHIP”;

(2) in subsection (a)—

(A) by striking the subsection heading and inserting “SCHOLARSHIP CONDITIONS”;

(B) in paragraph (1), by striking “in order to carry out the purposes of this title” and inserting “in order to carry out the purposes of this title and the Foundation”;

(C) in paragraph (3), by striking “and” at the end;

(3) in subsection (b), by striking the subsection heading and inserting “REPORTS ON SCHOLARSHIPS”;

(4) by inserting at the end the following:

“(c) SCHOLARSHIP INTERNSHIP CONDITIONS.—A person awarded a research internship under this title may receive payments authorized under this title only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency pursuant to regulations of the Board.

“(d) REPORTS ON RESEARCH INTERNSHIPS.—The Foundation may require reports containing such information in such form and to be filed at such times as the Foundation determines necessary from any person awarded a research internship under this title. Such reports may be accompanied by a certificate from an appropriate official of the institution of higher education or internship site, signed by the appropriate Secretary appointed under section 1410, that the person is making satisfactory progress in the internship.

“(e) SUSTAINABLE INVESTMENTS OF FUNDS.—In paragraph (9) of subsection (b), by inserting at the end the following:

“(4) by inserting at the end the following:

“(A) a rate of basic pay set under this title; and

“(B) by striking the subsection heading and inserting “level IV of the Executive Schedule’’;”

(f) SCHOLARSHIP REIMBURSEMENT.—Section 1408 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4708) is amended—

(1) in subsection (a), by striking “subparagraph (A)’’;

(2) in subsection (b), by striking the subsection heading and inserting “REIMBURSEMENT CONDITIONS’’;

(3) in paragraph (2), by striking “and” at the end;

(g) FUND AMENDMENTS.—Section 33 of title 5, United States Code, governing appointment in the Executive branch, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) appoint and fix the rates of basic pay for such personnel (in addition to the Executive Secretary appointed under section 1405, or to increase the amount of the stipend authorized by section 1406, as the Board considers appropriate and is otherwise consistent with the provisions of this title).”;

(2) in subsection (a), by inserting “and annually thereafter through 2027, the Secretary of Defense, in coordination with the Secretary of State, the Director of National Intelligence, and the Secretary of the Treasury, shall submit to the appropriate committees of Congress a report on the activities of the Islamic Republic of Iran, which is a designated state sponsor of terrorism, with respect to the material, technological, financial, or other support provided by the Islamic Republic of Iran to the following:

(1) Shiite militias.

(2) Houthi in Yemen.

(3) Hezbollah.

(4) Hamas.

(5) The Palestinian Islamic Jihad.

(6) The Taliban.

SEC. 1224. REPORT ON MALIGN INFLUENCE OF THE ISLAMIC REPUBLIC OF IRAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2027, the Secretary of Defense, in coordination with the Secretary of State, the Director of National Intelligence, and the Secretary of the Treasury, shall submit to the appropriate committees of Congress a report on the activities of the Islamic Republic of Iran, which is a designated state sponsor of terrorism, with respect to the material, technological, financial, or other support provided by the Islamic Republic of Iran to the following:

(1) Shiite militias.

(2) Houthi in Yemen.

(3) Hezbollah.

(4) Hamas.

(5) The Palestinian Islamic Jihad.

(6) The Taliban.

Portions of this act are embodied in報導如下。
SA 4522. Mr. Peters submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. DEPARTMENT OF HOMELAND SECURITY OTHER TRANSACTION AUTHORITY.

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “September 30, 2017” and inserting “September 30, 2024”;

(B) by amending paragraph (2) to read as follows:

“(2) PROTOTYPE PROJECTS.—The Secretary—

(A) may under the authority of paragraph (1), carry out prototype projects under section 2371b of title 10, United States Code; and

(B) in applying the authorities of such section 2371b, shall perform the functions of the Secretary of Defense as prescribed in such section.”;

(2) in subsection (c)(1), in the matter preceding paragraph (A), by striking “September 30, 2017” and inserting “September 30, 2024”;

and

(3) in subsection (d), by striking “section 455(e)” and all that follows and inserting “section 2371(b(e) of title 10, United States Code.”;

SA 4523. Ms. Sinema (for herself and Mr. Boozman) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. RECREATION PASSES.


(1) in the heading, by striking “age and disability discounted” and inserting “age discount and lifetime”; and

(2) in subsection (b)—

(A) in the heading, by striking “Discounted” and inserting “FREE AND DISCOUNTED”;

(B) in paragraph (2)—

(i) in the heading, by striking “DISABILITY DISCOUNT” and inserting “LIFETIME PASS”; and

(ii) by striking paragraph (B) and inserting the following:

“(B) Any veteran who provides adequate proof of military service as determined by the Secretary of Defense;”;

(C) Any member of a Gold Star Family who meets the eligibility requirements of section 3.2 of Department of Defense Instruction 1348.36 (or a successor instruction);”;

and

(C) in paragraph (3)—

(i) in the heading, by striking “Gold Star Families” and inserting “ANNUAL PASSES”; and

(ii) by striking “members of” and all that follows through the end of the sentence and inserting “members of the uniformed services and their dependents who provide adequate proof of eligibility for such pass as determined by the Secretary.”;

SA 4524. Mr. Ossoff submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. REPORT BY SECRETARY OF THE NAVY ON UNMANNED UNDERSEA VEHICLES.

Not later than June 30, 2022, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that includes the following:

(1) Detailed plans of the Navy for basing Navy unmanned underwater vehicles and planned or potential unmanned undersea vehicle squadrons, including the infrastructure, personnel, and logistical requirements for the planning, training, operations, and maintenance of such vehicles.

(2) An examination of the merits of locating the vehicles and squadrons described in paragraph (1) at sites undergoing retrofitting, renovation, and upgrades in support of the transition from Ohio-class submarines to Columbia-class submarines.

SA 4525. Mr. Schatz submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. RIGHTS FOR THE TSA WORKFORCE.

