SA 6032. Mr. SCHUMER proposed an amendment to amendment SA 6031 proposed by Mr. SCHUMER to the bill H.R. 6833, supra.

TEXT OF AMENDMENTS

SA 5747. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

(a) SECTION 112B OF TITLE 1.—

(1) IN GENERAL.—Chapter 2 of title 1, United States Code, is amended by striking section 112b and inserting the following:

"§ 112b. United States international agreements and non-binding instruments; transparency provisions

''(a)(1) Not less frequently than once each month, the Secretary shall provide in writing to the appropriate congressional committees the following:

''(A)(i) A list of all international agreements approved for negotiation by the Secretary or another Department of State officer at the Assistant Secretary level or higher and a list of all qualifying non-binding instruments described in subsection (l)(6)(A)(ii)(II) approved for negotiation by the appropriate department or agency during the prior month, or, in the event an international agreement or qualifying non-binding instrument is not included in the lists required by this clause, a certification corresponding to the international agreement or qualifying non-binding instrument as authorized under paragraph (5)(A).

''(ii) A description of the intended subject matter and parties to or participants for each international agreement and qualifying non-binding instrument listed pursuant to clause (i).

''(B)(i) A list of all international agreements and qualifying non-binding instruments signed, concluded, or otherwise finalized during the prior month.

''(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

''(iii) A detailed description of the legal authority that, in the view of the Secretary, provides authorization for each international agreement and that, in the view of the appropriate department or agency, provides authorization for each qualifying non-binding instrument provided under clause (ii) to become operative. If multiple authorities are relied upon in relation to an international agreement, the Secretary shall cite all such authorities, and if multiple authorities are relied upon in relation to a qualifying non-binding instrument, the appropriate department or agency shall cite all such authorities. All citations to the Constitution of the United States, a treaty, or a statute shall include the specific article or section and subsection reference whenever available and, if not available, shall be as specific as possible. If the authority relied upon is or includes article II of the Constitution of the United States, the Secretary or appropriate department or agency shall explain the basis for that reliance.

''(C)(i) A list of all international agreements that entered into force and qualifying non-binding instruments that became operative for the United States or an agency of the United States during the prior month.

''(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i) if such text differs from the text of the agreement or instrument previously provided pursuant to subparagraph (B)(ii).

''(iii) A statement describing any new or amended statutory or regulatory authority anticipated to be required to fully implement each proposed international agreement and qualifying non-binding instrument included in the list described in clause (i).

''(2) Not less frequently than once every three months, the Secretary shall provide in writing to the appropriate congressional committees the following:

''(A) A list of all qualifying non-binding instruments described in subsection (l)(6)(A)(ii)(I) approved for negotiation by the appropriate department or agency during the prior three months, or, in the event a qualifying non-binding instrument is not included in the list required by this subparagraph, a certification corresponding to the qualifying non-binding instrument as authorized under paragraph (5)(A).

''(B) A description of the intended subject matter and participants for each qualifying non-binding instrument listed pursuant to subparagraph (A).

''(3) The information and text required by paragraphs (1) and (2) shall be submitted in unclassified form, but may include a classified annex.

''(4) In the case of a general authorization issued for the negotiation or conclusion of a series of international agreements of the same general type, the requirements of paragraph (1)(A) may be satisfied by the provision in writing of—

''(A) a single notification containing all the information required by paragraph (1)(A); and

''(B) a list, to the extent described in such general authorization, of the countries or entities with which such agreements are contemplated.

''(5)(A) The Secretary may, on a case-by-case basis, waive the requirements of paragraph (1)(A) or (2)(A) with respect to a specific international agreement or qualifying non-binding instrument, as applicable, for renewable periods of up to 180 days if the Secretary certifies in writing to the appropriate congressional committees that—

''(i) exercising the waiver authority is vital to the negotiation of a particular international agreement or qualifying non-binding instrument; and

''(ii) the international agreement or qualifying non-binding instrument would significantly and materially advance the foreign policy or national security interests of the United States.

''(B) The Secretary shall brief the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the appropriate congressional committees on the scope and status of the negotiation that is the subject of the waiver under subparagraph (A)—

''(i) not later than 90 days after the date on which the Secretary exercises the waiver; and

''(ii) once every 180 days during the period in which a renewed waiver is in effect.

''(C) The certification required by subparagraph (A) may be provided in classified form.

''(D) The Secretary shall not delegate the waiver authority or certification requirements under subparagraph (A). The Secretary shall not delegate the briefing requirements under subparagraph (B) to any person other than the Deputy Secretary.

''(b)(1) Not later than 120 days after the date on which an international agreement enters into force, the Secretary shall make the text of the agreement, and the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to the agreement, available to the public on the website of the Department of State.

''(2) Not less frequently than once every 120 days, the Secretary shall make the text of each qualifying non-binding instrument that became operative during the preceding 120 days, and the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to each such instrument, available to the public on the website of the Department of State.

''(3) The requirements under paragraphs (1) and (2) shall not apply to the following categories of international agreements or qualifying non-binding instruments, or to information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to such agreements or qualifying non-binding instruments:

''(A) International agreements and qualifying non-binding instruments that contain information that has been given a national security classification pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information) or any predecessor or successor order, or that contain any information that is otherwise exempt from public disclosure pursuant to United States law.

''(B) International agreements and qualifying non-binding instruments that address specified military operations, military exercises, acquisition and cross servicing, logistics support, military personnel exchange or education programs, or the provision of health care to military personnel on a reciprocal basis.

''(C) International agreements and qualifying non-binding instruments that establish the terms of grant or other similar assistance, including in-kind assistance, financed with foreign assistance funds pursuant to the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Food for Peace Act (7 U.S.C. 1691 et seq.).

''(D) International agreements and qualifying non-binding instruments, such as project annexes and other similar instruments, for which the principal function is to establish technical details for the implementation of a specific project undertaken pursuant to another agreement or qualifying non-binding instrument that has been published in accordance with paragraph (1) or (2).

''(E) International agreements and qualifying non-binding instruments that have been separately published by a depositary or other similar administrative body, except that the Secretary shall make the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1), relating to such agreements or qualifying non-binding instruments, available to the public on the website of the Department of State within the timeframes required by paragraph (1) or (2).

''(c) For any international agreement or qualifying non-binding instrument for which an implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, is not otherwise required to be submitted to the appropriate congressional committees under subparagraphs (B)(ii) or (C)(ii) of subsection (a)(1), not later than 30 days after the date on

which the Secretary receives a written communication from the Chair or Ranking Member of either of the appropriate congressional committees requesting the text of any such implementing agreements or arrangements, whether binding or non-binding, the Secretary shall submit such implementing agreements or arrangements to the appropriate congressional committees.

''(d) Any department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall—

''(1) notify the Secretary of the approval for negotiation of a qualifying non-binding instrument within 15 days of such approval;

''(2) provide to the Secretary the text of each international agreement not later than 15 days after the date on which such agreement is signed or otherwise concluded;

''(3) provide to the Secretary the text of each qualifying non-binding instrument not later than 15 days after the date on which such instrument is concluded or otherwise becomes finalized;

''(4) provide to the Secretary a detailed description of the legal authority that provides authorization for each qualifying non-binding instrument to become operative not later than 15 days after such instrument is signed or otherwise becomes finalized; and

''(5) on an ongoing basis, provide any implementing material to the Secretary for transmittal to the appropriate congressional committees as needed to satisfy the requirements described in subsection (c).

''(e)(1) Each department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall designate a Chief International Agreements Officer, who shall—

''(A) be selected from among employees of such department or agency;

''(B) serve concurrently as the Chief International Agreements Officer; and

''(C) subject to the authority of the head of such department or agency, have department- or agency-wide responsibility for efficient and appropriate compliance with this section.

''(2) There shall be a Chief International Agreements Officer who serves at the Department of State with the title of International Agreements Compliance Officer.

''(f) The substance of oral international agreements and qualifying non-binding instruments shall be reduced to writing for the purpose of meeting the requirements of subsections (a) and (b).

''(g) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary. Such consultation may encompass a class of agreements rather than a particular agreement.

''(h)(1) If the Secretary is aware or has reason to believe that the requirements of subsection (a)(1), (a)(2), (b), or (c) have not been fulfilled with respect to an international agreement or qualifying non-binding instrument, the Secretary shall—

''(A) immediately bring the matter to the attention of the office or agency responsible for the agreement or qualifying non-binding instrument; and

''(B) request the office or agency to provide within 7 days the information necessary to fulfill the requirements of the relevant subsection.

''(2) Upon receiving the information requested pursuant to paragraph (1), the Secretary shall—

''(A) fulfill the requirements of subsection (a), (b), or (c), as the case may be, with respect to the agreement or qualifying non-binding instrument concerned—

''(i) by including such information in the next submission required by subsection (a)(1);

''(ii) by providing such information in writing to the appropriate congressional committees before provision of the submission described in clause (i); or

''(iii) in relation to subsection (b), by making the text of the agreement or qualifying non-binding instrument and the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to the agreement or instrument available to the public on the website of the Department of State within 15 days; and

''(B) provide to the appropriate congressional committees, either in the next submission required by subsection (a)(1) or before such submission, a written statement explaining the reason for the delay in fulfilling the requirements of subsection (a), (b), or (c), as the case may be.

''(3) Notwithstanding any other provision of law, if the requirements of subsection (a) have not been fulfilled with respect to an international agreement within 45 days of the date on which the Secretary made a request to an office or agency as described in paragraph (1)(B), no amounts appropriated to the Department of State under any law shall be available for obligation or expenditure to implement or to support the implementation of (including through the use of personnel or resources subject to the authority of a chief of mission) that particular international agreement, other than to facilitate compliance with this section, until the Secretary satisfies the substantive requirements in subsection (a) with respect to that particular international agreement.

''(i)(1) Not later than 3 years after the date of the enactment of this section, and not less frequently than once every 3 years thereafter during the 9-year period beginning on the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the compliance of the Secretary with the requirements of this section.

''(2) In any instance in which a failure by the Secretary to comply with such requirements is determined by the Comptroller General to have been due to the failure or refusal of another agency to provide information or material to the Department of State, or the failure to do so in a timely manner, the Comptroller General shall engage such other agency to determine—

''(A) the cause and scope of such failure or refusal;

''(B) the specific office or offices responsible for such failure or refusal; and

''(C) recommendations for measures to ensure compliance with statutory requirements.

