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 4770. Ms. MURKOWSKI (for herself, Mr. KING, 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, supra; which was ordered to lie on the table.

SA 4771. Mr. HICKENLOOPER (for himself, Mr. CRAMER, Mr. KELLY, 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 4772. Mr. VAN HOLLEN (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, supra; which was ordered to lie on the table.

SA 4773. 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, supra; which was ordered to lie on the table.

SA 4774. 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, supra; which was ordered to lie on the table.

SA 4775. 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 4776. Mr. PETERS (for himself, Mr. PORTMAN, 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, supra; which was ordered to lie on the table.

SA 4777. 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, supra; which was ordered to lie on the table.

SA 4778. Mr. BOOKER (for himself, Mr. CORNYN, Mr. COONS, Mr. PORTMAN, Mr. GRAHAM, 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, supra; which was ordered to lie on the table.

SA 4779. Mr. PETERS (for himself, Mr. PORTMAN, 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, supra; which was ordered to lie on the table.

SA 4780. Mr. PETERS (for himself, Mr. PORTMAN, 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, supra; which was ordered to lie on the table.

SA 4781. 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, supra; which was ordered to lie on the table.

SA 4782. Mr. CORNYN (for himself, Mr. COONS, Mr. YOUNG, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4733. Mr. RUBIO (for himself, Ms. CANTWELL, Mrs. BLACKBURN, Ms. ROSEN, Ms. COLLINS, Ms. HASSAN, Mr. CRAPO, Mr. PETERS, 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 G of title XII, add the following:

SECTION 1283. UNITED STATES–ISRAEL ARTIFICIAL INTELLIGENCE CENTER.

(a) SHORT TITLE.—This section may be cited as the ''United States-Israel Artificial Intelligence Center Act''.

(b) ESTABLISHMENT OF CENTER.—The Secretary of State, in consultation with the Secretary of Commerce, the Director of the National Science Foundation, and the heads of other relevant Federal agencies, may establish the United States–Israel Artificial Intelligence Center (referred to in this section as the ''Center'') in the United States.

(c) PURPOSE.—The purpose of the Center shall be to leverage the experience, knowledge, and expertise of institutions of higher education and private sector entities in the United States and Israel to develop more robust research and development cooperation in the areas of—

(1) machine learning;
(2) image classification;
(3) object detection;
(4) speech recognition;
(5) natural language processing;
(6) data labeling;
(7) computer vision; and
(8) model explainability and interpretability.

(d) ARTIFICIAL INTELLIGENCE PRINCIPLES.—In carrying out the purposes set forth in subsection (c), the Center shall adhere to the principles for the use of artificial intelligence in the Federal Government set forth in section 3 of Executive Order 13960 (85 Fed. Reg. 78939).

(e) INTERNATIONAL PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary of State and the heads of other relevant Federal agencies, subject to the availability of appropriations, may enter into cooperative agreements supporting and enhancing dialogue and planning involving international partnerships between the Department of State or such agencies and the Government of Israel and its ministries, offices, and institutions.

(2) FEDERAL SHARE.—Not more than 50 percent of the costs of implementing the agreements entered into pursuant to paragraph (1) may be paid by the United States Government.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Center $10,000,000 for each of the fiscal years 2022 through 2026.

SA 4734. Ms. HASSAN (for herself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2___. APPLICATION OF PUBLIC-PRIVATE TALENT EXCHANGE PROGRAMS IN THE DEPARTMENT OF DEFENSE TO QUANTUM INFORMATION SCIENCES AND TECHNOLOGY RESEARCH.

In carrying out section 1599g of title 10, United States Code, the Secretary of Defense may establish public-private exchange programs, each with up to 10 program participants, focused on private sector entities working on quantum information sciences and technology research applications.

SEC. 2___. BRIEFING ON SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall provide Congress with a briefing on participation and use of the program under section 2192a of title 10, United States Code, as amended by this subsection, with a particular focus on levels of interest from students engaged in studying quantum fields.

SEC. 2___. IMPROVEMENTS TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) FELLOWSHIP PROGRAM AUTHORIZED.—Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) FELLOWSHIPS.—

''(1) PROGRAM AUTHORIZED.—In carrying out the program required by subsection (a) and subject to the availability of appropriations to carry out this subsection, the Secretary may carry out a program of fellowships in quantum information science and technology research and development for individuals who have a graduate or post-graduate degree.

''(2) EQUAL ACCESS.—In carrying out the program under paragraph (1), the Secretary may establish procedures to ensure that minority, geographically diverse, and economically disadvantaged students have equal access to fellowship opportunities under such program.''.

(b) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—Such section is further amended—

(1) by redesignating subsection (g), as redesignated by subsection (a)(1), as subsection (h); and

(2) by inserting after subsection (f), as added by subsection (a)(2), the following new subsection (g):

''(g) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—In carrying out the program under subsection (a), the Secretary of Defense may develop partnerships with universities to enable students to engage in multidisciplinary courses of study.''.

(c) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF PROGRAM.—

(1) ASSESSMENT AND BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(A) commence an assessment of the program carried out under section 234 of the

John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note), as amended by this section, with consideration of the report submitted under subsection (h) of such section (as redesignated by subsection (b)(2) of this section); and

(B) provide the congressional defense committees a briefing on the preliminary findings of the Comptroller General with respect to such program.

(2) FINAL REPORT.—At a date agreed to by the Comptroller General and the congressional defense committees at the briefing provided pursuant to paragraph (1)(B), the Comptroller General shall submit to the congressional defense committees a final report with the findings of the Comptroller General with respect to the assessment conducted under paragraph (1)(A).

SA 4735. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 576. COUNTERING EXTREMISM IN THE ARMED FORCES.

(a) COUNTERING EXTREMISM.—

(1) IN GENERAL.—Title 10, United States Code, is amended—

(A) in Part II of subtitle A, by adding at the end the following new chapter:

"CHAPTER 89—COUNTERING EXTREMISM

"§ 1801. Senior Official for Countering Extremism

''(a) DESIGNATION.—The Secretary of Defense shall designate an Under Secretary of Defense as the Senior Official for Countering Extremism.

''(b) DUTIES.—The Senior Official shall—

''(1) coordinate and facilitate programs, resources, and activities within the Department of Defense to counter extremist activities, to include screening of publicly available information and Insider Threat Programs;

''(2) coordinate with Federal, State, and local enforcement organizations to counter extremism within the Department of Defense;

''(3) coordinate with the Secretary of Veterans Affairs on addressing and preventing extremist activities following an individual's separation from the armed forces;

''(4) engage and interact with, and solicit recommendations from, outside experts on extremist activities; and

''(5) perform any additional duties prescribed by the Secretary of Defense, in consultation with the Secretary of Homeland Security.

"§ 1802. Training and education

''(a) IN GENERAL.—The Secretary of each military department, in coordination with the Senior Official for Countering Extremism, shall develop and implement training and education programs and related materials to assist members of the armed forces and civilian employees of the Department of Defense in identifying, preventing, responding to, reporting, and mitigating the risk of extremist activities.

''(b) CONTENT.—The training and education described in subsection (a) shall include specific material for activities determined by the Senior Official for Countering Extremism as high risk for extremist activities, including recruitment activities and separating members of the armed forces.

''(c) REQUIREMENTS.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide the training and education described in subsection (a)—

''(1) to a member of the armed forces, civilian employee of the Department of Defense, cadet at a military service academy, or an individual in a pre-commissioning program no less than once a year;

''(2) to a member of the armed forces whose discharge (regardless of character of discharge) or release from active duty is anticipated as of a specific date within the time period specified under section 1142(a)(3) of this title;

''(3) to a member of the armed forces performing recruitment activities within the 30 days prior to commencing such activities; and

''(4) additionally as determined by the Secretary of Defense.

"§ 1803. Data collection and analysis

''(a) IN GENERAL.—The Senior Official for Countering Extremism, in consultation with the Deputy Inspector General, shall establish and maintain a database on extremist activities in the Department of Defense.

''(b) CONTENT.—The database established under subsection (a) shall—

''(1) include records on each allegation, investigation, disciplinary action, and separation related to extremist activities within the Department of Defense;

''(2) include, as appropriate, information related to extremist activities in the armed forces provided by or generated from information from a Federal law enforcement agency; and

''(3) any other requirements prescribed by the Secretary of Defense, in consultation with the Secretary of Homeland Security.

"§ 1804. Reporting requirements

''(a) ANNUAL REPORT.—Not later than December 1 of each year, the Deputy Inspector General, through the Senior Official for Countering Extremism and the Inspector General, shall submit to Congress a report on the prevalence of extremist activities within the Department of Defense.

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

''(1) The number of extremist activity allegations, investigations, disciplinary actions, and separations disaggregated data by the armed force, race, gender, ethnicity, grade, and rank of the principal.

''(2) An analysis and assessment of trends in the incidence and disposition of extremist activities during the year covered by the report.

''(3) Any other matters as determined by the Senior Official for Countering Extremism.

''(c) PUBLICATION.—The Secretary of Defense shall—

''(1) publish on an appropriate publicly available website of the Department of Defense the reports required by subsection (a); and

''(2) ensure that any data included with each such report is made available in a machine-readable format that is downloadable, searchable, and sortable.

"§ 1805. Definitions

''The following definitions apply in this chapter:

''(1) The term 'Deputy Inspector General' means the Deputy Inspector General of the Department of Defense for Diversity and Inclusion and Supremacist, Extremist, and Criminal Gang Activity established by Section 554 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

''(2) The term 'extremist activities' shall—

''(A) have the meaning prescribed by the Secretary of Defense; and

''(B) include affiliation with (including membership in) an extremist organization.

''(3) The term 'extremist insider threat' means a member of the armed forces or civilian employee of the Department of Defense with access to government information, systems, or facilities, who—

''(A) can use such access to do harm to the security of the United States; and

''(B) engages in extremist activities.

''(4) The term 'extremist organization' shall have the meaning prescribed by the Secretary of Defense.

''(5) The term 'principal' means a member of the armed forces or civilian employee of the Department of Defense who engages in an extremist activity, or aids, abets, counsels, commands, or procures its commission.''; and

(B) in chapter 39, by inserting after section 985 the following new section:

"§ 986. Prohibition on extremist activities

''(a) PROHIBITION.—An individual who engages in extremist activities may not serve as a member of the armed forces.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations regarding the separation of a member of the armed forces who engages in extremist activities.

''(c) DISSEMINATION OF EXTREMIST CONTENT.—The Secretary of Defense may use extremist content knowingly shared, disseminated, or otherwise made available online (including on social media platforms and accounts) by an individual who serves in an armed force as cause for involuntary separation of such individual from an armed force.

''(d) DEFINITIONS.—In this section:

''(1) The term 'extremist activities' has the meaning given such term in section 1805 of this title.

''(2) The term 'extremist content' means content that expresses support for extremist activities (as that term is defined in section 1805 of this title).''.

(2) CLERICAL AMENDMENTS.—

(A) PART II OF SUBTITLE A.—The table of chapters for part II of subtitle A of title 10, United States Code, is amended by inserting after the item relating to chapter 88 the following new item:

''CHAPTER 89—COUNTERING EXTREMISM''.

(B) CHAPTER 39.—The table of sections at the beginning of chapter 39 is amended by inserting after the item relating to section 985 the following new item:

''986. Prohibition on extremist activities.''.

(b) COORDINATION OF EFFORTS WITH INSPECTOR GENERAL.—Section 554(a)(3) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by adding at the end the following new subparagraph:

''(E) The Senior Official for Countering Extremism.''.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations under chapter 89 of title 10, United States Code (including definitions under section 1805 of such title), as added by subsection (a).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day that the Secretary of Defense prescribes regulations under subsection (c).

(e) PROGRESS REPORT.—Not later than 240 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 House of Representatives a report on the status of the implementation of chapter 89 of title 10, United States Code, as added by subsection (a)(1)(A), and the implementation of section 986 of such title, as added by subsection (a)(1)(B).

SA 4736. 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 in title II, insert the following:

SEC. ____. UNDERWATER LAUNCH TESTING OF CONVENTIONAL PROMPT STRIKE WEAPON SYSTEM.

(a) TESTING REQUIRED.—Not later than September 30, 2024, the Secretary of the Navy shall commence underwater launch testing for the Conventional Prompt Strike weapon system to facilitate capability deployment on a Virginia-class submarine before September 30, 2027.

(b) ADDITIONAL FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by $50,000,000, with the amount of the increase to be available for New Design SSN (PE 0604558N).

(2) AVAILABILITY.—Of the amount made available under paragraph (1), $50,000,000 shall be available to accelerate Conventional Prompt Strike weapon system integration on Virginia-class submarines.

(c) OFFSET.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby decreased by $50,000,000 with the amount of the decrease to be taken from amounts available as specified in the funding table in section 4301 for the Afghanistan Security Forces Fund, Afghan Air Force Sustainment.

SA 4737. Mrs. GILLIBRAND (for herself, Mr. RUBIO, Mr. HEINRICH, Mr. BLUNT, 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, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. ESTABLISHMENT OF STRUCTURE AND AUTHORITIES TO ADDRESS UNIDENTIFIED AERIAL PHENOMENA.

(a) ESTABLISHMENT OF ANOMALY SURVEILLANCE AND RESOLUTION OFFICE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of National Intelligence, establish an office within an appropriate component of the Department of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to assume—

(A) the duties of the Unidentified Aerial Phenomenon Task Force, as in effect on the day before the date of the enactment of this Act; and

(B) such other duties as are required by this section.

(2) DESIGNATION.—The office established under paragraph (1) shall be known as the ''Anomaly Surveillance and Resolution Office'' (in this section referred to as the ''Office'').

(3) TERMINATION OR SUBORDINATION OF PRIOR TASK FORCE.—Upon the establishment of the Anomaly Surveillance and Resolution Office, the Secretary shall terminate the Unidentified Aerial Phenomenon Task Force or subordinate it to the Office.

(b) FACILITATION OF REPORTING AND DATA SHARING.—The Director and the Secretary shall each, in coordination with each other, require that—

(1) each element of the intelligence community and the Department, with any data that may be relevant to the investigation of unidentified aerial phenomena, make such data available immediately to the Office; and

(2) military and civilian personnel employed by or under contract to the Department or an element of the intelligence community shall have access to procedures by which they shall report incidents or information, including adverse physiological effects, involving or associated with unidentified aerial phenomena directly to the Office.

(c) DUTIES.—The duties of the Office established under subsection (a) shall include the following:

(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified aerial phenomena across the Department and in consultation with the intelligence community.

(2) Developing processes and procedures to ensure that such incidents from each component of the Department and each element of the intelligence community are reported and incorporated in a centralized repository.

(3) Establishing procedures to require the timely and consistent reporting of such incidents.

(4) Evaluating links between unidentified aerial phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

(5) Evaluating the threat that such incidents present to the United States.

(6) Consulting with other departments and agencies of the Federal Government, as appropriate, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and the Department of Energy.

(7) Consulting with allies and partners of the United States, as appropriate, to better assess the nature and extent of unidentified aerial phenomena.

(8) Preparing reports for Congress, in both classified and unclassified form, as required by subsections (h) and (i).

(d) EMPLOYMENT OF LINE ORGANIZATIONS FOR FIELD INVESTIGATIONS OF UNIDENTIFIED AERIAL PHENOMENA.—

(1) IN GENERAL.—The Secretary shall, in coordination with the Director, designate line organizations within the Department of Defense and the intelligence community that possess appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving unidentified aerial phenomena under the direction of the Office.

(2) PERSONNEL, EQUIPMENT, AND RESOURCES.—The Secretary, in coordination with the Director, shall take such actions as may be necessary to ensure that the designated organization or organizations have available adequate personnel with requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations of unidentified aerial phenomena of which the Office becomes aware.

(e) UTILIZATION OF LINE ORGANIZATIONS FOR SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—

(1) IN GENERAL.—The Secretary, in coordination with the Director, shall designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted under subsection (d), or data from other sources, including testing of materials, medical studies, and development of theoretical models to better understand and explain unidentified aerial phenomena.

(2) AUTHORITY.—The Secretary and the Director shall promulgate such directives as necessary to ensure that the designated line organizations have authority to draw on special expertise of persons outside the Federal Government with appropriate security clearances.

(f) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—

(1) IN GENERAL.—The head of the Office shall supervise the development and execution of an intelligence collection and analysis plan on behalf of the Secretary and the Director to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerial phenomena, including the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerial phenomena.

(2) USE OF RESOURCES AND CAPABILITIES.—In developing the plan required by paragraph (1), the head of the Office shall consider and propose, as appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

(g) SCIENCE PLAN.—The head of the Office shall supervise the development and execution of a science plan on behalf of the Secretary and the Director to develop and test, as practicable, scientific theories to account for characteristics and performance of unidentified aerial phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation, and to provide the foundation for potential future investments to replicate any such advanced characteristics and performance.

(h) ASSIGNMENT OF PRIORITY.—The Director, in consultation with, and with the recommendation of the Secretary, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified aerial phenomena.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the work of the Office, including—

(1) general intelligence gathering and intelligence analysis; and

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

(j) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than October 31, 2022, and annually thereafter until October 31, 2026, the Secretary in consultation with the Director, shall submit to the appropriate committees of Congress a report on unidentified aerial phenomena.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by the report, the following information:

(A) An analysis of data and intelligence received through reports of unidentified aerial phenomena.

(B) An analysis of data relating to unidentified aerial phenomena collected through—

(i) geospatial intelligence

(ii) signals intelligence;

(iii) human intelligence; and

(iv) measurement and signals intelligence.

(C) The number of reported incidents of unidentified aerial phenomena over restricted air space of the United States.

(D) An analysis of such incidents identified under subparagraph (C).

(E) Identification of potential aerospace or other threats posed by unidentified aerial phenomena to the national security of the United States.

(F) An assessment of any activity regarding unidentified aerial phenomena that can be attributed to one or more adversarial foreign governments.

(G) Identification of any incidents or patterns regarding unidentified aerial phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

(H) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified aerial phenomena.

(I) An update on any efforts to capture or exploit discovered unidentified aerial phenomena.

(J) An assessment of any health-related effects for individuals who have encountered unidentified aerial phenomena.

(K) The number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

(L) In consultation with the Administrator of the National Nuclear Security Administration, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

(M) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

(N) The names of the line organizations that have been designated to perform the specific functions imposed by subsections (d) and (e) of this section, and the specific functions for which each such line organization has been assigned primary responsibility.

(3) FORM.— Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(k) SEMIANNUAL BRIEFINGS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and not less frequently than semiannually thereafter until December 31, 2026, the head of the Office shall provide the classified briefings on unidentified aerial phenomena to—

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

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

(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerial phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office after June 24, 2021, regardless of the date of occurrence of the incident.

(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified aerial phenomena that occurred during the previous 180 days, and events relating to unidentified aerial phenomena that were not included in an earlier briefing due to delay in an incident reaching the reporting system or other such factors.

(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the Chairman and Vice Chairman or Ranking Member of the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives shall receive an enumeration of any instances in which data related to unidentified aerial phenomena was denied to the Office because of classification restrictions on that data or for any other reason.

(l) AERIAL AND TRANSMEDIUM PHENOMENA ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—(A) Not later than October 1, 2022, the Secretary and the Director shall establish an advisory committee for the purpose of—

(i) advising the Office in the execution of the duties of the Office as provided by this subsection; and

(ii) advising the Secretary and the Director regarding the gathering and analysis of data, and scientific research and development pertaining to unidentified aerial phenomena.

(B) The advisory committee established under subparagraph (A) shall be known as the ''Aerial and Transmedium Phenomena Advisory Committee'' (in this subparagraph the ''Committee'').

(2) MEMBERSHIP.—(A) Subject to subparagraph (B), the Committee shall be composed of members as follows:

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

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

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

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

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

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

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

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

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

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

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

(ii) Up to five additional members, as the Secretary, in consultation with the Director, considers appropriate, selected from among individuals with requisite expertise, at least 3 of whom shall not be employees of any Federal Government agency or Federal Government contractor.

(B) No individual may be appointed to the Committee under subparagraph (A) unless the Secretary and the Directly jointly determine that the individual—

(i) qualifies for a security clearance at the secret level or higher;

(ii) possesses scientific, medical, or technical expertise pertinent to some aspect of the investigation and analysis of unidentified aerial phenomena; and

(iii) has previously conducted research or writing that demonstrates scientific, technological, or operational knowledge regarding aspects of the subject matter, including propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, power generation, field investigations, forensic examination of particular cases, analysis of open source and classified information regarding domestic and foreign research and commentary, and historical information pertaining to unidentified aerial phenomena.

(C) The Secretary and Director may terminate the membership of any individual on the Committee upon a finding by the Secretary and the Director jointly that the member no longer meets the criteria specified in this subsection.

(3) CHAIRPERSON.—The Secretary shall, in coordination with the Director, designate a temporary Chairperson of the Committee, but at the earliest practicable date the Committee shall elect a Chairperson from among its members, who will serve a term of 2 years, and is eligible for re-election.

(4) EXPERT ASSISTANCE, ADVICE, AND RECOMMENDATIONS.—(A) The Committee may, upon invitation of the head of the Office, provide expert assistance or advice to any line organization designated to carry out field investigations or data analysis as authorized by subsections (d) and (e).

(B) The Committee, on its own initiative, or at the request of the Director, the Secretary, or the head of the Office, may provide advice and recommendations regarding best practices with respect to the gathering and analysis of data on unidentified aerial phenomena in general, or commentary regarding specific incidents, cases, or classes of unidentified aerial phenomena.

(5) REPORT.—Not later than December 31, 2022, and not later than December 31 of each year thereafter, the Committee shall submit a report summarizing its activities and recommendations to the following:

(A) The Secretary.

(B) The Director.

(C) The head of the Office.

(D) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

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

(6) RELATION TO FACA.—For purposes of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall be considered an

advisory committee (as defined in section 3 of such Act, except as otherwise provided in the section or as jointly deemed warranted by the Secretary and the Director under section 4(b)(3) of such Act.

(7) TERMINATION OF COMMITTEE.—The Committee shall terminate on the date that is six years after the date of the establishment of the Committee.

(m) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) 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.

(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 4738. Mr. MENENDEZ (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—U.S.-Greece Defense and Interparliamentary Partnership Act of 2021

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''U.S.-Greece Defense and Interparliamentary Partnership Act of 2021''.

SEC. 1292. FINDINGS.

Congress makes the following findings:

(1) The United States and Greece are strong allies in the North Atlantic Treaty Organization (NATO) and have deepened their defense relationship in recent years in response to growing security challenges in the Eastern Mediterranean region.

(2) Greece participates in several NATO missions, including Operation Sea Guardian in the Mediterranean and NATO's mission in Kosovo.

(3) The Eastern Mediterranean Security and Energy Partnership Act (title II of division J of Public Law 116–94), authorized new security assistance for Greece and Cyprus, lifted the United States prohibition on arms transfers to Cyprus, and authorized the establishment of a United States-Eastern Mediterranean Energy Center to facilitate energy cooperation among the United States, Greece, Israel, and Cyprus.

(4) The United States has demonstrated its support for the trilateral partnership of Greece, Israel, and Cyprus through joint engagement with Cyprus, Greece, Israel, and the United States in the ''3+1'' format.

(5) The United States and Greece have held Strategic Dialogue meetings in Athens, Washington D.C., and virtually, and have committed to hold an upcoming Strategic Dialogue session in 2021 in Washington, D.C.

(6) In October 2019, the United States and Greece agreed to update the United States-Greece Mutual Defense Cooperation Agreement, and the amended agreement officially entered into force on February 13, 2020.

(7) The amended Mutual Defense Cooperation Agreement provides for increased joint United States-Greece and NATO activities at Greek military bases and facilities in Larissa, Stefanovikio, Alexandroupolis, and other parts of central and northern Greece, and allows for infrastructure improvements at the United States Naval Support Activity Souda Bay base on Crete.

(8) In October 2020, Greek Foreign Minister Nikos Dendias announced that Greece hopes to further expand the Mutual Defense Cooperation Agreement with the United States.

(9) The United States Naval Support Activity Souda Bay serves as a critical naval logistics hub for the United States Navy's 6th Fleet.

(10) In June 2020, United States Ambassador to Greece Geoffrey Pyatt characterized the importance of Naval Support Activity Souda Bay as ''our most important platform for the projection of American power into a strategically dynamic Eastern Mediterranean region. From Syria to Libya to the chokepoint of the Black Sea, this is a critically important asset for the United States, as our air force, naval, and other resources are applied to support our Alliance obligations and to help bring peace and stability.''.

(11) The USS Hershel ''Woody'' Williams, the second of a new class of United States sea-basing ships, is now based out of Souda Bay, the first permanent United States naval deployment at the base.

(12) The United States cooperates with the Hellenic Armed Forces at facilities in Larissa, Stefanovikio, and Alexandroupolis, where the United States Armed Forces conduct training, refueling, temporary maintenance, storage, and emergency response.

(13) The United States has conducted a longstanding International Military Education and Training (IMET) program with Greece, and the Government of Greece has committed to provide $3 for every dollar invested by the United States in the program.

(14) Greece's defense spending in 2020 amounted to an estimated 2.68 percent of its gross domestic product (GDP), exceeding NATO's 2 percent of GDP benchmark agreed to at the 2014 NATO Summit in Wales.

(15) Greece is eligible for the delivery of excess defense articles under section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

(16) In September 2020, Greek Prime Minister Kyriakos Mitsotakis announced plans to modernize all three branches of the Hellenic Armed Forces, which will strengthen Greece's military position in the Eastern Mediterranean.

(17) The modernization includes upgrades to the arms of all three branches, including new anti-tank weapons for the Hellenic Army, new heavy-duty torpedoes for the Hellenic Navy, and new guided missiles for the Hellenic Air Force.

(18) The Hellenic Navy also plans to upgrade its four MEKO 200HN frigates and purchase four new multirole frigates of an undisclosed type, to be accompanied by 4 MH-60R anti-submarine helicopters.

(19) The Hellenic Air Force plans to fully upgrade its fleet of F–16 jets to the F–16 Viper variant by 2027 and has expressed interest in participating in the F–35 Joint Strike Fighter program.

SEC. 1293. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Greece is a pillar of stability in the Eastern Mediterranean region and the United States should remain committed to supporting its security and prosperity;

(2) the 3+1 format of cooperation among Cyprus, Greece, Israel, and the United States has been a successful forum to cooperate on energy issues and should be expanded to include other areas of common concern to the members;

(3) the United States should increase and deepen efforts to partner with and support the modernization of the Greek military;

(4) it is in the interests of the United States that Greece continue to transition its military equipment away from Russian-produced platforms and weapons systems through the European Recapitalization Incentive Program;

(5) the United States Government should continue to deepen strong partnerships with the Greek military, especially in co-development and co-production opportunities with the Greek Navy;

(6) the naval partnerships with Greece at Souda Bay and Alexandroupolis are mutually beneficial to the national security of the United States and Greece;

(7) the United States should, as appropriate, support the sale of F–35 Joint Strike Fighters to Greece;

(8) the United States Government should continue to invest in International Military Education and Training (IMET) programs in Greece;

(9) the United States Government should support joint maritime security cooperation exercises with Cyprus, Greece, and Israel;

(10) in accordance with its legal authorities and project selection criteria, the United States Development Finance Corporation should consider supporting private investment in strategic infrastructure projects in Greece, to include shipyards and ports that contribute to the security of the region and Greece's prosperity;

(11) the extension of the Mutual Defense Cooperation Agreement with Greece for a period of five years includes deepened partnerships at Greek military facilities throughout the country and is a welcome development; and

(12) the United States Government should establish the United States-Eastern Mediterranean Energy Center as authorized in the Eastern Mediterranean Energy and Security Partnership Act of 2019.

SEC. 1294. FUNDING FOR EUROPEAN RECAPITALIZATION INCENTIVE PROGRAM.

(a) IN GENERAL.—To the maximum extent feasible, of the funds appropriated for the European Recapitalization Incentive Program, $25,000,000 for each of fiscal years 2022 through 2026 should be considered for Greece as appropriate to assist the country in meeting its defense needs and transitioning away from Russian-produced military equipment.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that provides a full accounting of all funds distributed under the European Recapitalization Incentive Program, including—

(1) identification of each recipient country;

(2) a description of how the funds were used; and

(3) an accounting of remaining equipment in recipient countries that was provided by the then-Soviet Union or Russian Federation.

SEC. 1295. SENSE OF CONGRESS ON LOAN PROGRAM.

It is the sense of Congress that, as appropriate, the United States Government should provide direct loans to Greece for the procurement of defense articles, defense services, and design and construction services pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2763) to support the further development of Greece's military forces.

SEC. 1296. TRANSFER OF F–35 JOINT STRIKE FIGHTER AIRCRAFT TO GREECE.

The President is authorized to expedite delivery of any future F–35 aircraft to Greece once Greece is prepared to move forward with such a purchase on such terms and conditions as the President may require. Such transfer shall be submitted to Congress pursuant to the certification requirements under section 36 of the Arms Export Control Act (22 U.S.C. 2776).

SEC. 1297. IMET COOPERATION WITH GREECE.

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

(1) Training of future leaders.

(2) Fostering a better understanding of the United States.

(3) Establishing a rapport between the United States Armed Forces and Greece's military to build partnerships for the future.

(4) Enhancement of interoperability and capabilities for joint operations.

(5) Focusing on professional military education, civilian control of the military, and protection of human rights.

SEC. 1298. CYPRUS, GREECE, ISRAEL, AND THE UNITED STATES 3+1 INTERPARLIAMENTARY GROUP.

(a) ESTABLISHMENT.—There is established a group, to be known as the ''Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group'', to serve as a legislative component to the 3+1 process launched in Jerusalem in March 2019.

(b) MEMBERSHIP.—The Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group shall include a group of not more than 6 United States Senators, to be known as the ''United States group'', who shall be appointed jointly by the majority leader and the minority leader of the Senate.

(c) MEETINGS.—Not less frequently than once each year, the United States group shall meet with members of the 3+1 group to discuss issues on the agenda of the 3+1 deliberations of the Governments of Greece, Israel, Cyprus, and the United States to include maritime security, defense cooperation, energy initiatives, and countering malign influence efforts by the People's Republic of China and the Russian Federation.

(d) TERMINATION.—The Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group shall terminate 4 years after the date of the enactment of this Act.

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 4739. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. ACQUISITION STRATEGY TO MODERNIZE AIR FORCE FIGHTER PROPULSION SYSTEM.

(a) IN GENERAL.—Not later than 14 days after the date on which the budget of the President for fiscal year 2023 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on the modernization of the fighter propulsion system or the integration of new technology, including the Adaptive Engine Transition Program propulsion system, into new fighters, including the Joint Strike Fighter (JSF) and the Next Generation Air Dominance programs.

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

(1) A cost benefit analysis of—

(A) integrating the Adaptive Engine Transition Program propulsion system into each of the Joint Strike Fighter aircraft variants;

(B) modernizing or upgrading the existing F135 propulsion system on the Joint Strike Fighter variants;

(C) future associated infrastructure and sustainment costs of the modernized engine;

(D) cost savings associated with variant and Partner commonality; and

(E) assess all activities and costs to retrofit and sustain all Joint Strike Fighter with a modernized propulsion system.

(2) An implementation plan to implement such strategy.

(3) A cost benefit analysis of—

(A) integrating Adaptive Engine Transition Program technology into Next Generation Air Dominance programs; and

(B) modernizing or upgrading the existing F135 propulsion systems into the Next Generation Air Dominance programs.

(4) A schedule annotating pertinent milestones and yearly fiscal resource requirements for the implementation of a modernized F135 propulsion system.

(5) A schedule of milestones and yearly financial resource requirements for the implementation of the Adaptive Engine Transition Program.

SA 4740. Ms. SMITH (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 end of title X, add the following:

Subtitle H—Rural Maternal and Obstetric Modernization of Services

SEC. 1071. IMPROVING RURAL MATERNAL AND OBSTETRIC CARE DATA.

(a) MATERNAL MORTALITY AND MORBIDITY ACTIVITIES.—Section 301(e) of the Public Health Service Act (42 U.S.C. 241) is amended by inserting '', preventable maternal mortality and severe maternal morbidity,'' after ''delivery''.

(b) OFFICE OF WOMEN'S HEALTH.—Section 310A(b)(1) of the Public Health Service Act (42 U.S.C. 242s(b)(1)) is amended by striking ''and sociocultural contexts,'' and inserting ''sociocultural (including among American Indians, Native Hawaiians, and Alaska Natives), and geographical contexts,''.

(c) SAFE MOTHERHOOD.—Section 317K of the Public Health Service Act (42 U.S.C. 247b–12) is amended—

(1) in subsection (a)(2)(A), by inserting '', including improving disaggregation of data (in a manner consistent with applicable State and Federal privacy laws)'' before the period; and

(2) in subsection (b)(2)—

(A) in subparagraph (L), by striking ''and'' at the end;

(B) by redesignating subparagraph (M) as subparagraph (N); and

(C) by inserting after subparagraph (L) the following:

''(M) an examination of the relationship between maternal health and obstetric services in rural areas and outcomes in delivery and postpartum care; and''.

(d) OFFICE OF RESEARCH ON WOMEN'S HEALTH.—Section 486(d)(4)(A)(iv) of the Public Health Service Act (42 U.S.C. 287d(d)(4)(A)(iv)) is amended by inserting '', including preventable maternal mortality and severe maternal morbidity'' before the semicolon.

SEC. 1072. RURAL OBSTETRIC NETWORK GRANTS.

The Public Health Service Act is amended by inserting after section 330A–1 of such Act (42 U.S.C. 254c–1a) the following:

''SEC. 330A–2. RURAL OBSTETRIC NETWORK GRANTS.

''(a) PROGRAM ESTABLISHED.—The Secretary shall award grants or cooperative agreements to eligible entities to establish collaborative improvement and innovation networks (referred to in this section as 'rural obstetric networks') to improve maternal and infant health outcomes and reduce preventable maternal mortality and severe maternal morbidity by improving maternity care and access to care in rural areas, frontier areas, maternity care health professional target areas, or jurisdictions of Indian Tribes and Tribal organizations.

''(b) USE OF FUNDS.—Grants or cooperative agreements awarded pursuant to this section shall be used for the establishment or continuation of collaborative improvement and innovation networks to improve maternal and infant health outcomes and reduce preventable maternal mortality and severe maternal morbidity by improving prenatal care, labor care, birthing, and postpartum care services in rural areas. Rural obstetric networks established in accordance with this section may—

''(1) develop a network to improve coordination and increase access to maternal health care and assist pregnant women in the areas described in subsection (a) with accessing and utilizing prenatal care, labor care, birthing, and postpartum care services to improve outcomes in birth and maternal mortality and morbidity;

''(2) identify and implement evidence-based and sustainable delivery models for providing prenatal care, labor care, birthing, and postpartum care services, including home visiting programs and culturally appropriate care models that reduce health disparities;

''(3) develop a model for maternal health care collaboration between health care settings to improve access to care in areas described in subsection (a), which may include the use of telehealth;

''(4) provide training for professionals in health care settings that do not have specialty maternity care;

''(5) collaborate with academic institutions that can provide regional expertise and help identify barriers to providing maternal health care, including strategies for addressing such barriers; and

''(6) assess and address disparities in infant and maternal health outcomes, including among racial and ethnic minority populations and underserved populations in such areas described in subsection (a).

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means entities providing prenatal care, labor care, birthing, and postpartum care services in rural areas, frontier areas, or medically underserved areas, or to medically underserved populations or Indian Tribes or Tribal organizations.

''(2) FRONTIER AREA.—The term 'frontier area' means a frontier county, as defined in section 1886(d)(3)(E)(iii)(III) of the Social Security Act.

''(3) INDIAN TRIBES; TRIBAL ORGANIZATION.—The terms 'Indian Tribe' and 'Tribal organization' have the meanings given the terms 'Indian tribe' and 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act.

''(4) MATERNITY CARE HEALTH PROFESSIONAL TARGET AREA.—The term 'maternity care health professional target area' has the meaning described in section 332(k)(2).

''(d) REPORT TO CONGRESS.—Not later than September 30, 2025, the Secretary shall submit to Congress a report on activities supported by grants awarded under this section, including—

''(1) a description of activities conducted pursuant to paragraphs (1) through (6) of subsection (b); and

''(2) an analysis of the effects of rural obstetric networks on improving maternal and infant health outcomes.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2022 through 2026.''.