(a) DEFINITIONS.—In this section—

(1) the term “2019 Determination” means the publication entitled “Determination on Transportation Security Administration and Collective Bargaining”, issued on July 13, 2019, by Administrator David P. Pekoske;

(2) the term “adjusted basic pay” means—

(A) the rate of pay fixed by law or administrative action for a position occupied by a covered employee, before any deductions; and

(B) any regular, fixed supplemental payment for non-overtime hours of work creditable as basic pay for retirement purposes, without regard to any applicable locality payment and any special rate supplement; and

(3) the term “Administrator” means the Administrator of the Transportation Security Administration;

(4) the term “conversion date” means the date on which subparagraphs (A) through (D) of subsection (b)(3) take effect; and

(5) the term “covered employee” means an employee who occupies a covered position;

(6) the term “covered position” means a position within the Transportation Security Administration;

(7) the term “employee” has the meaning given in the term in section 2105 of title 5, United States Code, which shall be determined without regard to any provision of law cited in paragraph (9);

(8) the term “Secretary” means the Secretary of Homeland Security; and

(9) the term “TSA personnel management system” means any personnel management system established or modified under—

(A) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note); or

(B) section 114(n) of title 49, United States Code;

(b) CONVERSION OF TSA PERSONNEL.—

(1) RESTRICTIONS ON CERTAIN PERSONNEL ACTIONS.—Notwithstanding any other provision of law, effective as of the date of enactment of this Act—

(A) any TSA personnel management system in use for covered employees and covered positions on the day before that date of enactment, and any Transportation Security Administration personnel management policy, letters, guidelines, or directive in effect on that date, may not be modified;

(B) no Transportation Security Administration personnel management policy, letter, guidelines, or directive that was not established before that date issued under section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) or section 114(n) of title 49, United States Code, may be established; and

(C) any authority to establish or adjust a human resources management system under chapter 97 of title 5, United States Code, shall terminate with respect to covered employees and covered positions.

(2) PERSONNEL AUTHORIZATIONS DURING TRANSITION PERIOD.—Any TSA personnel management system in use for covered employees and covered positions on the day before the date of enactment of this Act and any Transportation Security Administration personnel management policy, letter, guideline, or directive in effect on the day before that date of enactment, and any Transportation Security Administration personnel management policy, letters, guideline, or directive in effect in such period, shall cease to be effective; and

(3) TRANSITION TO GENERAL PERSONNEL MANAGEMENT SYSTEM APPLICABLE TO CIVIL SERVICE EMPLOYEES.—Effective as of a date determined by the Secretary, but in no event later than 180 days after the date of enactment of this Act—

(A) each provision of law cited in subsection (a)(9) is repealed;

(B) any Transportation Security Administration personnel management policy, letter, guidelines, or directive that was not established or modified under section 114(n) of title 49, United States Code, with respect to covered employees or covered positions shall cease to be effective; and

(C) any human resources management system established or adjusted under chapter 97 of title 5, United States Code, with respect to covered employees or covered positions shall cease to be effective; and
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(D) covered employees and covered posi-
tions shall be subject to the provisions of title 5, United States Code.

(4) SAFEGUARDS ON GRIEVANCES.—In car-
rying out the provisions of title 5, United States Code, under subsection (b)(3)(A)(i) and (ii), the Secretary shall take such actions as are necessary to provide an opportunity to each covered employee with a grievance or disciplinary action (including recruitment) pursuant to the Transportation Security Administration on the date of enactment of this Act, or at any time during the transition period described in paragraph (3), to have that griev-
ance removed to proceedings pursuant to title 5, United States Code, or continued within the Administration.

(c) NONREDUCTION IN PAY AND COMPENSATION.—

(1) NONREDUCTION IN PAY AND COMPENSA-
tion.—

(A) IN GENERAL.—Subject to subparagraph (B), under pay conversion rules as the Sec-
retary may prescribe to carry out this section, a covered employee converted from a TSA personnel management system to the provisions of title 5, United States Code, under subsection (b)(3)(D) shall not be subject to any reduction in the rate of adjusted basic pay payable, or total compensation provided, to those employees. (B) FEDERAL A IR MAR SHAL SERVICE.—An employee of the Federal Air Marshal Service converted from a TSA personnel manage-
ment system to the provisions of title 5, United States Code, under subsection (b)(3)(D) shall be converted such that the rate of adjusted basic pay payable to the em-
ployee for that rate for a position at GS-13 of the General Schedule. (2) PRESERVATION OF OTHER RIGHTS.—With respect to each covered employee, as of the conversion date, the Secretary shall take any actions necessary to ensure that—

(A) any annual leave, sick leave, or other paid leave accrued, accumulated, or other-
wise provided to those employees, as of the day before the conversion date, shall re-
main available to the covered employee until used; and

(B) the government share of any premiums or other periodic charges under chapter 89 of title 5, United States Code, governing group health insurance shall be paid in an amount that is not less than the amount paid for those premiums and other periodic charges, as of the day before the conversion date.

(3) GAO STUDY ON TSA PAY RATES.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the differences in rates of pay, classification, and pay levels of TSA personnel and those of Federal Air Marshal Service employees—

(A) with duty stations in the contiguous 48 States; and

(B) with duty stations outside of the States described in subparagraph (A), includ-
ing those employees located in any territory or possession of the United States.

(4) BRIEFING REQUIRED.—During the transition period described in subsection (b)(3), and after the conversion date, the Secretary shall ensure that the Transportation Security Administration continues to pre-
vent the appointment of individuals who have been convicted of a sex crime, an off-
fense involving a minor, a crime of violence, or terrorism.

(d) CONSULTATION REQUIREMENT.—

(1) EXCLUSIVE REPRESENTATIVE.—

(A) IN GENERAL.—The labor organization certifi-
ced under the date of enactment of title 5, United States Code, as the exclusive representa-
tive of a covered employee of the Transportation Security Administration is, on the date of enactment of this Act, the exclusive representative of the covered employee of the Transportation Security Administration.

(B) SELECTION.—The Comptroller General of the United States shall consider the views or recommendations submitted under paragraph (1) in selecting the labor organization certified under the date of enactment of this Act as the exclusive representative of the covered employee of the Transportation Security Administration.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be considered—

(1) to repeal or otherwise affect—

(A) section 1918 of title 18, United States Code (relating to the right of the United States to enter into agreements concerning the assignment of veterans, to covered positions.