''(3) The Comptroller General shall submit to the appropriate congressional committees in writing the results of each audit required by paragraph (1).

''(4) The Comptroller General and the Secretary shall make the results of each audit required by paragraph (1) publicly available on the websites of the Government Accountability Office and the Department of State, respectively.

''(j) The President shall, through the Secretary, promulgate such rules and regulations as may be necessary to carry out this section.

''(k) It is the sense of Congress that the executive branch should not prescribe or otherwise commit to or include specific legislative text in a treaty, executive agreement, or non-binding instrument unless Congress has authorized such action.

''(l) In this section:

''(1) The term 'appropriate congressional committees' means—

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

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

''(2) The term 'appropriate department or agency' means the department or agency of the United States Government that negotiates and enters into a qualifying non-binding instrument on behalf of itself or the United States.

''(3) The term 'Deputy Secretary' means the Deputy Secretary of State.

''(4) The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(5) The term 'international agreement' includes—

''(A) any treaty that requires the advice and consent of the Senate, pursuant to article II of the Constitution of the United States; and

''(B) any other international agreement to which the United States is a party and that is not subject to the advice and consent of the Senate.

''(6)(A) The term 'qualifying non-binding instrument' means a non-binding instrument that—

''(i) is or will be under negotiation, is signed or otherwise becomes operative, or is implemented with one or more foreign governments, international organizations, or foreign entities, including non-state actors; and

''(ii)(I) could reasonably be expected to have a significant impact on the foreign policy of the United States; or

''(II) is the subject of a written communication from the Chair or Ranking Member of either of the appropriate congressional committees to the Secretary.

''(B) The term 'qualifying non-binding instrument' does not include any non-binding instrument that is signed or otherwise becomes operative or is implemented pursuant to the authorities relied upon by the Department of Defense, the Armed Forces of the United States, or any element of the intelligence community.

''(7) The term 'Secretary' means the Secretary of State.

''(8)(A) The term 'text' with respect to an international agreement or qualifying non-binding instrument includes—

''(i) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument; and

''(ii) any implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument.

''(B) Under clauses (i) and (ii) of subparagraph (A), the term 'contemporaneously and in conjunction with' shall be construed liberally and shall not be interpreted to require any action to have occurred simultaneously or on the same day.

''(m) Nothing in this section shall be construed to authorize the withholding from disclosure to the public of any record if such disclosure is required by law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 1, United States Code, is amended by striking the item relating to section 112b and inserting the following:

''112b. United states international agreements and non-binding instruments; transparency provisions.''.

(3) TECHNICAL AND CONFORMING AMENDMENT RELATING TO AUTHORITIES OF THE SECRETARY OF STATE.—Section 317(h)(2) of the Homeland Security Act of 2002 (6 U.S.C. 195c(h)(2)) is amended by striking ''Section 112b(c)'' and inserting ''Section 112b(g)''.

(4) MECHANISM FOR REPORTING.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State shall establish a mechanism for personnel of the Department of State who become aware or who have reason to believe that the requirements of section 112b of title 1, United States Code, as amended by this subsection, have not been fulfilled with respect to an international agreement or qualifying non-binding instrument (as those terms are defined in that section) to report such instances to the Secretary.

(5) RULES AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the President shall, through the Secretary of State, promulgate such rules and regulations as may be necessary to carry out section 112b of title 1, United States Code, as amended by this subsection.

(6) CONSULTATION AND BRIEFING REQUIREMENT.—

(A) CONSULTATION.—The Secretary of State shall consult with the appropriate congressional committees on matters related to the implementation of this Act and the amendments made by this Act prior to and after the effective date described in subsection (c).

(B) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, and once every 90 days thereafter for 1 year, the Secretary of State shall brief the appropriate congressional committees on the status of efforts to implement this Act and the amendments made by this Act.

(C) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this paragraph, the term ''appropriate congressional committees'' means—

(i) the Committee on Foreign Relations of the Senate; and

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

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State $1,000,000 for each of fiscal years 2023 through 2027 for purposes of implementing the requirements of section 112b of title 1, United States Code, as amended by this subsection.

(b) SECTION 112A OF TITLE 1.—Section 112a of title 1, United States Code, is amended by striking subsections (b), (c), and (d) and inserting the following:

''(b) Copies of international agreements and qualifying non-binding instruments in the possession of the Department of State but not published, other than the agreements described in subsection (b)(3)(A) of section 112b, shall be made available by the Department of State upon request.''.

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this Act shall take effect 270 days after the date of the enactment of this Act.

SA 5748. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2825. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS REGARDING MILITARY HOUSING.

(a) BASIC ALLOWANCE FOR HOUSING.—The Secretary of Defense shall ensure that the Military Compensation Policy directorate within the Office of the Deputy Assistant Secretary of Defense for Military Personnel Policy, in coordination with each military department, not later than one year after the date of the enactment of this Act—

(1) assesses the process of the Department of Defense for collecting rental property data to determine ways to increase the sample size of current representative data and ensure sample size targets are met;

(2) reviews and updates guidance for basic allowance for housing under section 403 of title 37, United States Code, to ensure that information about the rate-setting process for such allowance, including its sampling methodology and use of minimum sample size targets, is accurately and fully reflected in such guidance; and

(3) establishes and implements a process for consistently monitoring anchor points, the interpolation table, external alternative data, and any indications of potential bias by using quality information to set rates for such allowance and ensuring timely remediation of any identified deficiencies.

(b) WORK ORDER DATA FOR PRIVATIZED MILITARY HOUSING.—The Secretary of Defense shall ensure that the Assistant Secretary of Defense for Sustainment, not later than one year after the date of the enactment of this Act—

(1) requires the military departments to establish a process to validate data collected by privatized military housing partners to better ensure the reliability and validity of work order data and to allow for more effective use of such data for monitoring and tracking purposes; and

(2) provides in future reports to Congress additional explanation of such work order data collected and reported, such as explaining the limitations of available survey data, how resident satisfaction was calculated, and reasons for any missing data.

(c) FINANCES FOR PRIVATIZED MILITARY HOUSING PROJECTS.—The Secretary of Defense shall ensure that the Assistant Secretary of Defense for Energy, Installations, and Environment, not later than one year after the date of the enactment of this Act—

(1) takes steps to resume issuing required reports to Congress on the financial condition of privatized military housing in a timely manner;

(2) reports financial information on future sustainment of each privatized military housing project in its reports to Congress;

(3) provides guidance directing the military departments to assess the significance of the specific risks to individual privatized military housing projects resulting from reduction in the basic allowance for housing under section 403 of title 37, United States Code, and identify courses of action to respond to any risks based on the significance of such risks; and

(4) revises its guidance on privatized military housing to require the military departments to define their risk tolerances regarding the future sustainability of their privatized military housing projects.

(d) PRIVATIZED MILITARY HOUSING DEFINED.—In this section, the term ''privatized military housing'' means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

SA 5749. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2825. COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF CERTAIN STATUTORY PROVISIONS INTENDED TO IMPROVE THE EXPERIENCE OF RESIDENTS OF PRIVATIZED MILITARY HOUSING.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an independent assessment of the implementation by the Department of Defense of sections 2890, 2891c(b), and 2894(c) of title 10, United States Code.

(2) ELEMENTS.—The assessment required under paragraph (1) shall include—

(A) a summary and evaluation of the analysis and information provided to residents of privatized military housing regarding the assessment of performance indicators pursuant to section 2891c(b) of title 10, United States Code, and the extent to which such residents have requested such an assessment;

(B) a summary of the extent to which the Department collects and uses data on whether members of the Armed Forces and their families residing in privatized military housing, including family and unaccompanied housing, have exercised the rights afforded in the Military Housing Privatization Initiative Tenant Bill of Rights under subsection (a) of section 2890 of title 10, United States Code, to include the rights specified under paragraphs (8), (12), (13), (14), and (15) of subsection (b) of such section, and an evaluation of the implementation by each military department of such section;

(C) an evaluation of the implementation by each military department of section 2894(c) of title 10, United States Code, including, with regard to paragraph (5) of such section—

(i) the number of requests that have been resolved favorably; and

(ii) the number of requests that have been resolved in compliance within the required time period; and

(D) such other matters as the Comptroller General considers necessary.

(b) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than March 31, 2022, the Comptroller General shall provide to the Committees on Armed Services of the Senate and the House of Representatives an interim briefing on the assessment conducted under subsection (a).

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment conducted under subsection (a).

(c) PRIVATIZED MILITARY HOUSING DEFINED.—In this section, the term ''privatized military housing'' means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

SA 5750. Mr. WARNER submitted an amendment intended to be proposed to

amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES TRANSITIONING OUT OF ACTIVE DUTY SERVICE.

(a) STUDY; EDUCATION AND OUTREACH EFFORTS.—

(1) STUDY.—The Secretary of Defense shall, in conjunction with the Secretary of Veterans Affairs, conduct a study to identify the means by which members of the Armed Forces are provided information about the availability of Federal nutrition assistance programs as they transition out of active duty service.

(2) EDUCATION AND OUTREACH EFFORTS.—The Secretary of Defense, working with the Secretary of Veterans Affairs, shall increase education and outreach efforts to members of the Armed Forces who are transitioning out of active duty service, particularly those members identified as being at-risk for food insecurity, to increase awareness of the availability of Federal nutrition assistance programs and eligibility for those programs.

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

(A) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study conducted under paragraph (1); and

(B) publish such report on the website of the Department of Defense.

(b) REPORT ON COORDINATION AMONG DEPARTMENTS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs and the Secretary of Agriculture, shall submit to each congressional committee with jurisdiction over the Department of Defense, the Department of Veterans Affairs, and the Department of Agriculture a report on the coordination, data sharing, and evaluation efforts on food insecurity across those departments.

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

(A) An accounting of the funding each department referred to in paragraph (1) has obligated toward food insecurity research.

(B) An outline of methods of comparing programs and sharing best practices for addressing food insecurity by each such department.

(C) An outline of—

(i) the plan each such department has to achieve greater government efficiency and cross-agency coordination, data sharing, and evaluation in addressing food insecurity among members of the Armed Forces; and

(ii) efforts that the departments can undertake to improve coordination to better address food insecurity as it impacts members before, during, and after their active duty service.

(D) Any other information the Secretary of Defense, the Secretary of Veterans Affairs, or the Secretary of Agriculture determines to be appropriate.