SEC. 1073. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

Section 330I of the Public Health Service Act (42 U.S.C. 254c–14) is amended—

(1) in subsection (f)(3), by adding at the end the following:

''(M) Providers of prenatal, labor care, birthing, and postpartum care services, including hospitals that operate obstetric care units.''; and

(2) in subsection (h)(1)(B), by striking ''or prenatal care for high-risk pregnancies'' and inserting ''prenatal care, labor care, birthing care, or postpartum care''.

SEC. 1074. RURAL MATERNAL AND OBSTETRIC CARE TRAINING DEMONSTRATION.

Subpart 1 of part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

''SEC. 764. RURAL MATERNAL AND OBSTETRIC CARE TRAINING DEMONSTRATION.

''(a) IN GENERAL.—The Secretary shall award grants to accredited schools of allopathic medicine, osteopathic medicine, and nursing, and other appropriate health professional training programs, to establish a training demonstration program to support—

''(1) training for physicians, medical residents, fellows, nurse practitioners, physician assistants, nurses, certified nurse midwives, relevant home visiting workforce professionals and paraprofessionals, or other professionals who meet relevant State training and licensing requirements, as applicable, to reduce preventable maternal mortality and severe maternal morbidity by improving prenatal care, labor care, birthing, and postpartum care in rural community-based settings; and

''(2) developing recommendations for such training programs.

''(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) ACTIVITIES.—

''(1) TRAINING FOR HEALTH CARE PROFESSIONALS.— A recipient of a grant under subsection (a)—

''(A) shall use the grant funds to plan, develop, and operate a training program to provide prenatal care, labor care, birthing, and postpartum care in rural areas; and

''(B) may use the grant funds to provide additional support for the administration of the program or to meet the costs of projects to establish, maintain, or improve faculty development, or departments, divisions, or other units necessary to implement such training.

''(2) TRAINING PROGRAM REQUIREMENTS.—The recipient of a grant under subsection (a) shall ensure that training programs carried out under the grant are evidence-based and address improving prenatal care, labor care, birthing, and postpartum care in rural areas, and such programs may include training on topics such as—

''(A) maternal mental health, including perinatal depression and anxiety;

''(B) substance use disorders;

''(C) social determinants of health that affect individuals living in rural areas; and

''(D) improving the provision of prenatal care, labor care, birthing, and postpartum care for racial and ethnic minority populations, including with respect to perceptions and biases that may affect the approach to, and provision of, care.

''(d) EVALUATION AND REPORT.—

''(1) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall evaluate the outcomes of the demonstration program under this section.

''(B) DATA SUBMISSION.—Recipients of a grant under subsection (a) shall submit to the Secretary performance metrics and other related data in order to evaluate the program for the report described in paragraph (2).

''(2) REPORT TO CONGRESS.—Not later than January 1, 2025, the Secretary shall submit to Congress a report that includes—

''(A) an analysis of the effects of the demonstration program under this section on the quality, quantity, and distribution of maternal health care services, including prenatal care, labor care, birthing, and postpartum care services, and the demographics of the recipients of those services;

''(B) an analysis of maternal and infant health outcomes (including quality of care, morbidity, and mortality) before and after implementation of the program in the communities served by entities participating in the demonstration; and

''(C) recommendations on whether the demonstration program should be continued.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2022 through 2026.''.

SA 4741. 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 G of title X, add the following:

SEC. 1064. ENHANCED AUTHORITY TO SHARE INFORMATION WITH RESPECT TO MERCHANDISE SUSPECTED OF VIOLATING INTELLECTUAL PROPERTY RIGHTS.

Section 628A of the Tariff Act of 1930 (19 U.S.C. 1628a) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) shall provide to the person information that appears on the merchandise, including—

''(A) its packaging, materials, and containers, including labels; and

''(B) its packing materials and containers, including labels; and''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) any other party with an interest in the merchandise, as determined appropriate by the Commissioner.''.

SA 4742. Mr. BRAUN 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 G of title X, add the following:

SEC. 1064. SENSE OF CONGRESS REGARDING CRISIS AT THE SOUTHWEST LAND BORDER.

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

(1) During fiscal year 2021, there were more than 1,600,000 illegal crossings across the southwest land border of the United States.

(2) The 213,593 migrant encounters along the southwest border in July 2021 was a 21-year high.

(3) During October 2021, U.S. Customs and Border Protection intercepted 33,500 pounds of drugs along the southwest border.

(4) Noncitizens with criminal convictions are routinely encountered at ports of entry and between ports of entry along the southwest border.

(5) Some of the inadmissible individuals encountered along the southwest border are known or suspected terrorists.

(6) Transnational criminal organizations routinely move illicit drugs, counterfeit products, and trafficked humans across the southwest border.

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

(1) the current level of illegal crossings and trafficking on the southwest land border of the United States represents a crisis and 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 and national security threat at the southwest border;

(3) the National Guard and active duty members of the United States Armed Forces

are to be commended for their hard work and dedication in their response to the crisis along the southwest border; and

(4) border security is a matter of national security and the failure to address the crisis along the southwest border introduces significant risk to the people of the United States.

SA 4743. Mr. BENNET (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. 1216. REPORTS AND BRIEFINGS REGARDING OVERSIGHT OF AFGHANISTAN.

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) Any other matters the Secretary determines appropriate.

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

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

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

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

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

SA 4744. 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 strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. NATIONAL TECHNOLOGY STRATEGY.

(a) IN GENERAL.—Each year, the President shall submit to Congress a comprehensive report on the technology strategy of the United States designed to maintain United States leadership in critical and emerging technologies essential to United States national security and economic prosperity.

(b) ELEMENTS.—Each National Technology Strategy developed and submitted under subsection (a) shall contain at least the following elements:

(1) An assessment of the efforts of the United States Government to preserve United States leadership in key emerging technologies and prevent United States strategic competitors from leveraging advanced technologies to gain strategic military or economic advantages over the United States.

(2) A review of existing United States Government technology policy, including long-range goals.

(3) An analysis of technology trends and assessment of the relative competitiveness of United States technology sectors in relation to strategic competitors.

(4) Identification of sectors critical for the long-term resilience of United States innovation leadership across design, manufacturing, supply chains, and markets.

(5) Recommendations for domestic policy incentives to sustain an innovation economy and develop specific, high-cost sectors necessary for long-term national security ends.

(6) Recommendations for policies to protect United States and leadership of allies of the United States in critical areas through targeted export controls, investment screening, and counterintelligence activities.

(7) Identification of priority domestic research and development areas critical to national security and necessary to sustain United States leadership, and directing funding to fill gaps in basic and applied research where the private sector does not focus.

(8) Recommendations for talent programs to grow United States talent in key critical and emerging technologies and enhance the ability of the Federal Government to recruit and retain individuals with critical skills into Federal service.

(9) Methods to foster the development of international partnerships to reinforce domestic policy actions, build new markets, engage in collaborative research, and create an international environment that reflects United States values and protects United States interests.

(10) A technology annex, which may be classified, to establish an integrated and enduring approach to the identification, prioritization, development, and fielding of emerging technologies.

(11) Such other information as may be necessary to help inform Congress on matters relating to the technology strategy of the United States and related implications for United States national security.

SA 4745. Mr. GRASSLEY (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WHISTLEBLOWER INCENTIVES AND PROTECTIONS.

Section 5323 of title 31, United States Code, as amended by section 6314 of the Anti-Money Laundering Act of 2020 (division F of Public Law 116–283) is amended by striking subsection (b) and inserting the following:

''(b) AWARDS.—

''(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Secretary, under regulations prescribed by the Secretary, in consultation with the Attorney General and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the employer of the individual, the Secretary, or the Attorney General, as applicable, that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

''(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

''(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

''(2) PAYMENT OF AWARDS.—Any amount paid under paragraph (1) shall be paid from the Fund established under paragraph (3).

''(3) SOURCE OF AWARDS.—

''(A) IN GENERAL.—There shall be established in the Treasury of the United States a revolving fund to be known as the Financial Integrity Fund (referred to in this subsection as the 'Fund').

''(B) USE OF FUND.—The Fund shall be available to the Secretary, without further appropriation or fiscal year limitations, only for the payment of awards to whistleblowers as provided in subsection (b).

''(C) RESTRICTIONS ON USE OF FUND.—The Fund shall not be available to pay any personnel or administrative expenses.

''(4) DEPOSITS AND CREDITS.—

''(A) IN GENERAL.—There shall be deposited into or credited to the Fund an amount equal to—

''(i) any monetary sanction collected by the Secretary or Attorney General in any judicial or administrative action under this title unless the balance of the Fund at the time the monetary judgement is collected exceeds $300,000,000; and

''(ii) all income from investments made under paragraph (5).

''(B) ADDITIONAL AMOUNTS.—If the amounts deposited into or credited to the Fund under subparagraph (A) are not sufficient to satisfy an award made under this subsection, there shall be deposited into or credited to the Fund an amount equal to the unsatisfied portion of the award from any monetary sanction collected by the Secretary of the Treasury or Attorney General in the covered judicial or administrative action on which the award is based.

''(5) INVESTMENTS.—

''(A) AMOUNTS IN FUND MAY BE INVESTED.—The Secretary of the Treasury may invest the portion of the Fund that is not required to meet the current needs of the Fund.

''(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Secretary.

''(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.''.

SA 4746. 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 B of title X, add the following:

SEC. 1013. INTERAGENCY STRATEGY TO DISRUPT AND DISMANTLE NARCOTICS PRODUCTION AND TRAFFICKING AND AFFILIATED NETWORKS LINKED TO THE REGIME OF BASHAR AL-ASSAD IN SYRIA.

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

(1) the captagon trade linked to the regime of Bashar al-Assad in Syria is a transnational security threat; and

(2) the United States should develop and implement an interagency strategy to deny, degrade, and dismantle Assad-linked narcotics production and trafficking networks.

(b) REPORT AND STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Administrator of the Drug Enforcement Administration, the Director of National Intelligence, and the heads of other appropriate Federal agencies shall jointly submit to the appropriate congressional committees a report containing a strategy to disrupt and dismantle narcotics production and trafficking and affiliated networks linked to the regime of Bashar al-Assad in Syria. The strategy shall include each of the following:

(1) A strategy to target, disrupt and degrade networks that directly and indirectly support the narcotics infrastructure of the Assad regime, particularly through diplomatic and intelligence support to law enforcement investigations and to build counter-narcotics capacity to partner countries through assistance and training to law enforcement services in countries, other than Syria, that are receiving or transiting large quantities of Captagon.

(2) A description of the countries receiving or transiting large shipments of Captagon and an assessment of the counter-narcotics capacity of those countries to interdict or disrupt the smuggling of Captagon, including an assessment of current United States assistance and training programs to build such capacity in those countries.

(3) The use of sanctions authorities, including the Caesar Syria Civilian Protection Act of 2019 (22 U.S.C. 8791 note), and associated actions to target individuals and entities directly or indirectly associated with the narcotics infrastructure of the Assad regime.

(4) The use of global diplomatic engagements associated with the economic pressure campaign against the Assad regime to target its narcotics infrastructure.

(5) Leveraging multilateral institutions and cooperation with international partners to disrupt the narcotics infrastructure of the Assad regime.

(6) Mobilizing a public communications campaign to increase awareness of the extent of the connection of the Assad regime to illicit narcotics trade.

(c) FORM OF REPORT.—The report required under subsection (b) shall be submitted in an unclassified form, but may contain a classified annex.

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

(1) the congressional defense committees;

(2) the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Financial Services [of the House of Representatives]; and

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

SA 4747. 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 C of title XII, add the following:

SEC. 1224. PROHIBITION OF TRANSFERS TO BADR ORGANIZATION.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available, directly or indirectly, to the Badr Organization.

SA 4748. 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 C of title XII, add the following:

SEC. 1224. PROHIBITION ON TRANSFERS TO IRAN.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available to transfer or facilitate a transfer of pallets of currency, currency, or other items of value to the Government of Iran, any subsidiary of such Government, or any agent or instrumentality of Iran.

SA 4749. 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 C of title XII, add the following:

SEC. 1224. REPORT ON IRANIAN TERRORIST PROXIES.

(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 Committees on Armed Services of the House of Representatives and the Senate a report that includes a detailed description of—

(1) improvements to the military capabilities of Iran-backed militias, including Lebanese Hezbollah, Asa'ib ahl al-Haq, Harakat Hezbollah al-Nujaba, Kata'ib Sayyid al-Shuhada, Kata'ib al-Imam Ali, Kata'ib Hezbollah, the Badr Organization, the Fatemiyoun, the Zainabiyoun, Hamas, Palestinian Islamic Jihad (PIJ), the Popular Front for the Liberation of Palestine (PFLP), and Ansar Allah (also known as the Houthis); and

(2) the direct or indirect impact that the suspension, issuance, or revocation of any waiver, license, or suspension of economic sanctions on Iran may have on such capabilities.

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

SA 4750. 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 C of title XII, add the following:

SEC. 1224. REPORT ON IRAN-CHINA AND IRAN-RUSSIA MILITARY TIES.

(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 Committees on Armed Services of the House of Representatives and the Senate a report that includes—

(1) a detailed assessment of military ties between Iran and China or the Russian Federation since the expiration of United Nations Security Resolution 2231 in October 2020, including in the form of joint drills, weapons transfers, military visits, illicit procurement activities, and other sources of Chinese or Russian material support for Iranian military capabilities, to include a detailed description of any arms purchases and the total value of each such purchase;

(2) a detailed assessment of the direct or indirect impact that the suspension, issuance, or revocation of any waiver, license, or suspension of economic sanctions on Iran may have on the use or effectiveness of such tools; and

(3) a description of any actions taken pursuant to Executive Order No. 13949, dated September 21, 2020 (relating to blocking property of certain persons with respect to the conventional arms activities of Iran).

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

SA 4751. 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 C of title XII, add the following:

SEC. 1224. REPORT ON IRANIAN DEFENSE BUDGET.

(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 Committees on Armed Services of the House of Representatives and the Senate a report that includes a detailed assessment of the size of Iran's defense budget expressed in United States dollars, disaggregated by expenditures related to the Islamic Revolutionary Guard Corps, the Quds Force, the Artesh, and the Basij.

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

SA 4752. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STRATEGY, MARKET SURVEY, AND QUALIFICATION ACTIVITIES FOR PROCUREMENT OF ACCESSORIES FOR THE NEXT GENERATION SQUAD WEAPON OF THE ARMY.

(a) STRATEGY REQUIRED.—The Secretary of the Army shall develop and implement a strategy to identify, test, qualify, and procure, on a competitive basis, accessories for the next generation squad weapon of the Army, including magazines and other components that could affect the performance of the weapon.

(b) MARKET SURVEY AND QUALIFICATION ACTIVITIES.—

(1) INITIAL MARKET SURVEY.—Not later than one year after the date on which a decision is made to enter into full-rate production for the next generation squad weapon, the Secretary of the Army shall conduct a market survey to identify accessories for the weapon, including magazines and other components that could affect the performance of the weapon.

(2) QUALIFICATION ACTIVITIES.—After completing the market survey under paragraph (1), the Secretary of the Army shall compete, select, procure, and conduct tests of accessories described in that paragraph to qualify those accessories for purchase and use. A decision to qualify an accessory described in paragraph (1) shall be based on established technical standards for operational safety and weapon effectiveness.

(c) INFORMATION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall provide to the congressional defense committees a briefing or a report on—

(1) the strategy developed and implemented by the Secretary under subsection (a); and

(2) the results of the market survey and qualification activities under subsection (b).

SA 4753. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. DEVELOPMENT AND TESTING OF DYNAMIC SCHEDULING AND MANAGEMENT OF SPECIAL ACTIVITY AIRSPACE.

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

(1) where it does not conflict with safety, dynamic scheduling and management of special activity airspace (also referred to as ''dynamic airspace'') is expected to optimize the use of the national airspace system for all stakeholders; and

(2) the Administrator of the Federal Aviation Administration and the Secretary of Defense should take such actions as may be necessary to support ongoing efforts to develop dynamic scheduling and management of special activity airspace, including—

(A) the continuation of formal partnerships between the Federal Aviation Administration and the Department of Defense that focus on special activity airspace, future airspace needs, and joint solutions; and

(B) maturing research within their federally funded research and development centers, Federal partner agencies, and the aviation community.

(b) PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, shall establish a pilot program on developing and testing dynamic management of special activity airspace in order to accommodate emerging military training requirements through flexible scheduling, along with increasing access to special activity airspace used by the Department of Defense for test and training.

(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 episodic or permanent 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;

(B) at least two shall be over land of the United States;

(C) access to airspace available for test and training is increased to accommodate dynamic scheduling of airspace to more efficiently and realistically provide test and training capabilities to Department of Defense aircrews; and

(D) any increase in access to airspace made available for test and training shall not conflict with the safe management of the national airspace system or the safety of all stakeholders of the national airspace system.

(c) REPORT BY THE ADMINISTRATOR.—

(1) IN GENERAL.—Not less than two years after the date of the establishment of the pilot program under subsection (b)(1), the Administrator shall submit to the appropriate committees of Congress a report on the interim findings of the Administrator with respect to the pilot program.

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

(A) An analysis of how the pilot program established under subsection (b)(1) affected access to special activity airspace by nonmilitary users of the national airspace system.

(B) An analysis of whether the dynamic management of special activity airspace conducted for the pilot program established under subsection (b)(1) contributed to more efficient use of the national airspace system by all stakeholders.

(d) REPORT BY THE SECRETARY.—Not less than two years after the date of the establishment of the pilot program under subsection (b)(1), the Secretary shall submit to the appropriate committees of Congress a report on the interim findings of the Secretary with respect to the pilot program. Such report shall include an analysis of how the pilot program affected military test and training.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate; and

(B) the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Armed Services of the House of Representatives.

(2) The term ''special activity airspace'' means the following airspace with defined dimensions within the National Airspace System wherein limitations may be imposed upon aircraft operations:

(A) Restricted areas.

(B) Military operations areas.

(C) Air Traffic Control assigned airspace.

(D) Warning areas.

SA 4754. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and

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

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

SEC. 1064. COMMON CARRIER OBLIGATIONS.

(a) IN GENERAL.—Section 11101(a) of title 49, United States Code, is amended by inserting '', to the extent necessary for the efficient and reliable transportation based on the shipper's reasonable service requirements,'' after ''the transportation or service''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Surface Transportation Board shall initiate a rulemaking to provide standards or guidance to implement the amendment made under subsection (a).

(2) METRICS AND MINIMUM STANDARDS.—The rule promulgated pursuant to paragraph (1) shall include metrics and minimum standards for measuring the performance and service quality of rail carriers operating as common carriers under section 11101 of title 49, United States Code.

(3) CONSIDERATIONS.—In developing the metrics and minimum standards referred to in paragraph (2), the Board shall consider—

(A) all of the requirements for operating as a common carrier under section 11101 of title 49, United States Code, including the requirements described in sections 11101(a) and 10702(2) of such title;

(B) the impacts of reductions in service and employment levels on the provision of reasonable service;

(C) whether reductions in the availability of equipment, the maintenance of equipment, and infrastructure are disproportionate to any changes in demand for service; and

(D) whether surcharges or conditions are imposed as requirements for service when the rail carrier could profitably provide service under competitive rates.

(4) MULTI-FACTOR COMPLIANCE TEST.—

(A) DEVELOPMENT.—The Surface Transportation Board shall develop a multi-factor test for determining a common carrier's compliance with its obligations under section 11101 of title 49, United States Code.

(B) USE OF TEST.—Upon the promulgation of the final rule pursuant to this subsection, the Surface Transportation Board shall apply the test developed pursuant to subparagraph (A) in all of its informal and formal service complaint proceedings.

SA 4755. Mr. CASEY (for himself, Mr. CORNYN, and Mr. RUBIO) 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 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 the following:

''TITLE X—NATIONAL CRITICAL CAPABILITIES REVIEWS

''SEC. 1001. DEFINITIONS.

''In this title:

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

''(A) the Committee on Finance, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Ways and Means, the Committee on Armed Services, the Committee on Education and Labor, the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) COMMITTEE.—The term 'Committee' means the Committee on National Critical Capabilities established under section 1002.

''(3) CONTROL.—The term 'control' means the power, direct or indirect, whether exercised or not exercised, to determine, direct, or decide important matters affecting an entity, subject to regulations prescribed by the Committee.

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

''(A) has the meaning given the term 'foreign adversary' in section 8(c)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)(2)); and

''(B) may include a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) identified by the Committee for purposes of this paragraph by regulation.

''(5) COVERED TRANSACTION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'covered transaction' means any of the following transactions, proposed or pending on or after the date of the enactment of this title:

''(i) Any transaction by a United States business that—

''(I) shifts or relocates to a country of concern, or transfers to an entity of concern, the design, development, production, manufacture, fabrication, supply, servicing, testing, management, operation, investment, ownership, or any other essential elements involving one or more national critical capabilities identified under subparagraph (B)(ii); or

''(II) could result in an unacceptable risk to a national critical capability.

''(ii) Any other transaction, transfer, agreement, or arrangement, the structure of which is designed or intended to evade or circumvent the application of this title, subject to regulations prescribed by the Committee.

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Committee shall prescribe regulations further defining the term 'covered transaction' in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(ii) IDENTIFICATION OF NATIONAL CRITICAL CAPABILITIES.—For purposes of subparagraph (A)(I), the regulations prescribed by the Committee under clause (i) shall—

''(I) identify the national critical capabilities subject to that subparagraph based on criteria intended to limit application of that subparagraph to the subset of national critical capabilities that is likely to pose an unacceptable risk to the national security and crisis preparedness of the United States; and

''(II) enumerate, quantify, prioritize, and set forth sufficient allowances of, specific types and examples of such capabilities.

''(6) CRISIS PREPAREDNESS.—The term 'crisis preparedness' means preparedness for—

''(A) a public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

''(B) a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

''(7) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on national security, national economic security, national public health or safety, or any combination of those matters.

''(8) ENTITY OF CONCERN.—The term 'entity of concern' means an entity—

''(A) the ultimate parent entity of which is domiciled in a country of concern; or

''(B) that is directly or indirectly controlled by, owned by, or subject to the influence of a foreign person that has a substantial nexus with a country of concern.

''(9) FOREIGN ENTITY.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), the term 'foreign entity' means any branch, partnership, group or sub-group, association, estate, trust, corporation or division of a corporation, or organization organized under the laws of a foreign country if—

''(i) its principal place of business is outside the United States; or

''(ii) its equity securities are primarily traded on one or more foreign exchanges.

''(B) EXCEPTION.—The term 'foreign entity' does not include any entity described in subparagraph (A) that can demonstrate that a majority of the equity interest in such entity is ultimately owned by nationals of the United States.

''(10) FOREIGN PERSON.—The term 'foreign person' means—

''(A) any foreign national, foreign government, or foreign entity;

''(B) any entity over which control is exercised or exercisable by a foreign national, foreign government, or foreign entity; or

''(C) any entity over which control is exercised or exercisable by a person described in subparagraph (A) or (B).

''(11) NATIONAL CRITICAL CAPABILITIES.—The term 'national critical capabilities', subject to regulations prescribed by the Committee—

''(A) means systems and assets, whether physical or virtual, so vital to the United States that the inability to develop such systems and assets or the incapacity or destruction of such systems or assets would have a debilitating impact on national security or crisis preparedness; and

''(B) includes the following:

''(i) The production, in sufficient quantities, of any of the following articles:

''(I) Medical supplies, medicines, and personal protective equipment.

''(II) Articles essential to the operation, manufacture, supply, service, or maintenance of critical infrastructure.

''(III) Articles critical to infrastructure construction after a natural or manmade disaster.

''(IV) Articles that are components of systems critical to the operation of weapons systems, intelligence collection systems, or items critical to the conduct of military or intelligence operations.

''(V) Any other articles identified in regulations prescribed under section 1007.

''(ii) Supply chains for the production of articles described in clause (i).

''(iii) Essential supply chains for the Department of Defense.

''(iv) Any other supply chains identified in regulations prescribed under section 1007.

''(v) Services critical to the production of articles described in clause (i) or a supply chain described in clause (ii), (iii), or (iv).

''(vi) Medical services.

''(vii) Services critical to the maintenance of critical infrastructure.

''(viii) Services critical to infrastructure construction after a natural or manmade disaster.

''(ix) Any other services identified in regulations prescribed under section 1007.

''(12) NATIONAL SECURITY.—The term 'national security' includes—

''(A) national security, as defined in section 721(a) of the Defense Production Act of 1950 (50 U.S.C. 4565(a));

''(B) national defense, as defined in section 702 of that Act (50 U.S.C. 4552); and

''(C) agricultural security and natural resources security.

''(13) PARTY.—The term 'party', with respect to a transaction, has the meaning given that term in regulations prescribed by the Committee.

''(14) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, and any territory or possession of the United States.

''(15) UNITED STATES BUSINESS.—The term 'United States business' means a person engaged in interstate commerce in the United States.

''SEC. 1002. COMMITTEE ON NATIONAL CRITICAL CAPABILITIES.

''(a) IN GENERAL.—There is established a committee, to be known as the 'Committee on National Critical Capabilities', which shall carry out this title and such other assignments as the President may designate.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall be comprised of the head, or a designee of the head, of each of the following:

''(A) The Office of the United States Trade Representative.

''(B) The Department of Commerce.

''(C) The Office of Science and Technology Policy.

''(D) The Department of the Treasury.

''(E) The Department of Homeland Security.

''(F) The Department of Defense.

''(G) The Department of State.

''(H) The Department of Justice.

''(I) The Department of Energy.

''(J) The Department of Health and Human Services.

''(K) The Department of Agriculture.

''(L) The Department of Labor.

''(M) Any other Federal agency the President determines appropriate, generally or on a case-by-case basis.

''(2) EX OFFICIO MEMBERS.—

''(A) IN GENERAL.—In addition to the members of the Committee specified in paragraph (1), the following shall, except as provided in subparagraph (B), be nonvoting, ex officio members of the Committee:

''(i) The Director of National Intelligence.

''(ii) The Administrator of the Federal Emergency Management Agency.

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

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

''(v) The Director of the National Institute of Allergy and Infectious Diseases.

''(vi) The Chairperson of the Federal Communications Commission.

''(vii) The Chairperson of the Securities and Exchange Commission.

''(viii) The Chairperson of the Commodity Futures Trading Commission.

''(ix) The Administrator of the Federal Aviation Administration.

''(B) DESIGNATION AS VOTING MEMBERS.—The chairperson of the Committee may designate any of the officials specified in clauses (ii) through (ix) of subparagraph (A) as voting members of the Committee.

''(c) CHAIRPERSON.—

''(1) IN GENERAL.—The United States Trade Representative shall serve as the chairperson of the Committee.

''(2) CONSULTATIONS WITH SECRETARIES OF DEFENSE AND COMMERCE.—In carrying out the duties of the chairperson of the Committee, the United States Trade Representative shall consult with the Secretary of Defense and the Secretary of Commerce.

''(d) DESIGNATION OF OFFICIALS TO CARRY OUT DUTIES RELATED TO COMMITTEE.—The head of each agency represented on the Committee shall designate an official, at or equivalent to the level of Assistant Secretary in the Department of the Treasury, who is appointed by the President, by and with the advice and consent of the Senate, to carry out such duties related to the Committee as the head of the agency may assign.

''SEC. 1003. REVIEW OF COVERED TRANSACTIONS.

''(a) MANDATORY NOTIFICATION.—A United States business that engages in a covered transaction shall submit a written notification of the transaction to the Committee.

''(b) REVIEW.—

''(1) IN GENERAL.—Not later than 60 days after receiving written notification under subsection (a) of a covered transaction, the Committee may—

''(A) review the transaction to determine if the transaction is likely to result in an unacceptable risk to one or more national critical capabilities, including by considering factors specified in section 1005; and

''(B) if the Committee determines under subparagraph (A) that the transaction poses a risk described in that subparagraph, make recommendations—

''(i) to the President for appropriate action that may be taken under this title or under other existing authorities to address or mitigate that risk; and

''(ii) to Congress for the establishment or expansion of Federal programs to support the production or supply of articles and services described in section 1001(a)(11)(B) in the United States.

''(2) UNILATERAL INITIATION OF REVIEW.—The Committee may initiate a review under paragraph (1) of a covered transaction for which written notification is not submitted under subsection (a).

''(3) INITIATION OF REVIEW BY REQUEST FROM CONGRESS.—The Committee shall initiate a review under paragraph (1) of a covered transaction if the chairperson and the ranking member of one of the appropriate congressional committees jointly request the Committee to review the transaction.

''(c) TREATMENT OF BUSINESS CONFIDENTIAL INFORMATION.—A United States business shall submit each notification required by subsection (a) to the Committee—

''(1) in a form that includes business confidential information; and

''(2) in a form that omits business confidential information and is appropriate for disclosure to the public.

''SEC. 1004. ACTION BY THE PRESIDENT.

''(a) IN GENERAL.—Subject to subsection (d), the President may take such action for such time as the President considers appropriate to address or mitigate any unacceptable risk posed by a covered transaction to one or more national critical capabilities, including suspending or prohibiting the covered transaction.

''(b) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision on whether or not to take action pursuant to subsection (a) with respect to a covered transaction not later than 15 days after the date on which the review of the transaction under section 1003 is completed.

''(c) ENFORCEMENT.—The President may direct the Attorney General of the United States to seek appropriate relief, including divestment relief, in the district courts of the United States, in order to implement and enforce this section.

''(d) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by subsection (a) to suspend or prohibit a covered transaction only if the President finds that—

''(1) there is credible evidence that leads the President to believe that the transaction poses an unacceptable risk to one or more national critical capabilities; and

''(2) provisions of law (other than this section) do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect such capabilities.

''(e) 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 TO BE 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—

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

''(2) the history of distortive or predatory trade practices in each country in which a foreign person that is a party to the transaction is domiciled;

''(3) control and beneficial ownership (as determined in accordance with section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2509 note)) of each foreign person that is a party to the transaction; and

''(4) impact on the domestic industry and resulting resiliency, including the domestic skills base, taking into consideration any pattern of foreign investment in the domestic industry.

''SEC. 1006. SUPPLY 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:

''(1) The sourcing of least concern shall be articles the supply chains for which are housed in whole within countries that are allies of the United States.

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

''(3) The sourcing of greatest 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 and for which substitute production is unavailable elsewhere at required scale.

''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.—

''(1) IN GENERAL.—In identifying under subsection (a) additional articles, supply chains, and services to recommend for inclusion in the definition of 'national critical capabilities' under section 1001(a)(11), the Committee should conduct a review of industries identified by 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.

''(2) QUANTIFICATION.—In conducting a review of industries under paragraph (1), the Committee should specify the quantity of articles, supply chains, and services, and specific types and examples of transactions, from each industry sufficient to maintain national critical capabilities.

''SEC. 1008. REPORTING REQUIREMENTS.

''(a) ANNUAL REPORT TO CONGRESS.—

''(1) 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 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);

''(B) assessing whether identification of additional national critical capabilities under section 1007 is necessary; 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;

''(ii) reviews initiated under paragraph (2) or (3) of subsection (b) of that section;

''(iii) actions recommended by the Committee under subsection (b)(1)(B) of that section as a result of such reviews; and

''(iv) reviews during which the Committee determined no action was required; and

''(D) assessing the overall impact of such reviews on national critical capabilities.

''(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

''(b) USE OF DEFENSE PRODUCTION ACT OF 1950 AUTHORITIES.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Committee shall submit to Congress a report that includes recommendations relating to use the authorities under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to make investments to enhance national critical capabilities and reduce dependency on materials and services imported from foreign countries.

''SEC. 1009. REQUIREMENT FOR REGULATIONS.

''(a) IN GENERAL.—The Committee shall prescribe regulations to carry out this title.

''(b) ELEMENTS.—Regulations prescribed to carry out this title shall—

''(1) provide for the imposition of civil penalties for any violation of this title, including any mitigation agreement entered into, conditions imposed, or order issued pursuant to this title; and

''(2) include specific examples of the types of—

''(A) the transactions that will be considered to be covered transactions; and

''(B) the articles, supply chains, and services that will be considered to be national critical capabilities.

''(c) COORDINATION.—In prescribing regulations to carry out this title, the Committee shall coordinate with the United States Trade Representative, the Under Secretary of Commerce for Industry and Security, and the Committee on Foreign Investment in the United States to avoid duplication of effort.

''SEC. 1010. REQUIREMENTS RELATED TO GOVERNMENT PROCUREMENT.

''(a) IN GENERAL.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Federal Acquisition Regulation shall be revised to require each person that is a prospective contractor for an executive agency to disclose the supply chains the person would use to carry out the contract and the extent to which the person would depend on articles and services imported from foreign countries, including the percentage of such materials and services imported from countries of concern.

''(b) MATERIALITY.—The head of an executive agency shall consider the failure of a person to make the disclosures required by subsection (a) to be material determinants in awarding a contract to that person.

''(c) APPLICABILITY.—The revisions to the Federal Acquisition Regulation required under subsection (a) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022.

''(d) DEFINITIONS.—In this section:

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

''(2) FEDERAL ACQUISITION REGULATION.—The term 'Federal Acquisition Regulation' means the regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.

''SEC. 1011. MULTILATERAL ENGAGEMENT AND COORDINATION.

''The United States Trade Representative—

''(1) should, in coordination and consultation with relevant Federal agencies, conduct multilateral engagement with the governments of countries that are allies of the United States to secure coordination of protocols and procedures with respect to covered transactions with countries of concern; and

''(2) upon adoption of protocols and procedures described in paragraph (1), shall work 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 or limiting 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. Requirements 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.''.

SA 4756. 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 the ''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 of 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 European Monitoring Centre for Drugs and Drug Addiction, regulatory agencies in foreign countries, and the United Nations Office on Drugs and Crime.

(3) Carrying out programs to provide technical assistance and equipment, as appropriate, to strengthen 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 on demand reduction matters relating to the illicit use of covered synthetic drugs 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 660 of the Foreign Assistance Act of 1961 (22

U.S.C. 2420), the Secretary of State shall establish a program to provide assistance to strengthen 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 technical assistance, and the provision of equipment, as appropriate, under subsection (a) among those countries described in subsection (c) in which such assistance and equipment 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 for covered synthetic drugs as defined by the Secretary of State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out this section $4,000,000 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 ON DEMAND REDUCTION MATTERS RELATING TO ILLICIT USE OF COVERED SYNTHETIC 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 covered synthetic drugs 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);

(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 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 APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State 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 purposes.

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. 2291h(a)) is amended by inserting after paragraph (9) the following new paragraph:

''(10) COVERED SYNTHETIC DRUGS AND NEW PSYCHOACTIVE SUBSTANCES.—

''(A) COVERED SYNTHETIC DRUGS.—Information that contains an assessment of the countries significantly involved in the manufacture, production, transshipment, or trafficking of covered synthetic drugs, to include the following:

''(i) The scale of legal domestic production and any available information on the number of manufacturers and producers of such drugs in such countries.

''(ii) Information on any law enforcement assessments of the scale of illegal production of such drugs, including a description of the capacity of illegal laboratories to produce such drugs.

''(iii) The types of inputs used and a description of the primary methods of synthesis employed by illegal producers of such drugs.

''(iv) An assessment of the policies of such countries to regulate licit manufacture and interdict illicit manufacture, diversion, distribution, shipment, and trafficking of such drugs and an assessment of the effectiveness of the policies' implementation.

''(B) NEW PSYCHOACTIVE SUBSTANCES.—Information on, to the extent practicable, any policies of responding to new psychoactive substances, to include the following:

''(i) Which governments have articulated policies on scheduling of such substances.

''(ii) Any data on impacts of such policies and other responses to such substances.

''(iii) An assessment of any policies the United States could adopt to improve its response to new psychoactive substances.

''(C) DEFINITIONS.—In this paragraph, the terms 'covered synthetic drug' and 'new psychoactive substance' have the meaning given those terms in section __07 of the FENTANYL Results Act.''.

(b) DEFINITION OF MAJOR ILLICIT DRUG PRODUCING 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) in subparagraph (A)(iii), as redesignated by this paragraph, by striking the semicolon at the end and inserting ''; or''; and

(D) by adding at the end the following new subparagraph:

''(B) a country which is a significant direct source of covered synthetic drugs or psychotropic drugs or other controlled substances significantly affecting the United States;'';

(2) by amending paragraph (5) to read as follows:

''(5) the term 'major drug-transit country' means a country through which are transported covered synthetic drugs or psychotropic drugs or other controlled substances significantly affecting the United States;'';

(3) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) the term 'covered synthetic drug' has the meaning given that term in section __07 of the FENTANYL Results Act.''.

SEC. __06. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should direct the United States Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to advocate for more transparent assessments of countries by the International Narcotics Control Board; and

(2) bilateral, plurilateral, and multilateral international cooperation is essential to combating the trafficking of covered synthetic drugs.