(l) PREVENTION AND PROTECTION AGAINST CERTAIN ILLNESS.—The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention and the Director of the National Institute of Allergy and Infectious Diseases, shall ensure that covered employees are provided proper guid-
ance regarding prevention and protections against coronavirus, including appropriate resources.

SEC. 1253. BRIEFING ON SYNCHRONIZATION OF IMPLEMENTATION OF PACIFIC DETERRENCE INITIATIVE AND EUROPEAN DETERRENCE INITIATIVE.

(a) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Deputy Secretary of Defense shall provide to the congressional defense committees a briefing on the synchronization of the pro-
cesses used to implement the Pacific Deter-
rence Initiative with the processes used to implement the European Deterrence Initiative.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to—

(1) the allocation of fiscal topline resources to the program objective memorandum process to
support such initiatives at the outset of the process;
(2) the role of the combatant commanders in setting requirements for such initiatives;
(3) the role of the military departments and other components of the Armed Forces in proposing programmatic options to meet such requirements; and
(4) the role of the combatant commanders, the military departments and other components of the Armed Forces, the Cost Assessment and Program Evaluation Office, and the Deputy Secretary of Defense in adjudicating requirements and programmatic options.
(A) before the submission of the program objective memorandum for each such initiative; and
(B) during program review.
(b) GUIDANCE.—In establishing program objective memorandum guidance for fiscal year 2024, the Deputy Secretary of Defense shall ensure that the processes used to implement the Pacific Deterrence Initiative align with the processes used to implement the European Deterrence Initiative, including through the allocation of fiscal toplines for each such initiative in the fiscal year 2024 process.

SA 4527. Mr. SULLIVAN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle P of title X, add the following:

SEC. 1054. REPORT ON SHARING OF ILLEGAL, UNREPORTED, AND UNREGULATED IUU FISHING-RELATED INFORMATION.
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Natural Resources of the House of Representatives a report on the ability and effectiveness of, and barriers to, the Department of Defense related to the dissemination and generation of IUU fishing-related information, particularly related to the sharing of Department of Defense information with other countries, State and local governments, and private organizations.
(b) ELEMENTS.—The report required under subsection (a) shall include—
(1) a description of the challenges resulting from, and ways to overcome, classification and dissemination issues related to the sharing of nonpublic IUU fishing-related information, and
(2) a description of the current and future planned use by the Department of Defense of technology, including image recognition algorithms, to combat IUU.

SA 4528. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle G of title X, add the following:

SEC. 1064. CBP DONATIONS ACCEPTANCE PROGRAM.
(a) SHORT TITLE.—This section may be cited as the "CBP Donations Acceptance Program Reauthorization Act.
(b) INCLUSION OF GOVERNMENT-LEASED LAND PORTS OF ENTRY; REAUTHORIZATION.—Section 482 of the Homeland Security Act of 2002 (6 U.S.C. 301a) is amended—
(1) in subsection (a)—
(A) in subparagraph (B), by inserting "or leased" before "land"; and
(B) in subparagraph (C), in the matter preceding clause (1), by inserting "or leased" before "land"; and
(2) in subsection (b)—
(A) in subparagraph (A), by striking "terminate" and all that follows and inserting "terminate on December 31, 2026."; and
(B) in subparagraph (B), by striking "carrying out" and all that follows and inserting "a proposal accepted for consideration by U.S. Customs and Border Protection pursuant to this section or a prior pilot program before such termination date.
(c) GAO BIENNIAL REPORT.—
(2) SUNSET.—Paragraph (1) shall cease to be effective on December 31, 2026.

SA 4529. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle G of title XII, add the following:

SEC. 1293. PROHIBITION ON USE OF FUNDS FOR THE ARAB GAS PIPELINE.
(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 may be obligated or expended to implement any activity relating to the construction, repair, restoration, or assessment of the Arab Gas Pipeline.
(b) CERTIFICATION.—The Secretary of Energy may waive the application of subsection (a) if, not less than 30 days before the date on which a proposed activity described in that subsection is proposed to commence, the Secretary of Energy certifies to the appropriate committees of Congress that the proposed activity—
(1) involves knowingly engaging in a significant financial, material, or technological support to, or in the acquisition or leasing of goods or services from, and ways to overcome, classification and dissemination issues related to the sharing of Department of Defense information with other countries, State and local governments, and private organizations.
(b) ELEMENTS.—The report required under subsection (a) shall include—
(1) a description of the challenges resulting from, and ways to overcome, classification and dissemination issues related to the sharing of nonpublic IUU fishing-related information, and
(2) a description of the current and future planned use by the Department of Defense of technology, including image recognition algorithms, to combat IUU.

SA 4530. Mr. VAN HOLLEN (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of title X, add the following:

Subtitle II—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 other requirements and duties from approved overseas locations where there is a related Foreign Service assignment pursuant to an approved Domestically Employed Teleworking Overseas Agreement.
(2) PARTICIPATION.—The policy described under paragraph (1) shall—
(A) that telework does not diminish employee performance or agency operations; and
(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.

(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 telework 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 whose official duties require on a daily basis (every work day)—

(i) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

(ii) on-site activity that cannot be handled remotely or at an alternate worksite;

(E) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency; and

(F) enumerate the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations.

(b) SEC. 1784. — Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall—

(1) establish appropriate agreements with the International Cooperative Administrative Support Services (ICASS) system.

(2) establish a jointly administered International Cooperative Administrative Support Services (ICASS) system.

SEC. 1075. 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—

(A) by striking “The Secretary may” and inserting “The Secretary shall”: and

(B) by amending subparagraph (C) to read as follows:

“(C) establishing a program for assisting eligible family members in accessing employment and education opportunities, as appropriate. The program may include urging 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.”;

(b) by adding after paragraph (9), as redesignated by paragraph (2) of this subsection, the following new paragraph:

“(10) An estimate of the number of individuals who have declined in writing to apply to any employee of the agency whose official duties require on a daily basis (every work day)—

(i) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

(ii) on-site activity that cannot be handled remotely or at an alternate worksite;

(E) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency; and

(F) enumerate the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations.