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—The Comptroller General of the United States shall conduct a study to evaluate the feasibility and advisability of expanding eligibility for the basic needs allowance under section 402b of title 37, United States Code, to individuals during the period following the transition of the individuals out of active duty service, up to three months.

SA 5751. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 916. DESIGNATION OF SENIOR OFFICIAL TO COMBAT FOOD INSECURITY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to be responsible for, and accountable to the Secretary with respect to, combating food insecurity among members of the Armed Forces and their families. The Secretary shall designate the senior official from among individuals who are appointed to a position in the Department by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:

(1) Oversight of policy, strategy, and planning for efforts of the Department of Defense to combat food insecurity among members of the Armed Forces and their families.

(2) Coordinating with other Federal agencies with respect to combating food insecurity.

(3) Such other matters as the Secretary considers appropriate.

SA 5752. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. REPEAL OF WAIVER AUTHORITY FOR THE PROVISION OF MOST ASSISTANCE TO THE GOVERNMENT OF AZERBAIJAN.

Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115; 22 U.S.C. 5812 note) is amended by striking paragraphs (2) through (6) of subsection (g).

SA 5753. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3118. AMENDMENTS TO THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the ''Beryllium Testing Fairness Act''.

(b) MODIFICATION OF DEMONSTRATION OF BERYLLIUM SENSITIVITY.—Section 3621(8)(A) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841(8)(A)) is amended—

(1) by striking ''established by an abnormal'' and inserting the following: ''established by—

''(i) an abnormal'';

(2) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(ii) three borderline beryllium lymphocyte proliferation tests performed on blood cells.''.

(c) EXTENSION OF ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.—Section 3687(j) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–16(j)) is amended by striking ''10 years'' and inserting ''15 years''.

SA 5754. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. LIMITATION ON TRANSFER OF F–16 AIRCRAFT.

The President may not sell or authorize a license for the export of new F–16 aircraft or F–16 upgrade technology or modernization kits pursuant to any authority provided by the Arms Export Control Act (22 U.S.C. 2751 et seq.) to the Government of Turkey, or to any agency or instrumentality of Turkey, unless the President provides to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the congressional defense committees a certification—

(1) that such transfer is in the national interest of the United States; and

(2) that includes a detailed description of concrete steps taken to ensure that such F–16s are not used by Turkey for repeated unauthorized territorial overflights of Greece.

SA 5755. Ms. HIRONO (for herself and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended

to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1026. BATTLE FORCE SHIP EMPLOYMENT, MAINTENANCE, AND MANNING BASELINE PLANS.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8696. Battle force ship employment, maintenance, and manning baseline plans

''(a) IN GENERAL.—Not later than 45 days after the date of delivery of the first ship in a new class of battle force ships, the Secretary of the Navy shall submit to the congressional defense committees a report on the employment, maintenance, and manning baseline plans for the class, including a description of the following:

''(1) The sustainment and maintenance plans for the class that encompass the number of years the class is expected to be in service, including—

''(A) the allocation of maintenance tasks among organizational, intermediate, depot, or other activities;

''(B) the planned duration and interval of maintenance for all depot-level maintenance availabilities; and

''(C) the planned duration and interval of drydock maintenance periods.

''(2) Any contractually required integrated logistics support deliverables for the ship, including technical manuals, and an identification of—

''(A) the deliverables provided to the Government on or before the delivery date; and

''(B) the deliverables not provided to the Government on or before the delivery date and the expected dates those deliverables will be provided to the Government.

''(3) The planned maintenance system for the ship, including—

''(A) the elements of the system, including maintenance requirement cards, completed on or before the delivery date;

''(B) the elements of the system not completed on or before the delivery date and the expected completion date of those elements; and

''(C) the plans to complete planned maintenance from the delivery date until all elements of the system have been completed.

''(4) The coordinated shipboard allowance list for the class, including—

''(A) the items on the list onboard on or before the delivery date; and

''(B) the items on the list not onboard on or before the delivery date and the expected arrival date of those items.

''(5) The ship manpower document for the class, including—

''(A) the number of officers by grade and designator; and

''(B) the number of enlisted personnel by rate and rating.

''(6) The personnel billets authorized for the ship for the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including—

''(A) the number of officers by grade and designator; and

''(B) the number of enlisted personnel by rate and rating.

''(7) Programmed funding for manning and end strength on the ship for the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including—

''(A) the number of officers by grade and designator; and

''(B) the number of enlisted personnel by rate and rating.

''(8) Personnel assigned to the ship on the delivery date, including—

''(A) the number of officers by grade and designator; and

''(B) the number of enlisted personnel by rate and rating.

''(9) For each critical hull, mechanical, electrical, propulsion, and combat system of the class as so designated by the Senior Technical Authority pursuant to section 8669b(c)(2)(C) of this title, the following:

''(A) The Government-provided training available for personnel assigned to the ship at the time of delivery, including the nature, objectives, duration, and location of the training.

''(B) The contractor-provided training available for personnel assigned to the ship at the time of delivery, including the nature, objectives, duration, and location of the training.

''(C) Plans to adjust how the training described in subparagraphs (A) and (B) will be provided to personnel after delivery, including the nature and timeline of those adjustments.

''(10) The notional employment schedule of the ship for each month of the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including an identification of time spent in the following phases:

''(A) Basic.

''(B) Integrated or advanced.

''(C) Deployment.

''(D) Maintenance.

''(E) Sustainment.

''(b) NOTIFICATION REQUIRED.—Not less than 30 days before implementing a significant change to the baseline plans described in subsection (a) or any subsequent significant change, the Secretary of the Navy shall submit to the congressional defense committees written notification of the change, including for each such change the following:

''(1) An explanation of the change.

''(2) The desired outcome.

''(3) The rationale.

''(4) The duration.

''(5) The operational impact.

''(6) The budgetary impact, including—

''(A) in the year in which the change is made;

''(B) over the five years thereafter; and

''(C) over the expected service life of the relevant class of battle force ships.

''(7) The personnel impact, including—

''(A) in the year in which the change is made;

''(B) over the five years thereafter; and

''(C) over the expected service life of the relevant class of battle force ships.

''(8) The sustainment and maintenance impact, including—

''(A) in the year in which the change is made;

''(B) over the five years thereafter; and

''(C) over the expected service life of the relevant class of battle force ships.

''(c) TREATMENT OF CERTAIN SHIPS.—(1) For the purposes of this section, the Secretary of the Navy shall treat as the first ship in a new class of battle force ships the following:

''(A) U.S.S. John F. Kennedy (CVN–79).

''(B) U.S.S. Michael Monsoor (DDG–1001).

''(C) U.S.S. Jack H. Lucas (DDG–125).

''(2) For each ship described in paragraph (1), the Senior Technical Authority shall identify critical systems for the purposes of subsection (a)(9).

''(d) DEFINITIONS.—In this section:

''(1) The term 'battle force ship' means the following:

''(A) A commissioned United States Ship warship capable of contributing to combat operations.

''(B) A United States Naval Ship that contributes directly to Navy warfighting or support missions.

''(2) The term 'delivery' has the meaning provided for in section 8671 of this title.

''(3) The term 'Senior Technical Authority' has the meaning provided for in section 8669b of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of such title is amended by adding at the end the following new item:

''8696. Battle force ship employment, maintenance, and manning baseline plans.''.

SA 5756. Mr. COTTON (for himself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 645, between lines 10 and 11, insert the following:

(8) Scandium.

SA 5757. Mr. COTTON (for himself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1414. SUPPORT FOR UNITED STATES PRODUCERS AND PROCESSORS OF STRATEGIC AND CRITICAL MATERIALS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534) for fiscal year 2023 $500,000,000 for activities of the Department of Defense pursuant to section 108 and title III of the Defense Production Act of 1950 (50 U.S.C. 4518 and 4531 et seq.).

(2) REQUIREMENTS FOR STRATEGIC AND CRITICAL MINERALS.—Of the amount authorized to be appropriated by paragraph (1), not less than $200,000,000 shall be available to meet the requirements of the Department of Defense for—

(A) materials specified in paragraphs (1) through (8) of section 1413(a); and

(B) components and unfinished precursors of such materials.

(b) INCREASE IN LIMITATION ON COST OF DEFENSE PRODUCTION ACT PROJECTS FOR STRATEGIC AND CRITICAL MATERIALS.—Section 303(a)(6) of the Defense Production Act (50 U.S.C. 4533(a)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking ''If the taking'' and inserting the following:

''(i) IN GENERAL.—If the taking'';

(B) by inserting ''(except as provided in clause (ii))'' after ''$50,000,000''; and

(C) by adding at the end the following:

''(ii) EXCEPTION FOR STRATEGIC AND CRITICAL MINERALS.—If the taking of any action under this subsection to correct a domestic industrial base shortfall in materials, components, or precursors described in section 1414(a)(2) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 would cause the aggregate outstanding amount of all such actions for such shortfall to exceed $100,000,000, the action or actions may be taken only after the 30-day period following the date on which the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives have been notified in writing of the proposed action.''; and

(2) in subparagraph (C)—

(A) by striking ''If the taking'' and inserting the following:

''(i) IN GENERAL.—If the taking'';

(B) by inserting ''(except as provided in clause (ii))'' after ''$50,000,000''; and

(C) by adding at the end the following:

''(ii) EXCEPTION FOR RARE EARTH ELEMENTS AND CRITICAL MINERALS.—If the taking of any action or actions under this section to correct an industrial resource shortfall in materials, components, or precursors described in section 1414(a)(2) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $100,000,000, no such action or actions may be taken, unless such action or actions are authorized to exceed such amount by an Act of Congress.''.

SA 5758. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. AUTHORIZATION OF APPROPRIATIONS FOR COUNTERING THE PEOPLE'S REPUBLIC OF CHINA MALIGN INFLUENCE FUND.

(a) COUNTERING THE PEOPLE'S REPUBLIC OF CHINA MALIGN INFLUENCE FUND.—There is authorized to be appropriated $300,000,000 for each of fiscal years 2023 through 2027 for the Countering the People's Republic of China Malign Influence Fund to counter the malign influence of the Chinese Communist Party globally. Amounts appropriated pursuant to this authorization are authorized to remain available until expended and shall be in addition to amounts otherwise authorized to be appropriated to counter such influence.