SEC. __07. DEFINITIONS.

In this subtitle:

(1) COVERED SYNTHETIC DRUG.—The term ''covered synthetic drug'' means—

(A) a synthetic controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))), including fentanyl or a fentanyl analogue; or

(B) a new psychoactive substance.

(2) NEW PSYCHOACTIVE SUBSTANCE.—The term ''new psychoactive substance'' means a substance of abuse, or any preparation thereof, that—

(A) is not—

(i) included in any schedule as a controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.); or

(ii) controlled by the Single Convention on Narcotic Drugs, done at New York March 30, 1961, or the Convention on Psychotropic Substances, done at Vienna February 21, 1971;

(B) is new or has reemerged on the illicit market; and

(C) poses a threat to the public health and safety.

SA 4757. Mr. BURR (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 appropriate place, insert the following:

SEC. [_____]. REVISION OF STANDARD OCCUPATIONAL CLASSIFICATION SYSTEM.

The Director of the Office of Management and Budget shall, not later than 30 days after the date of enactment of this Act, categorize public safety telecommunicators as a protective service occupation under the Standard Occupational Classification System.

SA 4758. 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 C of title XII, add the following:

SEC. 1224. REPORT ON IRANIAN MILITARY CAPABILITIES.

(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 Committees on Armed Services of the House of Representatives and the Senate a report that includes a detailed description of—

(1) improvements to Iranian military capabilities in the preceding 180-day period, including capabilities of the Islamic Revolutionary Guard Corps, the Quds Force, the Artesh, and the Basij, as well as those of its terrorist proxies; and

(2) the direct or indirect impact that the suspension, issuance, or revocation of any waiver, license, or suspension of economic sanctions on Iran may have on such capabilities.

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

SA 4759. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. IDENTIFICATION OF, AND PLAN TO IMPROVE, HYPERSONICS FACILITIES AND CAPABILITIES FOR CONDUCTING TEST AND EVALUATION OF HYPERSONICS TECHNOLOGIES.

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

(1) identify each facility and capability of the Major Range and Test Facility Base and facilities and capabilities of all Federal test facilities, including test facilities of the National Aeronautics and Space Administration, and private sector organizations that—

(A) are capable of conducting test and evaluation of hypersonics technologies; or

(B) provide other test and evaluation capabilities to support the development of hypersonics technologies; and

(2) not later than one year after the date of the enactment of this Act, provide to the congressional defense committees a briefing on a plan and schedule to improve the capabilities described in paragraph (1), including a description of proposed organizational changes, investments, policy changes, and other activities.

(b) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ''Major Range and Test Facility Base'' has the meaning given that term in section 196(i) of title 10, United States Code.

SA 4760. 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. ___. NATIONAL EQUAL PAY ENFORCEMENT TASK FORCE.

(a) IN GENERAL.—There is established the National Equal Pay Enforcement Task Force, consisting of representatives from the Equal Employment Opportunity Commission, the Department of Justice, the Department of Labor, and the Office of Personnel Management.

(b) MISSION.—In order to improve compliance, public education, and enforcement of equal pay laws, the National Equal Pay Enforcement Task Force shall ensure that the agencies listed in subsection (a) are coordinating efforts and limiting potential gaps in enforcement.

(c) DUTIES.—The National Equal Pay Enforcement Task Force shall investigate challenges related to pay inequity pursuant to its mission in subsection (b), advance recommendations to address those challenges, and create action plans to implement the recommendations.

SA 4761. Mr. WARNOCK (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 III, add the following:

SEC. 376. REPORT ON INITIATIVES OF DEPARTMENT OF DEFENSE TO SOURCE LOCALLY AND REGIONALLY PRODUCED FOODS FOR INSTALLATIONS OF THE DEPARTMENT.

(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 to the appropriate committees of Congress a report detailing—

(1) efforts by the Department of Defense to establish and strengthen ''farm to base'' initiatives to source locally and regionally produced foods, including seafood, for consumption or distribution at installations of the Department;

(2) efforts by the Department to collaborate with relevant Federal agencies, including the Department of Veterans Affairs, the Department of Agriculture, and the Department of Commerce, in efforts to procure locally and regionally produced foods;

(3) current procurement practices of the Department of Defense regarding food for consumption or distribution on installations of the Department;

(4) opportunities where procurement of locally and regionally produced foods would be beneficial to members of the Armed Forces, their families, military readiness by improving health outcomes, and farmers near installations of the Department;

(5) barriers currently preventing the Department from increasing procurement of locally and regionally produced foods or preventing producers from partnering with nearby installations of the Department; and

(6) recommendations for how the Department can improve procurement practices to increase offerings of locally and regionally produced foods.

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

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(2) the Committee on Armed Services, the Committee on Natural Resources, and the Committee on Agriculture of the House of Representatives.

SA 4762. 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 B of title III, add the following:

SEC. 318. ANNUAL REPORT ON DEPLOYMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

Section 2925 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT RELATED TO DEPLOYMENT OF PHOTOVOLTAIC DEVICES.—(1) Simultaneous with the annual report required by subsection (a), the Secretary of Defense, acting through the Assistant Secretary of Defense for Energy, Installations, and Environment, shall submit to the congressional defense committees a report on the deployment of photovoltaic devices supporting the Department of Defense.

''(2) The annual report under this subsection shall include the following:

''(A) A description of all photovoltaic devices installed on property of the Department of Defense or in a facility owned by the Department of Defense, including the following information:

''(i) The location of each such device.

''(ii) The year each such device was installed.

''(iii) The power rating of each such device.

''(iv) The manufacturer of each such device.

''(v) The country or countries where such manufacturer and its affiliates are headquartered or conduct material operations.

''(vi) The country in which each such device was manufactured.

''(B) A description of all photovoltaic devices used to perform or support any non-expired energy savings performance contract (including under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287)), utility service contract, land lease, private housing contract, contract entered into under section 2922a of this title, or other arrangement whereby an agency of the Department of Defense acquired for the use or benefit of the United States Government solar energy or solar energy attributes, which shall include the information set forth under clauses (i) through (vi) of subparagraph (A) with respect to each such device.

''(3) If multiple photovoltaic devices are deployed at a single site, the description of photovoltaic devices required under subparagraph (A) or (B) of paragraph (2) may be aggregated if such devices share in common the manufacturer, the country or countries where such manufacturer and its affiliates are headquartered or conduct material operations, and the country in which such devices were manufactured.

''(4) The annual report under this subsection shall include descriptions only of photovoltaic devices that are designed to be affixed to land or real property and shall not include portable photovoltaic devices.''.

SA 4763. Mr. CORNYN (for himself, Mr. RUBIO, Mrs. HYDE-SMITH, and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF EXEMPTIONS AND RECORDKEEPING UNDER FARA.

(a) LIMITATION ON EXEMPTIONS.—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting '', except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is included on the list maintained by the Assistant Secretary of Commerce for Communications and Information under section 5'' before the colon.

(b) BOOKS AND RECORDS.—Section 5 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 615), is amended by adding at the end the following: ''The Assistant Secretary of Commerce for Communications and Information shall establish a list of, and any relevant information relating to, each agent of a foreign principal that is a foreign adversary (as defined in section 8(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c))). The Assistant Secretary of Commerce for Communications and Information shall update and maintain the list and any related information under this subsection as the Assistant Secretary determines to be necessary and appropriate.''.

(c) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION PROGRAM MODIFICATION.—Section 8(a)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(a)(2)) is amended—

(1) in subparagraph (C)(ii), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) notwithstanding paragraph (3), periodically submit to the Attorney General a list of, and any relevant information relating to, each foreign adversary identified for purposes of the program.''.

SA 4764. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Federal Information Security Modernization Act of 2021''.

SEC. 5102. DEFINITIONS.

In this division, unless otherwise specified:

(1) ADDITIONAL CYBERSECURITY PROCEDURE.—The term ''additional cybersecurity procedure'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(2) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

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

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Reform of the House of Representatives; and

(C) the Committee on Homeland Security of the House of Representatives.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) INCIDENT.—The term ''incident'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(6) NATIONAL SECURITY SYSTEM.—The term ''national security system'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(7) PENETRATION TEST.—The term ''penetration test'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(8) THREAT HUNTING.—The term ''threat hunting'' means proactively and iteratively searching for threats to systems that evade detection by automated threat detection systems.

TITLE LI—UPDATES TO FISMA

SEC. 5121. TITLE 44 AMENDMENTS.

(a) SUBCHAPTER I AMENDMENTS.—Subchapter I of chapter 35 of title 44, United States Code, is amended—

(1) in section 3504—

(A) in subsection (a)(1)(B)—

(i) by striking clause (v) and inserting the following:

''(v) confidentiality, privacy, disclosure, and sharing of information;'';

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

''(vi) in consultation with the National Cyber Director and the Director of the Cybersecurity and Infrastructure Security Agency, security of information; and''; and

(B) in subsection (g), by striking paragraph (1) and inserting the following:

''(1) develop, and in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies; and'';

(2) in section 3505—

(A) in paragraph (3) of the first subsection designated as subsection (c)—

(i) in subparagraph (B)—

(I) by inserting ''the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and'' before ''the Comptroller General''; and

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

(ii) in subparagraph (C)(v), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) maintained on a continual basis through the use of automation, machine-readable data, and scanning.''; and

(B) by striking the second subsection designated as subsection (c);

(3) in section 3506—

(A) in subsection (b)(1)(C), by inserting '', availability'' after ''integrity''; and

(B) in subsection (h)(3), by inserting ''security,'' after ''efficiency,''; and

(4) in section 3513—

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

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

''(c) Each agency providing a written plan under subsection (b) shall provide any portion of the written plan addressing information security or cybersecurity to the Director of the Cybersecurity and Infrastructure Security Agency.''.

(b) SUBCHAPTER II DEFINITIONS.—

(1) IN GENERAL.—Section 3552(b) of title 44, United States Code, is amended—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (6), (9), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) The term 'additional cybersecurity procedure' means a process, procedure, or other activity that is established in excess of the information security standards promulgated under section 11331(b) of title 40 to increase the security and reduce the cybersecurity risk of agency systems.'';

(C) by inserting after paragraph (6), as so redesignated, the following:

''(7) The term 'high value asset' means information or an information system that the head of an agency determines so critical to the agency that the loss or corruption of the information or the loss of access to the information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.

''(8) The term 'major incident' has the meaning given the term in guidance issued by the Director under section 3598(a).'';

(D) by inserting after paragraph (9), as so redesignated, the following:

''(10) The term 'penetration test' means a specialized type of assessment that—

''(A) is conducted on an information system or a component of an information system; and

''(B) emulates an attack or other exploitation capability of a potential adversary, typically under specific constraints, in order to identify any vulnerabilities of an information system or a component of an information system that could be exploited.''; and

(E) by inserting after paragraph (11), as so redesignated, the following:

''(12) The term 'shared service' means a centralized business or mission capability that is provided to multiple organizations within an agency or to multiple agencies.''.

(2) CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''.

(B) TITLE 10.—

(i) SECTION 2222.—Section 2222(i)(8) of title 10, United States Code, is amended by striking ''section 3552(b)(6)(A)'' and inserting ''section 3552(b)(9)(A)''.

(ii) SECTION 2223.—Section 2223(c)(3) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iii) SECTION 2315.—Section 2315 of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iv) SECTION 2339A.—Section 2339a(e)(5) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(C) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 207(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5527(a)) is amended by striking ''section 3552(b)(6)(A)(i)'' and inserting ''section 3552(b)(9)(A)(i)''.

(D) INTERNET OF THINGS CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 3(5) of the Internet of Things Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3a) is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(E) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Section 933(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(F) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act

for Fiscal Year 2011 (Public Law 111–383) is amended—

(i) in section 806(e)(5) (10 U.S.C. 2304 note), by striking ''section 3542(b)'' and inserting ''section 3552(b)'';

(ii) in section 931(b)(3) (10 U.S.C. 2223 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''; and

(iii) in section 932(b)(2) (10 U.S.C. 2224 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(G) E-GOVERNMENT ACT OF 2002.—Section 301(c)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(H) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''; and

(ii) in subsection (f)—

(I) in paragraph (3), by striking ''section 3532(1)'' and inserting ''section 3552(b)''; and

(II) in paragraph (5), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)''.

(c) SUBCHAPTER II AMENDMENTS.—Subchapter II of chapter 35 of title 44, United States Code, is amended—

(1) in section 3551—

(A) in paragraph (4), by striking ''diagnose and improve'' and inserting ''integrate, deliver, diagnose, and improve'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6), by striking the period at the end and inserting a semi colon; and

(D) by adding at the end the following:

''(7) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency;

''(8) recognize that each agency does not have the same resources to secure agency systems, and an agency should not be expected to have the capability to secure the systems of the agency from advanced adversaries alone; and

''(9) recognize that a holistic Federal cybersecurity model is necessary to account for differences between the missions and capabilities of agencies.'';

(2) in section 3553—

(A) by striking the section heading and inserting ''**Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency**''.

(B) in subsection (a)—

(i) in paragraph (1), by inserting '', in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director,'' before ''overseeing'';

(ii) in paragraph (5), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(8) promoting, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Institute of Standards and Technology—

''(A) the use of automation to improve Federal cybersecurity and visibility with respect to the implementation of Federal cybersecurity; and

''(B) the use of presumption of compromise and least privilege principles to improve resiliency and timely response actions to incidents on Federal systems.'';

(C) in subsection (b)—

(i) by striking the subsection heading and inserting ''CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY'';

(ii) in the matter preceding paragraph (1), by striking ''The Secretary, in consultation with the Director'' and inserting ''The Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and the National Cyber Director'';

(iii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''and reporting requirements under subchapter IV of this title'' after ''section 3556''; and

(II) in subparagraph (D), by striking ''the Director or Secretary'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency'';

(iv) in paragraph (5), by striking ''coordinating'' and inserting ''leading the coordination of'';

(v) in paragraph (8), by striking ''the Secretary's discretion'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency's discretion''; and

(vi) in paragraph (9), by striking ''as the Director or the Secretary, in consultation with the Director,'' and inserting ''as the Director of the Cybersecurity and Infrastructure Security Agency'';

(D) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''each year'' and inserting ''each year during which agencies are required to submit reports under section 3554(c)'';

(ii) by striking paragraph (1);

(iii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iv) in paragraph (3), as so redesignated, by striking ''and'' at the end;

(v) by inserting after paragraph (3), as so redesignated the following:

''(4) a summary of each assessment of Federal risk posture performed under subsection (i);''; and

(vi) in paragraph (5), by striking the period at the end and inserting ''; and'';

(E) by redesignating subsections (i), (j), (k), and (l) as subsections (j), (k), (l), and (m) respectively;

(F) by inserting after subsection (h) the following:

''(i) FEDERAL RISK ASSESSMENTS.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall perform assessments of Federal risk posture using any available information on the cybersecurity posture of agencies, and brief the Director and National Cyber Director on the findings of those assessments including—

''(1) the status of agency cybersecurity remedial actions described in section 3554(b)(7);

''(2) any vulnerability information relating to the systems of an agency that is known by the agency;

''(3) analysis of incident information under section 3597;

''(4) evaluation of penetration testing performed under section 3559A;

''(5) evaluation of vulnerability disclosure program information under section 3559B;

''(6) evaluation of agency threat hunting results;

''(7) evaluation of Federal and non-Federal cyber threat intelligence;

''(8) data on agency compliance with standards issued under section 11331 of title 40;

''(9) agency system risk assessments performed under section 3554(a)(1)(A); and

''(10) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant.''; and

(G) in subsection (j), as so redesignated—

(i) by striking ''regarding the specific'' and inserting ''that includes a summary of—

''(1) the specific'';

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting ''; and'' and

(iii) by adding at the end the following:

''(2) the trends identified in the Federal risk assessment performed under subsection (i).''; and

(H) by adding at the end the following:

''(n) BINDING OPERATIONAL DIRECTIVES.—If the Director of the Cybersecurity and Infrastructure Security Agency issues a binding operational directive or an emergency directive under this section, not later than 2 days after the date on which the binding operational directive requires an agency to take an action, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate reporting entities the status of the implementation of the binding operational directive at the agency.'';

(3) in section 3554—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(II) by inserting before subparagraph (B), as so redesignated, the following:

''(A) on an ongoing and continuous basis, performing agency system risk assessments that—

''(i) identify and document the high value assets of the agency using guidance from the Director;

''(ii) evaluate the data assets inventoried under section 3511 for sensitivity to compromises in confidentiality, integrity, and availability;

''(iii) identify agency systems that have access to or hold the data assets inventoried under section 3511;

''(iv) evaluate the threats facing agency systems and data, including high value assets, based on Federal and non-Federal cyber threat intelligence products, where available;

''(v) evaluate the vulnerability of agency systems and data, including high value assets, including by analyzing—

''(I) the results of penetration testing performed by the Department of Homeland Security under section 3553(b)(9);

''(II) the results of penetration testing performed under section 3559A;

''(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B;

''(IV) incidents; and

''(V) any other vulnerability information relating to agency systems that is known to the agency;

''(vi) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

''(vii) assess the consequences of potential incidents occurring on agency systems that would impact systems at other agencies, including due to interconnectivity between different agency systems or operational reliance on the operations of the system or data in the system;'';

(III) in subparagraph (B), as so redesignated, in the matter preceding clause (i), by striking ''providing information'' and inserting ''using information from the assessment conducted under subparagraph (A), providing, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, information'';

(IV) in subparagraph (C), as so redesignated—

(aa) in clause (ii) by inserting ''binding'' before ''operational''; and

(bb) in clause (vi), by striking ''and'' at the end; and

(V) by adding at the end the following:

''(E) providing an update on the ongoing and continuous assessment performed under subparagraph (A)—

''(i) upon request, to the inspector general of the agency or the Comptroller General of the United States; and

''(ii) on a periodic basis, as determined by guidance issued by the Director but not less frequently than annually, to—

''(I) the Director;

''(II) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(III) the National Cyber Director;

''(F) in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and not less frequently than once every 3 years, performing an evaluation of whether additional cybersecurity procedures are appropriate for securing a system of, or under the supervision of, the agency, which shall—

''(i) be completed considering the agency system risk assessment performed under subparagraph (A); and

''(ii) include a specific evaluation for high value assets;

''(G) not later than 30 days after completing the evaluation performed under subparagraph (F), providing the evaluation and an implementation plan, if applicable, for using additional cybersecurity procedures determined to be appropriate to—

''(i) the Director of the Cybersecurity and Infrastructure Security Agency;

''(ii) the Director; and

''(iii) the National Cyber Director; and

''(H) if the head of the agency determines there is need for additional cybersecurity procedures, ensuring that those additional cybersecurity procedures are reflected in the budget request of the agency in accordance with the risk-based cyber budget model developed pursuant to section 3553(a)(7);'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in accordance with the agency system risk assessment performed under paragraph (1)(A)'' after ''information systems'';

(II) in subparagraph (B)—

(aa) by striking ''in accordance with standards'' and inserting ''in accordance with—

''(i) standards''; and

(bb) by adding at the end the following:

''(ii) the evaluation performed under paragraph (1)(F); and

''(iii) the implementation plan described in paragraph (1)(G);''; and

(III) in subparagraph (D), by inserting '', through the use of penetration testing, the vulnerability disclosure program established under section 3559B, and other means,'' after ''periodically'';

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (iii), by striking ''and'' at the end;

(bb) in clause (iv), by adding ''and'' at the end; and

(cc) by adding at the end the following:

''(v) ensure that—

''(I) senior agency information security officers of component agencies carry out responsibilities under this subchapter, as directed by the senior agency information security officer of the agency or an equivalent official; and

''(II) senior agency information security officers of component agencies report to—

''(aa) the senior information security officer of the agency or an equivalent official; and

''(bb) the Chief Information Officer of the component agency or an equivalent official;''; and

(iv) in paragraph (5), by inserting ''and the Director of the Cybersecurity and Infrastructure Security Agency'' before ''on the effectiveness'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) pursuant to subsection (a)(1)(A), performing ongoing and continuous agency system risk assessments, which may include using guidelines and automated tools consistent with standards and guidelines promulgated under section 11331 of title 40, as applicable;'';

(ii) in paragraph (2)—

(I) by striking subparagraph (B) and inserting the following:

''(B) comply with the risk-based cyber budget model developed pursuant to section 3553(a)(7);''; and

(II) in subparagraph (D)—

(aa) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(bb) by inserting after clause (ii) the following:

''(iii) binding operational directives and emergency directives promulgated by the Director of the Cybersecurity and Infrastructure Security Agency under section 3553;''; and

(cc) in clause (iv), as so redesignated, by striking ''as determined by the agency; and'' and inserting ''as determined by the agency, considering—

''(I) the agency risk assessment performed under subsection (a)(1)(A); and

''(II) the determinations of applying more stringent standards and additional cybersecurity procedures pursuant to section 11331(c)(1) of title 40; and'';

(iii) in paragraph (5)(A), by inserting '', including penetration testing, as appropriate,'' after ''shall include testing'';

(iv) in paragraph (6), by striking ''planning, implementing, evaluating, and documenting'' and inserting ''planning and implementing and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, evaluating and documenting'';

(v) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(vi) by inserting after paragraph (6) the following:

''(7) a process for providing the status of every remedial action and known system vulnerability to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable;''; and

(vii) in paragraph (8)(C), as so redesignated—

(I) by striking clause (ii) and inserting the following:

''(ii) notifying and consulting with the Federal information security incident center established under section 3556 pursuant to the requirements of section 3594;'';

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

''(iii) performing the notifications and other activities required under subchapter IV of this title; and''; and

(IV) in clause (iv), as so redesignated—

(aa) in subclause (I), by striking ''and relevant offices of inspectors general'';

(bb) in subclause (II), by adding ''and'' at the end;

(cc) by striking subclause (III); and

(dd) by redesignating subclause (IV) as subclause (III);

(C) in subsection (c)—

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

(ii) by striking paragraph (1) and inserting the following:

''(1) BIANNUAL REPORT.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2021 and not less frequently than once every 2 years thereafter, using the continuous and ongoing agency system risk assessment under subsection (a)(1)(A), the head of each agency shall submit to the Director, the Director of the Cybersecurity and Infrastructure Security Agency, the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, the appropriate authorization and appropriations committees of Congress, the National Cyber Director, and the Comptroller General of the United States a report that—

''(A) summarizes the agency system risk assessment performed under subsection (a)(1)(A);

''(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risks identified in the agency system risk assessment performed under subsection (a)(1)(A), including an analysis of the agency's cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c));

''(C) summarizes the evaluation and implementation plans described in subparagraphs (F) and (G) of subsection (a)(1) and whether those evaluation and implementation plans call for the use of additional cybersecurity procedures determined to be appropriate by the agency; and

''(D) summarizes the status of remedial actions identified by inspector general of the agency, the Comptroller General of the United States, and any other source determined appropriate by the head of the agency.

''(2) UNCLASSIFIED REPORTS.—Each report submitted under paragraph (1)—

''(A) shall be, to the greatest extent practicable, in an unclassified and otherwise uncontrolled form; and

''(B) may include a classified annex.

''(3) ACCESS TO INFORMATION.—The head of an agency shall ensure that, to the greatest extent practicable, information is included in the unclassified form of the report submitted by the agency under paragraph (2)(A).

''(4) BRIEFINGS.—During each year during which a report is not required to be submitted under paragraph (1), the Director shall provide to the congressional committees described in paragraph (1) a briefing summarizing current agency and Federal risk postures.''; and

(iii) in paragraph (5), as so redesignated, by inserting ''including the reporting procedures established under section 11315(d) of title 40 and subsection (a)(3)(A)(v) of this section''; and

(D) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''and the Director of the Cybersecurity and Infrastructure Security Agency'' after ''the Director''; and

(4) in section 3555—

(A) in the section heading, by striking ''**ANNUAL INDEPENDENT**'' and inserting ''**INDEPENDENT**'';

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''during which a report is required to be submitted under section 3553(c),'' after ''Each year'';

(ii) in paragraph (2)(A), by inserting '', including by penetration testing and analyzing the vulnerability disclosure program of the agency'' after ''information systems''; and

(iii) by adding at the end the following:

''(3) An evaluation under this section may include recommendations for improving the cybersecurity posture of the agency.'';

(C) in subsection (b)(1), by striking ''annual'';

(D) in subsection (e)(1), by inserting ''during which a report is required to be submitted under section 3553(c)'' after ''Each year'';

(E) by striking subsection (f) and inserting the following:

''(f) PROTECTION OF INFORMATION.—(1) Agencies, evaluators, and other recipients of information that, if disclosed, may cause grave harm to the efforts of Federal information security officers shall take appropriate steps to ensure the protection of that information, including safeguarding the information from public disclosure.

''(2) The protections required under paragraph (1) shall be commensurate with the risk and comply with all applicable laws and regulations.

''(3) With respect to information that is not related to national security systems, agencies and evaluators shall make a summary of the information unclassified and publicly available, including information that does not identify—

''(A) specific information system incidents; or

''(B) specific information system vulnerabilities.'';

(F) in subsection (g)(2)—

(i) by striking ''this subsection shall'' and inserting ''this subsection—

''(A) shall'';

(ii) in subparagraph (A), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(B) identify any entity that performs an independent evaluation under subsection (b).''; and

(G) by striking subsection (j) and inserting the following:

''(j) GUIDANCE.—

''(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of guidance for evaluating the effectiveness of an information security program and practices

''(2) PRIORITIES.—The guidance developed under paragraph (1) shall prioritize the identification of—

''(A) the most common threat patterns experienced by each agency;

''(B) the security controls that address the threat patterns described in subparagraph (A); and

''(C) any other security risks unique to the networks of each agency.''; and

(5) in section 3556(a)—

(A) in the matter preceding paragraph (1), by inserting ''within the Cybersecurity and Infrastructure Security Agency'' after ''incident center''; and

(B) in paragraph (4), by striking ''3554(b)'' and inserting ''3554(a)(1)(A)''.

(d) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended—

(A) by striking the item relating to section 3553 and inserting the following:

''3553. Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency.''; and

(B) by striking the item relating to section 3555 and inserting the following:

''3555. Independent evaluation.''.

(2) OMB REPORTS.—Section 226(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1524(c)) is amended—

(A) in paragraph (1)(B), in the matter preceding clause (i), by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(B) in paragraph (2)(B), in the matter preceding clause (i)—

(i) by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(ii) by striking ''the report required under section 3553(c) of title 44, United States Code'' and inserting ''that report''.

(3) NIST RESPONSIBILITIES.—Section 20(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)(3)(B)) is amended by striking ''annual''.

(e) FEDERAL SYSTEM INCIDENT RESPONSE.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''§ 3591. Definitions

''(a) IN GENERAL.—Except as provided in subsection (b), the definitions under sections 3502 and 3552 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—As used in this subchapter:

''(1) APPROPRIATE REPORTING ENTITIES.—The term 'appropriate reporting entities' means—

''(A) the majority and minority leaders of the Senate;

''(B) the Speaker and minority leader of the House of Representatives;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Oversight and Reform of the House of Representatives;

''(E) the Committee on Homeland Security of the House of Representatives;

''(F) the appropriate authorization and appropriations committees of Congress;

''(G) the Director;

''(H) the Director of the Cybersecurity and Infrastructure Security Agency;

''(I) the National Cyber Director;

''(J) the Comptroller General of the United States; and

''(K) the inspector general of any impacted agency.

''(2) AWARDEE.—The term 'awardee'—

''(A) means a person, business, or other entity that receives a grant from, or is a party to a cooperative agreement or an other transaction agreement with, an agency; and

''(B) includes any subgrantee of a person, business, or other entity described in subparagraph (A).

''(3) BREACH.—The term 'breach' means—

''(A) a compromise of the security, confidentiality, or integrity of data in electronic form that results in unauthorized access to, or an acquisition of, personal information; or

''(B) a loss of data in electronic form that results in unauthorized access to, or an acquisition of, personal information.

''(4) CONTRACTOR.—The term 'contractor' means—

''(A) a prime contractor of an agency or a subcontractor of a prime contractor of an agency; and

''(B) any person or business that collects or maintains information, including personally identifiable information, on behalf of an agency.

''(5) FEDERAL INFORMATION.—The term 'Federal information' means information created, collected, processed, maintained, disseminated, disclosed, or disposed of by or for the Federal Government in any medium or form.

''(6) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' means an information system used or operated by an agency, a contractor, an awardee, or another organization on behalf of an agency.

''(7) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(8) NATIONWIDE CONSUMER REPORTING AGENCY.—The term 'nationwide consumer reporting agency' means a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''(9) VULNERABILITY DISCLOSURE.—The term 'vulnerability disclosure' means a vulnerability identified under section 3559B.

''§ 3592. Notification of breach

''(a) NOTIFICATION.—As expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with a senior privacy officer of the agency, shall—

''(1) determine whether notice to any individual potentially affected by the breach is appropriate based on an assessment of the risk of harm to the individual that considers—

''(A) the nature and sensitivity of the personally identifiable information affected by the breach;

''(B) the likelihood of access to and use of the personally identifiable information affected by the breach;

''(C) the type of breach; and

''(D) any other factors determined by the Director; and

''(2) as appropriate, provide written notice in accordance with subsection (b) to each individual potentially affected by the breach—

''(A) to the last known mailing address of the individual; or

''(B) through an appropriate alternative method of notification that the head of the agency or a designated senior-level individual of the agency selects based on factors determined by the Director.

''(b) CONTENTS OF NOTICE.—Each notice of a breach provided to an individual under subsection (a)(2) shall include—

''(1) a brief description of the rationale for the determination that notice should be provided under subsection (a);

''(2) if possible, a description of the types of personally identifiable information affected by the breach;

''(3) contact information of the agency that may be used to ask questions of the agency, which—

''(A) shall include an e-mail address or another digital contact mechanism; and

''(B) may include a telephone number or a website;

''(4) information on any remedy being offered by the agency;

''(5) any applicable educational materials relating to what individuals can do in response to a breach that potentially affects their personally identifiable information, including relevant contact information for Federal law enforcement agencies and each nationwide consumer reporting agency; and

''(6) any other appropriate information, as determined by the head of the agency or established in guidance by the Director.

''(c) DELAY OF NOTIFICATION.—

''(1) IN GENERAL.—The Attorney General, the Director of National Intelligence, or the Secretary of Homeland Security may delay a notification required under subsection (a) if the notification would—

''(A) impede a criminal investigation or a national security activity;

''(B) reveal sensitive sources and methods;

''(C) cause damage to national security; or

''(D) hamper security remediation actions.

''(2) DOCUMENTATION.—

''(A) IN GENERAL.—Any delay under paragraph (1) shall be reported in writing to the Director, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the head of the agency and the inspector general of the agency that experienced the breach.

''(B) CONTENTS.—A report required under subparagraph (A) shall include a written statement from the entity that delayed the notification explaining the need for the delay.

''(C) FORM.—The report required under subparagraph (A) shall be unclassified but may include a classified annex.

''(3) RENEWAL.—A delay under paragraph (1) shall be for a period of 60 days and may be renewed.

''(d) UPDATE NOTIFICATION.—If an agency determines there is a significant change in the reasonable basis to conclude that a breach occurred, a significant change to the determination made under subsection (a)(1), or that it is necessary to update the details of the information provided to impacted individuals as described in subsection (b), the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 30 days after such a determination, notify each individual who received a notification pursuant to subsection (a) of those changes.

''(e) EXEMPTION FROM NOTIFICATION.—

''(1) IN GENERAL.—The head of an agency, in consultation with the inspector general of the agency, may request an exemption from the Director from complying with the notification requirements under subsection (a) if the information affected by the breach is determined by an independent evaluation to be unreadable, including, as appropriate, instances in which the information is—

''(A) encrypted; and

''(B) determined by the Director of the Cybersecurity and Infrastructure Security Agency to be of sufficiently low risk of exposure.

''(2) APPROVAL.—The Director shall determine whether to grant an exemption requested under paragraph (1) in consultation with—

''(A) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(B) the Attorney General.

''(3) DOCUMENTATION.—Any exemption granted by the Director under paragraph (1) shall be reported in writing to the head of the agency and the inspector general of the agency that experienced the breach and the Director of the Cybersecurity and Infrastructure Security Agency.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the Director from issuing guidance relating to notifications or the head of an agency from notifying individuals potentially affected by breaches that are not determined to be major incidents; or

''(2) the Director from issuing guidance relating to notifications of major incidents or the head of an agency from providing more information than described in subsection (b) when notifying individuals potentially affected by breaches.

''§ 3593. Congressional and Executive Branch reports

''(a) INITIAL REPORT.—

''(1) IN GENERAL.—Not later than 72 hours after an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency impacted by the major incident shall submit to the appropriate reporting entities a written report and, to the extent practicable, provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the appropriate authorization and appropriations committees of Congress, taking into account—

''(A) the information known at the time of the report;

''(B) the sensitivity of the details associated with the major incident; and

''(C) the classification level of the information contained in the report.

''(2) CONTENTS.—A report required under paragraph (1) shall include, in a manner that excludes or otherwise reasonably protects personally identifiable information and to the extent permitted by applicable law, including privacy and statistical laws—

''(A) a summary of the information available about the major incident, including how the major incident occurred, information indicating that the major incident may be a breach, and information relating to the major incident as a breach, based on information available to agency officials as of the date on which the agency submits the report;

''(B) if applicable, a description and any associated documentation of any circumstances necessitating a delay in or exemption to notification to individuals potentially affected by the major incident under subsection (c) or (e) of section 3592; and

''(C) if applicable, an assessment of the impacts to the agency, the Federal Government, or the security of the United States, based on information available to agency officials on the date on which the agency submits the report.

''(b) SUPPLEMENTAL REPORT.—Within a reasonable amount of time, but not later than 30 days after the date on which an agency submits a written report under subsection (a), the head of the agency shall provide to the appropriate reporting entities written updates on the major incident and, to the extent practicable, provide a briefing to the congressional committees described in subsection (a)(1), including summaries of—

''(1) vulnerabilities, means by which the major incident occurred, and impacts to the agency relating to the major incident;

''(2) any risk assessment and subsequent risk-based security implementation of the affected information system before the date on which the major incident occurred;

''(3) the status of compliance of the affected information system with applicable security requirements at the time of the major incident;

''(4) an estimate of the number of individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(5) an assessment of the risk of harm to individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(6) an update to the assessment of the risk to agency operations, or to impacts on other agency or non-Federal entity operations, affected by the major incident based on information available to agency officials as of the date on which the agency provides the update; and

''(7) the detection, response, and remediation actions of the agency, including any support provided by the Cybersecurity and Infrastructure Security Agency under section 3594(d) and status updates on the notification process described in section 3592(a), including any delay or exemption described in subsection (c) or (e), respectively, of section 3592, if applicable.

''(c) UPDATE REPORT.—If the agency determines that there is any significant change in the understanding of the agency of the scope, scale, or consequence of a major incident for which an agency submitted a written report under subsection (a), the agency shall provide an updated report to the appropriate reporting entities that includes information relating to the change in understanding.

''(d) ANNUAL REPORT.—Each agency shall submit as part of the annual report required under section 3554(c)(1) of this title a description of each major incident that occurred during the 1-year period preceding the date on which the report is submitted.

''(e) DELAY AND EXEMPTION REPORT.—

''(1) IN GENERAL.—The Director shall submit to the appropriate notification entities an annual report on all notification delays and exemptions granted pursuant to subsections (c) and (d) of section 3592.

''(2) COMPONENT OF OTHER REPORT.—The Director may submit the report required under paragraph (1) as a component of the annual report submitted under section 3597(b).

''(f) REPORT DELIVERY.—Any written report required to be submitted under this section may be submitted in a paper or electronic format.

''(g) THREAT BRIEFING.—

''(1) IN GENERAL.—Not later than 7 days after the date on which an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency, jointly with the National Cyber Director and any other Federal entity determined appropriate by the National Cyber Director, shall provide a briefing to the congressional committees described in subsection (a)(1) on the threat causing the major incident.

''(2) COMPONENTS.—The briefing required under paragraph (1)—

''(A) shall, to the greatest extent practicable, include an unclassified component; and

''(B) may include a classified component.

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the ability of an agency to provide additional reports or briefings to Congress; or

''(2) Congress from requesting additional information from agencies through reports, briefings, or other means.

''§ 3594. Government information sharing and incident response

''(a) IN GENERAL.—

''(1) INCIDENT REPORTING.—The head of each agency shall provide any information relating to any incident, whether the information is obtained by the Federal Government directly or indirectly, to the Cybersecurity and Infrastructure Security Agency and the Office of Management and Budget.