(b) SEC. 1784. — Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall—

(1) establish appropriate agreements with the International Cooperative Administrative Support Services (ICASS) system.

(2) establish a jointly administered International Cooperative Administrative Support Services (ICASS) system.
(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. 1015a) is amended—

(1) in the section heading, by striking "THE ARMED FORCES, THE 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:

(5) 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. 2623)) 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.—Section 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:

"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 (30 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 Foreign Service who are posted abroad at a Foreign Service post in accordance with this Act."

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 906 the following new item:

"Sec. 907. Termination of residential or motor vehicle leases and telephone service contracts."

SA 4531. Mr. REED submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. 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 (30 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 Foreign Service who are posted abroad at a Foreign Service post in accordance with this Act."

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 906 the following new item:

"Sec. 907. Termination of residential or motor vehicle leases and telephone service contracts."

SA 4532. Mr. HEINRICH (for himself, Mr. LUJAN, and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

"SECTION 1. RESCSSION OF SECRETARY OF HOMELAND SECURITY'S WAIVER AUTHORITY TO EXPEDITE THE CONSTRUCTION OF BARRIERS AND ROADS ALONG THE SOUTHWEST BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1103 note) is amended by striking subsection (c)."

SA 4533. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

"SEC. 1054. REPORT ON THE HUMANITARIAN IMPACT OF THE GAZA RESTRICTIONS AND THE FEASIBILITY OF ENDING THE RESTRICTIONS.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States, after consultation with the President, the Secretary of State, the Secretary of Defense, the Administrator of the United States Agency for International Development, and appropriate representatives of the United Nations, the World Bank, the European Union, and donor nations supporting reconstruction efforts in Gaza, shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding—

(1) whether the implementation of the Gaza Reconstruction Measures is consistent with the terms of the Gaza Offense and also adhering to international dual-use standards;

(2) short-, medium-, and long-term solutions to address the humanitarian and political crisis in Gaza;

(3) the economic, humanitarian, political, and psychological impact of the restrictions on Palestinians in Gaza and its impact on reconstruction and recovery efforts following the Israeli airstrikes in May 2021;

(4) any arbitrary delays caused by extra Israeli inspections;

(5) the feasibility of replacing the current inspection mechanism at the border crossings in Gaza with an international inspection mechanism established and conducted by the World Bank, the European Union, and donor nations; and

(6) the feasibility of the United Nations, in consultation with all key stakeholders, leading the facilitation and inspection mechanisms of a new international agreement on movement and access for Gaza, a neutral and transparent way that addresses humanitarian, economic, and legitimate security concerns;"

(b) The feasibility of denying United States boats in the Port of Gaza, including an analysis of—

(1) the economic, humanitarian, political, and psychological impact of the restrictions on Palestinians in Gaza and its impact on reconstruction and recovery efforts following the Israeli airstrikes in May 2021;
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(A) relevant logistical requirements, such as ports of entry, and security accommodations; and

(b) navigating the legal and political restrictions with the coordinated efforts of United Nations and United States agencies operating in Gaza; and

(9) the feasibility of transporting Palestinian livestock through the Erez Crossing in Gaza to the United States Embassy in Jerusalem for appointments with Embassy staff, including an analysis of

(A) relevant logistical requirements and security accommodations; and

(b) navigating the legal and political restrictions with the coordinated efforts of Israeli authorities and United Nations and United States agencies operating in Gaza.

(b) Form.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 4534. Mr. SANDERS (for himself and Mr. MARKLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military construction, defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1004. REDUCTION IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 2022 BY THIS ACT.

(a) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2022 by this Act is

(1) the aggregate amount authorized to be appropriated for fiscal year 2022 by this Act (other than for military personnel and the Department of Energy) minus

(2) the amount equal to 14 percent of the aggregate amount described in paragraph (1).

(b) ALLOCATION.—The reduction made by subsection (a) shall apply on a pro rata basis among the accounts and funds for which amounts are authorized to be appropriated by this Act (other than military personnel and the Department of Energy). Funds shall be applied on a pro rata basis across each program, project, and activity funded by the account or fund concerned.

SA 4535. Mr. SANDERS (for himself and Mr. MARKLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military construction, defense activities of the Department of Energy, to 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. 1281. PROHIBITION ON SUPPORT OR MILITARY PARTICIPATION IN SAUDI-LED OPERATIONS IN YEMEN.

(a) Prohibition on Support.—None of the funds appropriated or otherwise made available by this Act may be made available to provide the following forms of United States support to the Saudi-led coalition’s operations in Yemen:

(1) Sharing intelligence for the purpose of enabling offensive coalition strikes.

(2) Providing support for coalition strikes that prolong and deepen the conflict in Yemen, including by providing maintenance or transferring spare parts to coalition members engaged in military strikes in Yemen.

(b) Prohibition on Military Participation.—None of the funds authorized to be appropriated or otherwise made available by this Act may be made available for any civilian or military personnel of the Department of Defense to command, coordinate, participate, or accompany the regular or irregular military forces of the Saudi and United Arab Emirates-led coalition forces in Yemen or in situations in which there exists an imminent threat that such coalition forces become engaged in such hostilities, unless and until the President has obtained specific statutory authorization, in accordance with section 5 of the War Powers Resolution (50 U.S.C. 1547(a)).

(c) Rule of Construction.—The prohibition under this section shall not be construed to apply with respect to United States Armed Forces engaged in operations directed at al Qaeda or associated forces.

SA 4536. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1004. DEPARTMENT OF DEFENSE SPENDING REDUCTIONS IN THE ABSENCE OF AN UNQUALIFIED AUDIT OPINION.

If during any fiscal year after fiscal year 2022, the Secretary of Defense determines that a department, agency, or other element of the Department of Defense has not achieved an unqualified opinion on its full financial statements for the calendar year ending during such fiscal year—

(1) the amount available to such department, agency, or element for the fiscal year in which such determination is made shall be equal to the amount otherwise authorized to be appropriated minus 1 percent;

(2) the amount available to such department, agency, or element for that fiscal year pursuant to paragraph (1) shall be applied on a pro rata basis across each program, project, and activity funded by the Department, agency, or element in that fiscal year; and

(3) the Secretary shall deposit in the general fund of the Treasury for purposes of deficit reduction all amounts unavailable to departments, agencies, and elements of the Department in the fiscal year pursuant to determinations made under paragraph (1).