(b) CONSULTATION REQUIRED.—The obligation of funds appropriated or otherwise made available to counter the malign influence of the Chinese Communist Party globally shall be subject to prior consultation with, and consistent with section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the regular notification procedures of—

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

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

(c) POLICY GUIDANCE, COORDINATION, AND APPROVAL.—

(1) COORDINATOR.—The Secretary of State shall designate an existing senior official of the Department of State at the rank of Assistant Secretary or above to provide policy guidance, coordination, and approval for the obligation of funds authorized pursuant to subsection (a).

(2) DUTIES.—The senior official designated pursuant to paragraph (1) shall be responsible for—

(A) on an annual basis, the identification of specific strategic priorities for using the funds authorized to be appropriated by subsection (a), such as geographic areas of focus or functional categories of programming that funds are to be concentrated within, consistent with the national interests of the United States and the purposes of this section;

(B) the coordination and approval of all programming conducted using the funds authorized to be appropriated by subsection (a), based on a determination that such programming directly counters the malign influence of the Chinese Communist Party, including specific activities or policies advanced by the Chinese Communist Party, pursuant to the strategic objectives of the United States, as established in the 2017 National Security Strategy, the 2018 National Defense Strategy, and other relevant national and regional strategies as appropriate;

(C) ensuring that all programming approved bears a sufficiently direct nexus to such acts by the Chinese Communist Party described in subsection (d) and adheres to the requirements outlined in subsection (e); and

(D) conducting oversight, monitoring, and evaluation of the effectiveness of all programming conducted using the funds authorized to be appropriated by subsection (a) to ensure that it advances United States interests and degrades the ability of the Chinese Communist Party, to advance activities that align with subsection (d) of this section.

(3) INTERAGENCY COORDINATION.—The senior official designated pursuant to paragraph (1) shall, in coordinating and approving programming pursuant to paragraph (2), seek—

(A) to conduct appropriate interagency consultation; and

(B) to ensure, to the maximum extent practicable, that all approved programming functions in concert with other Federal activities to counter the malign influence and activities of the Chinese Communist Party.

(4) ASSISTANT COORDINATOR.—The Administrator of the United States Agency for International Development shall designate a senior official at the rank of Assistant Administrator or above to assist and consult with the senior official designated pursuant to paragraph (1).

(d) MALIGN INFLUENCE.—In this section, the term ''malign influence'' with respect to the Chinese Communist Party shall be construed to include acts conducted by the Chinese Communist Party or entities acting on its behalf that—

(1) undermine a free and open international order;

(2) advance an alternative, repressive international order that bolsters the Chinese Communist Party's hegemonic ambitions and is characterized by coercion and dependency;

(3) undermine the national security or sovereignty of the United States or other countries; or

(4) undermine the economic security of the United States or other countries, including by promoting corruption and advancing coercive economic practices.

(e) COUNTERING MALIGN INFLUENCE.—In this section, countering malign influence through the use of funds authorized to be appropriated by subsection (a) shall include efforts—

(1) to promote transparency and accountability, and reduce corruption, including in governance structures targeted by the malign influence of the Chinese Communist Party;

(2) to support civil society and independent media to raise awareness of and increase transparency regarding the negative impact of activities related to the Belt and Road Initiative, associated initiatives, other economic initiatives with strategic or political purposes, and coercive economic practices;

(3) to counter transnational criminal networks that benefit, or benefit from, the malign influence of the Chinese Communist Party;

(4) to encourage economic development structures that help protect against predatory lending schemes, including support for market-based alternatives in key economic sectors, such as digital economy, energy, and infrastructure;

(5) to counter activities that provide undue influence to the security forces of the People's Republic of China;

(6) to expose misinformation and disinformation of the Chinese Communist Party's propaganda, including through programs carried out by the Global Engagement Center; and

(7) to counter efforts by the Chinese Communist Party to legitimize or promote authoritarian ideology and governance models.

SA 5759. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII of division A, add the following:

SEC. 1254. AMENDMENT TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.

The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by inserting after section 108A the following:

''SEC. 108B. REPORTING REQUIREMENTS WITH RESPECT TO PARTICIPATION BY UNITED STATES ENTITIES IN CULTURAL EXCHANGE PROGRAMS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

''(a) SENSE OF CONGRESS.—It is the sense of Congress that State and local entities in the United States and other organizations and individuals in the United States who sponsor, carry out, or otherwise participate in cultural, educational, and economic exchange programs with the People's Republic of China should adopt measures that facilitate rigorous oversight of such programs, including compliance with the oversight requirements described in this section, as applicable.

''(b) INITIAL CERTIFICATION TO CONGRESS.—Not later than 5 days after entering into an

agreement to establish or reestablish any cultural exchange program that involves the Government of the People's Republic of China pursuant to section 108A, the Secretary of State shall certify to the appropriate congressional committees that—

''(1) establishing or reestablishing such program is in the national interests of the United States;

''(2) such program will adhere to the purposes set forth in section 101; and

''(3) the Department of State has established mechanisms requiring each United States entity carrying out or otherwise participating in such program to submit an annual report to the Department of State (and make such report publicly available) that includes—

''(A) the total number of cultural exchange programs conducted by the entity;

''(B) a description and purpose of each such program;

''(C) an agenda or itinerary that describes the activities engaged in by program participants; and

''(D) a list of participants in each such program, including the names and professional affiliation of the participants.

''(c) ANNUAL CERTIFICATIONS TO CONGRESS.—

''(1) IN GENERAL.—Not later than 1 year after establishing or reestablishing a cultural exchange program described in subsection (b), and annually thereafter through fiscal year 2027, the Secretary of State shall submit a certification to the appropriate congressional committees that indicates whether—

''(A) the continuation of such program is in the national interests of the United States;

''(B) such program is adhering to the purposes set forth in section 101; and

''(C) the mechanisms described in subsection (b)(3) provide the Department sufficient transparency and oversight of each program.

''(2) FAILURE TO CERTIFY.—If the Secretary of State fails to certify that all of the requirements under paragraph (1) have been met with respect to a program described in subsection (b), the Secretary shall suspend or terminate the corresponding agreement described in subsection (b).

''(d) TRANSPARENCY REPORT.—

''(1) IN GENERAL.—The Secretary of State shall include, with the annual certification required under subsection (c), a detailed summary of the reporting received pursuant to subsection (b)(3) from United States entities that are carrying out or otherwise participating in any cultural exchange program that involves the Government of the People's Republic of China pursuant to section 108A.

''(2) MATTERS TO BE INCLUDED.—The summary required under paragraph (1) shall include, for the reporting period—

''(A) the total number of cultural exchange programs conducted;

''(B) the total number of participants in such cultural exchange programs;

''(C) a list of the names and professional affiliations of such participants;

''(D) an overview of the cultural exchange programs, including the inclusion of not fewer than 3 sample itineraries and illustrative examples of activities in which participants engaged;

''(E) an assessment of whether the cultural programs conducted during the reporting period adhere to purposes set forth in section 101, including a description of any noticeable deviations from such purposes;

''(F) a description of all actions by the Department of State to remediate deviations from such purposes; and

''(G) a detailed rationale for continuing the program despite any deviations described in the report.

''(3) FORM OF REPORT.—The summary required under paragraph (1) shall be submitted in unclassified form.

''(e) EFFECT OF FAILURE OF UNITED STATES ENTITY TO REPORT.—The Secretary of State may not award any United States entity that fails to comply with the reporting requirements described in (b)(3) any funds, in the form of grants or otherwise, until such entity is in compliance with the reporting requirements under this section.

''(f) RULEMAKING.—The Secretary of State shall promulgate regulations to carry out this section.''.

SA 5760. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. INFRASTRUCTURE TRANSACTION AND ASSISTANCE NETWORK.

(a) AUTHORITY.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, is authorized to establish an initiative, to be known as the ''Infrastructure Transaction and Assistance Network'', under which the Secretary of State, in consultation with other relevant Federal agencies, shall carry out various programs to advance the development of sustainable, transparent, and high-quality infrastructure in the Indo-Pacific region by—

(1) strengthening capacity-building programs to improve project evaluation processes, regulatory and procurement environments, and project preparation capacity of countries that are partners of the United States in such development;

(2) providing transaction advisory services and project preparation assistance to support sustainable infrastructure; and

(3) coordinating the provision of United States assistance for the development of infrastructure, including infrastructure that uses United States-manufactured goods and services, and catalyzing investment led by the private sector.

(b) TRANSACTION ADVISORY FUND.—As part of the Infrastructure Transaction and Assistance Network described in subsection (a), the Secretary of State is authorized to provide support, including through the Transaction Advisory Fund, for advisory services to help boost the capacity of partner countries to evaluate contracts and assess the financial and environmental impacts of potential infrastructure projects, including through providing services such as—

(1) legal services;

(2) project preparation and feasibility studies;

(3) debt sustainability analyses;

(4) bid or proposal evaluation; and

(5) other services relevant to advancing the development of sustainable, transparent, and high-quality infrastructure.

(c) STRATEGIC INFRASTRUCTURE FUND.—

(1) IN GENERAL.—As part of the Infrastructure Transaction and Assistance Network described in subsection (a), the Secretary of State is authorized to provide support, including through the Strategic Infrastructure Fund, for technical assistance, project preparation, pipeline development, and other infrastructure project support.

(2) JOINT STRATEGIC INFRASTRUCTURE PROJECTS.—Funds authorized for the Strategic Infrastructure Fund should be used in coordination with the Department of Defense, the International Development Finance Corporation, like-minded donor partners, and multilateral banks, as appropriate, to support joint infrastructure projects in the Indo-Pacific region.

(3) STRATEGIC INFRASTRUCTURE PROJECTS.—Funds authorized for the Strategic Infrastructure Fund should be used to support strategic infrastructure projects that are in the national security interest of the United States and vulnerable to strategic competitors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of fiscal years 2023 through 2027, $75,000,000 to the Infrastructure Transaction and Assistance Network, of which $20,000,000 shall be made available for the Transaction Advisory Fund.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter for 3 years, the President shall submit to the appropriate committees of Congress a report that includes—

(A) an identification of infrastructure projects, particularly in the transport, energy, and digital sectors, that the United States is currently supporting or is considering supporting through financing, foreign assistance, technical assistance, or other means;

(B) for each project identified under subparagraph (A)—

(i) the sector of the project; and

(ii) the recipient country of any such United States support;

(C) a detailed explanation of the United States and partner country interests served by such United States support;

(D) a detailed accounting of the authorities and programs upon which the United States Government has relied in providing such support; and

(E) a detailed description of any support provided by United States allies and partners for such projects.