''(2) CONTENTS.—A provision of information relating to an incident made by the head of an agency under paragraph (1) shall—

''(A) include detailed information about the safeguards that were in place when the incident occurred;

''(B) whether the agency implemented the safeguards described in subparagraph (A) correctly;

''(C) in order to protect against a similar incident, identify—

''(i) how the safeguards described in subparagraph (A) should be implemented differently; and

''(ii) additional necessary safeguards; and

''(D) include information to aid in incident response, such as—

''(i) a description of the affected systems or networks;

''(ii) the estimated dates of when the incident occurred; and

''(iii) information that could reasonably help identify the party that conducted the incident.

''(3) INFORMATION SHARING.—To the greatest extent practicable, the Director of the

Cybersecurity and Infrastructure Security Agency shall share information relating to an incident with any agencies that may be impacted by the incident.

''(4) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about incidents that occur on national security systems with the Director of the Cybersecurity and Infrastructure Security Agency to the extent consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President.

''(b) COMPLIANCE.—The information provided under subsection (a) shall take into account the level of classification of the information and any information sharing limitations and protections, such as limitations and protections relating to law enforcement, national security, privacy, statistical confidentiality, or other factors determined by the Director

''(c) INCIDENT RESPONSE.—Each agency that has a reasonable basis to conclude that a major incident occurred involving Federal information in electronic medium or form, as defined by the Director and not involving a national security system, regardless of delays from notification granted for a major incident, shall coordinate with the Cybersecurity and Infrastructure Security Agency regarding—

''(1) incident response and recovery; and

''(2) recommendations for mitigating future incidents.

''§ 3595. Responsibilities of contractors and awardees

''(a) NOTIFICATION.—

''(1) IN GENERAL.—Unless otherwise specified in a contract, grant, cooperative agreement, or an other transaction agreement, any contractor or awardee of an agency shall report to the agency within the same amount of time such agency is required to report an incident to the Cybersecurity and Infrastructure Security Agency, if the contractor or awardee has a reasonable basis to conclude that—

''(A) an incident or breach has occurred with respect to Federal information collected, used, or maintained by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee;

''(B) an incident or breach has occurred with respect to a Federal information system used or operated by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee; or

''(C) the contractor or awardee has received information from the agency that the contractor or awardee is not authorized to receive in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee.

''(2) PROCEDURES.—

''(A) MAJOR INCIDENT.—Following a report of a breach or major incident by a contractor or awardee under paragraph (1), the agency, in consultation with the contractor or awardee, shall carry out the requirements under sections 3592, 3593, and 3594 with respect to the major incident.

''(B) INCIDENT.—Following a report of an incident by a contractor or awardee under paragraph (1), an agency, in consultation with the contractor or awardee, shall carry out the requirements under section 3594 with respect to the incident.

''(b) EFFECTIVE DATE.—This section shall apply on and after the date that is 1 year after the date of enactment of the Federal Information Security Modernization Act of 2021.

''§ 3596. Training

''(a) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means an individual who obtains access to Federal information or Federal information systems because of the status of the individual as an employee, contractor, awardee, volunteer, or intern of an agency.

''(b) REQUIREMENT.—The head of each agency shall develop training for covered individuals on how to identify and respond to an incident, including—

''(1) the internal process of the agency for reporting an incident; and

''(2) the obligation of a covered individual to report to the agency a confirmed major incident and any suspected incident involving information in any medium or form, including paper, oral, and electronic.

''(c) INCLUSION IN ANNUAL TRAINING.—The training developed under subsection (b) may be included as part of an annual privacy or security awareness training of an agency.

''§ 3597. Analysis and report on Federal incidents

''(a) ANALYSIS OF FEDERAL INCIDENTS.—

''(1) QUANTITATIVE AND QUALITATIVE ANALYSES.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop, in consultation with the Director and the National Cyber Director, and perform continuous monitoring and quantitative and qualitative analyses of incidents at agencies, including major incidents, including—

''(A) the causes of incidents, including—

''(i) attacker tactics, techniques, and procedures; and

''(ii) system vulnerabilities, including zero days, unpatched systems, and information system misconfigurations;

''(B) the scope and scale of incidents at agencies;

''(C) cross Federal Government root causes of incidents at agencies;

''(D) agency incident response, recovery, and remediation actions and the effectiveness of those actions, as applicable;

''(E) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

''(F) trends in cross-Federal Government cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(2) AUTOMATED ANALYSIS.—The analyses developed under paragraph (1) shall, to the greatest extent practicable, use machine readable data, automation, and machine learning processes.

''(3) SHARING OF DATA AND ANALYSIS.—

''(A) IN GENERAL.—The Director shall share on an ongoing basis the analyses required under this subsection with agencies and the National Cyber Director to—

''(i) improve the understanding of cybersecurity risk of agencies; and

''(ii) support the cybersecurity improvement efforts of agencies.

''(B) FORMAT.—In carrying out subparagraph (A), the Director shall share the analyses—

''(i) in human-readable written products; and

''(ii) to the greatest extent practicable, in machine-readable formats in order to enable automated intake and use by agencies.

''(b) ANNUAL REPORT ON FEDERAL INCIDENTS.—Not later than 2 years after the date of enactment of this section, and not less frequently than annually thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and other Federal agencies as appropriate, shall submit to the appropriate notification entities a report that includes—

''(1) a summary of causes of incidents from across the Federal Government that categorizes those incidents as incidents or major incidents;

''(2) the quantitative and qualitative analyses of incidents developed under subsection (a)(1) on an agency-by-agency basis and comprehensively across the Federal Government, including—

''(A) a specific analysis of breaches; and

''(B) an analysis of the Federal Government's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

''(3) an annex for each agency that includes—

''(A) a description of each major incident;

''(B) the total number of compromises of the agency; and

''(C) an analysis of the agency's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(c) PUBLICATION.—A version of each report submitted under subsection (b) shall be made publicly available on the website of the Cybersecurity and Infrastructure Security Agency during the year in which the report is submitted.

''(d) INFORMATION PROVIDED BY AGENCIES.—

''(1) IN GENERAL.—The analysis required under subsection (a) and each report submitted under subsection (b) shall use information provided by agencies under section 3594(a).

''(2) NONCOMPLIANCE REPORTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), during any year during which the head of an agency does not provide data for an incident to the Cybersecurity and Infrastructure Security Agency in accordance with section 3594(a), the head of the agency, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Director, shall submit to the appropriate reporting entities a report that includes—

''(i) data for the incident; and

''(ii) the information described in subsection (b) with respect to the agency.

''(B) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The head of an agency that owns or exercises control of a national security system shall not include data for an incident that occurs on a national security system in any report submitted under subparagraph (A).

''(3) NATIONAL SECURITY SYSTEM REPORTS.—

''(A) IN GENERAL.—Annually, the head of an agency that operates or exercises control of a national security system shall submit a report that includes the information described in subsection (b) with respect to the agency to the extent that the submission is consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President to—

''(i) the majority and minority leaders of the Senate,

''(ii) the Speaker and minority leader of the House of Representatives;

''(iii) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(iv) the Select Committee on Intelligence of the Senate;

''(v) the Committee on Armed Services of the Senate;

''(vi) the Committee on Appropriations of the Senate;

''(vii) the Committee on Oversight and Reform of the House of Representatives;

''(viii) the Committee on Homeland Security of the House of Representatives;

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

''(x) the Committee on Armed Services of the House of Representatives; and

''(xi) the Committee on Appropriations of the House of Representatives.

''(B) CLASSIFIED FORM.—A report required under subparagraph (A) may be submitted in a classified form.

''(e) REQUIREMENT FOR COMPILING INFORMATION.—In publishing the public report required under subsection (c), the Director of the Cybersecurity and Infrastructure Security Agency shall sufficiently compile information such that no specific incident of an agency can be identified, except with the concurrence of the Director of the Office of Management and Budget and in consultation with the impacted agency.

''§ 3598. Major incident definition

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Federal Information Security Modernization Act of 2021, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, shall develop and promulgate guidance on the definition of the term 'major incident' for the purposes of subchapter II and this subchapter.

''(b) REQUIREMENTS.—With respect to the guidance issued under subsection (a), the definition of the term 'major incident' shall—

''(1) include, with respect to any information collected or maintained by or on behalf of an agency or an information system used or operated by an agency or by a contractor of an agency or another organization on behalf of an agency—

''(A) any incident the head of the agency determines is likely to have an impact on—

''(i) the national security, homeland security, or economic security of the United States; or

''(ii) the civil liberties or public health and safety of the people of the United States;

''(B) any incident the head of the agency determines likely to result in an inability for the agency, a component of the agency, or the Federal Government, to provide 1 or more critical services;

''(C) any incident that the head of an agency, in consultation with a senior privacy officer of the agency, determines is likely to have a significant privacy impact on 1 or more individual;

''(D) any incident that the head of the agency, in consultation with a senior privacy official of the agency, determines is likely to have a substantial privacy impact on a significant number of individuals;

''(E) any incident the head of the agency determines impacts the operations of a high value asset owned or operated by the agency;

''(F) any incident involving the exposure of sensitive agency information to a foreign entity, such as the communications of the head of the agency, the head of a component of the agency, or the direct reports of the head of the agency or the head of a component of the agency; and

''(G) any other type of incident determined appropriate by the Director;

''(2) stipulate that the National Cyber Director shall declare a major incident at each agency impacted by an incident if the Director of the Cybersecurity and Infrastructure Security Agency determines that an incident—

''(A) occurs at not less than 2 agencies; and

''(B) is enabled by—

''(i) a common technical root cause, such as a supply chain compromise, a common software or hardware vulnerability; or

''(ii) the related activities of a common threat actor; and

''(3) stipulate that, in determining whether an incident constitutes a major incident because that incident—

''(A) is any incident described in paragraph (1), the head of an agency shall consult with the Director of the Cybersecurity and Infrastructure Security Agency;

''(B) is an incident described in paragraph (1)(A), the head of the agency shall consult with the National Cyber Director; and

''(C) is an incident described in subparagraph (C) or (D) of paragraph (1), the head of the agency shall consult with—

''(i) the Privacy and Civil Liberties Oversight Board; and

''(ii) the Chair of the Federal Trade Commission.

''(c) SIGNIFICANT NUMBER OF INDIVIDUALS.—In determining what constitutes a significant number of individuals under subsection (b)(1)(D), the Director—

''(1) may determine a threshold for a minimum number of individuals that constitutes a significant amount; and

''(2) may not determine a threshold described in paragraph (1) that exceeds 5,000 individuals.

''(d) EVALUATION AND UPDATES.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2021, and not less frequently than every 2 years thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives an evaluation, which shall include—

''(1) an update, if necessary, to the guidance issued under subsection (a);

''(2) the definition of the term 'major incident' included in the guidance issued under subsection (a); and

''(3) an explanation of, and the analysis that led to, the definition described in paragraph (2).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

SEC. 5122. AMENDMENTS TO SUBTITLE III OF TITLE 40.

(a) MODERNIZING GOVERNMENT TECHNOLOGY.—Subtitle G of title X of Division A of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 11301 note) is amended—

(1) in section 1077(b)—

(A) in paragraph (5)(A), by inserting ''improving the cybersecurity of systems and'' before ''cost savings activities''; and

(B) in paragraph (7)—

(i) in the paragraph heading, by striking ''CIO'' and inserting ''CIO'';

(ii) by striking ''In evaluating projects'' and inserting the following:

''(A) CONSIDERATION OF GUIDANCE.—In evaluating projects'';

(iii) in subparagraph (A), as so designated, by striking ''under section 1094(b)(1)'' and inserting ''by the Director''; and

(iv) by adding at the end the following:

''(B) CONSULTATION.—In using funds under paragraph (3)(A), the Chief Information Officer of the covered agency shall consult with the necessary stakeholders to ensure the project appropriately addresses cybersecurity risks, including the Director of the Cybersecurity and Infrastructure Security Agency, as appropriate.''; and

(2) in section 1078—

(A) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

''(2) HIGH VALUE ASSET.—The term 'high value asset' has the meaning given the term in section 3552 of title 44, United States Code.'';

(B) in subsection (b), by adding at the end the following:

''(8) PROPOSAL EVALUATION.—The Director shall—

''(A) give consideration for the use of amounts in the Fund to improve the security of high value assets; and

''(B) require that any proposal for the use of amounts in the Fund includes a cybersecurity plan, including a supply chain risk management plan, to be reviewed by the member of the Technology Modernization Board described in subsection (c)(5)(C).''; and

(C) in subsection (c)—

(i) in paragraph (2)(A)(i), by inserting '', including a consideration of the impact on high value assets'' after ''operational risks'';

(ii) in paragraph (5)—

(I) in subparagraph (A), by striking ''and'' at the end;

(II) in subparagraph (B), by striking the period at the end and inserting ''and''; and

(III) by adding at the end the following:

''(C) a senior official from the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, appointed by the Director.''; and

(iii) in paragraph (6)(A), by striking ''shall be—'' and all that follows through ''4 employees'' and inserting ''shall be 4 employees''.

(b) SUBCHAPTER I.—Subchapter I of subtitle III of title 40, United States Code, is amended—

(1) in section 11302—

(A) in subsection (b), by striking ''use, security, and disposal of'' and inserting ''use, and disposal of, and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, promote and improve the security of,'';

(B) in subsection (c)—

(i) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''including data'' and inserting ''which shall—

''(i) include data'';

(bb) in clause (i), as so designated, by striking '', and performance'' and inserting ''security, and performance; and''; and

(cc) by adding at the end the following:

''(ii) specifically denote cybersecurity funding under the risk-based cyber budget model developed pursuant to section 3553(a)(7) of title 44.''; and

(II) in subparagraph (B), adding at the end the following:

''(iii) The Director shall provide to the National Cyber Director any cybersecurity funding information described in subparagraph (A)(ii) that is provided to the Director under clause (ii) of this subparagraph.''; and

(ii) in paragraph (4)(B), in the matter preceding clause (i), by inserting ''not later than 30 days after the date on which the review under subparagraph (A) is completed,'' before ''the Administrator'';

(C) in subsection (f)—

(i) by striking ''heads of executive agencies to develop'' and inserting ''heads of executive agencies to—

''(1) develop'';

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(2) consult with the Director of the Cybersecurity and Infrastructure Security Agency for the development and use of supply chain security best practices.''; and

(D) in subsection (h), by inserting '', including cybersecurity performances,'' after ''the performances''; and

(2) in section 11303(b)—

(A) in paragraph (2)(B)—

(i) in clause (i), by striking ''or'' at the end;

(ii) in clause (ii), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(iii) whether the function should be performed by a shared service offered by another executive agency;''; and

(B) in paragraph (5)(B)(i), by inserting '', while taking into account the risk-based cyber budget model developed pursuant to section 3553(a)(7) of title 44'' after ''title 31''.

(c) SUBCHAPTER II.—Subchapter II of subtitle III of title 40, United States Code, is amended—

(1) in section 11312(a), by inserting '', including security risks'' after ''managing the risks'';

(2) in section 11313(1), by striking ''efficiency and effectiveness'' and inserting ''efficiency, security, and effectiveness'';

(3) in section 11315, by adding at the end the following:

''(d) COMPONENT AGENCY CHIEF INFORMATION OFFICERS.—The Chief Information Officer or an equivalent official of a component agency shall report to—

''(1) the Chief Information Officer designated under section 3506(a)(2) of title 44 or an equivalent official of the agency of which the component agency is a component; and

''(2) the head of the component agency.'';

(4) in section 11317, by inserting ''security,'' before ''or schedule''; and

(5) in section 11319(b)(1), in the paragraph heading, by striking ''CIOS'' and inserting ''CHIEF INFORMATION OFFICERS''.

(d) SUBCHAPTER III.—Section 11331 of title 40, United States Code, is amended—

(1) in subsection (a), by striking ''section 3532(b)(1)'' and inserting ''section 3552(b)'';

(2) in subsection (b)(1)(A), by striking ''the Secretary of Homeland Security'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency'';

(3) by striking subsection (c) and inserting the following:

''(c) APPLICATION OF MORE STRINGENT STANDARDS.—

''(1) IN GENERAL.—The head of an agency shall—

''(A) evaluate, in consultation with the senior agency information security officers, the need to employ standards for cost-effective, risk-based information security for all systems, operations, and assets within or under the supervision of the agency that are more stringent than the standards promulgated by the Director under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Director; and

''(B) to the greatest extent practicable and if the head of the agency determines that the standards described in subparagraph (A) are necessary, employ those standards.

''(2) EVALUATION OF MORE STRINGENT STANDARDS.—In evaluating the need to employ more stringent standards under paragraph (1), the head of an agency shall consider available risk information, such as—

''(A) the status of cybersecurity remedial actions of the agency;

''(B) any vulnerability information relating to agency systems that is known to the agency;

''(C) incident information of the agency;

''(D) information from—

''(i) penetration testing performed under section 3559A of title 44; and

''(ii) information from the vulnerability disclosure program established under section 3559B of title 44;

''(E) agency threat hunting results under section 5145 of the Federal Information Security Modernization Act of 2021;

''(F) Federal and non-Federal cyber threat intelligence;

''(G) data on compliance with standards issued under this section;

''(H) agency system risk assessments performed under section 3554(a)(1)(A) of title 44; and

''(I) any other information determined relevant by the head of the agency.'';

(4) in subsection (d)(2)—

(A) in the paragraph heading, by striking ''NOTICE AND COMMENT'' and inserting ''CONSULTATION, NOTICE, AND COMMENT'';

(B) by inserting ''promulgate,'' before ''significantly modify''; and

(C) by striking ''shall be made after the public is given an opportunity to comment on the Director's proposed decision.'' and inserting ''shall be made—

''(A) for a decision to significantly modify or not promulgate such a proposed standard, after the public is given an opportunity to comment on the Director's proposed decision;

''(B) in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency;

''(C) considering the Federal risk assessments performed under section 3553(i) of title 44; and

''(D) considering the extent to which the proposed standard reduces risk relative to the cost of implementation of the standard.''; and

(5) by adding at the end the following:

''(e) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) CONDUCT OF REVIEW.—

''(A) IN GENERAL.—Not less frequently than once every 3 years, the Director of the Office of Management and Budget, in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency shall review the efficacy of the guidance and policy promulgated by the Director in reducing cybersecurity risks, including an assessment of the requirements for agencies to report information to the Director, and determine whether any changes to that guidance or policy is appropriate.

''(B) FEDERAL RISK ASSESSMENTS.—In conducting the review described in subparagraph (A), the Director shall consider the Federal risk assessments performed under section 3553(i) of title 44.

''(2) UPDATED GUIDANCE.—Not later than 90 days after the date on which a review is completed under paragraph (1), the Director of the Office of Management and Budget shall issue updated guidance or policy to agencies determined appropriate by the Director, based on the results of the review.

''(3) PUBLIC REPORT.—Not later than 30 days after the date on which a review is completed under paragraph (1), the Director of the Office of Management and Budget shall make publicly available a report that includes—

''(A) an overview of the guidance and policy promulgated under this section that is currently in effect;

''(B) the cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy document described in subparagraph (A); and

''(C) a summary of the guidance or policy to which changes were determined appropriate during the review and what the changes are anticipated to include.

''(4) CONGRESSIONAL BRIEFING.—Not later than 30 days after the date on which a review is completed under paragraph (1), the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the review.

''(f) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, develop, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, specifications to enable the automated verification of the implementation of the controls within the standard.''.

SEC. 5123. ACTIONS TO ENHANCE FEDERAL INCIDENT RESPONSE.

(a) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall—

(A) develop a plan for the development of the analysis required under section 3597(a) of title 44, United States Code, as added by this division, and the report required under subsection (b) of that section that includes—

(i) a description of any challenges the Director anticipates encountering; and

(ii) the use of automation and machine-readable formats for collecting, compiling, monitoring, and analyzing data; and

(B) provide to the appropriate congressional committees a briefing on the plan developed under subparagraph (A).

(2) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate congressional committees a briefing on—

(A) the execution of the plan required under paragraph (1)(A); and

(B) the development of the report required under section 3597(b) of title 44, United States Code, as added by this division.

(b) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) FISMA.—Section 2 of the Federal Information Security Modernization Act of 2014 (44 U.S.C. 3554 note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(2) INCIDENT DATA SHARING.—

(A) IN GENERAL.—The Director shall develop guidance, to be updated not less frequently than once every 2 years, on the content, timeliness, and format of the information provided by agencies under section 3594(a) of title 44, United States Code, as added by this division.

(B) REQUIREMENTS.—The guidance developed under subparagraph (A) shall—

(i) prioritize the availability of data necessary to understand and analyze—

(I) the causes of incidents;

(II) the scope and scale of incidents within the environments and systems of an agency;

(III) a root cause analysis of incidents that—

(aa) are common across the Federal Government; or

(bb) have a Government-wide impact;

(IV) agency response, recovery, and remediation actions and the effectiveness of those actions; and

(V) the impact of incidents;

(ii) enable the efficient development of—

(I) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

(II) the report on Federal incidents required under section 3597(b) of title 44, United States Code, as added by this division;

(iii) include requirements for the timeliness of data production; and

(iv) include requirements for using automation and machine-readable data for data sharing and availability.

(3) GUIDANCE ON RESPONDING TO INFORMATION REQUESTS.—Not later than 1 year after the date of enactment of this Act, the Director shall develop guidance for agencies to implement the requirement under section 3594(c) of title 44, United States Code, as added by this division, to provide information to other agencies experiencing incidents.

(4) STANDARD GUIDANCE AND TEMPLATES.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop guidance and templates, to be reviewed and, if necessary, updated not less frequently than once every 2 years, for use by Federal agencies in the activities required under sections 3592, 3593, and 3596 of title 44, United States Code, as added by this division.

(5) CONTRACTOR AND AWARDEE GUIDANCE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Secretary of Homeland Security, the Secretary of Defense, the Administrator of General Services, and the heads of other agencies determined appropriate by the Director, shall issue guidance to Federal agencies on how to deconflict, to the greatest extent practicable, existing regulations, policies, and procedures relating to the responsibilities of contractors and awardees established under section 3595 of title 44, United States Code, as added by this division.

(B) EXISTING PROCESSES.—To the greatest extent practicable, the guidance issued under subparagraph (A) shall allow contractors and awardees to use existing processes for notifying Federal agencies of incidents involving information of the Federal Government.

(6) UPDATED BRIEFINGS.—Not less frequently than once every 2 years, the Director shall provide to the appropriate congressional committees an update on the guidance and templates developed under paragraphs (2) through (4).

(c) UPDATE TO THE PRIVACY ACT OF 1974.—Section 552a(b) of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(13) to another agency in furtherance of a response to an incident (as defined in section 3552 of title 44) and pursuant to the information sharing requirements in section 3594 of title 44 if the head of the requesting agency has made a written request to the agency that maintains the record specifying the particular portion desired and the activity for which the record is sought.''.

SEC. 5124. ADDITIONAL GUIDANCE TO AGENCIES ON FISMA UPDATES.

Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance for agencies on—

(1) performing the ongoing and continuous agency system risk assessment required under section 3554(a)(1)(A) of title 44, United States Code, as amended by this division;

(2) implementing additional cybersecurity procedures, which shall include resources for shared services;

(3) establishing a process for providing the status of each remedial action under section 3554(b)(7) of title 44, United States Code, as amended by this division, to the Director and the Cybersecurity and Infrastructure Security Agency using automation and machine-readable data, as practicable, which shall include—

(A) specific guidance for the use of automation and machine-readable data; and

(B) templates for providing the status of the remedial action;

(4) interpreting the definition of ''high value asset'' under section 3552 of title 44, United States Code, as amended by this division; and

(5) a requirement to coordinate with inspectors general of agencies to ensure consistent understanding and application of agency policies for the purpose of evaluations by inspectors general.

SEC. 5125. AGENCY REQUIREMENTS TO NOTIFY PRIVATE SECTOR ENTITIES IMPACTED BY INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) REPORTING ENTITY.—The term ''reporting entity'' means private organization or governmental unit that is required by statute or regulation to submit sensitive information to an agency.

(2) SENSITIVE INFORMATION.—The term ''sensitive information'' has the meaning given the term by the Director in guidance issued under subsection (b).

(b) GUIDANCE ON NOTIFICATION OF REPORTING ENTITIES.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidance requiring the head of each agency to notify a reporting entity of an incident that is likely to substantially affect—

(1) the confidentiality or integrity of sensitive information submitted by the reporting entity to the agency pursuant to a statutory or regulatory requirement; or

(2) the agency information system or systems used in the transmission or storage of the sensitive information described in paragraph (1).

TITLE LII—IMPROVING FEDERAL CYBERSECURITY

SEC. 5141. MOBILE SECURITY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall—

(1) evaluate mobile application security guidance promulgated by the Director; and

(2) issue guidance to secure mobile devices, including for mobile applications, for every agency.

(b) CONTENTS.—The guidance issued under subsection (a)(2) shall include—

(1) a requirement, pursuant to section 3506(b)(4) of title 44, United States Code, for every agency to maintain a continuous inventory of every—

(A) mobile device operated by or on behalf of the agency; and

(B) vulnerability identified by the agency associated with a mobile device; and

(2) a requirement for every agency to perform continuous evaluation of the vulnerabilities described in paragraph (1)(B) and other risks associated with the use of applications on mobile devices.

(c) INFORMATION SHARING.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies for sharing the inventory of the agency required under subsection (b)(1) with the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable.

(d) BRIEFING.—Not later than 60 days after the date on which the Director issues guidance under subsection (a)(2), the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall provide to the appropriate congressional committees a briefing on the guidance.

SEC. 5142. DATA AND LOGGING RETENTION FOR INCIDENT RESPONSE.

(a) RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Attorney General, shall submit to the Director recommendations on requirements for logging events on agency systems and retaining other relevant data within the systems and networks of an agency.

(b) CONTENTS.—The recommendations provided under subsection (a) shall include—

(1) the types of logs to be maintained;

(2) the time periods to retain the logs and other relevant data;

(3) the time periods for agencies to enable recommended logging and security requirements;

(4) how to ensure the confidentiality, integrity, and availability of logs;

(5) requirements to ensure that, upon request, in a manner that excludes or otherwise reasonably protects personally identifiable information, and to the extent permitted by applicable law (including privacy and statistical laws), agencies provide logs to—

(A) the Director of the Cybersecurity and Infrastructure Security Agency for a cybersecurity purpose; and

(B) the Federal Bureau of Investigation to investigate potential criminal activity; and

(6) requirements to ensure that, subject to compliance with statistical laws and other relevant data protection requirements, the highest level security operations center of each agency has visibility into all agency logs.

(c) GUIDANCE.—Not later than 90 days after receiving the recommendations submitted under subsection (a), the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Attorney General, shall, as determined to be appropriate by the Director, update guidance to agencies regarding requirements for logging, log retention, log management, sharing of log data with other appropriate agencies, or any other logging activity determined to be appropriate by the Director.

SEC. 5143. CISA AGENCY ADVISORS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall assign not less than 1 cybersecurity professional employed by the Cybersecurity and Infrastructure Security Agency to be the Cybersecurity and Infrastructure Security Agency advisor to the senior agency information security officer of each agency.

(b) QUALIFICATIONS.—Each advisor assigned under subsection (a) shall have knowledge of—

(1) cybersecurity threats facing agencies, including any specific threats to the assigned agency;

(2) performing risk assessments of agency systems; and

(3) other Federal cybersecurity initiatives.

(c) DUTIES.—The duties of each advisor assigned under subsection (a) shall include—

(1) providing ongoing assistance and advice, as requested, to the agency Chief Information Officer;

(2) serving as an incident response point of contact between the assigned agency and the Cybersecurity and Infrastructure Security Agency; and

(3) familiarizing themselves with agency systems, processes, and procedures to better facilitate support to the agency in responding to incidents.

(d) LIMITATION.—An advisor assigned under subsection (a) shall not be a contractor.

(e) MULTIPLE ASSIGNMENTS.—One individual advisor may be assigned to multiple agency Chief Information Officers under subsection (a).

SEC. 5144. FEDERAL PENETRATION TESTING POLICY.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

"§ 3559A. Federal penetration testing

''(a) DEFINITIONS.—In this section:

''(1) AGENCY OPERATIONAL PLAN.—The term 'agency operational plan' means a plan of an agency for the use of penetration testing.

''(2) RULES OF ENGAGEMENT.—The term 'rules of engagement' means a set of rules established by an agency for the use of penetration testing.

''(b) GUIDANCE.—

''(1) IN GENERAL.—The Director shall issue guidance that—

''(A) requires agencies to use, when and where appropriate, penetration testing on agency systems; and

''(B) requires agencies to develop an agency operational plan and rules of engagement that meet the requirements under subsection (c).

''(2) PENETRATION TESTING GUIDANCE.—The guidance issued under this section shall—

''(A) permit an agency to use, for the purpose of performing penetration testing—

''(i) a shared service of the agency or another agency; or

''(ii) an external entity, such as a vendor; and

''(B) require agencies to provide the rules of engagement and results of penetration testing to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, without regard to the status of the entity that performs the penetration testing.

''(c) AGENCY PLANS AND RULES OF ENGAGEMENT.—The agency operational plan and rules of engagement of an agency shall—

''(1) require the agency to—

''(A) perform penetration testing on the high value assets of the agency; or

''(B) coordinate with the Director of the Cybersecurity and Infrastructure Security Agency to ensure that penetration testing is being performed;

''(2) establish guidelines for avoiding, as a result of penetration testing—

''(A) adverse impacts to the operations of the agency;

''(B) adverse impacts to operational environments and systems of the agency; and

''(C) inappropriate access to data;

''(3) require the results of penetration testing to include feedback to improve the cybersecurity of the agency; and

''(4) include mechanisms for providing consistently formatted, and, if applicable, automated and machine-readable, data to the Director and the Director of the Cybersecurity and Infrastructure Security Agency.

''(d) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) establish a process to assess the performance of penetration testing by both Federal and non-Federal entities that establishes minimum quality controls for penetration testing;

''(2) develop operational guidance for instituting penetration testing programs at agencies;

''(3) develop and maintain a centralized capability to offer penetration testing as a service to Federal and non-Federal entities; and

''(4) provide guidance to agencies on the best use of penetration testing resources.

''(e) RESPONSIBILITIES OF OMB.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall—

''(1) not less frequently than annually, inventory all Federal penetration testing assets; and

''(2) develop and maintain a standardized process for the use of penetration testing.

''(f) PRIORITIZATION OF PENETRATION TESTING RESOURCES.—

''(1) IN GENERAL.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop a framework for prioritizing Federal penetration testing resources among agencies.

''(2) CONSIDERATIONS.—In developing the framework under this subsection, the Director shall consider—

''(A) agency system risk assessments performed under section 3554(a)(1)(A);

''(B) the Federal risk assessment performed under section 3553(i);

''(C) the analysis of Federal incident data performed under section 3597; and

''(D) any other information determined appropriate by the Director or the Director of the Cybersecurity and Infrastructure Security Agency.

''(g) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The guidance issued under subsection (b) shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director described in subsection (b) shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in 3553(e)(3).''.

(b) DEADLINE FOR GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue the guidance required under section 3559A(b) of title 44, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559 the following:

''3559A. Federal penetration testing.''.

(d) PENETRATION TESTING BY THE SECRETARY OF HOMELAND SECURITY.—Section 3553(b) of title 44, United States Code, as amended by section 5121, is further amended—

(1) in paragraph (8)(B), by striking ''and'' at the end;

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) performing penetration testing with or without advance notice to, or authorization from, agencies, to identify vulnerabilities within Federal information systems; and''.

SEC. 5145. ONGOING THREAT HUNTING PROGRAM.

(a) THREAT HUNTING PROGRAM.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall establish a program to provide ongoing, hypothesis-driven threat-hunting services on the network of each agency.

(2) PLAN.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish the program required under paragraph (1) that describes how the Director of the Cybersecurity and Infrastructure Security Agency plans to—

(A) determine the method for collecting, storing, accessing, and analyzing appropriate agency data;

(B) provide on-premises support to agencies;

(C) staff threat hunting services;

(D) allocate available human and financial resources to implement the plan; and

(E) provide input to the heads of agencies on the use of—

(i) more stringent standards under section 11331(c)(1) of title 40, United States Code; and

(ii) additional cybersecurity procedures under section 3554 of title 44, United States Code.

(b) REPORTS.—The Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees—

(1) not later than 30 days after the date on which the Director of the Cybersecurity and Infrastructure Security Agency completes the plan required under subsection (a)(2), a report on the plan to provide threat hunting services to agencies;

(2) not less than 30 days before the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services under the program under subsection (a)(1), a report providing any updates to the plan developed under subsection (a)(2); and

(3) not later than 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services to agencies other than the Cybersecurity and Infrastructure Security Agency, a report describing lessons learned from providing those services.

SEC. 5146. CODIFYING VULNERABILITY DISCLOSURE PROGRAMS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by inserting after section 3559A, as added by section 5144 of this division, the following:

"§ 3559B. Federal vulnerability disclosure programs

''(a) DEFINITIONS.—In this section:

''(1) REPORT.—The term 'report' means a vulnerability disclosure made to an agency by a reporter.

''(2) REPORTER.—The term 'reporter' means an individual that submits a vulnerability report pursuant to the vulnerability disclosure process of an agency.

''(b) RESPONSIBILITIES OF OMB.—

''(1) LIMITATION ON LEGAL ACTION.—The Director, in consultation with the Attorney General, shall issue guidance to agencies to not recommend or pursue legal action against a reporter or an individual that conducts a security research activity that the head of the agency determines—

''(A) represents a good faith effort to follow the vulnerability disclosure policy of the agency developed under subsection (d)(2); and

''(B) is authorized under the vulnerability disclosure policy of the agency developed under subsection (d)(2).

''(2) SHARING INFORMATION WITH CISA.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with the National Cyber Director, shall issue guidance to agencies on sharing relevant information in a consistent, automated, and machine readable manner with the Cybersecurity and Infrastructure Security Agency, including—

''(A) any valid or credible reports of newly discovered or not publicly known vulnerabilities (including misconfigurations) on Federal information systems that use commercial software or services;

''(B) information relating to vulnerability disclosure, coordination, or remediation activities of an agency, particularly as those activities relate to outside organizations—

''(i) with which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency can assist; or

''(ii) about which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency should know; and

''(C) any other information with respect to which the head of the agency determines helpful or necessary to involve the Cybersecurity and Infrastructure Security Agency.

''(3) AGENCY VULNERABILITY DISCLOSURE POLICIES.—The Director shall issue guidance to agencies on the required minimum scope of agency systems covered by the vulnerability disclosure policy of an agency required under subsection (d)(2).

''(c) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) provide support to agencies with respect to the implementation of the requirements of this section;

''(2) develop tools, processes, and other mechanisms determined appropriate to offer agencies capabilities to implement the requirements of this section; and

''(3) upon a request by an agency, assist the agency in the disclosure to vendors of newly identified vulnerabilities in vendor products and services.

''(d) RESPONSIBILITIES OF AGENCIES.—

''(1) PUBLIC INFORMATION.—The head of each agency shall make publicly available, with respect to each internet domain under the control of the agency that is not a national security system—

''(A) an appropriate security contact; and

''(B) the component of the agency that is responsible for the internet accessible services offered at the domain.

''(2) VULNERABILITY DISCLOSURE POLICY.—The head of each agency shall develop and make publicly available a vulnerability disclosure policy for the agency, which shall—

''(A) describe—

''(i) the scope of the systems of the agency included in the vulnerability disclosure policy;

''(ii) the type of information system testing that is authorized by the agency;

''(iii) the type of information system testing that is not authorized by the agency; and

''(iv) the disclosure policy of the agency for sensitive information;

''(B) with respect to a report to an agency, describe—

''(i) how the reporter should submit the report; and

''(ii) if the report is not anonymous, when the reporter should anticipate an acknowledgment of receipt of the report by the agency;

''(C) include any other relevant information; and

''(D) be mature in scope, to cover all Federal information systems used or operated by that agency or on behalf of that agency.

''(3) IDENTIFIED VULNERABILITIES.—The head of each agency shall incorporate any vulnerabilities reported under paragraph (2) into the vulnerability management process of the agency in order to track and remediate the vulnerability.

''(e) PAPERWORK REDUCTION ACT EXEMPTION.—The requirements of subchapter I (commonly known as the 'Paperwork Reduction Act') shall not apply to a vulnerability disclosure program established under this section.