SA 4537. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XVI, insert the following:

SEC. 1293. BRIEFING ON UNITED STATES-INDIA JOINT DEFENSE AND RELATED INDUSTRIAL AND TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committee on Appropriations of the Senate, the Committee on Armed Services of the Senate; and the Committee on Foreign Relations of the House of Representatives a briefing on joint defense and related industrial and technology research and development cooperation activities between the United States and India.

(b) MATTERS TO BE INCLUDED.—The briefing under subsection (a) shall include the following:

(1) A status update on the Defense Technology and Trade Initiative and its efforts to increase private sector industrial cooperation.

(2) An assessment of whether additional funds are necessary for the Defense Technology and Trade Initiative for seed funding of private sector efforts.

(3) An assessment of whether the Israel-U.S. Bินational Industrial Research and Development Foundation and Fund provides a model for United States and private sector collaboration on defense and critical technologies.

(4) A status update on the collaboration between the Defense Innovation Unit and the Innovations for Defence Excellence program of the Ministry of Defence of India to enhance the capacity of the Department of Defense and Ministry of Defence of India to identify and source solutions to military requirements by accessing cutting-edge commercial technology through non-traditional processes.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriative committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 4538. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XVI, insert the following:

SEC. 1294. EDUCATIONAL ASSISTANCE FOR PURSUITS OF NON-TRADITIONAL EDUCATION IN CYBERSECURITY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Director of the National Geospatial-Intelligence Agency, carry out a program on the provision of educational assistance to individuals for the pursuit of a program of education in the field of cybersecurity, to support the education and training requirements and in order to create a talent pipeline for the cyber testing and evaluation workforce capable of improving confidence in the Department’s 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 at a degree or certificate level 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 paragraph (1) of subsection (a) shall be increased by $3,000,000, with the amount of the decrease to be taken from amounts available for procurement of Ammo, Navy & Marine Corps, General Purpose Bombs.

SA 4539. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED, to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Energy, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following: SEC. 1264. ANNUAL REPORT ON SURVEILLANCE SALES TO REPRESIVE GOVERNMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until 2040, the Secretary of State, in coordination with the Director of National Intelligence and the Secretary of Defense, shall submit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a report with respect to foreign persons that the Secretary of State determines—

(1) have operated, sold, leased, or otherwise provided, directly or indirectly, items or services related to targeted digital surveillance with knowledge of, or disregard for, potential human rights concerns to—

(A) a foreign government or entity located primarily within a repressive country whereby a reasonable person would assess that such transfer could result in a use of the items or services in a manner contrary to human rights; or

(B) a country including any governmental unit thereof, entity, or other person determined by the Secretary of State in a notice published in the Federal Register to have used items or services for targeted digital surveillance in a manner contrary to human rights;

(2) have materially assisted, sponsored, or provided financial, material, or technological support for, or items or services to or in support of, the activities described in paragraph (1);

(b) MATTERS TO BE INCLUDED.—Each report required by subsection (a) shall include the following for the preceding one-year period:

(1) The name of each foreign person with respect to which the Secretary has made a determination under paragraph (1) or (2) of subsection (a);

(2) The name of each intended and actual recipient of items or services described in subsection (a);

(3) A detailed description of such items or services;

(4) An identification of such items and services that could provide the Government of the People’s Republic of China with a critical capability to suppress basic human rights, including items and services that provide the capability—

(A) to conduct surveillance;

(B) to monitor and restrict an individual’s movement;

(C) to monitor and restrict access to the internet; or

(D) to identify individuals through facial or voice recognition;

(5) An analysis of whether the inclusion of the persons named under paragraph (1) on the entity list maintained by the Bureau of Industry and Security is appropriate.

(c) CONSULTATION.—In compiling data and making assessments for the purpose of preparing a report required by subsection (a), the Secretary shall consult with representatives of organizations, including with respect to—

(1) classified and unclassified information provided by the Director of National Intelligence;

(2) information provided by the Bureau of Democracy, Human Rights, and Labor’s Internet Freedom, Business and Human Rights section;

(3) information provided by the Department of Commerce, including the Bureau of Industry and Security;

(4) information provided by the advisory committees established by the Secretary of State to advise the Under Secretary of Commerce for Industry and Security on controls under the Export Administration Regulations, including the Emerging Technology and Research Advisory Committee; and

(5) information on human rights and technology matters, as solicited from civil society and human rights organizations through regular consultation processes; and

(d) FORM.—Each report required by subsection (a) shall be submitted in unclassified form and may include a classified annex.

(e) PUBLIC AVAILABILITY.—Not later than 14 days after each report required by subsection (a) is submitted to Congress, the President shall post the report on a text-based, searchable, and publicly available internet website.

(f) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term “foreign person” means an individual or entity that is not a United States person.

(2) IN A MANNER CONTRARY TO HUMAN RIGHTS.—The term “in a manner contrary to human rights” with respect to targeted digital surveillance, means engaging in targeted digital surveillance—

(A) in violation of basic human rights, including to silence dissent or sanction criticism, punish independent reporting (and sources for that reporting), manipulate or interfere with democratic or electoral processes, repress political opposition or vulnerable groups, or target advocates or practitioners of human rights and democratic rights (including activists, journalists, artists, minority communities, or opposition politicians); or

(B) in a country lacking a minimum legal framework governing the use of targeted digital surveillance that—

(i) authorizes under laws that are accessible, precise, and available to the public;

(ii) constraints limiting the use of targeted digital surveillance under principles of necessity, proportionality, and legitimacy;

(iii) oversight by entities independent of the government’s execution; and

(iv) involvement of an independent and impartial judiciary branch in authorizing the use of targeted digital surveillance; or

(v) legal remedi available internet website.