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

SA 5761. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII of division A, add the following:

SEC. 1254. INCREASING DEPARTMENT OF STATE PERSONNEL AND RESOURCES DEVOTED TO THE INDO-PACIFIC REGION.

(a) ACTION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit an action plan to the appropriate committees of Congress that—

(1) identifies requirements to advance United States strategic objectives in the Indo-Pacific region and the personnel and budgetary resources needed to meet such objectives, assuming an unconstrained resource environment;

(2) includes a plan for increasing the portion of the Department of State's budget that is dedicated to the Indo-Pacific region in terms of diplomatic engagement and foreign assistance focused on development, economic, and security assistance;

(3) includes a summary of the actions that have been taken to increase the number of positions at posts in the Indo-Pacific region and bureaus with responsibility for the Indo-Pacific region, and an action plan for further increasing such positions during the next 2 fiscal years including—

(A) a description of increases at each post or bureau;

(B) a breakdown of increases by cone;

(C) a description of how such increases in personnel will advance United States strategic objectives in the Indo-Pacific region; and

(D) a description of training opportunities to be provided to such officers to improve their abilities—

(i) to advance free, fair, and reciprocal trade and open investment environments for United States companies, and engaged in increased commercial diplomacy in key markets;

(ii) to better articulate and explain United States policies;

(iii) to strengthen civil society and democratic principles;

(iv) to enhance reporting on the People's Republic of China's global activities;

(v) to promote people-to-people exchanges;

(vi) to advance United States' influence in the Indo-Pacific region; and

(vii) to increase capacity at small- and medium-sized embassies and consulates in the Indo-Pacific region and in other regions around the world, as necessary;

(4) defines concrete and annual benchmarks that the Department of State will meet in implementing the action plan; and

(5) describes any barriers to implementing the action plan.

(b) UPDATES TO REPORT AND BRIEFING.—Not later than 90 days after the submission of the action plan required under subsection (a), and semiannually thereafter until September 30, 2030, the Secretary of State shall submit an updated action plan and brief the appropriate committees of Congress on the implementation of such action plan, with supporting data, including a detailed assessment of benchmarks that have been reached.

(c) SECRETARY OF STATE CERTIFICATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary of State shall submit a certification to the appropriate committees of Congress that indicates whether or not the benchmarks described in the action plan required under subsection (a) have been met. This certification requirement may not be delegated to another Department of State official.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for fiscal year 2024—

(1) $2,300,000,000 for bilateral and regional foreign assistance resources to carry out the purposes of part 1 and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) in the Indo-Pacific region; and

(2) $1,000,000,000 for diplomatic engagement resources to the Indo-Pacific region.

SA 5762. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ADDITIONAL AMOUNT FOR FABRICATION OF ONE ADDITIONAL MEDIUM UNMANNED SURFACE VEHICLE.

(a) ADDITIONAL FUNDING.—The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation is hereby increased by $23,566,000, with the amount of the increase to be available for Medium Unmanned Surface Vehicles (MUSVS) (PE 0605512N) to carry out the fabrication of one additional medium unmanned surface vehicle.

(b) OFFSET.—

(1) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2023 by section 301 for operation and maintenance is hereby decreased by $23,566,000.

(2) AVAILABILITY.—Of the amounts available pursuant to the authorization of appropriations in section 301 as specified in the funding tables in section 4301—

(A) the amount available for Operation and Maintenance, Navy, Base Operating Support, is hereby reduced by $20,000,000; and

(B) the amount available for Operation and Maintenance, Defense-wide, Office of the Secretary of Defense, is hereby reduced by $3,566,000.

SA 5763. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.

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

(1) the United States must increase its diplomatic activity and presence in the Pacific, particularly among Pacific Island nations; and

(2) the Special Envoy to the Pacific Islands Forum—

(A) should be used to coordinate policies across the Pacific region with like-minded democracies; and

(B) should have a direct line to the President and the Secretary of State to communicate regarding the unique and particular needs of Pacific partner nations.

(b) SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (h) (as added by section 361(a)(1) of division FF of Public Law 116–260) as subsection (k); and

(2) by adding at the end the following:

''(l) SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.—

''(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, either the United States Ambassador to a country that is a member of the Pacific Islands Forum or another qualified individual to serve as Special Envoy to the Pacific Islands Forum (referred to in this section as the 'Special Envoy'). If an Ambassador is appointed to serve as the Special Envoy pursuant this paragraph, he or she may not begin such service until after Senate confirmation to such position and shall serve concurrently as an Ambassador and as the Special Envoy without receiving additional compensation.

''(2) DUTIES.—The Special Envoy shall—

''(A) represent the United States in its role as dialogue partner to the Pacific Islands Forum; and

''(B) carry out such other duties as the President or the Secretary of State may prescribe.''.

SA 5764. Mr. COONS (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. ENDING GLOBAL WILDLIFE POACHING AND TRAFFICKING.

(a) SHORT TITLE.—This section may be cited as the ''Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorization and Improvements Act of 2022''.

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

(1) the United States Government should continue to work with international partners, including nations, nongovernmental organizations, and the private sector, to identify long-standing and emerging areas of concern in wildlife poaching and trafficking related to global supply and demand; and

(2) the activities and required reporting of the Presidential Task Force on Wildlife Trafficking, established by Executive Order 13648 (78 Fed. Reg. 40621), and modified by sections 201 and 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621 and 7631) should be reauthorized to minimize the disruption of the work of such Task Force.

(c) DEFINITIONS.—Section 2 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601) is amended—

(1) in paragraph (3), by inserting ''involving local communities'' after ''approach to conservation'';

(2) by amending paragraph (4) to read as follows:

''(4) COUNTRY OF CONCERN.—The term 'country of concern' means a foreign country specially designated by the Secretary of State pursuant to section 201(b) as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which—

''(A) the government has actively engaged in, or knowingly profited from, the trafficking of protected species; or

''(B) the government facilitates such trafficking through conduct that may include a

persistent failure to make serious and sustained efforts to prevent and prosecute such trafficking.''; and

(3) in paragraph (11), by striking ''section 201'' and inserting ''section 301''.

(d) FRAMEWORK FOR INTERAGENCY RESPONSE AND REPORTING.—

(1) REAUTHORIZATION OF REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES.—Section 201 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621) is amended—

(A) in subsection (a), by striking ''annually thereafter'' and inserting ''biennially thereafter by June 1 of each year in which a report is required''; and

(B) by striking subsection (c) and inserting the following:

''(c) DESIGNATION.—A country may be designated as a country of concern under subsection (b) regardless of such country's status as a focus country.

''(d) PROCEDURE FOR REMOVING COUNTRIES FROM LIST.—In the first report required under this section submitted after the date of the enactment of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorization and Improvements Act of 2022, the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall publish, in the Federal Register, a procedure for removing from the list in the biennial report any country of concern that no longer meets the definition of country of concern under section 2(4).

''(e) SUNSET.—This section shall cease to have force or effect on September 30, 2028.''.

(2) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING RESPONSIBILITIES.—Section 301(a) of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631(a)) is amended—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

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

''(5) pursue programs and develop a strategy—

''(A) to expand the role of technology for anti-poaching and anti-trafficking efforts, in partnership with the private sector, foreign governments, academia, and nongovernmental organizations (including technology companies and the transportation and logistics sectors); and

''(B) to enable local governments to develop and use such technologies;

''(6) consider programs and initiatives that address the expansion of the illegal wildlife trade to digital platforms, including the use of digital currency and payment platforms for transactions by collaborating with the private sector, academia, and nongovernmental organizations, including social media, e-commerce, and search engine companies, as appropriate;

''(7)(A) implement interventions to address the drivers of poaching, trafficking, and demand for illegal wildlife and wildlife products in focus countries and countries of concern;

''(B) set benchmarks for measuring the effectiveness of such interventions; and

''(C) consider alignment and coordination with indicators developed by the Task Force;

''(8) consider additional opportunities to increase coordination between law enforcement and financial institutions to identify trafficking activity; and''.

(3) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING STRATEGIC REVIEW.—Section 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631), as amended by paragraph (2), is further amended—

(A) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking ''annually'' and inserting ''biennially'';

(ii) in paragraph (4), by striking ''and'' at the end;

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

(iv) by adding at the end the following:

''(6) an analysis of the indicators developed by the Task Force, and recommended by the Government Accountability Office, to track and measure inputs, outputs, law enforcement outcomes, and the market for wildlife products for each focus country listed in the report, including baseline measures, as appropriate, for each indicator in each focus country to determine the effectiveness and appropriateness of such indicators to assess progress and whether additional or separate indicators, or adjustments to indicators, may be necessary for focus countries.''; and

(B) in subsection (e), by striking ''5 years after'' and all that follows and inserting ''on September 30, 2028''.

SA 5765. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION H—CONSTITUTIONAL CONVENTION OF THE UNITED STATES

SEC. 101. DEFINITION.

In this division:

(1) ARCHIVIST.—The term ''Archivist'' means the Archivist of the United States.

(2) ARTICLE V CONVENTION.—The term ''Article V Convention'' means a convention as described in Article V of the Constitution of the United States that is called by Congress and organized by the Archivist on the application of the legislatures of ⅔ of the several States for proposing amendments that shall be valid to all intents and purposes as part of the Constitution of the United States when ratified by the legislatures of ¾ of the several States, or by conventions in ¾ thereof, as one or the other mode of ratification may be proposed by Congress.

SEC. 102. FINDINGS.

Congress finds the following:

(1) Article V of the Constitution of the United States requires that ''The Congress . . . on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments'' to the Constitution of the United States.

(2) Since the first application approved by a State for an Article V Convention in 1788, 42 States in total have submitted applications.

(3) The Constitution of the United States states that an Article V Convention shall be called upon the active application of ⅔ of the States. Such application occurs when a State, through its legislature, approves a petition for an Article V Convention. The threshold of applications from ⅔ of the States to require an Article V Convention has been met several times, as—

(A) in 1979, there were 39 active applications;

(B) in 1983, there were 40 active applications; and

(C) not less than 34 States have filed active applications as recently as 2021.

(4) Alexander Hamilton in The Federalist No. 85 stated that ''The Congress 'shall call a convention'. Nothing in this particular is left to the discretion of that body''.

(5) Beginning in 1979, the Federal Government failed in its constitutional duty to count applications and organize an Article V Convention. Since that time, the debt of the United States has increased to more than $30,000,000,000,000 from $830,000,000,000.