''(f) CONGRESSIONAL REPORTING.—Not later than 90 days after the date of enactment of the Federal Information Security Modernization Act of 2021, and annually thereafter for a 3-year period, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the status of the use of vulnerability disclosure policies under this section at agencies, including, with respect to the guidance issued under subsection (b)(3), an identification of the agencies that are compliant and not compliant.

''(g) EXEMPTIONS.—The authorities and functions of the Director and Director of the Cybersecurity and Infrastructure Security Agency under this section shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director and the Director of the Cybersecurity and Infrastructure Security Agency described in this section shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in section 3553(e)(3).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559A, as added by section 204, the following:

''3559B. Federal vulnerability disclosure programs.''.

SEC. 5147. IMPLEMENTING PRESUMPTION OF COMPROMISE AND LEAST PRIVILEGE PRINCIPLES.

(a) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Director shall provide an update to the appropriate congressional committees on progress in increasing the internal defenses of agency systems, including—

(1) shifting away from ''trusted networks'' to implement security controls based on a presumption of compromise;

(2) implementing principles of least privilege in administering information security programs;

(3) limiting the ability of entities that cause incidents to move laterally through or between agency systems;

(4) identifying incidents quickly;

(5) isolating and removing unauthorized entities from agency systems quickly;

(6) otherwise increasing the resource costs for entities that cause incidents to be successful; and

(7) a summary of the agency progress reports required under subsection (b).

(b) AGENCY PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall submit to the Director a progress report on implementing an information security program based on the presumption of compromise and least privilege principles, which shall include—

(1) a description of any steps the agency has completed, including progress toward achieving requirements issued by the Director;

(2) an identification of activities that have not yet been completed and that would have the most immediate security impact; and

(3) a schedule to implement any planned activities.

SEC. 5148. AUTOMATION REPORTS.

(a) OMB REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the use of automation under paragraphs (1), (5)(C) and (8)(B) of section 3554(b) of title 44, United States Code.

(b) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall perform a study on the use of automation and machine readable data across the Federal Government for cybersecurity purposes, including the automated updating of cybersecurity tools, sensors, or processes by agencies.

SEC. 5149. EXTENSION OF FEDERAL ACQUISITION SECURITY COUNCIL.

Section 1328 of title 41, United States Code, is amended by striking ''the date that'' and all that follows and inserting ''December 31, 2026.''.

SEC. 5150. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIRED.—Section 11(e)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) that shall include a dashboard of open information security recommendations identified in the independent evaluations required by section 3555(a) of title 44, United States Code; and''.

SEC. 5151. QUANTITATIVE CYBERSECURITY METRICS.

(a) DEFINITION OF COVERED METRICS.—In this section, the term ''covered metrics'' means the metrics established, reviewed, and updated under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(b) UPDATING AND ESTABLISHING METRICS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall—

(1) evaluate any covered metrics established as of the date of enactment of this Act; and

(2) as appropriate and pursuant to section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c))—

(A) update the covered metrics; and

(B) establish new covered metrics.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall promulgate guidance that requires each agency to use covered metrics to track trends in the cybersecurity and incident response capabilities of the agency.

(2) PERFORMANCE DEMONSTRATION.—The guidance issued under paragraph (1) and any subsequent guidance shall require agencies to share with the Director of the Cybersecurity and Infrastructure Security Agency data demonstrating the performance of the agency using the covered metrics included in the guidance.

(3) PENETRATION TESTS.—On not less than 2 occasions during the 2-year period following

the date on which guidance is promulgated under paragraph (1), the Director shall ensure that not less than 3 agencies are subjected to substantially similar penetration tests, as determined by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, in order to validate the utility of the covered metrics.

(4) ANALYSIS CAPACITY.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop a capability that allows for the analysis of the covered metrics, including cross-agency performance of agency cybersecurity and incident response capability trends.

(d) CONGRESSIONAL REPORTS.—

(1) UTILITY OF METRICS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees a report on the utility of the covered metrics.

(2) USE OF METRICS.—Not later than 180 days after the date on which the Director promulgates guidance under subsection (c)(1), the Director shall submit to the appropriate congressional committees a report on the results of the use of the covered metrics by agencies.

(e) CYBERSECURITY ACT OF 2015 UPDATES.—Section 224 of the Cybersecurity Act of 2015 (6 U.S.C. 1522) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) IMPROVED METRICS.—

''(1) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall establish, review, and update metrics to measure the cybersecurity and incident response capabilities of agencies in accordance with the responsibilities of agencies under section 3554 of title 44, United States Code.

''(2) QUALITIES.—With respect to the metrics established, reviewed, and updated under paragraph (1)—

''(A) not less than 2 of the metrics shall be time-based, such as a metric of—

''(i) the amount of time it takes for an agency to detect an incident; and

''(ii) the amount of time that passes between—

''(I) the detection of an incident and the remediation of the incident; and

''(II) the remediation of an incident and the recovery from the incident; and

''(B) the metrics may include other measurable outcomes.'';

(2) by striking subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

TITLE LIII—RISK-BASED BUDGET MODEL

SEC. 5161. DEFINITIONS.

In this title:

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

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

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

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(4) INFORMATION TECHNOLOGY.—The term ''information technology''—

(A) has the meaning given the term in section 11101 of title 40, United States Code; and

(B) includes the hardware and software systems of a Federal agency that monitor and control physical equipment and processes of the Federal agency.

(5) RISK-BASED BUDGET.—The term ''risk-based budget'' means a budget—

(A) developed by identifying and prioritizing cybersecurity risks and vulnerabilities, including impact on agency operations in the case of a cyber attack, through analysis of cyber threat intelligence, incident data, and tactics, techniques, procedures, and capabilities of cyber threats; and

(B) that allocates resources based on the risks identified and prioritized under subparagraph (A).

SEC. 5162. ESTABLISHMENT OF RISK-BASED BUDGET MODEL.

(a) IN GENERAL.—

(1) MODEL.—Not later than 1 year after the first publication of the budget submitted by the President under section 1105 of title 31, United States Code, following the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director and in coordination with the Director of the National Institute of Standards and Technology, shall develop a standard model for creating a risk-based budget for cybersecurity spending.

(2) RESPONSIBILITY OF DIRECTOR.—Section 3553(a) of title 44, United States Code, as amended by section 5121 of this division, is further amended by inserting after paragraph (6) the following:

''(7) developing a standard risk-based budget model to inform Federal agency cybersecurity budget development; and''.

(3) CONTENTS OF MODEL.—The model required to be developed under paragraph (1) shall—

(A) consider Federal and non-Federal cyber threat intelligence products, where available, to identify threats, vulnerabilities, and risks;

(B) consider the impact of agency operations of compromise of systems, including the interconnectivity to other agency systems and the operations of other agencies;

(C) indicate where resources should be allocated to have the greatest impact on mitigating current and future threats and current and future cybersecurity capabilities;

(D) be used to inform acquisition and sustainment of—

(i) information technology and cybersecurity tools;

(ii) information technology and cybersecurity architectures;

(iii) information technology and cybersecurity personnel; and

(iv) cybersecurity and information technology concepts of operations; and

(E) be used to evaluate and inform Government-wide cybersecurity programs of the Department of Homeland Security.

(4) REQUIRED UPDATES.—Not less frequently than once every 3 years, the Director shall review, and update as necessary, the model required to be developed under this subsection.

(5) PUBLICATION.—The Director shall publish the model required to be developed under this subsection, and any updates necessary under paragraph (4), on the public website of the Office of Management and Budget.

(6) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for each of the 2 following fiscal years or until the date on which the model required to be developed under this subsection is completed, whichever is sooner, the Director shall submit a report to Congress on the development of the model.

(b) REQUIRED USE OF RISK-BASED BUDGET MODEL.—

(1) IN GENERAL.—Not later than 2 years after the date on which the model developed under subsection (a) is published, the head of each covered agency shall use the model to develop the annual cybersecurity and information technology budget requests of the agency.

(2) AGENCY PERFORMANCE PLANS.—Section 3554(d)(2) of title 44, United States Code, is amended by inserting ''and the risk-based budget model required under section 3553(a)(7)'' after ''paragraph (1)''.

(c) VERIFICATION.—

(1) IN GENERAL.—Section 1105(a)(35)(A)(i) of title 31, United States Code, is amended—

(A) in the matter preceding subclause (I), by striking ''by agency, and by initiative area (as determined by the administration)'' and inserting ''and by agency'';

(B) in subclause (III), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(V) a validation that the budgets submitted were developed using a risk-based methodology; and

''(VI) a report on the progress of each agency on closing recommendations identified under the independent evaluation required by section 3555(a)(1) of title 44.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 2 years after the date on which the model developed under subsection (a) is published.

(d) REPORTS.—

(1) INDEPENDENT EVALUATION.—Section 3555(a)(2) of title 44, United States Code, is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) an assessment of how the agency implemented the risk-based budget model required under section 3553(a)(7) and an evaluation of whether the model mitigates agency cyber vulnerabilities.''.

(2) ASSESSMENT.—Section 3553(c) of title 44, United States Code, as amended by section 5121, is further amended by inserting after paragraph (5) the following:

''(6) an assessment of—

''(A) Federal agency implementation of the model required under subsection (a)(7);

''(B) how cyber vulnerabilities of Federal agencies changed from the previous year; and

''(C) whether the model mitigates the cyber vulnerabilities of the Federal Government.''.

(e) GAO REPORT.—Not later than 3 years after the date on which the first budget of the President is submitted to Congress containing the validation required under section 1105(a)(35)(A)(i)(V) of title 31, United States Code, as amended by subsection (c), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes—

(1) an evaluation of the success of covered agencies in developing risk-based budgets;

(2) an evaluation of the success of covered agencies in implementing risk-based budgets;

(3) an evaluation of whether the risk-based budgets developed by covered agencies mitigate cyber vulnerability, including the extent to which the risk-based budgets inform Federal Government-wide cybersecurity programs; and

(4) any other information relating to risk-based budgets the Comptroller General determines appropriate.

TITLE LIV—PILOT PROGRAMS TO ENHANCE FEDERAL CYBERSECURITY

SEC. 5181. ACTIVE CYBER DEFENSIVE STUDY.

(a) DEFINITION.—In this section, the term ''active defense technique''—

(1) means an action taken on the systems of an entity to increase the security of information on the network of an agency by misleading an adversary; and

(2) includes a honeypot, deception, or purposefully feeding false or misleading data to an adversary when the adversary is on the systems of the entity.

(b) STUDY.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall perform a study on the use of active defense techniques to enhance the security of agencies, which shall include—

(1) a review of legal restrictions on the use of different active cyber defense techniques in Federal environments, in consultation with the Department of Justice;

(2) an evaluation of—

(A) the efficacy of a selection of active defense techniques determined by the Director of the Cybersecurity and Infrastructure Security Agency; and

(B) factors that impact the efficacy of the active defense techniques evaluated under subparagraph (A);

(3) recommendations on safeguards and procedures that shall be established to require that active defense techniques are adequately coordinated to ensure that active defense techniques do not impede threat response efforts, criminal investigations, and national security activities, including intelligence collection; and

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SA 4765. Mr. HAGERTY (for himself, Mr. KING, 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 B of title II, add the following:

SEC. 2___. COVERED PROJECTS UNDER TITLE XLI OF THE FAST ACT.

Section 41001 of the FAST Act (42 U.S.C. 4370m) is amended—

(1) in paragraph (6)(A)—

(A) in the matter preceding clause (i), by inserting ''key technology focus areas impacting national security,'' after ''broadband,'';

(B) in clause (iii)(III), by striking ''or'' at the end;

(C) in clause (iv)(II), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(v)(I) is of substantial national importance and complexity, as determined by the Executive Director; and

''(II)(aa) is subject to NEPA;

''(bb) requires the preparation of an environmental document; or

''(cc) requires an authorization or environmental review that involves 2 or more agencies.'';

(2) by redesignating paragraphs (15) through (18) as paragraphs (16) through (19), respectively; and

(3) by inserting after paragraph (14) the following:

''(15) KEY TECHNOLOGY FOCUS AREA IMPACTING NATIONAL SECURITY.—The term 'key technology focus area impacting national security' means an area involving—

''(A) semiconductors;

''(B) artificial intelligence, machine learning, autonomy, and related advances;

''(C) high performance computing and advanced computer hardware and software;

''(D) quantum information science and technology;

''(E) robotics, automation, and advanced manufacturing;

''(F) natural and anthropogenic disaster prevention or mitigation;

''(G) advanced communications technology and immersive technology;

''(H) biotechnology, medical technology, genomics, and synthetic biology;

''(I) data storage, data management, distributed ledger technologies, and cybersecurity, including biometrics;

''(J) advanced energy and industrial efficiency technologies, such as batteries and advanced nuclear technologies, including but not limited to for the purposes of electric generation (consistent with section 15 of the National Science Foundation Act of 1950 (42 U.S.C. 1874)); and

''(K) advanced materials science, including composites and 2D materials.''.

SA 4766. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. GUIDANCE ON FOREIGN TRANSPORTATION NETWORK COMPANIES.

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 and the Director of National Intelligence, shall assess the security vulnerabilities associated with the use members of the Armed Forces and Department of Defense civilian personnel of foreign transportation network companies and provide guidance on the appropriate use of such companies. The assessment shall include a review of the data privacy and national security risks inherent to third-party transportation operators with ties to foreign government agencies that provide transportation services to members of the Armed Forces, including the exposure of trip and route details and personally identifiable information.

SA 4767. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. CHILD CARE RESOURCE GUIDE.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 49 as section 50; and

(2) by inserting after section 48 the following new section:

''SEC. 49. CHILD CARE RESOURCE GUIDE.

''(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this section and not less frequently than every 5 years thereafter, the Administrator shall publish or update a resource guide, applicable to various business models as determined by the Administrator, for small business concerns operating as child care providers.

''(b) GUIDANCE ON SMALL BUSINESS CONCERN MATTERS.—The resource guide required under subsection (a) shall include guidance for such small business concerns related to—

''(1) operations (including marketing and management planning);

''(2) finances (including financial planning, financing, payroll, and insurance);

''(3) compliance with relevant laws (including the Internal Revenue Code of 1986 and this Act);

''(4) training and safety (including equipment and materials);

''(5) quality (including eligibility for funding under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) as an eligible child care provider); and

''(6) any other matters the Administrator determines appropriate.

''(c) CONSULTATION REQUIRED.—Before publication or update of the resource guide required under subsection (a), the Administrator shall consult with the following:

''(1) The Secretary of Health and Human Services.

''(2) Representatives from lead agencies designated under section 658D of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b).

''(3) Representatives from local or regional child care resource and referral organizations described in section 658E(c)(3)(B)(iii)(I) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(B)(iii)(I)).

''(4) Any other relevant entities as determined by the Administrator.

''(d) PUBLICATION AND DISSEMINATION REQUIRED.—

''(1) PUBLICATION.—The Administrator shall publish the resource guide required under subsection (a) in English and in the 10 most commonly spoken languages, other than English, in the United States, which shall include Mandarin, Cantonese, Japanese, and Korean. The Administrator shall make each translation of the resource guide available on a publicly accessible website of the Administration.

''(2) DISTRIBUTION.—

''(A) ADMINISTRATOR.—The Administrator shall distribute the resource guide required under subsection (a) to offices within the Administration, including district offices, and to the persons consulted under subsection (c).

''(B) OTHER ENTITIES.—Women's business centers (as described under section 29), small business development centers, chapters of the Service Corps of Retired Executives (established under section 8(b)(1)(B)), and Veteran Business Outreach Centers (as described under section 32) shall distribute to small business concerns operating as child care providers, sole proprietors operating as child care providers, and child care providers that have limited administrative capacity, as determined by the Administrator—

''(i) the resource guide required under subsection (a); and

''(ii) other resources available that the Administrator determines to be relevant.''.

SA 4768. Mr. CRAMER (for himself, Ms. HIRONO, Mr. WICKER, 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 E of title III, add the following:

SEC. 376. INCREASE IN FUNDING FOR PROCUREMENT AND CERTAIN OPERATION AND MAINTENANCE ACCOUNTS.

(a) ADDITIONAL FUNDING.—

(1) PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2022 by section 101 for procurement is hereby increased by $10,000,000.

(2) OPERATION AND MAINTENANCE.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby increased by $40,000,000.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby decreased by $50,000,000, with the amount of the reduction to be derived from Army Operation and Maintenance, Afghanistan Security Forces Fund, Afghan National Army, Sustainment, line 010 of the table in section 4301.

SA 4769. 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 appropriate place in title XVI, insert the following:

SEC. _____. REPORT ON PATHWAYS FOR CYBER AND SOFTWARE ENGINEERING WORKFORCE GROWTH.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on pathways for cyber and software engineering workforce growth.

(b) MATTERS COVERED.—The report required by subsection (a) shall cover the following:

(1) Any current Department of Defense hiring practices or restrictions that constrain workforce growth or retention.

(2) 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 part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) Incentive and policy options to bring qualified individuals to the regions where the jobs are currently.

(4) Authorities and programs at the Department of Labor that could be used to educate, retrain, or incentivize individuals to pursue these fields in cyber and software engineering.

(5) Options for scholarships and internships to grow a cyber and software engineering workforce pipeline.

SA 4770. Ms. MURKOWSKI (for herself, Mr. KING, 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 appropriate place, insert the following:

SEC. _____. MODIFICATION TO REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Section 342(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) The Ted Stevens Center for Arctic Security Studies, established in 2021 and located in Anchorage, Alaska.''.

(b) ACCEPTANCE OF GIFTS AND DONATIONS.—Section 2611(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) The Ted Stevens Center for Arctic Security Studies, established in 2021 and located in Anchorage, Alaska.''.

SA 4771. Mr. HICKENLOOPER (for himself, Mr. CRAMER, Mr. KELLY, and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1516. SENSE OF SENATE ON ANTI-SATELLITE MISSILE TEST OF RUSSIAN FEDERATION.

It is the sense of the Senate that—

(1) the reckless anti-satellite missile test of the Russian Federation on November 15, 2021, and the threat the resulting orbital debris poses to satellites, ongoing and future space missions, and the safety of United States astronauts at the International Space Station, are to be condemned; and

(2) support for responsible norms of behavior in space should be reaffirmed.

SA 4772. Mr. VAN HOLLEN (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 appropriate place, insert the following:

SEC. _____. HIGH RESEARCH ACTIVITY STATUS HBCU PILOT PROGRAM.

(a) PURPOSES.—The purposes of the program established under this section shall be—

(1) to enable high research activity status historically Black colleges and universities to achieve very high research activity status; and

(2) to increase the national number of African-American undergraduate and graduate students with degrees in science, technology, engineering, and mathematics.

(b) DEFINITIONS.—

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(2) HIGH RESEARCH ACTIVITY STATUS.—The term ''high research activity status'' means such status, as classified by the Carnegie Classification of Institutions of Higher Education.

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) VERY HIGH RESEARCH ACTIVITY STATUS.—The term ''very high research activity status'' means such status, as classified by the Carnegie Classification of Institutions of Higher Education.

(c) VERY HIGH RESEARCH ACTIVITY STATUS HISTORICALLY BLACK COLLEGES OR UNIVERSITIES PROGRAM.—

(1) PROGRAM.—The Secretary is authorized to establish and carry out, using funds made available for research activities across the Office of the Undersecretary of Defense for Research and Engineering, a pilot program to award grants in focused areas of scientific research on a competitive, merit-reviewed basis to grow high research activity status (R2) historically Black colleges and universities to achieve very high research activity status (R1), while increasing the national number of African-American undergraduate, graduate, and post-doctoral students with degrees in science, technology, engineering, and mathematics. The Secretary may expand the program to other historically Black colleges or universities beyond those historically Black colleges or universities classified as high research activity status if the Secretary determines that the program can support such an expansion.

(2) GRANTS.—In carrying out the program, the Secretary shall award grants for key areas of scientific research on a competitive, merit-reviewed basis to historically Black colleges or universities that are classified as high research activity status institutions at the time of application for such a grant.

(3) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a historically Black college or university described in paragraph (2) shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—The application described in subparagraph (A) shall include, at a minimum, a description of—

(i) a plan for increasing the level of research activity and achieving very high research activity status classification within 10 years of the grant award, including measurable milestones such as growth in research expenditures, number of research doctoral degrees awarded, number of research-focused faculty, and other relevant factors;

(ii) how the institution of higher education will sustain the increased level of research activity beyond the duration of the award; and

(iii) how the implementation of the proposed plan will be evaluated and assessed.

(4) PROGRAM COMPONENTS.—

(A) STRATEGIC AREAS OF SCIENTIFIC RESEARCH.—In consultation with the Defense Science Board, the Secretary, or the Secretary's designee, shall establish annually a list of key areas of research for which applicants can seek funding.

(B) USE OF FUNDS.—An institution that receives a grant under this section shall use the grant funds to support research activities, including—

(i) faculty professional development;

(ii) stipends for undergraduate and graduate students and post-doctoral scholars;

(iii) laboratory equipment and instrumentation; and

(iv) other activities necessary to build research capacity.

(C) RESEARCH ASSESSMENT.—

(i) IN GENERAL.—An institution that submits a proposal for a grant under this section shall submit with their proposal a plan that describes the institution's plan to achieve very high research activity status, including making investments with institutional and non-Federal funds, to achieve that status within a decade of the grant award, to the extent practicable.

(ii) UPDATED PLAN.—An institution that receives a grant under this section shall submit to the Secretary an updated plan described in clause (i) not less than once every 3 years, which shall be based on a self-assessment of progress in achieving very high research activity status.

(D) TRANSITION ELIGIBILITY.—The Secretary may consider creating pathways for new historically Black colleges or universities to enter into the program under this section as participating institutions achieve very high research activity status.

SA 4773. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 318. DEPARTMENT OF DEFENSE PLAN TO MEET SCIENCE-BASED EMISSIONS TARGETS.

(a) PLAN REQUIRED.—Not later than September 30, 2022, the Secretary of Defense shall submit to Congress a plan to reduce the greenhouse gas emissions of the Department of Defense, including functions of the Department that are performed by contractors, in line with science-based emissions targets.

(b) UPDATES.—Not later than one year after the submittal of the plan under subsection (a), and annually thereafter, the Secretary shall submit to Congress a report on the progress of the Department toward meeting the science-based emissions targets in such plan.

(c) SCIENCE-BASED EMISSIONS TARGET DEFINED.—In this section, the term ''science-based emissions target'' means a reduction in greenhouse gas emissions consistent with preventing an increase in global average temperature of greater than or equal to 1.5 degrees Celsius compared to pre-industrial levels.

SA 4774. 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 III, insert the following:

SEC. 3___. REQUIREMENTS RELATING TO JOINT USE AGREEMENTS.

(a) PROHIBITION.—The Secretary of a military department may not enter into or modify a joint use agreement with a non-Department of Defense organization that is not beneficial to the Department of Defense.

(b) NOTICE AND WAIT REQUIREMENT.—

(1) IN GENERAL.—The Secretary of a military department may not enter into a joint use agreement with a non-Department of Defense organization until 180 days after certifying to the congressional defense committees that the agreement will benefit the operations and readiness of the military installation concerned or the Department overall.

(2) ELEMENTS.—A certification required by paragraph (1) shall include the following elements:

(A) A determination that the operations and readiness of the military installation concerned will benefit as a result of the agreement.

(B) A description of the effect of the agreement on the installation and the Department.

(C) A description of the benefit of the agreement to outside agencies.

(D) A description of alternative options to the agreement that were investigated.

(E) Any other elements the Secretary considers relevant.

SA 4775. 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:

Strike section 1508 and insert the following:

SEC. 1508. MODIFICATIONS TO EFFECTIVE DATES RELATING TO THE ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION AND THE SERVICE ACQUISITION EXECUTIVE OF THE DEPARTMENT OF THE AIR FORCE FOR SPACE SYSTEMS AND PROGRAMS.

(a) MODIFICATION TO EFFECTIVE DATE OF TRANSFER OF ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.—Section 956(b)(3) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1566; 10 U.S.C. 9016 note), as amended by section 1507(c), is further amended—

(1) by striking ''Effective'' and inserting ''Not later than''; and

(2) by striking ''as of September 30, 2022'' and inserting ''at the time of such transfer''.

(b) MODIFICATIONS TO EFFECTIVE DATES FOR SERVICE ACQUISITION EXECUTIVE OF THE DEPARTMENT OF THE AIR FORCE FOR SPACE SYSTEMS AND PROGRAMS.—

(1) IN GENERAL.—Section 957 of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 9016 note) is amended—

(A) in subsection (a), by striking ''Effective'' and inserting ''Not later than''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''Effective as of'' and inserting ''Not later than''; and

(ii) in paragraph (2), by striking ''as of October 1, 2022'' and inserting ''as described in paragraph (1)''.

(2) CONFORMING AMENDMENT.—Section 9016(b)(6)(vi) of title 10, United States Code, as amended by section 1505(b), is further amended by striking ''Effective as of'' and inserting ''Not later than''.

(3) TECHNICAL CORRECTION.—Section 957(b)(1) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 9016 note) is amended by striking ''section 1832(b)'' and inserting ''section 956(b)''.

SA 4776. Mr. PETERS (for himself, Mr. PORTMAN, 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, add the following:

DIVISION E—INSPECTOR GENERAL INDEPENDENCE AND EMPOWERMENT ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Inspector General Independence and Empowerment Act of 2021''.

TITLE LI—INSPECTOR GENERAL INDEPENDENCE

SEC. 5111. SHORT TITLE.

This title may be cited as the ''Securing Inspector General Independence Act of 2021''.

SEC. 5112. REMOVAL OR TRANSFER OF INSPECTORS GENERAL; PLACEMENT ON NON-DUTY STATUS.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3(b)—

(A) by inserting ''(1)(A)'' after ''(b)'';

(B) in paragraph (1), as so designated—

(i) in subparagraph (A), as so designated, in the second sentence—

(I) by striking ''reasons'' and inserting the following: ''substantive rationale, including detailed and case-specific reasons,''; and

(II) by inserting ''(including to the appropriate congressional committees)'' after ''Houses of Congress''; and

(ii) by adding at the end the following:

''(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

''(i) identify each entity that is conducting, or that conducted, the inquiry; and

''(ii) in the case of a completed inquiry, contain the findings made during the inquiry.''; and

(C) by adding at the end the following:

''(2)(A) Subject to the other provisions of this paragraph, only the President may place an Inspector General on non-duty status.

''(B) If the President places an Inspector General on non-duty status, the President

shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

''(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

''(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President has determined applies under clause (i) of this subparagraph;

''(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

''(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

''(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

''(C) The President may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1)(A) unless the President—

''(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

''(D) For the purposes of this paragraph—

''(i) the term 'Inspector General'—

''(I) means an Inspector General who was appointed by the President, without regard to whether the Senate provided advice and consent with respect to that appointment; and

''(II) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery; and

''(ii) a reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in that paragraph, shall be considered to be—

''(I) in the case of the Inspector General of the Intelligence Community, a reference to section 103H(c)(4) of the National Security Act of 1947 (50 U.S.C. 3033(c)(4));

''(II) in the case of the Inspector General of the Central Intelligence Agency, a reference to section 17(b)(6) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(b)(6));

''(III) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378);

''(IV) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and

''(V) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act (15 U.S.C. 9053(b)(3)).''; and

(2) in section 8G(e)—

(A) in paragraph (1), by inserting ''or placement on non-duty status'' after ''a removal'';

(B) in paragraph (2)—

(i) by inserting ''(A)'' after ''(2)'';

(ii) in subparagraph (A), as so designated, in the first sentence—

(I) by striking ''reasons'' and inserting the following: ''substantive rationale, including detailed and case-specific reasons,''; and

(II) by inserting ''(including to the appropriate congressional committees)'' after ''Houses of Congress''; and

(iii) by adding at the end the following:

''(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

''(i) identify each entity that is conducting, or that conducted, the inquiry; and

''(ii) in the case of a completed inquiry, contain the findings made during the inquiry.''; and

(C) by adding at the end the following:

''(3)(A) Subject to the other provisions of this paragraph, only the head of the applicable designated Federal entity (referred to in this paragraph as the 'covered official') may place an Inspector General on non-duty status.

''(B) If a covered official places an Inspector General on non-duty status, the covered official shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the covered official may submit that communication not later than the date on which the change in status takes effect if—

''(i) the covered official has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) in the communication, the covered official includes a report on the determination described in clause (i), which shall include—

''(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the covered official has determined applies under clause (i) of this subparagraph;

''(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

''(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

''(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

''(C) A covered official may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (2)(A) unless the covered official—

''(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

''(D) Nothing in this paragraph may be construed to limit or otherwise modify—

''(i) any statutory protection that is afforded to an Inspector General; or

''(ii) any other action that a covered official may take under law with respect to an Inspector General.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 12(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''except as otherwise expressly provided,'' before ''the term''.

SEC. 5113. VACANCY IN POSITION OF INSPECTOR GENERAL.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(h)(1) In this subsection—

''(A) the term 'first assistant to the position of Inspector General' means, with respect to an Office of Inspector General—

''(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position—

''(I) is serving in a position in that Office; and

''(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

''(ii) if the Inspector General has not made a designation described in clause (i)(II)—

''(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; or

''(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; and

''(B) the term 'Inspector General'—

''(i) means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate; and

''(ii) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

''(2) If an Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

''(A) section 3345(a) of title 5, United States Code, and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

''(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

''(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

''(i) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

''(I) the requirement under this clause shall not apply if the officer is an Inspector General; and

''(II) for the purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

''(ii) the rate of pay for the position of the officer or employee described in clause (i) is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule;

''(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

''(iv) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to both Houses of Congress (including to the appropriate congressional committees) the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

''(3) Notwithstanding section 3345(a) of title 5, United States Code, section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)), and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on non-duty status—

''(A) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

''(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

''(i) that direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and

''(ii) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

''(4) An individual may perform the functions and duties of an Inspector General temporarily and in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

''(5) If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

''(A) the first assistant to the position of Inspector General; or

''(B) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to limit the applicability of sections 3345 through 3349d of title 5, United States Code (commonly known as the ''Federal Vacancies Reform Act of 1998''), other than with respect to section 3345(a) of that title.

(c) EFFECTIVE DATE.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' has the meaning given the term in subsection (h)(1)(B) of section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this section, and the amendments made by this section, shall take effect on the date of enactment of this Act.

(B) EXISTING VACANCIES.—If, as of the date of enactment of this Act, an individual is performing the functions and duties of an Inspector General temporarily in an acting capacity, this section, and the amendments made by this section, shall take effect with respect to that Inspector General position on the date that is 30 days after the date of enactment of this Act.

SEC. 5114. OFFICE OF INSPECTOR GENERAL WHISTLEBLOWER COMPLAINTS.

(a) WHISTLEBLOWER PROTECTION COORDINATOR.—Section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), in the matter preceding subclause (I), by inserting '', including employees of that Office of Inspector General'' after ''employees''; and

(2) in clause (iii), by inserting ''(including the Integrity Committee of that Council)'' after ''and Efficiency''.

(b) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking '', allegations of reprisal,'' and inserting the following: ''and allegations of reprisal (including the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal that are internal to an Office of Inspector General)''.

TITLE LII—PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL

SEC. 5121. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after section 3349d the following:

''§ 3349e. Presidential explanation of failure to nominate an inspector general

''If the President fails to make a formal nomination for a vacant inspector general position that requires a formal nomination by the President to be filled within the period beginning on the later of the date on which the vacancy occurred or on which a nomination is rejected, withdrawn, or returned, and ending on the day that is 210 days after that date, the President shall communicate, within 30 days after the end of such period and not later than June 1 of each year thereafter, to the appropriate congressional committees, as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)—

''(1) the reasons why the President has not yet made a formal nomination; and

''(2) a target date for making a formal nomination.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3349d the following:

''3349e. Presidential explanation of failure to nominate an Inspector General.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect—

(1) on the date of enactment of this Act with respect to any vacancy first occurring on or after that date; and

(2) on the day that is 210 days after the date of enactment of this Act with respect to any vacancy that occurred before the date of enactment of this Act.

TITLE LIII—INTEGRITY COMMITTEE OF THE COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY TRANSPARENCY

SEC. 5131. SHORT TITLE.

This title may be cited as the ''Integrity Committee Transparency Act of 2021''.

SEC. 5132. ADDITIONAL INFORMATION TO BE INCLUDED IN REQUESTS AND REPORTS TO CONGRESS.

Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (5)(B)(ii), by striking the period at the end and inserting '', the length of time the Integrity Committee has been evaluating the allegation of wrongdoing, and a description of any previous written notice provided under this clause with respect to the allegation of wrongdoing, including the description provided for why additional time was needed.''; and

(2) in paragraph (8)(A)(ii), by inserting ''or corrective action'' after ''disciplinary action''.

SEC. 5133. AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.

Section 11(d)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(iii) AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.—

''(I) IN GENERAL.—With respect to an allegation of wrongdoing made by a member of Congress that is closed by the Integrity Committee without referral to the Chairperson of the Integrity Committee to initiate an investigation, the Chairperson of the Integrity Committee shall, not later than 60 days after closing the allegation of wrongdoing, provide a written description of the nature of the allegation of wrongdoing and how the Integrity Committee evaluated the allegation of wrongdoing to—

''(aa) the Chair and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(bb) the Chair and Ranking Minority Member of the Committee on Oversight and Reform of the House of Representatives.

''(II) REQUIREMENT TO FORWARD.—The Chairperson of the Integrity Committee shall forward any written description or update provided under this clause to the members of the Integrity Committee and to the Chairperson of the Council.''.

SEC. 5134. SEMIANNUAL REPORT.

Section 11(d)(9) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''(9) SEMIANNUAL REPORT.—On or before May 31, 2022, and every 6 months thereafter, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding 6-month periods ending March 31 and September 30, which shall include the following with respect to allegations of wrongdoing that are made against Inspectors

General and staff members of the various Offices of Inspector General described in paragraph (4)(C):

''(A) An overview and analysis of the allegations of wrongdoing disposed of by the Integrity Committee, including—

''(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

''(ii) analysis of the categories or types of the allegations of wrongdoing; and

''(iii) a summary of disposition of all the allegations.

''(B) The number of allegations received by the Integrity Committee.

''(C) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

''(D) The number of allegations referred to the Chairperson of the Integrity Committee for investigation, a general description of the status of such investigations, and a summary of the findings of investigations completed.

''(E) An overview and analysis of allegations of wrongdoing received by the Integrity Committee during any previous reporting period, but remained pending during some part of the six months covered by the report, including—

''(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

''(ii) analysis of the categories or types of the allegations of wrongdoing; and

''(iii) a summary of disposition of all the allegations.

''(F) The number and category or type of pending investigations.

''(G) For each allegation received—

''(i) the date on which the investigation was opened;

''(ii) the date on which the allegation was disposed of, as applicable; and

''(iii) the case number associated with the allegation.

''(H) The nature and number of allegations to the Integrity Committee closed without referral, including the justification for why each allegation was closed without referral.

''(I) A brief description of any difficulty encountered by the Integrity Committee when receiving, evaluating, investigating, or referring for investigation an allegation received by the Integrity Committee, including a brief description of—

''(i) any attempt to prevent or hinder an investigation; or

''(ii) concerns about the integrity or operations at an Office of Inspector General.

''(J) Other matters that the Council considers appropriate.''.

SEC. 5135. ADDITIONAL REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) ADDITIONAL REPORTS.—

''(1) REPORT TO INSPECTOR GENERAL.—The Chairperson of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency shall, immediately whenever the Chairperson of the Integrity Committee becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of an Office of Inspector General for which the Integrity Committee may receive, review, and refer for investigation allegations of wrongdoing under section 11(d), submit a report to the Inspector General who leads the Office at which the serious or flagrant problems, abuses, or deficiencies were alleged.

''(2) REPORT TO PRESIDENT, CONGRESS, AND THE ESTABLISHMENT.—Not later than 7 days after the date on which an Inspector General receives a report submitted under paragraph (1), the Inspector General shall submit to the President, the appropriate congressional committees, and the head of the establishment—

''(A) the report received under paragraph (1); and

''(B) a report by the Inspector General containing any comments the Inspector General determines appropriate.''.

SEC. 5136. REQUIREMENT TO REPORT FINAL DISPOSITION TO CONGRESS.

Section 11(d)(8)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''and the appropriate congressional committees'' after ''Integrity Committee''.

SEC. 5137. INVESTIGATIONS OF OFFICES OF INSPECTORS GENERAL OF ESTABLISHMENTS BY THE INTEGRITY COMMITTEE.

Section 11(d)(7)(B)(i)(V) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting '', and that an investigation of an Office of Inspector General of an establishment is conducted by another Office of Inspector General of an establishment'' after ''size''.