(2) HAVE MATERIALLY ASSISTED, SPONSORED, OR PROVIDED.—A person shall be considered to have materially assisted, sponsored, or provided—

(A) in a manner contrary to human rights, means engaging in activity that—

(i) has materially assisted, sponsored, or provided—

(ii) in a manner contrary to human rights;

(3) TARGETED DIGITAL SURVEILLANCE.—The term “targeted digital surveillance” means the use of items or services that enable an individual or entity to detect, monitor, intercept, collect, exploit, preserve, protect, transmit, retain, or otherwise gain access to the communications, protected information, work product, browsing data, research, identifying information, location history, or online and offline activities of other individuals, organizations, or entities, with or without the knowledge or consent of the individual or entity detected, monitored, intercepted, or otherwise gained access to.

(4) SENSE.—The term “sense” means to detect, monitor, intercept, collect, exploit, preserve, protect, transmit, retain, or otherwise gain access to the communications, protected information, work product, browsing data, research, identifying information, location history, or online and offline activities of other individuals, organizations, or entities.

SA 4540. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, strike lines 6 and 7, and insert the following:

(C) In paragraph (5)—

(i) by striking “fiscal year 2021” and inserting “fiscal year 2022”;

(ii) by striking “$75,000,000” and inserting “$125,000,000”.

In the funding table in section 4301, for Operation and Maintenance, Defense-Wide relating to Administrative and Service-Wide Activities, in the item relating to the Defense Security Cooperation Agency, Increase to Ukraine Security Assistance Initiative, strike the amount in the Senate Authorized column and insert “[100,000]”.

In the funding table in section 4301, for Operation and Maintenance, Defense-Wide relating to Subtotal Administrative and Service-Wide Activities, strike the amount in the Senate Authorized column and insert “9,130,000”. In the funding table in section 4301, for Operation and Maintenance, Defense-Wide relating to Total Operation and Maintenance, Defense-Wide, strike the amount in the Senate Authorized column and insert “4,129,662”. In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Afghanistan Security Forces Fund, the amount in the Senate Authorized column and insert “$125,066,395”. In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Afghanistan Security Forces Fund, the amount in the Senate Authorized column and insert “467,331”. In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Afghanistan Security Forces Fund, the amount in the Senate Authorized column and insert “3,277,810”.
the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 511, strike subsection (g) and insert the following:

(g) Draft Note Requirement for Induction of Men and Women.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 12 of section 8 of article I of the Constitution of the United States empowers Congress with the responsibility to "raise and support Armies".
(B) The United States first required military conscription in the American Civil War under the Civil War Military Draft Act of 1863.
(C) The Selective Services Act of 1917 authorized the President to draft additional forces beyond the volunteer force to support exceedingly high demand for additional forces when the U.S. entered the first World War.
(D) The Selective Training and Service Act of 1940 was the first authorization by Congress for conscription in peacetime but limited the President’s induction authority to "no greater number of men than the Congress shall hereafter make specific appropriation for from time to time".
(E) Congress allowed induction authority to lapse in 1947.
(F) Congress reinstated the President’s induction authority under the Selective Service Act of 1948 to raise troops for United States participation in the Korean War.
(G) Congress maintained the President’s induction authority under the Selective Service Act of 1948 through the beginning of induction authority under the Selective Service Act of 1948 to raise troops for United States engagement in the Vietnam War.
(H) Congress passed additional reforms to the draft under the Military Selective Service Act of 1967 in response to issues arising from United States engagement in the Vietnam War.
(I) Congress prohibited any further use of the draft after July 1, 1973.
(J) If a president seeks to reactivate the use of the draft, Congress would have to enact a law providing authorization for this purpose.

(2) AMENDMENT.—Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended by adding at the end the following new subsection:

"(d) No person shall be inducted for training and service in the Armed Forces unless Congress first passes and there is enacted a law expressly authorizing such induction into service and specifying the total number of persons that may be so inducted."

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (b) and (g) shall take effect 1 year after such date of enactment.

SA 4543. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 511.

SA 4544. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 511.

SA 4545. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ADVERSE INFORMATION IN CASES OF TRAFFICKING.

(A) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605B the following:

"605C. Adverse information in cases of trafficking.

"(a) Definitions.—In this section:

"(1) TRAFFICKING DOCUMENTATION.—The term ‘trafficking documentation’ means—

"(A) documentation of a determination by a Federal or State governmental entity that a consumer is a victim of trafficking; or

"(B) documentation of a determination by a court of competent jurisdiction that a consumer is a victim of trafficking; and

"(C) documentation that identifies items of information that would not be furnished by a consumer reporting agency because the items resulted from the 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 maintaining 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 this section.

"(2) CONTENTS.—The regulations issued pursuant to paragraph (1) shall establish a method by which consumers shall submit trafficking complaints 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.

SEC. 4546. Mr. MERKLEY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. CONTINGENCY PLAN RELATING TO FLOATING OIL STORAGE AND OFF-LOADING VESSEL SAFER.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the condition of the floating storage and offloading vessel (FSO) Safer in the port of Hodeidah in Yemen poses a significant threat to the economic, ecological, and humanitarian environment of the countries bordering the Red Sea;

(2) the Houthis have repeatedly obstructed efforts by the international community, including the United Nations, to inspect and repair the FSO Safer;

(3) a spill of the nearly 1,000,000 barrels of crude oil contained in the FSO Safer, four times the amount spilled in the Exxon Valdez disaster in 1989, would result in devastating ecological damage to the unique environment of the Red Sea coast, especially in Yemen;

(4) a spill from the FSO Safer would—

(A) block a vital shipping lane through which 10 percent of annual trade transits; and

(B) disrupt international trade during a time in which countries around the world continue efforts to recover from the COVID-19 pandemic;

(5) the people of Yemen continue to face dire circumstances of war and famine, an instance would be exacerbated by a spill from the FSO Safer because such a spill would close the port of Hodeidah, through which 5% of Yemen’s food supply is imported, and would present potential for widespread famine and malnutrition; and

Congress should encourage the efforts of various parties, including the United Nations and other regional stakeholders, to resolve the dangerous situation posed by the FSO Safer in Yemen.