(6) The unanimous opinion of the United States Supreme Court in Chiafalo v. Washington, 140 S. Ct. 2316, 2328 (2020) stated, ''electors . . . have no ground for reversing the vote of millions of its citizens. That direction accords with the Constitution—as well as with the trust of the Nation that here, We the People rule.''.

SEC. ___3. DUTIES OF ARCHIVIST RELATING TO STATE APPLICATIONS FOR CALLING FOR CONVENTIONS OF STATES FOR PROPOSING CONSTITUTIONAL AMENDMENTS.

(a) DUTIES DESCRIBED.—Chapter 2 of title 1, United States Code, is amended by inserting after section 106b the following:

''§ 106c. Duties relating to State applications calling for Article V Conventions

''(a) DEFINITIONS.—In this section:

''(1) ARCHIVIST.—The term 'Archivist' means the Archivist of the United States.

''(2) ARTICLE V CONVENTION.—The term 'Article V Convention' means a convention as described in Article V of the Constitution of the United States that is called by Congress and organized by the Archivist on the application of the legislatures of ⅔ of the several States for proposing amendments that shall be valid to all intents and purposes as part of the Constitution of the United States when ratified by the legislatures of ¾ of the several States, or by conventions in ¾ thereof, as one or the other mode of ratification may be proposed by Congress.

''(b) CERTIFICATION AND NOTIFICATION.—

''(1) IN GENERAL.—Not later than 30 days after receiving an application of a State calling for an Article V Convention, the Archivist shall authenticate, count, and publish, on a publicly available website, such applications, together with any resolution of any State to rescind any such previous application submitted by that State.

''(2) EXISTING APPLICATIONS.—Not later than 180 days after the date of enactment of this section, the Archivist shall authenticate, count, and publish all applications of a State calling for an Article V Convention received before the date of enactment of this section.

''(c) CERTIFICATION AND NOTIFICATION REQUIREMENTS.—Upon receipt and authentication by the Archivist under subsection (b) of applications calling for an Article V Convention of the legislatures of ⅔ of the several States which have not been rescinded, the Archivist shall publish in the Federal Register a certification that ⅔ of the several States have called for the Article V Convention, together with a list of the States submitting applications calling for the Article V Convention.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of title 1, United States Code, is amended by inserting after the item relating to section 106b the following:

''106c. Duties relating to State applications calling for Article V Conventions.''.

SA 5766. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for

fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—PRAY SAFE ACT

SEC. 5001. SHORT TITLE.

This Act may be cited as the ''Pray Safe Act''.

SEC. 5002. DEFINITIONS.

In this division—

(1) the term ''Clearinghouse'' means the Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship established under section 2220A of the Homeland Security Act of 2002, as added by section 5003 of this division;

(2) the term ''Department'' means the Department of Homeland Security;

(3) the terms ''faith-based organization'' and ''house of worship'' have the meanings given such terms under section 2220E of the Homeland Security Act of 2002, as added by section 5003 of this division; and

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

SEC. 5003. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 2220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Clearinghouse' means the Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship established under subsection (b)(1);

''(2) the term 'faith-based organization' means a group, center, or nongovernmental organization with a religious, ideological, or spiritual motivation, character, affiliation, or purpose;

''(3) the term 'house of worship' means a place or building, including synagogues, mosques, temples, and churches, in which congregants practice their religious or spiritual beliefs; and

''(4) the term 'safety and security', for the purpose of the Clearinghouse, means prevention of, protection against, or recovery from threats, including manmade disasters, natural disasters, or violent attacks.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Pray Safe Act, the Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall establish a Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship within the Department.

''(2) PURPOSE.—The Clearinghouse shall be the primary resource of the Federal Government—

''(A) to educate and publish online best practices and recommendations for safety and security for faith-based organizations and houses of worship; and

''(B) to provide information relating to Federal grant programs available to faith-based organizations and houses of worship.

''(3) PERSONNEL.—

''(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

''(B) DETAILEES.—The Secretary may coordinate detailees as required for the Clearinghouse.

''(C) DESIGNATED POINT OF CONTACT.—There shall be not less than 1 employee assigned or detailed to the Clearinghouse who shall be the designated point of contact to provide information and assistance to faith-based organizations and houses of worship, including assistance relating to the grant program established under section 5005 of the Pray Safe Act. The contact information of the designated point of contact shall be made available on the website of the Clearinghouse.

''(D) QUALIFICATION.—To the maximum extent possible, any personnel assigned or detailed to the Clearinghouse under this paragraph should be familiar with faith-based organizations and houses of worship and with physical and online security measures to identify and prevent safety and security risks.

''(c) CLEARINGHOUSE CONTENTS.—

''(1) EVIDENCE-BASED TIERS.—

''(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall develop tiers for determining evidence-based practices that demonstrate a significant effect on improving safety or security, or both, for faith-based organizations and houses of worship.

''(B) REQUIREMENTS.—The tiers required to be developed under subparagraph (A) shall—

''(i) prioritize—

''(I) strong evidence from not less than 1 well-designed and well-implemented experimental study; and

''(II) moderate evidence from not less than 1 well-designed and well-implemented quasi-experimental study; and

''(ii) consider promising evidence that demonstrates a rationale based on high-quality research findings or positive evaluations that such activity, strategy, or intervention is likely to improve security and promote safety for faith-based organizations and houses of worship.

''(2) CRITERIA FOR BEST PRACTICES AND RECOMMENDATIONS.—The best practices and recommendations of the Clearinghouse shall, at a minimum—

''(A) identify areas of concern for faith-based organizations and houses of worship, including event planning recommendations, checklists, facility hardening, tabletop exercise resources, and other resilience measures;

''(B) involve comprehensive safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of faith-based organizations and houses of worship upon implementation;

''(C) involve comprehensive safety measures, including preparedness, protection, mitigation, incident response, and recovery to improve the resiliency of faith-based organizations and houses of worship from manmade and natural disasters;

''(D) include any evidence or research rationale supporting the determination of the Clearinghouse that the best practices or recommendations under subparagraph (B) have been shown to have a significant effect on improving the safety and security of individuals in faith-based organizations and houses of worship, including—

''(i) findings and data from previous Federal, State, local, Tribal, territorial, private sector, and nongovernmental organization research centers relating to safety, security, and targeted violence at faith-based organizations and houses of worship; and

''(ii) other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the safety and security posture of a faith-based organization or house of worship upon implementation; and

''(E) include an overview of the available resources the Clearinghouse can provide for faith-based organizations and houses of worship.

''(3) ADDITIONAL INFORMATION.—The Clearinghouse shall maintain and make available a comprehensive index of all Federal grant programs for which faith-based organizations and houses of worship are eligible, which shall include the performance metrics for each grant management that the recipient will be required to provide.

''(4) PAST RECOMMENDATIONS.—To the greatest extent practicable, the Clearinghouse shall identify and present, as appropriate, best practices and recommendations issued by Federal, State, local, Tribal, territorial, private sector, and nongovernmental organizations relevant to the safety and security of faith-based organizations and houses of worship.

''(d) ASSISTANCE AND TRAINING.—The Secretary may produce and publish materials on the Clearinghouse to assist and train faith-based organizations, houses of worship, and law enforcement agencies on the implementation of the best practices and recommendations.

''(e) CONTINUOUS IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary shall—

''(A) collect for the purpose of continuous improvement of the Clearinghouse—

''(i) Clearinghouse data analytics;

''(ii) user feedback on the implementation of resources, best practices, and recommendations identified by the Clearinghouse; and

''(iii) any evaluations conducted on implementation of the best practices and recommendations of the Clearinghouse; and

''(B) in coordination with the Faith-Based Security Advisory Council of the Department, the Department of Justice, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and any other agency that the Secretary determines appropriate—

''(i) assess and identify Clearinghouse best practices and recommendations for which there are no resources available through Federal Government programs for implementation;

''(ii) provide feedback on the implementation of best practices and recommendations of the Clearinghouse; and

''(iii) propose additional recommendations for best practices for inclusion in the Clearinghouse; and

''(C) not less frequently than annually, examine and update the Clearinghouse in accordance with—

''(i) the information collected under subparagraph (A); and

''(ii) the recommendations proposed under subparagraph (B)(iii).

''(2) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to Congress, on an annual basis, a report on the updates made to the Clearinghouse during the preceding 1-year period under paragraph (1)(C), which shall include a description of any changes made to the Clearinghouse.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by moving the item relating to section 2220D to appear after the item relating to section 2220C; and

(2) by inserting after the item relating to section 2220D the following:

''Sec. 2220E. Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship.''.

SEC. 5004. NOTIFICATION OF CLEARINGHOUSE.

The Secretary shall provide written notification of the establishment of the Clearinghouse, with an overview of the resources required as described in section 2220E of the Homeland Security Act of 2002, as added by section 5003 of this division, and section 5005 of this division, to—

(1) every State homeland security advisor;

(2) every State department of homeland security;

(3) other Federal agencies with grant programs or initiatives that aid in the safety and security of faith-based organizations and houses of worship, as determined appropriate by the Secretary;

(4) every Federal Bureau of Investigation Joint Terrorism Task Force;

(5) every Homeland Security Fusion Center;

(6) every State or territorial Governor or other chief executive;

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

(8) the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives.

SEC. 5005. GRANT PROGRAM OVERVIEW.

(a) DHS GRANTS AND RESOURCES.—The Secretary shall include a grants program overview on the website of the Clearinghouse that shall—

(1) be the primary location for all information regarding Department grant programs that are open to faith-based organizations and houses of worship;

(2) directly link to each grant application and any applicable user guides;

(3) identify all safety and security homeland security assistance programs managed by the Department that may be used to implement best practices and recommendation of the Clearinghouse;

(4) annually, and concurrent with the application period for any grant identified under paragraph (1), provide information related to the required elements of grant applications to aid smaller faith based organizations and houses of worship in earning access to Federal grants; and

(5) provide frequently asked questions and answers for the implementation of best practices and recommendations of the Clearinghouse and best practices for applying for a grant identified under paragraph (1).

(b) OTHER FEDERAL GRANTS AND RESOURCES.—Each Federal agency notified under section 5004(3) shall provide necessary information on any Federal grant programs or resources of the Federal agency that are available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.

(c) STATE GRANTS AND RESOURCES.—

(1) IN GENERAL.—Any State notified under paragraph (1), (2), or (6) of section 5004 may provide necessary information on any grant programs or resources of the State available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.