TITLE LIV—NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL

SEC. 5141. NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after subsection (e), as added by section 5135 of this division, the following:

''(f) Not later than 15 days after an Inspector General is removed, placed on paid or unpaid non-duty status, or transferred to another position or location within an establishment, the officer or employee performing the functions and duties of the Inspector General temporarily in an acting capacity shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives information regarding work being conducted by the Office as of the date on which the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred, which shall include—

''(1) for each investigation—

''(A) the type of alleged offense;

''(B) the fiscal quarter in which the Office initiated the investigation;

''(C) the relevant Federal agency, including the relevant component of that Federal agency for any Federal agency listed in section 901(b) of title 31, United States Code, under investigation or affiliated with the individual or entity under investigation; and

''(D) whether the investigation is administrative, civil, criminal, or a combination thereof, if known; and

''(2) for any work not described in paragraph (1)—

''(A) a description of the subject matter and scope;

''(B) the relevant agency, including the relevant component of that Federal agency, under review;

''(C) the date on which the Office initiated the work; and

''(D) the expected time frame for completion.''.

TITLE LV—COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY REPORT ON EXPENDITURES

SEC. 5151. CIGIE REPORT ON EXPENDITURES.

Section 11(c)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(D) REPORT ON EXPENDITURES.—Not later than November 30 of each year, the Chairperson shall submit to the appropriate committees or subcommittees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report on the expenditures of the Council for the preceding fiscal year, including from direct appropriations to the Council, interagency funding pursuant to subparagraph (A), a revolving fund pursuant to subparagraph (B), or any other source.''.

TITLE LVI—NOTICE OF REFUSAL TO PROVIDE INSPECTORS GENERAL ACCESS

SEC. 5161. NOTICE OF REFUSAL TO PROVIDE INFORMATION OR ASSISTANCE TO INSPECTORS GENERAL.

Section 6(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(3) If the information or assistance that is the subject of a report under paragraph (2) is not provided to the Inspector General by the date that is 30 days after the report is made, the Inspector General shall submit a notice that the information or assistance requested has not been provided by the head of the establishment involved or the head of the Federal agency involved, as applicable, to the appropriate congressional committees.''.

TITLE LVII—TRAINING RESOURCES FOR INSPECTORS GENERAL AND OTHER MATTERS

SEC. 5171. TRAINING RESOURCES FOR INSPECTORS GENERAL.

Section 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

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

''(E) support the professional development of Inspectors General, including by providing training opportunities on the duties, responsibilities, and authorities under this Act and on topics relevant to Inspectors General and the work of Inspectors General, as identified by Inspectors General and the Council.''.

SEC. 5172. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 5—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(B) in subsection (d), by striking ''committees or subcommittees of Congress'' and inserting ''congressional committees'';

(2) in section 6(h)(4)—

(A) in subparagraph (B), by striking ''Government''; and

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

''(C) Any other relevant congressional committee or subcommittee of jurisdiction.'';

(3) in section 8—

(A) in subsection (b)—

(i) in paragraph (3), by striking ''the Committees on Armed Services and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Government Reform and Oversight of the House of Representatives and to other appropriate committees or subcommittees of

the Congress'' and inserting ''the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives''; and

(ii) in paragraph (4), by striking ''and to other appropriate committees or subcommittees''; and

(B) in subsection (f)—

(i) in paragraph (1), by striking ''the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress'' and inserting ''the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives''; and

(ii) in paragraph (2), by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees'';

(4) in section 8D—

(A) in subsection (a)(3), by striking ''Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''appropriate congressional committees, including the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives''; and

(B) in subsection (g)—

(i) in paragraph (1)—

(I) by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(II) by striking ''Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Reform and Oversight and Ways and Means of the House of Representatives'' and inserting ''Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives''; and

(ii) in paragraph (2), by striking ''committees or subcommittees of Congress'' and inserting ''congressional committees'';

(5) in section 8E—

(A) in subsection (a)(3), by striking ''Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''appropriate congressional committees, including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives''; and

(B) in subsection (c)—

(i) by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(ii) by striking ''Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives'' and inserting ''Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives'';

(6) in section 8G—

(A) in subsection (d)(2)(E), in the matter preceding clause (i), by inserting ''the appropriate congressional committees, including'' after ''are''; and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(iii), by striking ''Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''the appropriate congressional committees''; and

(ii) by striking subparagraph (C);

(7) in section 8I—

(A) in subsection (a)(3), in the matter preceding subparagraph (A), by striking ''committees and subcommittees of Congress'' and inserting ''congressional committees''; and

(B) in subsection (d), by striking ''committees and subcommittees of Congress'' each place it appears and inserting ''congressional committees'';

(8) in section 8N(b), by striking ''committees of Congress'' and inserting ''congressional committees'';

(9) in section 11—

(A) in subsection (b)(3)(B)(viii)—

(i) by striking subclauses (III) and (IV);

(ii) in subclause (I), by adding ''and'' at the end; and

(iii) by amending subclause (II) to read as follows:

''(II) the appropriate congressional committees.''; and

(B) in subsection (d)(8)(A)(iii), by striking ''to the'' and all that follows through ''jurisdiction'' and inserting ''to the appropriate congressional committees''; and

(10) in section 12—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Reform of the House of Representatives; and

''(C) any other relevant congressional committee or subcommittee of jurisdiction.''.

SEC. 5173. SEMIANNUAL REPORTS.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 4(a)(2)—

(A) by inserting '', including'' after ''to make recommendations''; and

(B) by inserting a comma after ''section 5(a)'';

(2) in section 5—

(A) in subsection (a)—

(i) by striking paragraphs (1) through (12) and inserting the following:

''(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the establishment and associated reports and recommendations for corrective action made by the Office;

''(2) an identification of each recommendation made before the reporting period, for which corrective action has not been completed, including the potential costs savings associated with the recommendation;

''(3) a summary of significant investigations closed during the reporting period;

''(4) an identification of the total number of convictions during the reporting period resulting from investigations;

''(5) information regarding each audit, inspection, or evaluation report issued during the reporting period, including—

''(A) a listing of each audit, inspection, or evaluation;

''(B) if applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use, including whether a management decision had been made by the end of the reporting period;

''(6) information regarding any management decision made during the reporting period with respect to any audit, inspection, or evaluation issued during a previous reporting period;'';

(ii) by redesignating paragraphs (13) through (22) as paragraphs (7) through (16), respectively;

(iii) by amending paragraph (13), as so redesignated, to read as follows:

''(13) a report on each investigation conducted by the Office where allegations of misconduct were substantiated, including the name of the senior Government employee, if already made public by the Office, and a detailed description of—

''(A) the facts and circumstances of the investigation; and

''(B) the status and disposition of the matter, including—

''(i) if the matter was referred to the Department of Justice, the date of the referral; and

''(ii) if the Department of Justice declined the referral, the date of the declination;''; and

(iv) in paragraph (15), as so redesignated, by striking subparagraphs (A) and (B) and inserting the following:

''(A) any attempt by the establishment to interfere with the independence of the Office, including—

''(i) with budget constraints designed to limit the capabilities of the Office; and

''(ii) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

''(B) a summary of each report made to the head of the establishment under section 6(c)(2) during the reporting period;''; and

(B) in subsection (b)—

(i) by striking paragraphs (2) and (3) and inserting the following:

''(2) where final action on audit, inspection, and evaluation reports had not been taken before the commencement of the reporting period, statistical tables showing—

''(A) with respect to management decisions—

''(i) for each report, whether a management decision was made during the reporting period;

''(ii) if a management decision was made during the reporting period, the dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

''(iii) total number of reports where a management decision was made during the reporting period and the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

''(B) with respect to final actions—

''(i) whether, if a management decision was made before the end of the reporting period, final action was taken during the reporting period;

''(ii) if final action was taken, the dollar value of—

''(I) disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise;

''(II) disallowed costs that were written off by management;

''(III) disallowed costs and funds to be put to better use not yet recovered or written off by management;

''(IV) recommendations that were completed; and

''(V) recommendations that management has subsequently concluded should not or could not be implemented or completed; and

''(iii) total number of reports where final action was not taken and total number of reports where final action was taken, including the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decisions;'';

(ii) by redesignating paragraph (4) as paragraph (3);

(iii) in paragraph (3), as so redesignated, by striking ''subsection (a)(20)(A)'' and inserting ''subsection (a)(14)(A)''; and

(iv) by striking paragraph (5) and inserting the following:

''(4) a statement explaining why final action has not been taken with respect to each audit, inspection, and evaluation report in which a management decision has been made but final action has not yet been taken, except that such statement—

''(A) may exclude reports if—

''(i) a management decision was made within the preceding year; or

''(ii) the report is under formal administrative or judicial appeal or management of the establishment has agreed to pursue a legislative solution; and

''(B) shall identify the number of reports in each category so excluded.'';

(C) by redesignating subsection (h), as so redesignated by section 5135 of this division, as subsection (i); and

(D) by inserting after subsection (g), as so redesignated by section 5135 of this division, the following:

''(h) If an Office has published any portion of the report or information required under subsection (a) to the website of the Office or on oversight.gov, the Office may elect to provide links to the relevant webpage or website in the report of the Office under subsection (a) in lieu of including the information in that report.''.

SEC. 5174. SUBMISSION OF REPORTS THAT SPECIFICALLY IDENTIFY NON-GOVERNMENTAL ORGANIZATIONS OR BUSINESS ENTITIES.

(a) IN GENERAL.—Section 5(g) of the Inspector General Act of 1978 (5 U.S.C. App.), as so redesignated by section 5135 of this division, is amended by adding at the end the following:

''(6)(A) Except as provided in subparagraph (B), if an audit, evaluation, inspection, or other non-investigative report prepared by an Inspector General specifically identifies a specific non-governmental organization or business entity, whether or not the non-governmental organization or business entity is the subject of that audit, evaluation, inspection, or non-investigative report—

''(i) the Inspector General shall notify the non-governmental organization or business entity;

''(ii) the non-governmental organization or business entity shall have—

''(I) 30 days to review the audit, evaluation, inspection, or non-investigative report beginning on the date of publication of the audit, evaluation, inspection, or non-investigative report; and

''(II) the opportunity to submit a written response for the purpose of clarifying or providing additional context as it directly relates to each instance wherein an audit, evaluation, inspection, or non-investigative report specifically identifies that non-governmental organization or business entity; and

''(iii) if a written response is submitted under clause (ii)(II) within the 30-day period described in clause (ii)(I)—

''(I) the written response shall be attached to the audit, evaluation, inspection, or non-investigative report; and

''(II) in every instance where the report may appear on the public-facing website of the Inspector General, the website shall be updated in order to access a version of the audit, evaluation, inspection, or non-investigative report that includes the written response.

''(B) Subparagraph (A) shall not apply with respect to a non-governmental organization or business entity that refused to provide information or assistance sought by an Inspector General during the creation of the audit, evaluation, inspection, or non-investigative report.

''(C) An Inspector General shall review any written response received under subparagraph (A) for the purpose of preventing the improper disclosure of classified information or other non-public information, consistent with applicable laws, rules, and regulations, and, if necessary, redact such information.''.

(b) RETROACTIVE APPLICABILITY.—During the 30-day period beginning on the date of enactment of this Act—

(1) the amendment made by subsection (a) shall apply upon the request of a non-governmental organization or business entity named in an audit, evaluation, inspection, or other non-investigative report prepared on or after January 1, 2019; and

(2) any written response submitted under clause (iii) of section 5(g)(6)(A) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a), with respect to such an audit, evaluation, inspection, or other non-investigative report shall attach to the original report in the manner described in that clause.

SA 4777. 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. _____. 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 applicable sensor systems and networked systems programs, and in coordination with the Department of Agriculture, 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. 1862i) 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 ''; and''; and

(C) by adding at the end the following:

''(F) applications that incorporate distance learning tools and approaches.'';

(2) in subsection (e)(3)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) applications that incorporate distance learning tools and approaches.''; and

(3) in subsection (j)(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, and related 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 4778. Mr. BOOKER (for himself, Mr. CORNYN, Mr. COONS, Mr. PORTMAN, Mr. GRAHAM, 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:

At the end of title X, add the following:

Subtitle H—Preventing Future Pandemics

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the ''Preventing Future Pandemics Act of 2021''.

SEC. 1072. DEFINITIONS.

In this subtitle:

(1) WILDLIFE MARKET.—The term ''wildlife market''—

(A) means a commercial market or subsection of a commercial market—

(i) where live mammalian or avian wildlife is held, slaughtered, or sold for human consumption as food or medicine whether the animals originated in the wild or in a captive environment; and

(ii) that delivers a product in communities where alternative nutritional or protein sources are readily available and affordable; and

(B) does not include—

(i) markets in areas where no other practical alternative sources of protein or meat

exists, such as wildlife markets in rural areas on which indigenous people and rural local communities rely to feed themselves and their families; and

(ii) dead wild game and fish processors.

(2) COMMERCIAL TRADE IN LIVE WILDLIFE.—The term ''commercial trade in live wildlife''—

(A) means commercial trade in live wildlife for human consumption as food or medicine; and

(B) does not include—

(i) fish;

(ii) invertebrates;

(iii) amphibians and reptiles; and

(iv) the meat of ruminant game species—

(I) traded in markets in countries with effective implementation and enforcement of scientifically based, nationally implemented policies and legislation for processing, transport, trade, and marketing; and

(II) sold after being slaughtered and processed under sanitary conditions.

(3) ONE HEALTH.—The term ''One Health'' means a collaborative, multi-sectoral, and transdisciplinary approach working at the local, regional, national, and global levels with the goal of achieving optimal health outcomes that recognizes the interconnection between—

(A) people, animals, both wild and domestic, and plants; and

(B) the environment shared by such people, animals, and plants.

(4) 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.

SEC. 1073. STUDY ON RISK OF WILDLIFE MARKETS ON THE EMERGENCE OF NOVEL VIRAL PATHOGENS.

(a) STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Health and Human Services, the Secretary of the Interior, and the Secretary of Agriculture shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to evaluate the risk wildlife markets pose to human health through the emergence or reemergence of pathogens and activities to reduce the risk of zoonotic spillover. The study shall evaluate—

(1) the impact of physical proximity to and the role of human use of terrestrial wildlife for food or medicine on the emergence or reemergence of pathogens, including novel pathogens;

(2) the conditions at live wildlife markets and within the associated supply chain that elevate risk factors leading to such emergence, reemergence, or transmission of pathogens, including sanitary conditions and the physical proximity of animals;

(3) animal taxa that present a high risk of contributing to zoonotic spillover and the associated risk factors that increase the emergence, reemergence, or transmission of pathogens;

(4) emerging pathogen risk reduction measures and control options across wildlife markets and the associated supply chain; and

(5) the methods by which the United States might work with international partners to effectively promote diversified, culturally appropriate alternative sources of nutritious food, protein, and related income in communities that currently rely upon the human use of wildlife as food or medicine for subsistence, while ensuring that existing natural habitats are not fragmented, degraded, or destroyed and that human pressure on natural habitats is not increased by this process.

(b) REPORT.—Not later than 1 year after the date of the agreement under subsection (a), the Secretaries described in such subsection shall submit a report on the findings of the study described in such subsection to—

(1) the appropriate congressional committees;

(2) the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

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

(c) AUTHORIZATION OF APPROPRIATIONS..—There is authorized to be appropriated such sums as are necessary for the development of the study described in this section.

SEC. 1074. DETERMINATION OF RISK.

Not later than 90 days after the completion of the study in section 1073, the Director of the Centers for Disease Control and Prevention, in coordination with the heads of other relevant departments and agencies, including the Department of Agriculture, the Department of the Interior, and the United States Agency for International Development, and after consideration of such study after public notice and comment, shall publicly release a list of taxa that the Director, taking into account other risk factors examined in the study, determines present a high risk of contributing to the spillover of zoonotic pathogens capable of causing pandemics. The list shall be reviewed annually and updated as necessary by the Director, following additional public notice and comment.

SEC. 1075. SENSE OF CONGRESS.

It is the sense of Congress that global institutions, including the Food and Agriculture Organization of the United Nations (FAO), the World Organisation for Animal Health (OIE), the World Health Organization (WHO), and the United Nations Environment Programme (UNEP), together with leading intergovernmental and nongovernmental organizations, veterinary and medical colleges, the Department of State, and the United States Agency for International Development (USAID), should promote the paradigm of One Health as an effective and integrated way to address the complexity of emerging disease threats, and should support improved community health, biodiversity conservation, forest conservation and management, sustainable agriculture, and safety of livestock, domestic animals, and wildlife in developing countries, particularly in tropical landscapes where there is an elevated risk of zoonotic disease spill over.

SEC. 1076. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) support the availability of scalable and sustainable alternative sources of protein and nutrition for local communities, where appropriate, in order to minimize human reliance on the commercial trade in live wildlife for human consumption;

(2) support foreign governments to—

(A) reduce commercial trade in live wildlife for human consumption;

(B) transition from the commercial trade in live wildlife for human consumption to sustainably produced alternate protein and nutritional sources;

(C) establish and effectively manage and protect natural habitat, including protected and conserved areas and the lands of Indigenous peoples and local communities, particularly in countries with tropical forest hotspots for emerging diseases; and

(D) strengthen public health capacity, particularly in countries where there is a high risk of emerging zoonotic viruses and other infectious diseases;

(3) respect the rights and needs of indigenous peoples and local communities dependent on such wildlife for nutritional needs and food security; and

(4) facilitate international cooperation by working with international partners through intergovernmental, international, and nongovernmental organizations such as the United Nations to—

(A) lead a resolution at the United Nations Security Council or General Assembly and World Health Assembly outlining the danger to human and animal health from emerging zoonotic infectious diseases, with recommendations for implementing the closure of wildlife markets and prevention of the commercial trade in live wildlife for human consumption, except where the consumption of wildlife is necessary for local food security or where such actions would significantly disrupt a readily available and irreplaceable food supply;

(B) raise awareness and build stakeholder engagement networks, including civil society, the private sector, and local and regional governments on the dangerous potential of wildlife markets as a source of zoonotic diseases and reduce demand for the consumption of wildlife through evidence-based behavior change programs, while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process;

(C) encourage and support alternative forms of sustainable food production, farming, and shifts to sustainable sources of protein and nutrition instead of terrestrial wildlife, where able and appropriate, and reduce consumer demand for terrestrial and freshwater wildlife through enhanced local and national food systems, especially in areas where wildlife markets play a significant role in meeting subsistence needs while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process; and

(D) strive to increase biosecurity and hygienic standards implemented in farms, gathering centers, transport, and market systems around the globe, especially those specializing in the provision of products intended for human consumption.

SEC. 1077. PREVENTION OF FUTURE ZOONOTIC SPILLOVER EVENTS.

(a) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with the Director of the United States Fish and Wildlife Service, the Secretary of Agriculture, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant departments and agencies, shall work with foreign governments, multilateral entities, intergovernmental organizations, international partners, private sector partners, and nongovernmental organizations to carry out activities supporting the following objectives, recognizing that multiple interventions will likely be necessary to make an impact, and that interventions will need to be tailored to the situation to—

(1) immediately close wildlife markets which contain taxa listed pursuant to section 1074 and uncontrolled, unsanitary, or illicit wildlife markets and prevent associated commercial trade in live wildlife, placing a priority focus on countries with significant markets for live wildlife for human consumption, high-volume commercial trade and associated markets, trade in and across

urban centers, and trade for luxury consumption or where there is no dietary necessity—

(A) through existing treaties, conventions, and agreements;

(B) by amending existing protocols or agreements;

(C) by pursuing new protocols; or

(D) by other means of international coordination;

(2) improve regulatory oversight and reduce commercial trade in live wildlife and eliminate practices identified to contribute to zoonotic spillover and emerging pathogens;

(3) prevent commercial trade in live wildlife through programs that combat wildlife trafficking and poaching, including by—

(A) providing assistance to improve law enforcement;

(B) detecting and deterring the illegal import, transit, sale, and export of wildlife;

(C) strengthening such programs to assist countries through legal reform;

(D) improving information sharing and enhancing capabilities of participating foreign governments;

(E) supporting efforts to change behavior and reduce demand for such wildlife products;

(F) leveraging United States private sector technologies and expertise to scale and enhance enforcement responses to detect and prevent such trade; and

(G) strengthening collaboration with key private sector entities in the transportation industry to prevent and report the transport of such wildlife and wildlife products;

(4) leverage strong United States bilateral relationships to support new and existing inter-Ministerial collaborations or Task Forces that can serve as regional One Health models;

(5) build local agricultural and food safety capacity by leveraging expertise from the United States Department of Agriculture (USDA) and institutions of higher education with agricultural or natural resource expertise;

(6) work through international organizations to develop a set of objective risk-based metrics that provide a cross-country comparable measure of the level of risk posed by wildlife trade and marketing and can be used to track progress nations make in reducing risks, identify where resources should be focused, and potentially leverage a peer influence effect;

(7) prevent the degradation and fragmentation of forests and other intact ecosystems to minimize interactions between wildlife and human and livestock populations that could contribute to spillover events and zoonotic disease transmission, including by providing assistance or supporting policies to, for example—

(A) conserve, protect, and restore the integrity of such ecosystems;

(B) support the rights and needs of Indigenous People and local communities and their ability to continue their effective stewardship of their traditional lands and territories;

(C) support the establishment and effective management of protected areas, prioritizing highly intact areas; and

(D) prevent activities that result in the destruction, degradation, fragmentation, or conversion of intact forests and other intact ecosystems and biodiversity strongholds, including by governments, private sector entities, and multilateral development financial institutions;

(8) offer appropriate alternative livelihood and worker training programs and enterprise development to wildlife traders, wildlife breeders, and local communities whose members are engaged in the commercial trade in live wildlife for human consumption;

(9) ensure that the rights of Indigenous Peoples and local communities are respected and their authority to exercise these rights is protected;

(10) strengthen global capacity for prevention, prediction, and detection of novel and existing zoonoses with pandemic potential, including the support of innovative technologies in coordination with the United States Agency for International Development, the Centers for Disease Control and Prevention, and other relevant departments and agencies; and

(11) support the development of One Health systems at the local, regional, national, and global levels in coordination with the United States Agency for International Development, the Centers for Disease Control and Prevention, and other relevant departments and agencies, particularly in emerging infectious disease hotspots, through a collaborative, multisectoral, and transdisciplinary approach that recognizes the interconnections among people, animals, plants, and their shared environment to achieve equitable and sustainable health outcomes.

(b) ACTIVITIES.—

(1) GLOBAL COOPERATION.—The United States Government, working through the United Nations and its components, as well as international organization such as Interpol, the Food and Agriculture Organization of the United Nations, and the World Organisation for Animal Health, and in furtherance of the policies described in section 1076, shall—

(A) collaborate with other member states, issue declarations, statements, and communiques urging countries to close wildlife markets, and prevent commercial trade in live wildlife for human consumption; and

(B) urge increased enforcement of existing laws to end wildlife trafficking.

(2) INTERNATIONAL COALITIONS.—The Secretary of State shall seek to build new, and support existing, international coalitions focused on closing wildlife markets and preventing commercial trade in live wildlife for human consumption, with a focus on the following efforts:

(A) Providing assistance and advice to other governments in the adoption of legislation and regulations to close wildlife markets and associated trade over such timeframe and in such manner as to minimize the increase of wildlife trafficking and poaching.

(B) Creating economic and enforcement pressure for the immediate shut down of wildlife markets which contain taxa listed pursuant to section 1074 and uncontrolled, unsanitary, or illicit wildlife markets and their supply chains to prevent their operation.

(C) Providing assistance and guidance to other governments on measures to prohibit the import, export, and domestic commercial trade in live wildlife for the purpose of human consumption.

(D) Implementing risk reduction interventions and control options to address zoonotic spillover along the supply chain for the wildlife market system.

(E) Engaging and receiving guidance from key stakeholders at the ministerial, local government, and civil society level, including Indigenous Peoples, in countries that will be impacted by this subtitle and where wildlife markets and associated wildlife trade are the predominant source of meat or protein, in order to mitigate the impact of any international efforts on food security, nutrition, local customs, conservation methods, or cultural norms.

(F) Promoting private sector engagement and public-private partnerships with industry groups (such as the transportation industry) to address transport and movement of live wildlife to supply the commercial trade in live wildlife for human consumption.

(c) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) SUSTAINABLE FOOD SYSTEMS FUNDING.—

(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts provided for such purposes, there is authorized to be appropriated such sums as necessary for each fiscal year from 2021 through 2030 to the United States Agency for International Development to reduce demand for consumption of wildlife from wildlife markets and support shifts to diversified alternative and sustainably produced sources of nutritious food and protein in communities that rely upon the consumption of wildlife for food security, while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process, using a multisectoral approach and including support for demonstration programs.

(B) ACTIVITIES.—The Bureau for Development, Democracy and Innovation (DDI), the Bureau for Resilience and Food Security (RFS), and the Bureau for Global Health (GH) of the United States Agency for International Development shall, in partnership with United States and international institutions of higher education and nongovernmental organizations, co-develop approaches focused on safe, sustainable food systems that support and incentivize the replacement of terrestrial wildlife in diets, while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process.

(2) ADDRESSING THREATS AND CAUSES OF ZOONOTIC DISEASE OUTBREAKS.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of the Interior, shall increase activities in United States Agency for International Development programs related to conserving biodiversity, combating wildlife trafficking, sustainable landscapes, global health, food security, and resilience in order to address the threats and causes of zoonotic disease outbreaks, including through—

(A) education;

(B) capacity building;

(C) strengthening human, livestock, and wildlife health monitoring systems of pathogens of zoonotic origin to support early detection and reporting of novel and known pathogens for emergence of zoonotic disease and strengthening cross-sectoral collaboration to align risk reduction approaches in consultation with the Director of the Centers for Disease Control and the Secretary of Health and Human Services;

(D) improved domestic and wild animal disease monitoring and control at production and market levels;

(E) development of alternative livelihood opportunities where possible;

(F) preventing degradation and fragmentation of forests and other intact ecosystems and restoring the integrity of such ecosystems, particularly in tropical countries, to prevent the creation of new pathways for zoonotic pathogen transmission that arise from interactions among wildlife, humans, and livestock populations;

(G) minimizing interactions between domestic livestock and wild animals in markets and captive production;

(H) supporting shifts from wildlife markets to diversified, safe, affordable, and accessible alternative sources of protein and nutrition through enhanced local and national food systems while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process;

(I) improving community health, forest management practices, and safety of livestock production in tropical landscapes, particularly in hotspots for zoonotic spillover and emerging infectious diseases;

(J) preventing degradation and fragmentation of forests and other intact ecosystems, particularly in tropical countries, to minimize interactions between wildlife, human, and livestock populations that could contribute to spillover events and zoonotic disease transmission, including by providing assistance or supporting policies to—

(i) conserve, protect, and restore the integrity of such ecosystems; and

(ii) support the rights of Indigenous People and local communities and their ability to continue their effective stewardship of their intact traditional lands and territories; and

(K) supporting development and use of multi-data sourced predictive models and decisionmaking tools to identify areas of highest probability of zoonotic spillover and to determine cost-effective monitoring and mitigation approaches; and

(L) other relevant activities described in section 1076 that are within the mandate of the United States Agency for International Development.

(3) IMMEDIATE RELIEF FUNDING TO STABILIZE PROTECTED AREAS.—The Administrator of the United States Agency for International Development and the Secretary of State are authorized to administer immediate relief funding to stabilize protected areas and conservancies.

(d) STAFFING REQUIREMENTS.—The Administrator of the United States Agency for International Development, in collaboration with the United States Fish and Wildlife Service, the United States Department of Agriculture Animal and Plant Health Inspection Service, the Centers for Disease Control and Prevention, and other Federal entities as appropriate, is authorized to hire additional personnel—

(1) to undertake programs aimed at reducing the risks of endemic and emerging infectious diseases and exposure to antimicrobial resistant pathogens;

(2) to provide administrative support and resources to ensure effective and efficient coordination of funding opportunities and sharing of expertise from relevant United States Agency for International Development bureaus and programs, including emerging pandemic threats;

(3) to award funding to on-the-ground projects;

(4) to provide project oversight to ensure accountability and transparency in all phases of the award process; and

(5) to undertake additional activities under this subtitle.

(e) REPORTING REQUIREMENTS.—

(1) UNITED STATES DEPARTMENT OF STATE.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until 2030, the Secretary of State and the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report—

(i) describing—

(I) the actions taken pursuant to this subtitle, including through the application of findings and recommendations generated from the study required by section 1073 and the provision of United States technical assistance;

(II) the impact and effectiveness of international cooperation on shutting down wildlife markets;

(III) the impact and effectiveness of international cooperation on disrupting, deterring, and ultimately ending wildlife trafficking; and

(IV) the impact and effectiveness of international cooperation on preventing the import, export, and domestic commercial trade in live wildlife for the purpose of human use as food or medicine, while accounting for the differentiated needs of vulnerable populations who depend upon such wildlife as a predominant source of meat or protein; and

(ii) identifying—

(I) foreign countries that continue to enable the operation of wildlife markets as defined by this subtitle and the associated trade of wildlife products for human use as food or medicine that feeds such markets;

(II) foreign governments, networks, or individuals who aid and abet or otherwise facilitate illicit wildlife trafficking; and

(III) recommendations for incentivizing or enforcing compliance with laws and policies to close wildlife markets that contain taxa listed pursuant to section 1074 and uncontrolled, unsanitary, or illicit wildlife markets and end the associated commercial trade in live wildlife for human use as food or medicine, which may include visa restrictions and other diplomatic or economic tools.

(B) FORM.—The report required under this paragraph shall be submitted in unclassified form, but may include a classified annex.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report—

(A) describing the actions taken pursuant to this subtitle;

(B) describing the impact and effectiveness of key strategies for reducing demand for consumption of such wildlife and associated wildlife markets;

(C) summarizing additional personnel hired with funding authorized under this subtitle, including the number hired in each bureau; and

(D) describing partnerships developed with other institutions of higher learning and nongovernmental organizations.

SEC. 1078. PROHIBITION OF IMPORT, EXPORT, AND SALE OF CERTAIN LIVE WILD ANIMALS FOR HUMAN CONSUMPTION.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by inserting after section 43 the following:

"SEC. 44. PROHIBITION OF IMPORT, EXPORT, AND SALE OF CERTAIN LIVE WILD ANIMALS FOR HUMAN CONSUMPTION.

''(a) DEFINITIONS.—In this section—

''(1) the phrase 'human consumption' shall include all consumption as food or medicine except consumption that is incidental to legal and regulated hunting, fishing, or trapping activities for subsistence, sport, or recreation;

''(2) the term 'live wild animal' means a live wild mammal, bird, reptile, or amphibian, whether or not bred, hatched, or born in captivity with the exception of ruminants; and

''(3) the term 'wild' has the meaning given that term in section 42.

''(b) PROHIBITIONS.—It shall be unlawful for any person—

''(1) to import or export any live wild animal for human consumption as food or medicine;

''(2) to sell for human consumption as food or medicine a live wild animal, including through sale or purchase at a live animal market; or

''(3) to attempt to commit any act described in paragraph (1) or (2).

''(c) PENALTIES.—

''(1) IN GENERAL.—Any person who knowingly violates subsection (b) shall be fined not more than $100,000, imprisoned for not more than 5 years, or both.

''(2) MULTIPLE VIOLATIONS.—Each violation of subsection (b) shall constitute a separate offense.

''(3) VENUE.—A violation of subsection (b) may be prosecuted in the judicial district in which the violation first occurred and any judicial district in which the defendant sold the live wild animal.

''(d) ENFORCEMENT.—The provisions of this section, and any regulations issued pursuant thereto, shall be enforced by the Secretary of the Interior. The Secretary of the Interior may utilize by agreement, with or without reimbursement, the personnel, services, equipment, and facilities of any other Federal agency or any State agency or Indian Tribe for purposes of enforcing this section.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by inserting after the item relating to section 43 the following:

''44. Prohibition of import, export, and sale of certain live wild animals for human consumption.''.

(b) FUNDING.—There is authorized to be appropriated to carry out section 44 of title 18, United States Code, as added by subsection (a)—

(1) $25,000,000 for each of fiscal years 2021 through 2030 for the United States Fish and Wildlife Service; and

(2) $10,000, 000 for each of fiscal years 2021 through 2030 for the Department of Justice.

SEC. 1079. LAW ENFORCEMENT ATTACHÉ DEPLOYMENT.

(a) IN GENERAL.—Beginning in fiscal year 2021, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, in consultation with the Secretary of State, shall require the Chief of Law Enforcement of the United States Fish and Wildlife Service to hire, train, and deploy not fewer than 50 new United States Fish and Wildlife Service law enforcement attachés, and appropriate additional support staff, at one or more United States embassies, consulates, commands, or other facilities—

(1) in one or more countries designated as a focus country or a country of concern in the most recent report submitted under section 201 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621); and

(2) in such additional countries or regions, as determined by the Secretary of Interior, that are known or suspected to be a source of illegal trade of species listed—

(A) as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(B) under appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249).

(b) FUNDING.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2021 through 2030.

SEC. 1080. ONE HEALTH TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the ''One Health Task Force''.

(b) DUTIES OF TASK FORCE.—The duties of the Task Force shall be to—

(1) ensure an integrated approach across the Federal Government and globally to the prevention of, early detection of, preparedness for, and response to zoonotic spillover and the outbreak and transmission of zoonotic diseases that may pose a threat to public health security;

(2) not later than 1 year after the date of the enactment of this Act, develop and publish, on a publicly accessible website, a plan

for global biosecurity and zoonotic disease prevention and response that leverages expertise in public health, consumer education and communication, behavior change, wildlife health, wildlife conservation, livestock production, veterinary health, food safety, sustainable forest management, community-based conservation, rural food security, and indigenous rights to coordinate zoonotic disease surveillance internationally, including support for One Health institutions around the world that can prevent and provide early detection of zoonotic outbreaks; and

(3) expand the scope of the implementation of the White House's Global Health Security Strategy to more robustly support the prevention of zoonotic spillover and respond to zoonotic disease investigations and outbreaks by establishing a 10-year strategy with specific Federal Government domestic and international goals, priorities, and timelines for action, including to—

(A) recommend policy actions and mechanisms in developing countries to reduce the risk of zoonotic spillover and zoonotic disease emergence and transmission, including in support of those activities described in section 1077;

(B) identify new mandates, authorities, and incentives needed to strengthen the global zoonotic disease plan under paragraph (2);

(C) define and list priority areas as countries or regions determined to be of high risk for zoonotic disease emergence, as well as based on, but not limited to, factors that include wildlife biodiversity, livestock production, human population density, and active drivers of disease emergence such as land use change, including forest degradation and loss, intensification of livestock production, and wildlife trade;

(D) prioritize engagement in programs that target tropical countries and regions experiencing high rates of biodiversity loss, deforestation, forest degradation, and land conversion and countries with significant markets for live wildlife for human consumption; and

(E) identify and recommend actions to address existing gaps in efforts to prevent and respond to domestic zoonotic disease emergence and transmission.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Task Force established pursuant to subsection (a) shall be composed of representatives from each of the following agencies:

(A) One permanent Chairperson at the level of Deputy Assistant Secretary or above from the following agencies, to rotate every 2 years in an order to be determined by the Administrator:

(i) The Department of Agriculture or the Animal and Plant Health Inspection Service.

(ii) The Department of Health and Human Services or the Centers for Disease Control and Prevention.

(iii) The Department of the Interior or the United States Fish and Wildlife Service.

(iv) The Department of State.

(v) The United States Agency for International Development.

(vi) The National Security Council.

(B) At least 13 additional members, with at least 1 from each of the following agencies:

(i) The Centers for Disease Control and Prevention.

(ii) The Department of Agriculture.

(iii) The Department of Defense.

(iv) The Department of State.

(v) The Environmental Protection Agency.

(vi) The National Science Foundation.

(vii) The National Institutes of Health.

(viii) The National Institute of Standards and Technology.

(ix) The Office of Science and Technology Policy.

(x) The United States Agency for International Development.

(xi) The United States Fish and Wildlife Service.

(xii) The Department of Homeland Security, FEMA.

(xiii) United States Customs and Border Protection.

(2) TIMING OF APPOINTMENTS.—Appointments to the Task Force shall be made not later than 30 days after the date of the enactment of this Act.

(3) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for a term of 2 years.

(B) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that term until a successor has been appointed.

(d) MEETING.—

(1) INITIAL MEETING.—The Task Force shall hold its initial meeting not later than 45 days after the final appointment of all members under subsection (c)(2).