(b) Contingency Plan.—The contingency working group established under paragraph (1) shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of the contingency plan developed under that paragraph that describes—

(1) the steps already taken by the United States Government and international and regional stakeholders to address the situation;

(2) to prepare for the contingency plan to be implemented in the event a crude oil leak from, or an explosion on, the FSO Safer.

(c) Report.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the status of the contingency plan developed under paragraph (1).

(B) CONTENTS.—The report shall include—

(i) the options available to the United States Government for mitigating the economic, ecological, and humanitarian crises that would result from a disaster related to the FSO Safer; and

(ii) the steps already taken by the United States Government and international and regional stakeholders to address the situation.

(d) Authorization for Assistance.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, upon the unanimous recommendation of the Secretary of State and the Secretary of the Treasury, may authorize, with the advice and consent of the Senate, the provision of security clearances.

(e) Fee.—The Secretary of Defense may authorize the Secretary of Homeland Security to charge a fee for the provision of security clearances.

SEC. 4547. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 10. ADMISSION OF ESSENTIAL SCIENTISTS AND TECHNICAL EXPERTS TO PROTECT AND PROTECT NATIONAL SECURITY INNOVATION BASE.

(a) Special Immigrant Status.—In accordance with the procedures established under subsection (i), and subject to the numerical limitations under subsection (c), the Secretary of Homeland Security may provide an alien described in subsection (b) (and the spouse and children of the alien if accompanying or following to join the alien) with the special immigrant status under this section if—

(1) submits a classification petition under section 206(a)(1) of the Act (8 U.S.C. 1151(a)(1)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence.

(b) Aliens Described.—An alien is described in this subsection if—

(1) the alien—

(A) is employed by a United States employer and engaged in work to promote and protect the National Security Innovation Base;

(B) is engaged in basic or applied research, funded by the Department of Defense, through a United States institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

(C) possesses scientific or technical expertise that will advance the development of critical technologies identified in the National Defense Strategy or the National Defense Science and Technology Strategy, required by section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–232, 132 Stat. 1679); and

(2) the Secretary of Defense issues a written statement to the Secretary of Homeland Security confirming that the admission of the alien is essential to advancing the research, development, testing, or evaluation of those technologies, described in paragraph (1)(C) or otherwise serves national security interests.

(c) Numerical Limitations.—

(1) IN GENERAL.—The number of principal aliens who may be provided special immigrant status under this section may not exceed—

(A) 10 in each of fiscal years 2022 through 2025; and

(B) 100 in each fiscal year 2026 and each fiscal year thereafter.

(2) Exclusion from Numerical Limitation.—Aliens provided special immigrant status under this section shall not be counted toward the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(d) Defense Competitiveness for Scientists and Technical Experts.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to use the competitive basis from among individuals described in subsection (b), individuals for recruitment to the Office of Homeland Security for special immigrant status under subsection (a).

(e) Authorities.—In carrying out this section, the Secretary of Defense shall authorize appropriate personnel of the Department of Defense to use all personnel and management authorities available to the Department, including—

(1) the personnel and management authorities provided to the science and technology reinvention laboratories:

(2) the Major Range and Test Facility Base (as defined in 196(i) of title 10, United States Code); and

(3) the Defense Advanced Research Projects Agency.

(f) Procedures.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall establish policies and procedures implementing this section, which shall include—

(1) the processing of petitions for classification submitted under subsection (a)(1) and applications for an immigrant visa or adjustment of status, as applicable, and

(2) thorough processing of any required security clearances.

(g) Fees.—The Secretary of Homeland Security shall establish—

(1) to be charged and collected to process an application filed under this section; and
(2) that is set at a level that will ensure recovery of the full costs of such processing and any additional costs associated with the administration of the fees collected.

(b) IMPLEMENTATION REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and Secretary of Defense shall jointly submit to the appropriate committees of Congress a report that includes—

(1) a plan for implementing the authorities provided under this section; and

(2) any additional authorities that may be required to assist the Secretaries in fully implementing this section.

(1) PROGRAM EVALUATION AND REPORT.—The Comptroller General of the United States shall conduct an evaluation of the competitive program and special immigrant program described in subsections (a) through (g).

(2) REPORT.—Not later than October 1, 2025, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the evaluation conducted under paragraph (1).

(3) DEFINITIONS.—In this section:

(A) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and

(B) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.

(2) NATIONAL SECURITY INNOVATION BASE.—The term ‘National Security Innovation Base’ means the network of persons and organizations, including Federal agencies, institutions of higher education, federally funded research and development centers, defense industrial base entities, nonprofit organizations, small entities, and financial firms that are engaged in the military and nonmilitary research, development, funding, and production of innovative technologies that support the national security of the United States.

SA 4548. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. DELAY OF COVID–19 VACCINE MANDATE FOR MEMBERS OF THE ARMED FORCES.

(a) DELAY OF VACCINE MANDATE.—The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall delay the vaccine mandate for the Armed Services until their military career, retirement, or beneﬁt assures that the member receives such vaccine until the date on which all religious and medical accommodation requests have been exhausted.

(b) BRIEFING 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 for the member receive such vaccination and that mandating vaccination for the member fails to provide the member with the 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) INVESTIGATION REGARDING RELIGIOUS ACCOMMODATIONS FOR COVID–19 VACCINATION MANDATE.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall complete an investigation into whether each of the military departments has complied with Federal law (including the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.)), Department of Defense Instruction 1300.17, and other policies of the military departments relevant to determining religious accommodations for the requirement that members of the Armed Forces receive the vaccine against coronavirus disease 2019.

SA 4549. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXXI, add the following:

SEC. 3157. PRESERVATION AND STORAGE OF URANIUM–233 TO FOSTER DEVELOPMENT OF THORIUM MOLTEN–SALT REACTORS.

(a) IN GENERAL.—The Secretary of Energy shall take such actions as are necessary to preserve as much of the uranium–233 remaining at Oak Ridge National Laboratory as possible.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the best economic and national security interests of the United States to re-develop United States thorium molten-salt reactors that can minimize transuranic waste production, in consideration of the pursuit by the People’s Republic of China of thorium molten-salt reactors and associated cooperative research agreements with United States national laboratories;

(2) that the development of highly efficient thorium molten-salt reactors is consistent with section 1261 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2980), which declared long-term strategic competition with the People’s Republic of China as “a principal priority for the United States”; and

(3) to resume such development, it is necessary to preserve as much of the uranium–233 remaining at Oak Ridge National Laboratory as possible.