(2) IDENTIFICATION OF RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—

(A) each agency responsible for safety for faith-based organizations and houses of worship in the State, or any State that does not have such an agency designated;

(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse; and

(C) any resources or programs, including community prevention or intervention efforts, that may be used to assist in targeted violence and terrorism prevention.

SEC. 5006. OTHER RESOURCES.

The Secretary shall, on the website of the Clearinghouse, include a separate section for other resources that shall provide a centralized list of all available points of contact to seek assistance in grant applications and in carrying out the best practices and recommendations of the Clearinghouse, including—

(1) a list of contact information to reach Department personnel to assist with grant-related questions;

(2) the applicable Cybersecurity and Infrastructure Security Agency contact information to connect houses of worship with Protective Security Advisors;

(3) contact information for all Department Fusion Centers, listed by State;

(4) information on the If you See Something Say Something Campaign of the Department; and

(5) any other appropriate contacts.

SEC. 5007. RULE OF CONSTRUCTION.

Nothing in this division or the amendments made by this division shall be construed to create, satisfy, or waive any requirement under Federal civil rights laws, including—

(1) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); or

(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 5008. EXEMPTION.

Chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') shall not apply to any rulemaking or information collection required under this division or under section 2220E of the Homeland Security Act of 2002, as added by section 5003 of this division.

SEC. 5009. ADDITIONAL TECHNICAL AMENDMENT.

(a) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

SA 5767. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—United Nations Relief and Works Agency for Palestine Refugees in the Near East

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''UNRWA Accountability and Transparency Act''.

SEC. 1282. STATEMENT OF POLICY.

(a) PALESTINIAN REFUGEE DEFINED.—It shall be the policy of the United States, in matters concerning the United Nations Relief and Works Agency for Palestine Refugees in the Near East (referred to in this Act as ''UNRWA''), which operates in Syria, Lebanon, Jordan, the Gaza Strip, and the West Bank, to define a Palestinian refugee as a person who—

(1) resided, between June 1946 and May 1948, in the region controlled by Britain between 1922 and 1948 that was known as Mandatory Palestine;

(2) was personally displaced as a result of the 1948 Arab-Israeli conflict; and

(3) has not accepted an offer of legal residency status, citizenship, or other permanent adjustment in status in another country or territory.

(b) LIMITATIONS ON REFUGEE AND DERIVATIVE REFUGEE STATUS.—In applying the definition under subsection (a) with respect to refugees receiving assistance from UNRWA, it shall be the policy of the United States, consistent with the definition of refugee in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) and the requirements for eligibility for refugee status under section 207 of such Act (8 U.S.C. 1157), that—

(1) derivative refugee status may only be extended to the spouse or a minor child of a Palestinian refugee; and

(2) an alien who is firmly resettled in any country is not eligible to retain refugee status.

SEC. 1283. UNITED STATES CONTRIBUTIONS TO UNRWA.

Section 301(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2221) is amended to read as follows:

''(c) WITHHOLDING.—

''(1) DEFINITIONS.—In this subsection:

''(A) ANTI-SEMITIC.—The term 'anti-Semitic'—

''(i) has the meaning adopted on May 26, 2016, by the International Holocaust Remembrance Alliance as the non-legally binding working definition of anti-Semitism; and

''(ii) includes the contemporary examples of anti-Semitism in public life, the media, schools, the workplace, and in the religious sphere identified on such date by the International Holocaust Remembrance Alliance.

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

''(i) the Committee on Foreign Relations of the Senate;

''(ii) the Committee on Appropriations of the Senate;

''(iii) the Committee on Foreign Affairs of the House of Representatives; and

''(iv) the Committee on Appropriations of the House of Representatives.

''(C) BOYCOTT OF, DIVESTMENT FROM, AND SANCTIONS AGAINST ISRAEL.—The term 'boycott of, divestment from, and sanctions against Israel' has the meaning given to such term in section 909(f)(1) of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4452(f)(1)).

''(D) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

''(E) UNRWA.—The term 'UNRWA' means the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

''(2) CERTIFICATION.—Notwithstanding any other provision of law, the United States may not provide contributions to UNRWA, to any successor or related entity, or to the regular budget of the United Nations for the support of UNRWA or a successor entity (through staff positions provided by the United Nations Secretariat or otherwise) unless the Secretary of State submits a written

certification to the appropriate congressional committees that—

''(A) no official, employee, consultant, contractor, subcontractor, representative, affiliate of UNRWA, an UNRWA partner organization, or an UNRWA contracting entity pursuant to completion of a thorough vetting and background check process—

''(i) is a member of, is affiliated with, or has any ties to a foreign terrorist organization, including Hamas and Hezbollah;

''(ii) has advocated, planned, sponsored, or engaged in any terrorist activity;

''(iii) has propagated or disseminated anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including—

''(I) calling for or encouraging the destruction of Israel;

''(II) failing to recognize Israel's right to exist;

''(III) showing maps without Israel;

''(IV) describing Israelis as 'occupiers' or 'settlers';

''(V) advocating, endorsing, or expressing support for violence, hatred, jihad, martyrdom, or terrorism, glorifying, honoring, or otherwise memorializing any person or group that has advocated, sponsored, or committed acts of terrorism, or providing material support to terrorists or their families;

''(VI) expressing support for boycott of, divestment from, and sanctions against Israel (commonly referred to as 'BDS');

''(VII) claiming or advocating for a 'right of return' of refugees into Israel;

''(VIII) ignoring, denying, or not recognizing the historic connection of the Jewish people to the land of Israel; and

''(IX) calling for violence against Americans; or

''(iv) has used any UNRWA resources, including publications, websites, or social media platforms, to propagate or disseminate anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including with respect to any of the matters described in subclauses (I) through (IX) of clause (iii);

''(B) no UNRWA school, hospital, clinic, facility, or other infrastructure or resource is being used by a foreign terrorist organization or any member thereof—

''(i) for terrorist activities, such as operations, planning, training, recruitment, fundraising, indoctrination, communications, sanctuary, storage of weapons or other materials; or

''(ii) as an access point to any underground tunnel network, or any other terrorist-related purposes;

''(C) UNRWA is subject to comprehensive financial audits by an internationally recognized third party independent auditing firm that—

''(i) is agreed upon by the Government of Israel and the Palestinian Authority; and

''(ii) has implemented an effective system of vetting and oversight to prevent the use, receipt, or diversion of any UNRWA resources by any foreign terrorist organization or members thereof;

''(D) no UNRWA controlled or funded facility, such as a school, an educational institution, or a summer camp, uses textbooks or other educational materials that propagate or disseminate anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including with respect to any of the matters described in subclauses (I) through (IX) of subparagraph (A)(iii);

''(E) no recipient of UNRWA funds or loans is—

''(i) a member of, is affiliated with, or has any ties to a foreign terrorist organization; or

''(ii) otherwise engaged in terrorist activities; and

''(F) UNRWA holds no accounts or other affiliations with financial institutions that the United States considers or believes to be complicit in money laundering and terror financing.

''(3) PERIOD OF EFFECTIVENESS.—

''(A) IN GENERAL.—A certification described in paragraph (2) shall be effective until the earlier of—

''(i) the date on which the Secretary receives information rendering the certification described in paragraph (2) factually inaccurate; or

''(ii) the date that is 180 days after the date on which it is submitted to the appropriate congressional committees.

''(B) NOTIFICATION OF RENUNCIATION.—If a certification becomes ineffective pursuant to subparagraph (A), the Secretary shall promptly notify the appropriate congressional committees of the reasons for renouncing or failing to renew such certification.

''(4) LIMITATION.—During any year in which a certification described in paragraph (1) is in effect, the United States may not contribute to UNRWA, or to any successor entity, an amount that—

''(A) is greater than the highest contribution to UNRWA made by a member country of the League of Arab States for such year; and

''(B) is greater (as a proportion of the total UNRWA budget) than the proportion of the total budget for the United Nations High Commissioner for Refugees paid by the United States.''.

SEC. 1284. REPORT.

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

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

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

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

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees describing the actions being taken to implement a comprehensive plan for—

(1) encouraging other countries to adopt the policy regarding Palestinian refugees that is described in section 1282;

(2) urging other countries to withhold their contributions to UNRWA, to any successor or related entity, or to the regular budget of the United Nations for the support of UNRWA or a successor entity (through staff positions provided by the United Nations Secretariat or otherwise) until UNRWA has met the conditions listed in subparagraphs (A) through (F) of section 301(c)(2) of the Foreign Assistance Act of 1961, as added by section 1283;

(3) working with other countries to phase out UNRWA and assist Palestinians receiving UNRWA services by—

(A) integrating such Palestinians into their local communities in the countries in which they are residing; or

(B) resettling such Palestinians in countries other than Israel or territories controlled by Israel in the West Bank in accordance with international humanitarian principles; and

(4) ensuring that the actions described in paragraph (3)—

(A) are being implemented in complete coordination with, and with the support of, Israel; and

(B) do not endanger the security of Israel in any way.

SA 5768. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. LIMITATION ON FUNDING FOR PEACEKEEPING TRAINING OF FOREIGN MILITARY FORCES.

Section 552 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a) is amended by adding at the end the following:

''(e) None of the funds appropriated or otherwise made available to carry out this chapter, including funding for the Global Peace Operations Initiative of the Department of State, may be used to train or support foreign military forces in peacekeeping training exercises administered by the Government of the People's Republic of China or by the People's Liberation Army unless, by not later than the first day of the fiscal year in which such training or support is scheduled to occur, the Secretary of State certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such training or support is important to the national security interests of the United States.''.

SA 5769. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. DEPARTMENT OF STATE REPORT ON THE PEOPLE'S REPUBLIC OF CHINA'S UNITED NATIONS PEACEKEEPING EFFORTS.

(a) ANNUAL REPORT.—Not later than January 31 of each year through January 31, 2027, the Secretary of State shall submit to the appropriate congressional committees a report on the People's Republic of China United Nations peacekeeping efforts.

(b) ELEMENTS.—The report required under subsection (a) shall include an assessment of the People's Republic of China contributions to United Nations peacekeeping missions, including—

(1) a detailed list of the placement of People's Republic of China peacekeeping troops;

(2) an estimate of the amount of money that the People's Republic of China receives from the United Nations for its peacekeeping contributions;

(3) an estimate of the portion of the money the People's Republic of China receives for its peacekeeping operations and troops that

comes from United States contributions to United Nations peacekeeping efforts;

(4) an analysis comparing the locations of People's Republic of China peacekeeping troops and the locations of ''One Belt, One Road'' projects; and

(5) an assessment of the number of Chinese United Nations peacekeepers who are part of the People's Liberation Army or People's Armed Police, including which rank, divisions, branches, and theater commands.