(2) MEETINGS.—

(A) IN GENERAL.—The Task Force shall meet at the call of the Chairperson.

(B) QUORUM.—Eight members of the Task Force shall constitute a quorum, but a lesser number may hold hearings.

(e) COMPENSATION.—

(1) PROHIBITION OF COMPENSATION.—Except as provided in paragraph (2), members of the Task Force may not receive additional pay, allowances, or benefits by reason of their service on the Task Force.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(f) REPORTS.—

(1) REPORT TO TASK FORCE.—Not later than 6 months after the date of the enactment of this Act and annually thereafter, the Federal agencies listed in subsection (c) shall submit a report to the Task Force containing a detailed statement with respect to the results of any programming within their agencies that addresses the goals of zoonotic spillover and disease prevention.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Task Force shall submit to the appropriate congressional committees and the National Security Advisor a report containing a detailed statement of the recommendations of the Council pursuant to subsection (b).

(g) FACA.—Section 14(a)(2)(B) of the Federal Advisory Committee Act shall not apply to the Task Force. This task force shall be authorized for 7 years after the date of the enactment of this Act and up to an additional 2 years at the discretion of the Task Force Chair.

SEC. 1081. RESERVATION OF RIGHTS.

Nothing in this subtitle shall restrict or otherwise prohibit—

(1) legal and regulated hunting, fishing, or trapping activities for subsistence, sport, or recreation; or

(2) the lawful domestic and international transport of legally harvested fish or wildlife trophies.

SA 4779. Mr. PETERS (for himself, Mr. PORTMAN, 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, add the following:

DIVISION E—INSPECTORS GENERAL

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Afghanistan Vetting Review, the IG Testimonial Subpoena Authority, and Inspector General Access Act of 2021''.

TITLE LI—TESTIMONIAL SUBPOENA AUTHORITY FOR INSPECTORS GENERAL

SEC. 5111. SHORT TITLE.

This title may be cited as the ''IG Testimonial Subpoena Authority Act''.

SEC. 5112. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting after section 6 the following:

''SEC. 6A. ADDITIONAL AUTHORITY.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chairperson' means the Chairperson of the Council of the Inspectors General on Integrity and Efficiency;

''(2) the term 'Inspector General'—

''(A) means an Inspector General of an establishment or a designated Federal entity (as defined in section 8G(a)); and

''(B) includes—

''(i) the Inspector General of the Central Intelligence Agency established under section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517);

''(ii) the Inspector General of the Intelligence Community established under section 103H of the National Security Act of 1947 (50 U.S.C. 3033);

''(iii) the Special Inspector General for Afghanistan Reconstruction established under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379);

''(iv) the Special Inspector General for the Troubled Asset Relief Plan established under section 121 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231); and

''(v) the Special Inspector General for Pandemic Recovery established under section 4018 of the CARES Act (15 U.S.C. 9053); and

''(3) the term 'Subpoena Panel' means the panel to which requests for approval to issue a subpoena are submitted under subsection (e).

''(b) TESTIMONIAL SUBPOENA AUTHORITY.—

''(1) IN GENERAL.—In addition to the authority otherwise provided by this Act and in accordance with the requirements of this section, each Inspector General, in carrying out the provisions of this Act or the provisions of the authorizing statute of the Inspector General, as applicable, is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of an audit, inspection, evaluation, or investigation, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

''(2) PROHIBITION.—An Inspector General may not require by subpoena the attendance and testimony of a Federal employee or employee of a designated Federal entity, but may use other authorized procedures.

''(3) DETERMINATION BY INSPECTOR GENERAL.—The determination of whether a matter constitutes an audit, inspection, evaluation, or investigation shall be at the discretion of the applicable Inspector General.

''(c) LIMITATION ON DELEGATION.—The authority to issue a subpoena under subsection

(b) may only be delegated to an official performing the functions and duties of an Inspector General when the Inspector General position is vacant or when the Inspector General is unable to perform the functions and duties of the Office of the Inspector General.

''(d) NOTICE TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—Not less than 10 days before submitting a request for approval to issue a subpoena to the Subpoena Panel under subsection (e), an Inspector General shall—

''(A) notify the Attorney General of the plan of the Inspector General to issue the subpoena; and

''(B) take into consideration any information provided by the Attorney General relating to the subpoena.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent an Inspector General from submitting to the Subpoena Panel under subsection (e) a request for approval to issue a subpoena if 10 or more days have elapsed since the date on which the Inspector General submits to the Attorney General the notification required under paragraph (1)(A) with respect to that subpoena.

''(e) PANEL REVIEW BEFORE ISSUANCE.—

''(1) APPROVAL REQUIRED.—

''(A) REQUEST FOR APPROVAL BY SUBPOENA PANEL.—Before the issuance of a subpoena described in subsection (b), an Inspector General shall submit to a panel a request for approval to issue the subpoena, which shall include a determination by the Inspector General that—

''(i) the testimony is likely to be reasonably relevant to the audit, inspection, evaluation, or investigation for which the subpoena is sought; and

''(ii) the information to be sought cannot be reasonably obtained through other means.

''(B) COMPOSITION OF SUBPOENA PANEL.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a Subpoena Panel shall be comprised of 3 inspectors general appointed by the President and confirmed by the Senate, who shall be randomly drawn by the Chairperson or a designee of the Chairperson from a pool of all such inspectors general.

''(ii) CLASSIFIED INFORMATION.—If consideration of a request for a subpoena submitted under subparagraph (A) would require access to classified information, the Chairperson or a designee of the Chairperson may limit the pool of inspectors general described in clause (i) to appropriately cleared inspectors general.

''(iii) CONFIRMATION OF AVAILABILITY.—If an inspector general drawn from the pool described in clause (i) does not confirm their availability to serve on the Subpoena Panel within 24 hours of receiving a notification from the Chairperson or a designee of the Chairperson regarding selection for the Subpoena Panel, the Chairperson or a designee of the Chairperson may randomly draw a new inspector general from the pool to serve on the Subpoena Panel.

''(C) CONTENTS OF REQUEST.—The request described in subparagraph (A) shall include any information provided by the Attorney General related to the subpoena, which the Attorney General requests that the Subpoena Panel consider.

''(D) PROTECTION FROM DISCLOSURE.—

''(i) IN GENERAL.—The information contained in a request submitted by an Inspector General under subparagraph (A) and the identification of a witness shall be protected from disclosure to the extent permitted by law.

''(ii) REQUEST FOR DISCLOSURE.—Any request for disclosure of the information described in clause (i) shall be submitted to the Inspector General requesting the subpoena.

''(2) TIME TO RESPOND.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Subpoena Panel shall approve or deny a request for approval to issue a subpoena submitted under paragraph (1) not later than 10 days after the submission of the request.

''(B) ADDITIONAL INFORMATION FOR PANEL.—If the Subpoena Panel determines that additional information is necessary to approve or deny a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Subpoena Panel shall—

''(i) request that information; and

''(ii) approve or deny the request for approval submitted by the Inspector General not later than 20 days after the Subpoena Panel submits the request for information under clause (i).

''(3) APPROVAL BY PANEL.—If all members of the Subpoena Panel unanimously approve a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Inspector General may issue the subpoena.

''(4) NOTICE TO COUNCIL AND ATTORNEY GENERAL.—Upon issuance of a subpoena by an Inspector General under subsection (b), the Inspector General shall provide contemporaneous notice of such issuance to the Chairperson or a designee of the Chairperson and to the Attorney General.

''(f) SEMIANNUAL REPORTING.—On or before May 31, 2022, and every 6 months thereafter, the Council of the Inspectors General on Integrity and Efficiency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Comptroller General of the United States a report on the use of subpoenas described in subsection (b) in any audit, inspection, evaluation, or investigation that concluded during the immediately preceding 6-month periods ending March 31 and September 30, which shall include—

''(1) a list of each Inspector General that has submitted a request for approval of a subpoena to the Subpoena Panel;

''(2) for each applicable Inspector General, the number of subpoenas submitted to the Subpoena Panel, approved by the Subpoena Panel, and disapproved by the Subpoena Panel;

''(3) for each subpoena submitted to the Subpoena Panel for approval—

''(A) an anonymized description of the individual or organization to whom the subpoena was directed;

''(B) the date on which the subpoena request was sent to the Attorney General, the date on which the Attorney General responded, and whether the Attorney General provided information regarding the subpoena request, including whether the Attorney General opposed issuance of the proposed subpoena;

''(C) the members of the Subpoena Panel considering the subpoena;

''(D) the date on which the subpoena request was sent to the Subpoena Panel, the date on which the Subpoena Panel approved or disapproved the subpoena request, and the decision of the Subpoena Panel; and

''(E) the date on which the subpoena was issued, if approved; and

''(4) any other information the Council of the Inspectors General on Integrity and Efficiency considers appropriate to include.

''(g) TRAINING AND STANDARDS.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General, shall promulgate standards and provide training relating to the issuance of subpoenas, conflicts of interest, and any other matter the Council determines necessary to carry out this section.

''(h) APPLICABILITY.—The provisions of this section shall not affect the exercise of authority by an Inspector General of testimonial subpoena authority established under another provision of law.

''(i) TERMINATION.—The authorities provided under subsection (b) shall terminate on January 1, 2027, provided that this subsection shall not affect the enforceability of a subpoena issued on or before December 31, 2026.'';

(2) in section 5(a), as amended by section 903 of this Act—

(A) in paragraph (16)(B), as so redesignated, by striking the period at the end and inserting ''; and''; and

(B) by adding at the end the following:

''(17) a description of the use of subpoenas for the attendance and testimony of certain witnesses authorized under section 6A.''; and

(3) in section 8G(g)(1), by inserting ''6A,'' before ''and 7''.

SEC. 5113. REVIEW BY THE COMPTROLLER GENERAL.

Not later than January 1, 2026, the Comptroller General of the United States shall submit to the appropriate congressional committees a report reviewing the use of testimonial subpoena authority, which shall include—

(1) a summary of the information included in the semiannual reports to Congress under section 6A(f) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by this title, including an analysis of any patterns and trends identified in the use of the authority during the reporting period;

(2) a review of subpoenas issued by inspectors general on and after the date of enactment of this Act to evaluate compliance with this Act by the respective inspector general, the Subpoena Panel, and the Council of the Inspectors General on Integrity and Efficiency; and

(3) any additional analysis, evaluation, or recommendation based on observations or information gathered by the Comptroller General of the United States during the course of the review.

TITLE LII—INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL

SEC. 5121. SHORT TITLE.

This title may be cited as the ''Inspector General Access Act of 2021''.

SEC. 5122. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''and paragraph (3)'';

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(D) in paragraph (4), as redesignated, by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(2) in subsection (d), by striking '', except with respect to allegations described in subsection (b)(3),''.

TITLE LIII—REVIEW RELATING TO AFGHANISTAN RESETTLEMENT AND SPECIAL IMMIGRANT VISA PROGRAM

SEC. 5131. REVIEW RELATING TO VETTING, PROCESSING, AND RESETTLEMENT OF EVACUEES FROM AFGHANISTAN AND THE AFGHANISTAN SPECIAL IMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—In accordance with the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Department of Homeland Security, jointly with the Inspector General of the Department of State, and in coordination with any appropriate inspector general established by that Act or section 103H of the National Security Act of 1947

(50 U.S.C. 3033), shall conduct a thorough review of efforts to support and process evacuees from Afghanistan and the Afghanistan special immigrant visa program.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the systems, staffing, policies, and programs used—

(1) to the screen and vet such evacuees, including—

(A) an assessment of whether personnel conducting such screening and vetting were appropriately authorized and provided with training, including training in the detection of fraudulent personal identification documents;

(B) an analysis of the degree to which such screening and vetting deviated from United States law, regulations, policy, and best practices relating to—

(i) the screening and vetting of parolees, refugees, and applicants for United States visas that have been in use at any time since January 1, 2016, particularly for individuals from countries with active terrorist organizations; and

(ii) the screening and vetting of parolees, refugees, and applicants for United States visas pursuant to any mass evacuation effort since 1975, particularly for individuals from countries with active terrorist organizations;

(C) an identification of any risk to the national security of the United States posed by any such deviations;

(D) an analysis of the processes used for evacuees traveling without personal identification records, including the creation or provision of any new identification records to such evacuees; and

(E) an analysis of the degree to which such screening and vetting process was capable of detecting—

(i) instances of human trafficking and domestic abuse;

(ii) evacuees who are unaccompanied minors; and

(iii) evacuees with a spouse that is a minor;

(2) to admit and process such evacuees at United States ports of entry;

(3) to temporarily house such evacuees prior to resettlement;

(4) to account for the total number of individual evacuated from Afghanistan in 2021 with support of the United States Government, disaggregated by—

(A) country of origin;

(B) age;

(C) gender;

(D) eligibility for special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163) at the time of evacuation;

(E) eligibility for employment-based nonimmigrant visas at the time of evacuation; and

(F) familial relationship to evacuees who are eligible for visas described in subparagraphs (D) and (E); and

(5) to provide eligible individuals with special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) and section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163) since the date of the enactment of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8), including—

(A) a detailed step-by-step description of the application process for such special immigrant visas, including the number of days allotted by the United States Government for the completion of each step;

(B) the number of such special immigrant visa applications received, approved, and denied, disaggregated by fiscal year;

(C) the number of such special immigrant visas issued, as compared to the number available under law, disaggregated by fiscal year;

(D) an assessment of the average length of time taken to process an application for such a special immigrant visa, beginning on the date of submission of the application and ending on the date of final disposition, disaggregated by fiscal year;

(E) an accounting of the number of applications for such special immigrant visas that remained pending at the end of each fiscal year;

(F) an accounting of the number of interviews of applicants for such special immigrant visas conducted during each fiscal year;

(G) the number of noncitizens who were admitted to the United States pursuant to such a special immigrant visa during each fiscal year;

(H) an assessment of the extent to which each participating department or agency of the United States Government, including the Department of State and the Department of Homeland Security, adjusted processing practices and procedures for such special immigrant visas so as to vet applicants and expand processing capacity since the February 29, 2020, Doha Agreement between the United States and the Taliban;

(I) a list of specific steps, if any, taken between February 29, 2020, and August 31, 2021—

(i) to streamline the processing of applications for such special immigrant visas; and

(ii) to address longstanding bureaucratic hurdles while improving security protocols;

(J) a description of the degree to which the Secretary of State implemented recommendations made by the Department of State Office of Inspector General in its June 2020 reports on Review of the Afghan Special Immigrant Visa Program (AUD-MERO-20-35) and Management Assistance Report: Quarterly Reporting on Afghan Special Immigrant Visa Program Needs Improvement (AUD-MERO-20-34);

(K) an assessment of the extent to which challenges in verifying applicants' employment with the Department of Defense contributed to delays in the processing of such special immigrant visas, and an accounting of the specific steps taken since February 29, 2020, to address issues surrounding employment verification; and

(L) recommendations to strengthen and streamline such special immigrant visa process going forward.

(c) INTERIM REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall submit to the appropriate congressional committees not fewer than one interim report on the review conducted under this section.

(2) FORM.—Any report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given the term in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act.

(B) SCREEN; SCREENING.—The terms ''screen'' and ''screening'', with respect to an evacuee, mean the process by which a Federal official determines—

(i) the identity of the evacuee;

(ii) whether the evacuee has a valid identification documentation; and

(iii) whether any database of the United States Government contains derogatory information about the evacuee.

(C) VET; VETTING.—The term ''vet'' and ''vetting'', with respect to an evacuee, means the process by which a Federal official interviews the evacuee to determine whether the evacuee is who they purport to be, including whether the evacuee poses a national security risk.

(d) DISCHARGE OF RESPONSIBILITIES.—The Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall discharge the responsibilities under this section in a manner consistent with the authorities and requirements of the Inspector General Act of 1978 (5 U.S.C. App.) and the authorities and requirements applicable to the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State under that Act.

(e) COORDINATION.—Upon request of an Inspector General for information or assistance under subsection (a), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Inspector General of the Department of Homeland Security or the Inspector General of the Department of State to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of the oversight responsibilities of the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State, in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), with respect to oversight of the evacuation from Afghanistan, the selection, vetting, and processing of applicants for special immigrant visas and asylum, and any resettlement in the United States of such evacuees.

SA 4780. Mr. PETERS (for himself, Mr. PORTMAN, 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, add the following:

DIVISION E—INSPECTOR GENERAL INDEPENDENCE AND EMPOWERMENT ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Inspector General Independence and Empowerment Act of 2021''.

TITLE LI—INSPECTOR GENERAL INDEPENDENCE

SEC. 5111. SHORT TITLE.

This title may be cited as the ''Securing Inspector General Independence Act of 2021''.

SEC. 5112. REMOVAL OR TRANSFER OF INSPECTORS GENERAL; PLACEMENT ON NON-DUTY STATUS.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3(b)—

(A) by inserting ''(1)(A)'' after ''(b)'';

(B) in paragraph (1), as so designated—

(i) in subparagraph (A), as so designated, in the second sentence—

(I) by striking ''reasons'' and inserting the following: ''substantive rationale, including detailed and case-specific reasons,''; and

(II) by inserting ''(including to the appropriate congressional committees)'' after ''Houses of Congress''; and

(ii) by adding at the end the following:

''(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

''(i) identify each entity that is conducting, or that conducted, the inquiry; and

''(ii) in the case of a completed inquiry, contain the findings made during the inquiry.''; and

(C) by adding at the end the following:

''(2)(A) Subject to the other provisions of this paragraph, only the President may place an Inspector General on non-duty status.

''(B) If the President places an Inspector General on non-duty status, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

''(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

''(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President has determined applies under clause (i) of this subparagraph;

''(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

''(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

''(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

''(C) The President may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1)(A) unless the President—

''(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

''(D) For the purposes of this paragraph—

''(i) the term 'Inspector General'—

''(I) means an Inspector General who was appointed by the President, without regard to whether the Senate provided advice and consent with respect to that appointment; and

''(II) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery; and

''(ii) a reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in that paragraph, shall be considered to be—

''(I) in the case of the Inspector General of the Intelligence Community, a reference to section 103H(c)(4) of the National Security Act of 1947 (50 U.S.C. 3033(c)(4));

''(II) in the case of the Inspector General of the Central Intelligence Agency, a reference to section 17(b)(6) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(b)(6));

''(III) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378);

''(IV) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and

''(V) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act (15 U.S.C. 9053(b)(3)).''; and

(2) in section 8G(e)—

(A) in paragraph (1), by inserting ''or placement on non-duty status'' after ''a removal'';

(B) in paragraph (2)—

(i) by inserting ''(A)'' after ''(2)'';

(ii) in subparagraph (A), as so designated, in the first sentence—

(I) by striking ''reasons'' and inserting the following: ''substantive rationale, including detailed and case-specific reasons,''; and

(II) by inserting ''(including to the appropriate congressional committees)'' after ''Houses of Congress''; and

(iii) by adding at the end the following:

''(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

''(i) identify each entity that is conducting, or that conducted, the inquiry; and

''(ii) in the case of a completed inquiry, contain the findings made during the inquiry.''; and

(C) by adding at the end the following:

''(3)(A) Subject to the other provisions of this paragraph, only the head of the applicable designated Federal entity (referred to in this paragraph as the 'covered official') may place an Inspector General on non-duty status.

''(B) If a covered official places an Inspector General on non-duty status, the covered official shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the covered official may submit that communication not later than the date on which the change in status takes effect if—

''(i) the covered official has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) in the communication, the covered official includes a report on the determination described in clause (i), which shall include—

''(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the covered official has determined applies under clause (i) of this subparagraph;

''(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

''(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

''(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

''(C) A covered official may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (2)(A) unless the covered official—

''(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

''(D) Nothing in this paragraph may be construed to limit or otherwise modify—

''(i) any statutory protection that is afforded to an Inspector General; or

''(ii) any other action that a covered official may take under law with respect to an Inspector General.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 12(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''except as otherwise expressly provided,'' before ''the term''.

SEC. 5113. VACANCY IN POSITION OF INSPECTOR GENERAL.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(h)(1) In this subsection—

''(A) the term 'first assistant to the position of Inspector General' means, with respect to an Office of Inspector General—

''(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position—

''(I) is serving in a position in that Office; and

''(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

''(ii) if the Inspector General has not made a designation described in clause (i)(II)—

''(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; or

''(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; and

''(B) the term 'Inspector General'—

''(i) means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate; and

''(ii) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

''(2) If an Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

''(A) section 3345(a) of title 5, United States Code, and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

''(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

''(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

''(i) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

''(I) the requirement under this clause shall not apply if the officer is an Inspector General; and

''(II) for the purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

''(ii) the rate of pay for the position of the officer or employee described in clause (i) is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule;

''(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

''(iv) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to both Houses of Congress (including to the appropriate congressional committees) the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

''(3) Notwithstanding section 3345(a) of title 5, United States Code, section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)), and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on non-duty status—

''(A) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

''(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

''(i) that direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and

''(ii) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

''(4) An individual may perform the functions and duties of an Inspector General temporarily and in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

''(5) If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

''(A) the first assistant to the position of Inspector General; or

''(B) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to limit the applicability of sections 3345 through 3349d of title 5, United States Code (commonly known as the ''Federal Vacancies Reform Act of 1998''), other than with respect to section 3345(a) of that title.

(c) EFFECTIVE DATE.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' has the meaning given the term in subsection (h)(1)(B) of section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this section, and the amendments made by this section, shall take effect on the date of enactment of this Act.

(B) EXISTING VACANCIES.—If, as of the date of enactment of this Act, an individual is performing the functions and duties of an Inspector General temporarily in an acting capacity, this section, and the amendments made by this section, shall take effect with respect to that Inspector General position on the date that is 30 days after the date of enactment of this Act.

SEC. 5114. OFFICE OF INSPECTOR GENERAL WHISTLEBLOWER COMPLAINTS.

(a) WHISTLEBLOWER PROTECTION COORDINATOR.—Section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), in the matter preceding subclause (I), by inserting '', including employees of that Office of Inspector General'' after ''employees''; and

(2) in clause (iii), by inserting ''(including the Integrity Committee of that Council)'' after ''and Efficiency''.

(b) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking '', allegations of reprisal,'' and inserting the following: ''and allegations of reprisal (including the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal that are internal to an Office of Inspector General)''.

TITLE LII—PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL

SEC. 5121. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after section 3349d the following:

''§ 3349e. Presidential explanation of failure to nominate an inspector general

''If the President fails to make a formal nomination for a vacant inspector general position that requires a formal nomination by the President to be filled within the period beginning on the later of the date on which the vacancy occurred or on which a nomination is rejected, withdrawn, or returned, and ending on the day that is 210 days after that date, the President shall communicate, within 30 days after the end of such period and not later than June 1 of each year thereafter, to the appropriate congressional committees, as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)—

''(1) the reasons why the President has not yet made a formal nomination; and

''(2) a target date for making a formal nomination.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3349d the following:

''3349e. Presidential explanation of failure to nominate an Inspector General.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect—

(1) on the date of enactment of this Act with respect to any vacancy first occurring on or after that date; and

(2) on the day that is 210 days after the date of enactment of this Act with respect to any vacancy that occurred before the date of enactment of this Act.

TITLE LIII—INTEGRITY COMMITTEE OF THE COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY TRANSPARENCY

SEC. 5131. SHORT TITLE.

This title may be cited as the ''Integrity Committee Transparency Act of 2021''.

SEC. 5132. ADDITIONAL INFORMATION TO BE INCLUDED IN REQUESTS AND REPORTS TO CONGRESS.

Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (5)(B)(ii), by striking the period at the end and inserting '', the length of time the Integrity Committee has been evaluating the allegation of wrongdoing, and a description of any previous written notice provided under this clause with respect to the allegation of wrongdoing, including the description provided for why additional time was needed.''; and

(2) in paragraph (8)(A)(ii), by inserting ''or corrective action'' after ''disciplinary action''.

SEC. 5133. AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.

Section 11(d)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(iii) AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.—

''(I) IN GENERAL.—With respect to an allegation of wrongdoing made by a member of Congress that is closed by the Integrity Committee without referral to the Chairperson of the Integrity Committee to initiate an investigation, the Chairperson of

the Integrity Committee shall, not later than 60 days after closing the allegation of wrongdoing, provide a written description of the nature of the allegation of wrongdoing and how the Integrity Committee evaluated the allegation of wrongdoing to—

''(aa) the Chair and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(bb) the Chair and Ranking Minority Member of the Committee on Oversight and Reform of the House of Representatives.

''(II) REQUIREMENT TO FORWARD.—The Chairperson of the Integrity Committee shall forward any written description or update provided under this clause to the members of the Integrity Committee and to the Chairperson of the Council.''.

SEC. 5134. SEMIANNUAL REPORT.

Section 11(d)(9) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''(9) SEMIANNUAL REPORT.—On or before May 31, 2022, and every 6 months thereafter, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding 6-month periods ending March 31 and September 30, which shall include the following with respect to allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described in paragraph (4)(C):

''(A) An overview and analysis of the allegations of wrongdoing disposed of by the Integrity Committee, including—

''(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

''(ii) analysis of the categories or types of the allegations of wrongdoing; and

''(iii) a summary of disposition of all the allegations.

''(B) The number of allegations received by the Integrity Committee.

''(C) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

''(D) The number of allegations referred to the Chairperson of the Integrity Committee for investigation, a general description of the status of such investigations, and a summary of the findings of investigations completed.

''(E) An overview and analysis of allegations of wrongdoing received by the Integrity Committee during any previous reporting period, but remained pending during some part of the six months covered by the report, including—

''(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

''(ii) analysis of the categories or types of the allegations of wrongdoing; and

''(iii) a summary of disposition of all the allegations.

''(F) The number and category or type of pending investigations.

''(G) For each allegation received—

''(i) the date on which the investigation was opened;

''(ii) the date on which the allegation was disposed of, as applicable; and

''(iii) the case number associated with the allegation.

''(H) The nature and number of allegations to the Integrity Committee closed without referral, including the justification for why each allegation was closed without referral.

''(I) A brief description of any difficulty encountered by the Integrity Committee when receiving, evaluating, investigating, or referring for investigation an allegation received by the Integrity Committee, including a brief description of—

''(i) any attempt to prevent or hinder an investigation; or

''(ii) concerns about the integrity or operations at an Office of Inspector General.

''(J) Other matters that the Council considers appropriate.''.

SEC. 5135. ADDITIONAL REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) ADDITIONAL REPORTS.—

''(1) REPORT TO INSPECTOR GENERAL.—The Chairperson of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency shall, immediately whenever the Chairperson of the Integrity Committee becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of an Office of Inspector General for which the Integrity Committee may receive, review, and refer for investigation allegations of wrongdoing under section 11(d), submit a report to the Inspector General who leads the Office at which the serious or flagrant problems, abuses, or deficiencies were alleged.

''(2) REPORT TO PRESIDENT, CONGRESS, AND THE ESTABLISHMENT.—Not later than 7 days after the date on which an Inspector General receives a report submitted under paragraph (1), the Inspector General shall submit to the President, the appropriate congressional committees, and the head of the establishment—

''(A) the report received under paragraph (1); and

''(B) a report by the Inspector General containing any comments the Inspector General determines appropriate.''.

SEC. 5136. REQUIREMENT TO REPORT FINAL DISPOSITION TO CONGRESS.

Section 11(d)(8)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''and the appropriate congressional committees'' after ''Integrity Committee''.

SEC. 5137. INVESTIGATIONS OF OFFICES OF INSPECTORS GENERAL OF ESTABLISHMENTS BY THE INTEGRITY COMMITTEE.

Section 11(d)(7)(B)(i)(V) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting '', and that an investigation of an Office of Inspector General of an establishment is conducted by another Office of Inspector General of an establishment'' after ''size''.

TITLE LIV—TESTIMONIAL SUBPOENA AUTHORITY FOR INSPECTORS GENERAL

SEC. 5141. SHORT TITLE.

This title may be cited as the ''IG Testimonial Subpoena Authority Act''.

SEC. 5142. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting after section 6 the following:

''SEC. 6A. ADDITIONAL AUTHORITY.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chairperson' means the Chairperson of the Council of the Inspectors General on Integrity and Efficiency;

''(2) the term 'Inspector General'—

''(A) means an Inspector General of an establishment or a designated Federal entity (as defined in section 8G(a)); and

''(B) includes—

''(i) the Inspector General of the Central Intelligence Agency established under section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517);

''(ii) the Inspector General of the Intelligence Community established under section 103H of the National Security Act of 1947 (50 U.S.C. 3033);

''(iii) the Special Inspector General for Afghanistan Reconstruction established under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379);

''(iv) the Special Inspector General for the Troubled Asset Relief Plan established under section 121 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231); and

''(v) the Special Inspector General for Pandemic Recovery established under section 4018 of the CARES Act (15 U.S.C. 9053); and

''(3) the term 'Subpoena Panel' means the panel to which requests for approval to issue a subpoena are submitted under subsection (e).

''(b) TESTIMONIAL SUBPOENA AUTHORITY.—

''(1) IN GENERAL.—In addition to the authority otherwise provided by this Act and in accordance with the requirements of this section, each Inspector General, in carrying out the provisions of this Act or the provisions of the authorizing statute of the Inspector General, as applicable, is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of an audit, inspection, evaluation, or investigation, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

''(2) PROHIBITION.—An Inspector General may not require by subpoena the attendance and testimony of a Federal employee or employee of a designated Federal entity, but may use other authorized procedures.

''(3) DETERMINATION BY INSPECTOR GENERAL.—The determination of whether a matter constitutes an audit, inspection, evaluation, or investigation shall be at the discretion of the applicable Inspector General.

''(c) LIMITATION ON DELEGATION.—The authority to issue a subpoena under subsection (b) may only be delegated to an official performing the functions and duties of an Inspector General when the Inspector General position is vacant or when the Inspector General is unable to perform the functions and duties of the Office of the Inspector General.

''(d) NOTICE TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—Not less than 10 days before submitting a request for approval to issue a subpoena to the Subpoena Panel under subsection (e), an Inspector General shall—

''(A) notify the Attorney General of the plan of the Inspector General to issue the subpoena; and

''(B) take into consideration any information provided by the Attorney General relating to the subpoena.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent an Inspector General from submitting to the Subpoena Panel under subsection (e) a request for approval to issue a subpoena if 10 or more days have elapsed since the date on which the Inspector General submits to the Attorney General the notification required under paragraph (1)(A) with respect to that subpoena.

''(e) PANEL REVIEW BEFORE ISSUANCE.—

''(1) APPROVAL REQUIRED.—

''(A) REQUEST FOR APPROVAL BY SUBPOENA PANEL.—Before the issuance of a subpoena described in subsection (b), an Inspector General shall submit to a panel a request for approval to issue the subpoena, which shall include a determination by the Inspector General that—

''(i) the testimony is likely to be reasonably relevant to the audit, inspection, evaluation, or investigation for which the subpoena is sought; and

''(ii) the information to be sought cannot be reasonably obtained through other means.

''(B) COMPOSITION OF SUBPOENA PANEL.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a Subpoena Panel shall be comprised of 3 inspectors general appointed by the President and confirmed by the Senate, who shall be randomly drawn by the Chairperson or a designee of the Chairperson from a pool of all such inspectors general.

''(ii) CLASSIFIED INFORMATION.—If consideration of a request for a subpoena submitted under subparagraph (A) would require access to classified information, the Chairperson or a designee of the Chairperson may limit the pool of inspectors general described in clause (i) to appropriately cleared inspectors general.

''(iii) CONFIRMATION OF AVAILABILITY.—If an inspector general drawn from the pool described in clause (i) does not confirm their availability to serve on the Subpoena Panel within 24 hours of receiving a notification from the Chairperson or a designee of the Chairperson regarding selection for the Subpoena Panel, the Chairperson or a designee of the Chairperson may randomly draw a new inspector general from the pool to serve on the Subpoena Panel.

''(C) CONTENTS OF REQUEST.—The request described in subparagraph (A) shall include any information provided by the Attorney General related to the subpoena, which the Attorney General requests that the Subpoena Panel consider.

''(D) PROTECTION FROM DISCLOSURE.—

''(i) IN GENERAL.—The information contained in a request submitted by an Inspector General under subparagraph (A) and the identification of a witness shall be protected from disclosure to the extent permitted by law.

''(ii) REQUEST FOR DISCLOSURE.—Any request for disclosure of the information described in clause (i) shall be submitted to the Inspector General requesting the subpoena.

''(2) TIME TO RESPOND.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Subpoena Panel shall approve or deny a request for approval to issue a subpoena submitted under paragraph (1) not later than 10 days after the submission of the request.

''(B) ADDITIONAL INFORMATION FOR PANEL.—If the Subpoena Panel determines that additional information is necessary to approve or deny a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Subpoena Panel shall—

''(i) request that information; and

''(ii) approve or deny the request for approval submitted by the Inspector General not later than 20 days after the Subpoena Panel submits the request for information under clause (i).

''(3) APPROVAL BY PANEL.—If all members of the Subpoena Panel unanimously approve a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Inspector General may issue the subpoena.

''(4) NOTICE TO COUNCIL AND ATTORNEY GENERAL.—Upon issuance of a subpoena by an Inspector General under subsection (b), the Inspector General shall provide contemporaneous notice of such issuance to the Chairperson or a designee of the Chairperson and to the Attorney General.

''(f) SEMIANNUAL REPORTING.—On or before May 31, 2022, and every 6 months thereafter, the Council of the Inspectors General on Integrity and Efficiency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Comptroller General of the United States a report on the use of subpoenas described in subsection (b) in any audit, inspection, evaluation, or investigation that concluded during the immediately preceding 6-month periods ending March 31 and September 30, which shall include—

''(1) a list of each Inspector General that has submitted a request for approval of a subpoena to the Subpoena Panel;

''(2) for each applicable Inspector General, the number of subpoenas submitted to the Subpoena Panel, approved by the Subpoena Panel, and disapproved by the Subpoena Panel;

''(3) for each subpoena submitted to the Subpoena Panel for approval—

''(A) an anonymized description of the individual or organization to whom the subpoena was directed;

''(B) the date on which the subpoena request was sent to the Attorney General, the date on which the Attorney General responded, and whether the Attorney General provided information regarding the subpoena request, including whether the Attorney General opposed issuance of the proposed subpoena;

''(C) the members of the Subpoena Panel considering the subpoena;

''(D) the date on which the subpoena request was sent to the Subpoena Panel, the date on which the Subpoena Panel approved or disapproved the subpoena request, and the decision of the Subpoena Panel; and

''(E) the date on which the subpoena was issued, if approved; and

''(4) any other information the Council of the Inspectors General on Integrity and Efficiency considers appropriate to include.

''(g) TRAINING AND STANDARDS.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General, shall promulgate standards and provide training relating to the issuance of subpoenas, conflicts of interest, and any other matter the Council determines necessary to carry out this section.

''(h) APPLICABILITY.—The provisions of this section shall not affect the exercise of authority by an Inspector General of testimonial subpoena authority established under another provision of law.

''(i) TERMINATION.—The authorities provided under subsection (b) shall terminate on January 1, 2027, provided that this subsection shall not affect the enforceability of a subpoena issued on or before December 31, 2026.'';

(2) in section 5(a), as amended by section 903 of this Act—

(A) in paragraph (16)(B), as so redesignated, by striking the period at the end and inserting ''; and''; and

(B) by adding at the end the following:

''(17) a description of the use of subpoenas for the attendance and testimony of certain witnesses authorized under section 6A.''; and

(3) in section 8G(g)(1), by inserting ''6A,'' before ''and 7''.

SEC. 5143. REVIEW BY THE COMPTROLLER GENERAL.

Not later than January 1, 2026, the Comptroller General of the United States shall submit to the appropriate congressional committees a report reviewing the use of testimonial subpoena authority, which shall include—

(1) a summary of the information included in the semiannual reports to Congress under section 6A(f) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by this title, including an analysis of any patterns and trends identified in the use of the authority during the reporting period;

(2) a review of subpoenas issued by inspectors general on and after the date of enactment of this Act to evaluate compliance with this Act by the respective inspector general, the Subpoena Panel, and the Council of the Inspectors General on Integrity and Efficiency; and

(3) any additional analysis, evaluation, or recommendation based on observations or information gathered by the Comptroller General of the United States during the course of the review.

TITLE LV—INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL

SEC. 5151. SHORT TITLE.

This title may be cited as the ''Inspector General Access Act of 2021''.

SEC. 5152. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''and paragraph (3)'';

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(D) in paragraph (4), as redesignated, by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(2) in subsection (d), by striking '', except with respect to allegations described in subsection (b)(3),''.