(c) PRESERVATION AND STORAGE OF URANIUM–233.—

(1) IN GENERAL.—The Secretary of Energy shall seek every opportunity to preserve separable plutonium–239 and uranium–233 as fuel for fostering development of thorium molten-salt reactors by United States industry.

(2) DOWNBLENDING AND DISPOSAL OF CERTAIN URANIUM–233.—The Secretary of Energy may provide for the downblending and disposal of uranium–233 determined by industry experts not to be valuable for research and development of thorium molten-salt reactors or technology implementation.

(d) INTERAGENCY COOPERATION.—The Secretary of Energy, the Secretary of the Army (including the head of the Army Reactor Office), the Secretary of Transportation, the Tennessee Valley Authority, and other relevant agencies shall—

(1) take steps to preserve uranium–233; and

(2) if necessary, expedite transfers of uranium–233 between the Department of Energy and the Department of Defense; and

(3) seek the assistance of appropriate industrial or medical entities.

(e) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report that includes the following:

(1) Details of the separated U–233 inventory that is most feasible for immediate or near-term transfer.

(2) The costs of constructing or modifying a suitable category 1 facility for the secure, permanent storage of the U–233 inventory.

(3) A pathway for National Asset Material designation.
(4) A description of the scope for such a facility that would enable secure access to the nuclear material for research and development of thorium fuel cycle reactors, for defense and civilian activities, as well as for medical isotope extraction and processing, including by developing such a facility through public-private partnerships.

(5) An assessment whether the Secretary should transfer the ownership of U-233 from the Office of Environmental Management to the Office of Nuclear Energy.

(6) A description of the ability of the Department of Energy to transfer the inventory of U-233 that the Secretary determines is most feasible for immediate or near-term transmutation at the National Security Complex, Oak Ridge, Tennessee, for secure interim storage.

(7) The feasibility of the National Nuclear Security Administration providing for the secure storage of the inventory of U-233 within the Y-12 National Security Complex or another suitable location within the nuclear security enterprise (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)).

(8) The need for improvements in the management of the Special Activity Airspace (also referred to as the ‘‘special activity airspace’’). It is the sense of Congress that—

(a) 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.

(b) the Administrator and the Secretary shall submit to the following congressional committees a report on the interim results of the pilot program:

(1) The Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, 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.

(c) The feasibility of the National Nuclear Security Administration and the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 4550. DEVELOPMENT AND TESTING OF IMPROVED SCHEDULING AND MANAGEMENT OF SPECIAL ACTIVITY AIRSPACE.

(a) SENSE OF CONGRESS ON ADAPTIVE AIRSPACE.—It is the sense of Congress that—

(1) where it does not conflict with safety, improved scheduling and management of special activity airspace (also referred to as ‘‘adaptable or ‘dynamic special activity airspace’’) is expected to optimize the use of the national airspace system for all stakeholders; and

(2) the Administrator of the Federal Aviation Administration and the Secretary of Defense should take such actions as may be necessary to support ongoing efforts to develop improved scheduling and management of special activity airspace, including—

(A) the continuation of formal partnerships between the Federal Aviation Administration and the Department of Defense that focus on special activity airspace, future airspace needs, and joint solutions; and

(B) maturing research within their federally funded research and development centers, Federal partner agencies, and the aviation community.

(b) PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, shall establish a pilot program on developing and testing improved management of special activity airspace supported by efficient scheduling capabilities.

(2) TESTING OF SPECIAL ACTIVITY AIRSPACE SCHEDULING AND MANAGEMENT.—Under the pilot program established under paragraph (1), the Administrator and the Secretary shall jointly test not fewer than three areas of special activity airspace designated by the Federal Aviation Administration for use by the Department of Defense, of which—

(A) at least one shall be over coastal waters of the United States; and

(B) at least two shall be over land of the United States.

(c) REPORT.—Not less than two years after the date of the establishment of the pilot program established under subsection (b), the Administrator and the Secretary shall submit to the following congressional committees a report on the interim results of the pilot program:

(1) The Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Armed Services of the Senate.

(2) The Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Armed Services of the House of Representatives.

(d) AUTHORIZATION OF FUNDS.—The Administrator and the Secretary shall be authorized to use such funds as necessary to carry out the activities established under subsections (b) and (c).

(e) LIMITS ON STAFF.—Any such hour or other employee limitations concerning staff or workforce that may be dedicated to the execution of the activities established under subsections (b) and (c), including work associated with the Center for Advanced Aviation System Development, shall be waived.

AUTHORITY FOR COMMITTEES TO MEET.

Mr. DURBIN. Mr. President, I have 5 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during today’s session of the Senate on Thursday, November 4, 2021, at 11 a.m., to conduct a business meeting.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during today’s session of the Senate on Thursday, November 4, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, November 4, 2021, at 11 a.m., to conduct a business meeting.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, November 4, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, November 4, 2021, at 9 a.m., to conduct an executive business meeting.

PRIVILEGES OF THE FLOOR

Mr. BROWN. Mr. President, I ask unanimous consent that Aarti Iyer, a legislative fellow in my office; Ben Ashman, another legislative fellow in my office; and Danny Carlson, who is joining us today on the floor from my office, all be granted floor privileges for the remainder of the 117th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTING AMERICA’S FIRST RESPONDERS ACT OF 2021

Mr. OSSOFF. Mr. President, I ask unanimous consent that the Chair lay before the Senate the message to accompany S. 1511.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the House (S. 1511) entitled ‘‘An Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to payments to certain public safety officers who have become permanently and totally disabled as a result of personal injuries sustained in the line of duty, and for other purposes,’’ do pass with an amendment.

MOTION TO CONCUR

Mr. OSSOFF. Mr. President, I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH

Mr. OSSOFF. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 440, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 440) recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. OSSOFF. I know of no further debate on the resolution.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the resolution.

The resolution (S. Res. 440) was agreed to.

Mr. OSSOFF. I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the