TITLE LVI—NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL

SEC. 5161. NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after subsection (e), as added by section 5135 of this division, the following:

''(f) Not later than 15 days after an Inspector General is removed, placed on paid or unpaid non-duty status, or transferred to another position or location within an establishment, the officer or employee performing the functions and duties of the Inspector General temporarily in an acting capacity shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives information regarding work being conducted by the Office as of the date on which the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred, which shall include—

''(1) for each investigation—

''(A) the type of alleged offense;

''(B) the fiscal quarter in which the Office initiated the investigation;

''(C) the relevant Federal agency, including the relevant component of that Federal agency for any Federal agency listed in section 901(b) of title 31, United States Code, under investigation or affiliated with the individual or entity under investigation; and

''(D) whether the investigation is administrative, civil, criminal, or a combination thereof, if known; and

''(2) for any work not described in paragraph (1)—

''(A) a description of the subject matter and scope;

''(B) the relevant agency, including the relevant component of that Federal agency, under review;

''(C) the date on which the Office initiated the work; and

''(D) the expected time frame for completion.''.

TITLE LVII—COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY REPORT ON EXPENDITURES

SEC. 5171. CIGIE REPORT ON EXPENDITURES.

Section 11(c)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(D) REPORT ON EXPENDITURES.—Not later than November 30 of each year, the Chairperson shall submit to the appropriate committees or subcommittees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report on the expenditures of the Council for the preceding fiscal year, including from direct appropriations to the Council, interagency funding pursuant to subparagraph (A), a revolving fund pursuant to subparagraph (B), or any other source.''.

TITLE LVIII—NOTICE OF REFUSAL TO PROVIDE INSPECTORS GENERAL ACCESS

SEC. 5181. NOTICE OF REFUSAL TO PROVIDE INFORMATION OR ASSISTANCE TO INSPECTORS GENERAL.

Section 6(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(3) If the information or assistance that is the subject of a report under paragraph (2) is not provided to the Inspector General by the date that is 30 days after the report is made, the Inspector General shall submit a notice that the information or assistance requested has not been provided by the head of the establishment involved or the head of the Federal agency involved, as applicable, to the appropriate congressional committees.''.

TITLE LIX—TRAINING RESOURCES FOR INSPECTORS GENERAL AND OTHER MATTERS

SEC. 5191. TRAINING RESOURCES FOR INSPECTORS GENERAL.

Section 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

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

''(E) support the professional development of Inspectors General, including by providing training opportunities on the duties, responsibilities, and authorities under this Act and on topics relevant to Inspectors General and the work of Inspectors General, as identified by Inspectors General and the Council.''.

SEC. 5192. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 5—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(B) in subsection (d), by striking ''committees or subcommittees of Congress'' and inserting ''congressional committees'';

(2) in section 6(h)(4)—

(A) in subparagraph (B), by striking ''Government''; and

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

''(C) Any other relevant congressional committee or subcommittee of jurisdiction.'';

(3) in section 8—

(A) in subsection (b)—

(i) in paragraph (3), by striking ''the Committees on Armed Services and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Government Reform and Oversight of the House of Representatives and to other appropriate committees or subcommittees of the Congress'' and inserting ''the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives''; and

(ii) in paragraph (4), by striking ''and to other appropriate committees or subcommittees''; and

(B) in subsection (f)—

(i) in paragraph (1), by striking ''the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress'' and inserting ''the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives''; and

(ii) in paragraph (2), by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees'';

(4) in section 8D—

(A) in subsection (a)(3), by striking ''Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''appropriate congressional committees, including the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives''; and

(B) in subsection (g)—

(i) in paragraph (1)—

(I) by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(II) by striking ''Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Reform and Oversight and Ways and Means of the House of Representatives'' and inserting ''Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives''; and

(ii) in paragraph (2), by striking ''committees or subcommittees of Congress'' and inserting ''congressional committees'';

(5) in section 8E—

(A) in subsection (a)(3), by striking ''Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''appropriate congressional committees, including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives''; and

(B) in subsection (c)—

(i) by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(ii) by striking ''Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives'' and inserting ''Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives'';

(6) in section 8G—

(A) in subsection (d)(2)(E), in the matter preceding clause (i), by inserting ''the appropriate congressional committees, including'' after ''are''; and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(iii), by striking ''Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''the appropriate congressional committees''; and

(ii) by striking subparagraph (C);

(7) in section 8I—

(A) in subsection (a)(3), in the matter preceding subparagraph (A), by striking ''committees and subcommittees of Congress'' and inserting ''congressional committees''; and

(B) in subsection (d), by striking ''committees and subcommittees of Congress'' each place it appears and inserting ''congressional committees'';

(8) in section 8N(b), by striking ''committees of Congress'' and inserting ''congressional committees'';

(9) in section 11—

(A) in subsection (b)(3)(B)(viii)—

(i) by striking subclauses (III) and (IV);

(ii) in subclause (I), by adding ''and'' at the end; and

(iii) by amending subclause (II) to read as follows:

''(II) the appropriate congressional committees.''; and

(B) in subsection (d)(8)(A)(iii), by striking ''to the'' and all that follows through ''jurisdiction'' and inserting ''to the appropriate congressional committees''; and

(10) in section 12—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Reform of the House of Representatives; and

''(C) any other relevant congressional committee or subcommittee of jurisdiction.''.

SEC. 5193. SEMIANNUAL REPORTS.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 4(a)(2)—

(A) by inserting '', including'' after ''to make recommendations''; and

(B) by inserting a comma after ''section 5(a)'';

(2) in section 5—

(A) in subsection (a)—

(i) by striking paragraphs (1) through (12) and inserting the following:

''(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the establishment and associated reports and recommendations for corrective action made by the Office;

''(2) an identification of each recommendation made before the reporting period, for which corrective action has not been completed, including the potential costs savings associated with the recommendation;

''(3) a summary of significant investigations closed during the reporting period;

''(4) an identification of the total number of convictions during the reporting period resulting from investigations;

''(5) information regarding each audit, inspection, or evaluation report issued during the reporting period, including—

''(A) a listing of each audit, inspection, or evaluation;

''(B) if applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use, including whether a management decision had been made by the end of the reporting period;

''(6) information regarding any management decision made during the reporting period with respect to any audit, inspection, or evaluation issued during a previous reporting period;'';

(ii) by redesignating paragraphs (13) through (22) as paragraphs (7) through (16), respectively;

(iii) by amending paragraph (13), as so redesignated, to read as follows:

''(13) a report on each investigation conducted by the Office where allegations of misconduct were substantiated, including the name of the senior Government employee, if already made public by the Office, and a detailed description of—

''(A) the facts and circumstances of the investigation; and

''(B) the status and disposition of the matter, including—

''(i) if the matter was referred to the Department of Justice, the date of the referral; and

''(ii) if the Department of Justice declined the referral, the date of the declination;''; and

(iv) in paragraph (15), as so redesignated, by striking subparagraphs (A) and (B) and inserting the following:

''(A) any attempt by the establishment to interfere with the independence of the Office, including—

''(i) with budget constraints designed to limit the capabilities of the Office; and

''(ii) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

''(B) a summary of each report made to the head of the establishment under section 6(c)(2) during the reporting period;''; and

(B) in subsection (b)—

(i) by striking paragraphs (2) and (3) and inserting the following:

''(2) where final action on audit, inspection, and evaluation reports had not been taken before the commencement of the reporting period, statistical tables showing—

''(A) with respect to management decisions—

''(i) for each report, whether a management decision was made during the reporting period;

''(ii) if a management decision was made during the reporting period, the dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

''(iii) total number of reports where a management decision was made during the reporting period and the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

''(B) with respect to final actions—

''(i) whether, if a management decision was made before the end of the reporting period, final action was taken during the reporting period;

''(ii) if final action was taken, the dollar value of—

''(I) disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise;

''(II) disallowed costs that were written off by management;

''(III) disallowed costs and funds to be put to better use not yet recovered or written off by management;

''(IV) recommendations that were completed; and

''(V) recommendations that management has subsequently concluded should not or could not be implemented or completed; and

''(iii) total number of reports where final action was not taken and total number of reports where final action was taken, including the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decisions;'';

(ii) by redesignating paragraph (4) as paragraph (3);

(iii) in paragraph (3), as so redesignated, by striking ''subsection (a)(20)(A)'' and inserting ''subsection (a)(14)(A)''; and

(iv) by striking paragraph (5) and inserting the following:

''(4) a statement explaining why final action has not been taken with respect to each audit, inspection, and evaluation report in which a management decision has been made but final action has not yet been taken, except that such statement—

''(A) may exclude reports if—

''(i) a management decision was made within the preceding year; or

''(ii) the report is under formal administrative or judicial appeal or management of the establishment has agreed to pursue a legislative solution; and

''(B) shall identify the number of reports in each category so excluded.'';

(C) by redesignating subsection (h), as so redesignated by section 305, as subsection (i); and

(D) by inserting after subsection (g), as so redesignated by section 305, the following:

''(h) If an Office has published any portion of the report or information required under subsection (a) to the website of the Office or on oversight.gov, the Office may elect to provide links to the relevant webpage or website in the report of the Office under subsection (a) in lieu of including the information in that report.''.

SEC. 5194. SUBMISSION OF REPORTS THAT SPECIFICALLY IDENTIFY NON-GOVERNMENTAL ORGANIZATIONS OR BUSINESS ENTITIES.

(a) IN GENERAL.—Section 5(g) of the Inspector General Act of 1978 (5 U.S.C. App.), as so redesignated by section 5135 of this division, is amended by adding at the end the following:

''(6)(A) Except as provided in subparagraph (B), if an audit, evaluation, inspection, or other non-investigative report prepared by an Inspector General specifically identifies a specific non-governmental organization or business entity, whether or not the non-governmental organization or business entity is the subject of that audit, evaluation, inspection, or non-investigative report—

''(i) the Inspector General shall notify the non-governmental organization or business entity;

''(ii) the non-governmental organization or business entity shall have—

''(I) 30 days to review the audit, evaluation, inspection, or non-investigative report beginning on the date of publication of the audit, evaluation, inspection, or non-investigative report; and

''(II) the opportunity to submit a written response for the purpose of clarifying or providing additional context as it directly relates to each instance wherein an audit, evaluation, inspection, or non-investigative report specifically identifies that non-governmental organization or business entity; and

''(iii) if a written response is submitted under clause (ii)(II) within the 30-day period described in clause (ii)(I)—

''(I) the written response shall be attached to the audit, evaluation, inspection, or non-investigative report; and

''(II) in every instance where the report may appear on the public-facing website of the Inspector General, the website shall be updated in order to access a version of the audit, evaluation, inspection, or non-investigative report that includes the written response.

''(B) Subparagraph (A) shall not apply with respect to a non-governmental organization or business entity that refused to provide information or assistance sought by an Inspector General during the creation of the audit, evaluation, inspection, or non-investigative report.

''(C) An Inspector General shall review any written response received under subparagraph (A) for the purpose of preventing the improper disclosure of classified information or other non-public information, consistent with applicable laws, rules, and regulations, and, if necessary, redact such information.''.

(b) RETROACTIVE APPLICABILITY.—During the 30-day period beginning on the date of enactment of this Act—

(1) the amendment made by subsection (a) shall apply upon the request of a non-governmental organization or business entity named in an audit, evaluation, inspection, or other non-investigative report prepared on or after January 1, 2019; and

(2) any written response submitted under clause (iii) of section 5(g)(6)(A)of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a), with respect to such an audit, evaluation, inspection, or other non-investigative report shall attach to the original report in the manner described in that clause.

SEC. 5195. REVIEW RELATING TO VETTING, PROCESSING, AND RESETTLEMENT OF EVACUEES FROM AFGHANISTAN AND THE AFGHANISTAN SPECIAL IMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—In accordance with the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Department of Homeland Security, jointly with the Inspector General of the Department of State, and in coordination with any appropriate inspector general established by that Act or section 103H of the National Security Act of 1947 (50 U.S.C. 3033), shall conduct a thorough review of efforts to support and process evacuees from Afghanistan and the Afghanistan special immigrant visa program.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the systems, staffing, policies, and programs used—

(1) to the screen and vet such evacuees, including—

(A) an assessment of whether personnel conducting such screening and vetting were appropriately authorized and provided with training, including training in the detection of fraudulent personal identification documents;

(B) an analysis of the degree to which such screening and vetting deviated from United States law, regulations, policy, and best practices relating to—

(i) the screening and vetting of parolees, refugees, and applicants for United States visas that have been in use at any time since January 1, 2016, particularly for individuals from countries with active terrorist organizations; and

(ii) the screening and vetting of parolees, refugees, and applicants for United States visas pursuant to any mass evacuation effort since 1975, particularly for individuals from countries with active terrorist organizations;

(C) an identification of any risk to the national security of the United States posed by any such deviations;

(D) an analysis of the processes used for evacuees traveling without personal identification records, including the creation or provision of any new identification records to such evacuees; and

(E) an analysis of the degree to which such screening and vetting process was capable of detecting—

(i) instances of human trafficking and domestic abuse;

(ii) evacuees who are unaccompanied minors; and

(iii) evacuees with a spouse that is a minor;

(2) to admit and process such evacuees at United States ports of entry;

(3) to temporarily house such evacuees prior to resettlement;

(4) to account for the total number of individual evacuated from Afghanistan in 2021 with support of the United States Government, disaggregated by—

(A) country of origin;

(B) age;

(C) gender;

(D) eligibility for special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163) at the time of evacuation;

(E) eligibility for employment-based nonimmigrant visas at the time of evacuation; and

(F) familial relationship to evacuees who are eligible for visas described in subparagraphs (D) and (E); and

(5) to provide eligible individuals with special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) and section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163) since the date of the enactment of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8), including—

(A) a detailed step-by-step description of the application process for such special immigrant visas, including the number of days allotted by the United States Government for the completion of each step;

(B) the number of such special immigrant visa applications received, approved, and denied, disaggregated by fiscal year;

(C) the number of such special immigrant visas issued, as compared to the number available under law, disaggregated by fiscal year;

(D) an assessment of the average length of time taken to process an application for such a special immigrant visa, beginning on the date of submission of the application and ending on the date of final disposition, disaggregated by fiscal year;

(E) an accounting of the number of applications for such special immigrant visas that remained pending at the end of each fiscal year;

(F) an accounting of the number of interviews of applicants for such special immigrant visas conducted during each fiscal year;

(G) the number of noncitizens who were admitted to the United States pursuant to such a special immigrant visa during each fiscal year;

(H) an assessment of the extent to which each participating department or agency of the United States Government, including the Department of State and the Department of Homeland Security, adjusted processing practices and procedures for such special immigrant visas so as to vet applicants and expand processing capacity since the February 29, 2020, Doha Agreement between the United States and the Taliban;

(I) a list of specific steps, if any, taken between February 29, 2020, and August 31, 2021—

(i) to streamline the processing of applications for such special immigrant visas; and

(ii) to address longstanding bureaucratic hurdles while improving security protocols;

(J) a description of the degree to which the Secretary of State implemented recommendations made by the Department of State Office of Inspector General in its June 2020 reports on Review of the Afghan Special Immigrant Visa Program (AUD-MERO-20-35) and Management Assistance Report: Quarterly Reporting on Afghan Special Immigrant Visa Program Needs Improvement (AUD-MERO-20-34);

(K) an assessment of the extent to which challenges in verifying applicants' employment with the Department of Defense contributed to delays in the processing of such special immigrant visas, and an accounting of the specific steps taken since February 29, 2020, to address issues surrounding employment verification; and

(L) recommendations to strengthen and streamline such special immigrant visa process going forward.

(c) INTERIM REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall submit to the appropriate congressional committees not fewer than one interim report on the review conducted under this section.

(2) FORM.—Any report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given the term in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act.

(B) SCREEN; SCREENING.—The terms ''screen'' and ''screening'', with respect to an evacuee, mean the process by which a Federal official determines—

(i) the identity of the evacuee;

(ii) whether the evacuee has a valid identification documentation; and

(iii) whether any database of the United States Government contains derogatory information about the evacuee.

(C) VET; VETTING.—The term ''vet'' and ''vetting'', with respect to an evacuee, means the process by which a Federal official interviews the evacuee to determine whether the evacuee is who they purport to be, including whether the evacuee poses a national security risk.

(d) DISCHARGE OF RESPONSIBILITIES.—The Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall discharge the responsibilities under this section in a manner consistent with the authorities and requirements of the Inspector General Act of 1978 (5 U.S.C. App.) and the authorities and requirements applicable to the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State under that Act.

(e) COORDINATION.—Upon request of an Inspector General for information or assistance under subsection (a), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Inspector General of the Department of Homeland Security or the Inspector General of the Department of State to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of the oversight responsibilities of the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State, in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), with respect to oversight of the evacuation from Afghanistan, the selection, vetting, and processing of applicants for special immigrant visas and asylum, and any resettlement in the United States of such evacuees.

SA 4781. 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. IMPOSITION OF SANCTIONS WITH RESPECT TO NORD STREAM 2.

(a) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall—

(1) impose sanctions under subsection (b) with respect to any corporate officer of an entity established for or responsible for the planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity; and

(2) impose sanctions under subsection (c) with respect to any entity described in paragraph (1).

(b) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—

(1) IN GENERAL.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

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

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

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an alien described in subsection (a)(1) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of an entity described in subsection (a)(1) 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.

(d) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force

March 19, 1967, or other applicable international obligations.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(e) IMPLEMENTATION; PENALTIES.—

(1) 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 section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(f) SUNSET.—The authority to impose sanctions under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms ''admission'' , ''admitted'' , and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ''appropriate congressional committees and leadership'' means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the majority and minority leaders of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(3) 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 any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person within the United States.

SEC. 1238. REPEAL OF NATIONAL INTEREST WAIVER UNDER PROTECTING EUROPE'S ENERGY SECURITY ACT OF 2019.

Section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note) is amended—

(1) in subsection (a)(1)(C), by striking ''subsection (i)'' and inserting ''subsection (h)'';

(2) by striking subsection (f);

(3) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively; and

(4) in subsection (i), as redesignated by paragraph (3), by striking ''subsection (h)'' and inserting ''subsection (g)''.

SEC. 1239. APPLICATION OF CONGRESSIONAL REVIEW UNDER COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT TO TERMINATION OR REMOVAL OF SANCTIONS.

(a) IN GENERAL.—Section 216(a)(2)(B)(i) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9511(a)(2)(B)(i)) is amended—

(1) in subclause (II), by striking ''; or'' and inserting a semicolon;

(2) in subclause (III), by striking ''; and'' and inserting a semicolon; and

(3) by adding at the end the following:

''(IV) section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note); or

''(V) section 1237 of the National Defense Authorization Act for Fiscal Year 2022; and''.

(b) INCLUSION OF ADDITIONAL MATTER IN CAATSA REPORT.—Each report submitted under section 216(a)(1) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9511(a)(1)) with respect to the waiver or termination of, or a licensing action with respect to, sanctions under section 1237 of this Act or section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note) shall include—

(1) an assessment of the security risks posed by Nord Stream 2, including—

(A) the presence along Nord Stream 2 or Nord Stream 1 infrastructure or pipeline corridors of undersea surveillance systems and sensors, fiber optic terminals, or other systems that are capable of conducting military or intelligence activities unrelated to civilian energy transmission, including those designed to enhance Russian Federation antisubmarine warfare, surveillance, espionage, or sabotage capabilities;

(B) the use of Nord Stream-affiliated infrastructure, equipment, personnel, vessels, financing, or other assets—

(i) to facilitate, carry out, or conceal Russian Federation maritime surveillance, espionage, or sabotage activities;

(ii) to justify the presence of Russian Federation naval vessels or military personnel or equipment in international waters or near North Atlantic Treaty Organization or partner countries;

(iii) to disrupt freedom of navigation; or

(iv) to pressure or intimidate countries in the Baltic Sea;

(C) the involvement in the Nord Stream 2 pipeline or its affiliated entities of current or former Russian, Soviet, or Warsaw Pact intelligence and military personnel and any business dealings between Nord Stream 2 and entities affiliated with the intelligence or defense sector of the Russian Federation; and

(D) malign influence activities of the Government of the Russian Federation, including strategic corruption and efforts to influence European decision-makers, supported or financed through the Nord Stream 2 pipeline;

(2) an assessment of whether the Russian Federation maintains gas transit through Ukraine at levels consistent with the volumes set forth in the Ukraine-Russian Federation gas transit agreement of December 2019 and continues to pay the transit fees specified in that agreement;

(3) an assessment of the status of negotiations between the Russian Federation and Ukraine to secure an agreement to extend gas transit through Ukraine beyond the expiration of the agreement described in paragraph (2); and

(4) an assessment of whether the United States and Germany have agreed on a common definition for energy ''weaponization'' and the associated triggers for sanctions and other enforcement actions, pursuant to the Joint Statement of the United States and Germany on support for Ukraine, European energy security, and our climate goals, dated July 21, 2021; and

(5) a description of the consultations with United States allies and partners in Europe, including Ukraine, Poland, and the countries in Central and Eastern Europe most impacted by the Nord Stream 2 pipeline concerning the matters agreed to as described in paragraph (4).

SA 4782. Mr. CORNYN (for himself, Mr. COONS, Mr. YOUNG, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. NATIONAL SECURITY EXCLUSION FOR ARTICLES OR COMPONENTS OF ARTICLES THAT CONTAIN, WERE PRODUCED USING, BENEFIT FROM, OR USE TRADE SECRETS MISAPPROPRIATED OR ACQUIRED THROUGH IMPROPER MEANS BY A FOREIGN AGENT OR FOREIGN INSTRUMENTALITY.

(a) SHORT TITLE.—This section may be cited as the ''Stopping and Excluding Commercial Ripoffs and Espionage with U.S. Trade Secrets'' or the ''Secrets Act of 2021''.

(b) NATIONAL SECURITY EXCLUSION.—Title III of the Tariff Act of 1930 is amended by inserting after section 341 (19 U.S.C. 1341) the following:

''SEC. 342. NATIONAL SECURITY EXCLUSION FOR ARTICLES OR COMPONENTS OF ARTICLES THAT CONTAIN, WERE PRODUCED USING, BENEFIT FROM, OR USE TRADE SECRETS MISAPPROPRIATED OR ACQUIRED THROUGH IMPROPER MEANS BY A FOREIGN AGENT OR FOREIGN INSTRUMENTALITY.

''(a) IN GENERAL.—Upon a determination under subsection (c)(1), and subject to the procedures required under subsection (d), the Commission shall direct the exclusion from the United States of, on the basis of national security, imports of articles that contain, were produced using, benefit from, or use any trade secret acquired through improper means or misappropriation by a foreign agent or foreign instrumentality (in this section referred to as a 'covered article').

''(b) INTERAGENCY COMMITTEE ON TRADE SECRETS.—

''(1) IN GENERAL.—There is established an Interagency Committee on Trade Secrets (in this section referred to as the 'Committee') to carry out the review and submission of allegations under paragraph (5) and such other duties as the President may designate as necessary to carry out this section.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall be comprised of the following voting members (or the designee of any such member):

''(i) The Secretary of the Treasury.

''(ii) The Secretary of Homeland Security.

''(iii) The Secretary of Commerce.

''(iv) The Attorney General.

''(v) The Intellectual Property Enforcement Coordinator.

''(vi) The United States Trade Representative.

''(vii) The head of such other Federal agency or other executive office as the President determines appropriate, generally or on a case-by-case basis.

''(B) DIRECTOR OF NATIONAL INTELLIGENCE.—

''(i) IN GENERAL.—The Director of National Intelligence shall serve as an ex officio, nonvoting member of the Committee.

''(ii) NOTICE.—The Director of National Intelligence shall be provided with all notices received by the Committee regarding allegations under paragraph (5) but shall serve no policy role on the Committee other than to provide analysis unless serving on the Committee under subparagraph (A)(vii).

''(3) CHAIRPERSON.—The Attorney General shall serve as the chairperson of the Committee.

''(4) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the chairperson, without regard to section 552b of title 5, United States Code (if otherwise applicable).

''(5) UNFAIR TRADE PRACTICE REVIEW.—The Committee—

''(A) shall review upon complaint under oath by the owner of a trade secret or on its own initiative any allegations that an article imported or to be imported into the United States is a covered article; and

''(B) shall, if the Committee decides to proceed with those allegations, submit to the Commission a report including those allegations.

''(c) EX PARTE PRELIMINARY REVIEW, INVESTIGATION, AND DETERMINATION.—

''(1) EX PARTE PRELIMINARY REVIEW.—Not later than 30 days after receipt of an allegation contained in a report under subsection (b)(5)(B) with respect to an article imported or to be imported into the United States, the Commission shall conduct a confidential, ex parte, preliminary review to determine whether the article is more likely than not a covered article.

''(2) INVESTIGATION.—

''(A) IN GENERAL.—Not later than 150 days after an affirmative determination under paragraph (1), the Commission shall conduct an ex parte investigation, which may include a hearing at the discretion of the Commission, to consider if that determination should be extended under paragraph (3).

''(B) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(i) IN GENERAL.—As part of an investigation conducted under subparagraph (A) with respect to an allegation contained in a report under subsection (b)(5)(B), the Director of National Intelligence, at the request of the Commission, shall expeditiously carry out a thorough analysis of the allegation and shall incorporate the views of appropriate intelligence agencies with respect to the allegation.

''(ii) TIMING.—

''(I) BEGINNING OF ANALYSIS.—The Director of National Intelligence shall begin an analysis under clause (i) of an allegation contained in a report under subsection (b)(5)(B) before investigation by the Commission of the allegation under subparagraph (A), in accordance with applicable law.

''(II) SUBMISSION OF ANALYSIS.—Not later than 20 days after the date on which the Commission begins an investigation under subparagraph (A), the Director of National Intelligence shall submit to the Commission the analysis requested under clause (i).

''(iii) SUPPLEMENTATION OR AMENDMENT.—Any analysis submitted under clause (i) may be supplemented or amended as the Director of National Intelligence considers necessary or appropriate or upon request by the Commission for additional information.

''(3) EXTENSION, MODIFICATION, OR TERMINATION.—

''(A) IN GENERAL.—The Commission, at its sole discretion, may extend, modify, or terminate a determination under paragraph (1) for good cause and as necessary and appropriate, as determined by the Commission and based on the findings of the investigation conducted under paragraph (2).

''(B) RECONSIDERATION.—The Commission shall reconsider any extension, modification, or termination under subparagraph (A) of a determination under paragraph (1) upon request in writing from the Committee.

''(4) CONSIDERATION.—In conducting a preliminary review under paragraph (1) or an investigation under paragraph (2) with respect to an article, the Commission may consider the following:

''(A) If the article contains, was produced using, benefits from, or uses any trade secret acquired through improper means or misappropriation by a foreign agent or foreign instrumentality.

''(B) The national security and policy interests of the United States, as established by the Committee for purposes of this section.

''(5) DISCLOSURE OF CONFIDENTIAL INFORMATION.—

''(A) IN GENERAL.—Information submitted to the Commission or exchanged among the interested persons in connection with a preliminary review under paragraph (1) or an investigation under paragraph (2), including by the owner of the trade secret with respect to which the review or investigation is connected, may not be disclosed (except under a protective order issued under regulations of the Commission that authorizes limited disclosure of such information) to any person other than a person described in subparagraph (B).

''(B) EXCEPTION.—Notwithstanding the prohibition under subparagraph (A), information described in that subparagraph may be disclosed to—

''(i) an officer or employee of the Commission who is directly concerned with—

''(I) carrying out the preliminary review, investigation, or related proceeding in connection with which the information is submitted;

''(II) the administration or enforcement of a national security exclusion order issued under subsection (d);

''(III) a proceeding for the modification or rescission of a national security exclusion order issued under subsection (d); or

''(IV) maintaining the administrative record of the preliminary review, investigation, or related proceeding;

''(ii) an officer or employee of the United States Government who is directly involved in the review under subsection (d)(2); or

''(iii) an officer or employee of U.S. Customs and Border Protection who is directly involved in administering an exclusion from entry under subsection (d) resulting from the preliminary review, investigation, or related proceeding in connection with which the information is submitted.

''(6) PUBLICATION OF RESULTS.—Not later than 30 days after a determination under paragraph (1) or an extension under paragraph (3), the Commission shall publish notice of the determination or extension, as the case may be, in the Federal Register.

''(7) DESIGNATION OF LEAD AGENCY FROM COMMITTEE.—

''(A) IN GENERAL.—The Attorney General shall designate, as appropriate, a Federal agency or agencies represented on the Committee to be the lead agency or agencies on behalf of the Committee for each action under paragraphs (1) through (3).

''(B) DUTIES.—The duties of the lead agency or agencies designated under subparagraph (A), with respect to an action under paragraphs (1) through (3), shall include assisting in the action and coordinating activity between the Committee and the Commission.

''(8) CONSULTATION.—

''(A) IN GENERAL.—In conducting an action under paragraphs (1) through (3), the Commission shall consult with the heads of such other Federal agencies (or their designees) as the Commission determines appropriate on the basis of the facts and circumstances of the action.

''(B) COOPERATION.—The heads of Federal agencies consulted under subparagraph (A) for an action, and the agency or agencies designated under paragraph (7)(A), shall cooperate with the Commission in conducting the action, including by—

''(i) producing documents and witnesses for testimony; and

''(ii) assisting with any complaint or report or any analysis by the Committee.

''(9) INTERACTION WITH INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall ensure that the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) remains engaged during the course of any action conducted under paragraphs (1) through (3).

''(10) RULE OF CONSTRUCTION REGARDING SUBMISSION OF ADDITIONAL INFORMATION.—Nothing in this subsection shall be construed as prohibiting any interested person to an allegation described in subsection (b)(5) from submitting additional information concerning the allegation while an action under paragraphs (1) through (3) with respect to the allegation is ongoing.

''(d) PROCEDURES FOR NATIONAL SECURITY EXCLUSION.—

''(1) IN GENERAL.—If the Commission determines under subsection (c)(1) that it is more likely than not that an article to be imported into the United States is a covered article, not later than 30 days after receipt of the allegation described in that subsection with respect to that determination, the Commission shall—

''(A) issue an order directing that the article concerned be excluded from entry into the United States under subsection (a); and

''(B) notify the President of that determination.

''(2) PRESIDENTIAL REVIEW.—If, before the end of the 30-day period beginning on the day after the date on which the President is notified under paragraph (1)(B) of the determination of the Commission under subsection (c)(1), the President disapproves of that determination and notifies the Commission of that disapproval, effective on the date of that notice, that determination shall have no force or effect.

''(3) EXCLUSION OF COVERED ARTICLES.—

''(A) NOTIFICATION.—Upon expiration of the 30-day period described in paragraph (2), or notification from the President of approval of the determination of the Commission under subsection (c)(1) before the expiration of that period, the Commission shall notify the Secretary of the Treasury and the Secretary of Homeland Security of its action under subsection (a) to direct the exclusion of covered articles from entry.

''(B) REFUSAL OF ENTRY.—Upon receipt of notice under subparagraph (A) regarding the exclusion of covered articles from entry, the Secretary of the Treasury and the Secretary of Homeland Security shall refuse the entry of those articles.

''(4) CONTINUATION IN EFFECT.—Any exclusion from entry of covered articles under subsection (a) shall continue in effect until the Commission—

''(A) determines that the conditions that led to such exclusion from entry do not exist; and

''(B) notifies the Secretary of the Treasury and the Secretary of Homeland Security of that determination.

''(5) MODIFICATION OR RESCISSION.—

''(A) IN GENERAL.—An interested person may petition the Commission for a modification or rescission of an exclusion order issued under subsection (a) with respect to covered articles only after an affirmative extension of the order is issued under subsection (c)(3) in accordance with the procedures under subsection (c)(2).

''(B) REVISITATION OF EXCLUSION.—The Commission may modify or rescind an exclusion order issued under subsection (a) at any time at the discretion of the Commission.

''(C) BURDEN OF PROOF.—The burden of proof in any proceeding before the Commission regarding a petition made by an interested person under subparagraph (A) shall be on the interested person.

''(D) RELIEF.—A modification or rescission for which a petition is made under subparagraph (A) may be granted by the Commission—

''(i) on the basis of new evidence or evidence that could not have been presented at the prior proceeding; or

''(ii) on grounds that would permit relief from a judgment or order under the Federal Rules of Civil Procedure.

''(E) EVIDENTIARY STANDARD.—A modification or rescission may be made under subparagraph (A) if the Commission determines that there has been a clear and convincing showing to the Commission from an interested person that such a modification or rescission should be made.

''(e) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Any person adversely affected by a final modification or rescission determination by the Commission under subsection (d)(5) may appeal such determination only—

''(A) in the United States Court of Appeals for the Federal Circuit; and

''(B) not later than 60 days after that determination has become final.

''(2) NO OTHER JUDICIAL REVIEW.—Except as authorized under paragraph (1), the determinations of the Commission under this section and any exclusion from entry or delivery or demand for redelivery in connection with the enforcement of an order by the Commission under this section may not be reviewed by any court, including for constitutional claims, whether by action in the nature of mandamus or otherwise.

''(3) PROCEDURES FOR REVIEW OF PRIVILEGED INFORMATION.—If an appeal is brought under paragraph (1) and the administrative record contains classified or other information subject to privilege or protections under law, that information shall be submitted confidentially to the court and the court shall maintain that information under seal.

''(4) APPLICABILITY OF USE OF INFORMATION PROVISIONS.—The use of information provisions of sections 106, 305, 405, and 706 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806, 1825, 1845, and 1881e) shall not apply to an appeal under paragraph (1).

''(f) INAPPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT.—

''(1) IN GENERAL.—The requirements of subchapter II of chapter 5 of title 5, United States Code, shall not apply to—

''(A) an action conducted by the Commission under paragraphs (1) through (3) of subsection (c); or

''(B) the procedures for exclusion under paragraphs (4) and (5) of subsection (d).

''(2) ADJUDICATION.—Any adjudication under this section shall not be subject to the requirements of sections 554, 556, and 557 of title 5, United States Code.

''(g) FREEDOM OF INFORMATION ACT EXCEPTION.—Section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), shall not apply to the activities conducted under this section.

''(h) APPLICABILITY TO CERTAIN INTELLIGENCE ACTIVITIES.—Nothing in this section shall apply to authorized intelligence activities of the United States.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require or permit the disclosure of classified information or information relating to intelligence sources and methods to any party other than an officer or employee of the United States Government who has been appropriately cleared to receive that information.

''(j) REGULATIONS.—The Commission may prescribe such regulations as the Commission considers necessary and appropriate to carry out this section.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

''(l) DEFINITIONS.—In this section:

''(1) ARTICLE.—The term 'article' includes any article or component of an article.

''(2) FOREIGN AGENT; FOREIGN INSTRUMENTALITY; IMPROPER MEANS; MISAPPROPRIATION; OWNER; TRADE SECRET.—The terms 'foreign agent', 'foreign instrumentality', 'improper means', 'misappropriation', 'owner', and 'trade secret' have the meanings given those terms in section 1839 of title 18, United States Code.

''(3) INTERESTED PERSON.—The term 'interested person', with respect to an allegation under subsection (b)(5), means a person named in the allegation or otherwise identified by the Commission as having a material interest with respect to the allegation.''.

(c) CLERICAL AMENDMENT.—The table of contents for the Tariff Act of 1930 is amended by inserting after the item relating to section 341 the following:

''Sec. 342. National security exclusion for articles or components of articles that contain, were produced using, benefit from, or use trade secrets misappropriated or acquired through improper means by a foreign agent or foreign instrumentality.''.

(d) CONFORMING AMENDMENT.—Section 514(a)(4) of the Tariff Act of 1930 (19 U.S.C. 1514(a)(4)) is amended by striking ''a determination appealable under section 337 of this Act'' and inserting ''in connection with the enforcement of an order of the United States International Trade Commission issued under section 337 or 342''.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. SHAHEEN. Mr. President, I have 14 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 AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 10:15 a.m., to conduct a hearing on nominations.

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 Wednesday, November 17, 2021, in executive session to vote on nominations.

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 17, 2021, at 10 a.m., in executive session.

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 17, 2021, at 10:15 a.m., to conduct a hearing on nominations.

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 17, 2021, at 10 a.m., to conduct a hearing on a nomination.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, November 17, 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 Wednesday, November 17, 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, November 17, 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, November 17, 2021, at 10 a.m., to conduct hearing on nominations.

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, November 17, 2021, at 2:30 p.m., to conduct a business meeting.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 3 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, November 17, 2021, at 2 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND BORDER MANAGEMENT

The Subcommittee on Government Operations and Border Management of the Committee on Homeland Security