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

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

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

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

SEC. 1254. DEPARTMENT OF STATE REPORT ON THE PEOPLE'S REPUBLIC OF CHINA'S UNITED NATIONS PEACEKEEPING EFFORTS.

(a) ANNUAL REPORT.—Not later than January 31 of each year through January 31, 2027, the Secretary of State shall submit to the appropriate congressional committees a report on the People's Republic of China United Nations peacekeeping efforts.

(b) ELEMENTS.—The report required under subsection (a) shall include an assessment of the People's Republic of China contributions to United Nations peacekeeping missions, including—

(1) a detailed list of the placement of People's Republic of China peacekeeping troops;

(2) an estimate of the amount of money that the People's Republic of China receives from the United Nations for its peacekeeping contributions;

(3) an estimate of the portion of the money the People's Republic of China receives for its peacekeeping operations and troops that comes from United States contributions to United Nations peacekeeping efforts;

(4) an analysis comparing the locations of People's Republic of China peacekeeping troops and the locations of ''One Belt, One Road'' projects; and

(5) an assessment of the number of Chinese United Nations peacekeepers who are part of the People's Liberation Army or People's Armed Police, including which rank, divisions, branches, and theater commands.

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

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

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

SA 5770. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. UNITED STATES MULTILATERAL AID REVIEW.

(a) SHORT TITLE.—This section may be cited as the ''Multilateral Aid Review Act of 2022''.

(b) PURPOSE.—The purpose of this section is to establish a United States Multilateral Aid Review (referred to in this section as the ''Review'') to publicly assess the value of United States Government investments in multilateral entities.

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

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

(2) the Committee on Appropriations of the Senate;

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

(4) the Committee on Financial Services of the House of Representatives; and

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

(d) OBJECTIVES.—The objectives of the Review are—

(1) to provide a tool to guide the United States Government's decision making and prioritization with regard to funding multilateral entities;

(2) to provide a methodological basis for allocating budgetary resources to entities that advance relevant United States foreign policy objectives;

(3) to incentivize improvements in the performance of multilateral entities to achieve better outcomes, including in developing, fragile, and crisis-afflicted regions; and

(4) to protect United States taxpayer investments in foreign assistance by promoting transparency with regard to the funding of multilateral entities.

(e) SCOPE.—The Review shall assess, at a minimum, the following multilateral entities to which the United States Government contributes voluntary or assessed funding, whether cash or in-kind:

(1) The World Bank Group, including the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation.

(2) The regional development banks, including the Asian Development Bank, the African Development Bank, the Inter-American Development Bank, the European Bank for Reconstruction and Development, and the North American Development Bank.

(3) Climate Investment Funds.

(4) The Food and Agriculture Organization.

(5) Gavi, the Vaccine Alliance.

(6) The Global Environment Facility.

(7) The Global Fund to Fight AIDS, Tuberculosis and Malaria.

(8) The Green Climate Fund.

(9) The Inter-American Institute for Cooperation for Agriculture.

(10) The International Civil Aviation Organization.

(11) The International Committee of the Red Cross.

(12) The International Fund for Agricultural Development.

(13) The International Labour Organization.

(14) The International Organization for Migration.

(15) The International Telecommunication Union.

(16) The Joint UN Program on HIV/AIDS.

(17) The Multilateral Fund for the Implementation of the Montreal Protocol.

(18) The Office of the United Nations High Commissioner for Human Rights.

(19) The Office of the United Nations High Commissioner for Refugees.

(20) The Organisation for Economic Co-operation and Development.

(21) The Organization of American States.

(22) The Pacific Forum Fisheries Agency.

(23) The Pan American Health Organization.

(24) The United Nations Children's Fund.

(25) The United Nations Department of Economic and Social Affairs.

(26) The United Nations Development Programme.

(27) The United Nations Entity for Gender Equality and the Empowerment of Women.

(28) The United Nations Environment Programme.

(29) The United Nations Framework Convention on Climate Change.

(30) The United Nations Office for Project Services.

(31) The United Nations Office for the Coordination of Humanitarian Affairs.

(32) The United Nations Office on Drugs and Crime.

(33) The United Nations Population Fund.

(34) The United Nations Relief and Works Agency for Palestine Refugees in the Near East.

(35) The United Nations Voluntary Fund for Victims of Torture.

(36) The World Food Program.

(37) The World Health Organization.

(38) The World Meteorological Organization.

(f) REPORT ON REVIEW.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 21 months after the date of the enactment of this Act, the Task Force established under subsection (g), in regular consultation with the Peer Review Group established under subsection (h), shall submit a report to the appropriate congressional committees that describes the findings of the Review.

(B) PUBLICATION.—The Secretary of State shall publish the report described in subparagraph (A) on the internet website of the Department of State not later than 15 days after the date on which the report is submitted to the appropriate congressional committees.

(2) METHODOLOGY.—

(A) USE OF CRITERIA.—The Task Force shall establish an analytical framework and assessment scorecard for the Review using the criteria set forth in paragraph (3).

(B) CONSULTATION WITH CONGRESS.—

(i) SUBMISSION OF METHODOLOGY.—Not later than 90 days after the appointments to the Peer Review Group are made pursuant to subsection (h)(2), the Task Force shall submit the methodology for the Review to the appropriate congressional committees.

(ii) CONSIDERATION OF CONGRESSIONAL VIEWS.—The Task Force may not proceed with the Review until 30 days after the methodology to the appropriate congressional committees, taking into consideration the views of the Chairmen and Ranking Members of each of the appropriate congressional committees.

(C) PUBLICATION OF CRITERIA AND METHODOLOGY.—The Secretary of State shall publish the final criteria and methodology for the Review on the internet website of the Department of State not later than 60 days after submitting the proposed methodology to the appropriate congressional committees pursuant to subparagraph (B)(i).

(3) ASSESSMENT CRITERIA.—The assessment scorecard shall include the following criteria:

(A) RELATIONSHIP OF STATED GOALS TO ACTUAL RESULTS.—The extent to which the stated mission, goals, and objectives of the entity have been achieved during the review period, including—

(i) an identification of the stated mission, goals, and objectives of each entity;

(ii) an evaluation of the extent to which the entity met its stated implementation timelines and achieved declared results; and

(iii) an evaluation of whether the entity optimizes resources to achieve the stated mission, goals, and objectives of the entity.

(B) RESPONSIBLE MANAGEMENT.—The extent to which management of the entity follows best management practices, including—

(i) an evaluation of the ratio of management and administrative expenses to program expenses, including an evaluation of entity resources spent on nonprogrammatic expenses;

(ii) an evaluation of program expense growth, including a comparison of the annual growth of program expenses to the annual growth of management and administrative expenses; and

(iii) an evaluation of whether the entity has established appropriate levels of senior management compensation.

(C) ACCOUNTABILITY AND TRANSPARENCY.—The extent to which the policies and procedures of the entity follow best practices of accountability and transparency, taking into consideration credible reporting regarding unauthorized conversion or diversion of entity resources, and including an evaluation of whether the entity has—

(i) established and enforced—

(I) appropriate auditing procedures;

(II) appropriate rules to reduce the risk of conflicts of interest among the senior leadership of the entity; and

(III) appropriate whistleblower policies;

(ii) established and maintained—

(I) appropriate records retention policies and guidelines;

(II) best practices with respect to transparency and public disclosure; and

(III) best practices with respect to disclosure of the compensation of senior leadership officials.

(D) ALIGNMENT WITH UNITED STATES FOREIGN POLICY OBJECTIVES.—The extent to which the policies and practices of the entity align with relevant United States foreign policy objectives, including an evaluation of—

(i) the entity's stated mission, goals, and objectives in comparison to relevant United States foreign policy objectives;

(ii) any significant divergence between the actions of the entity and relevant United States foreign policy objectives; and

(iii) whether continued participation by the United States in the entity contributes a net benefit towards achieving relevant United States foreign policy objectives, including the reasons for such conclusion.

(E) MULTILATERAL APPROACH COMPARED TO BILATERAL APPROACH.—The extent to which pursuing relevant United States foreign policy objectives through a multilateral approach is effective and cost-efficient compared to, or complementary to, a bilateral approach, including an evaluation of—

(i) whether relevant United States foreign policy objectives are effectively pursued through the entity, compared to existing or potential bilateral approaches, including the criteria used in the evaluation; and

(ii) whether relevant United States foreign policy objectives are pursued on a cost-effective basis through the entity, including the amount of funding leveraged from non-United States Government sources, compared to existing or potential bilateral approaches.

(F) REDUNDANCIES AND OVERLAP.—The extent to which the mission, goals, and objectives of the entity overlap with, or complement, the mission, goals, objectives, and programs of other multilateral institutions to which the United States Government contributes voluntary or assessed funding, whether cash or in-kind, including—

(i) a comparison of the extent to which relevant United States foreign policy objectives are effectively pursued on a cost-effective basis through each of the overlapping entities; and

(ii) whether continued participation in each entity contributes a benefit towards achieving United States foreign policy objectives.

(g) UNITED STATES MULTILATERAL REVIEW TASK FORCE.—

(1) ESTABLISHMENT.—The President shall establish an interagency Multilateral Review Task Force (referred to in this section as the ''Task Force'') to review and assess United States participation in multilateral entities identified in subsection (e) and to develop and submit the report required under subsection (f) to the appropriate congressional committees.

(2) LEADERSHIP.—The Task Force shall be chaired by the Secretary of State, who may delegate his or her responsibilities under this section to an appropriate senior Senate-confirmed Department of State official.

(3) MEMBERSHIP.—The President may appoint to the interagency Task Force senior Senate-confirmed officials from the Department of State, the Department of the Treasury, the United States Agency for International Development, the Centers for Disease Control and Prevention, the Department of Agriculture, the Department of Energy, and any other relevant executive branch department or agency.

(4) CONSULTATION.—In preparing the report under subsection (f), including the initial review of methodology, the Task Force shall consult regularly with the Peer Review Group established under subsection (h).

(h) UNITED STATES MULTILATERAL AID REVIEW PEER REVIEW GROUP.—

(1) ESTABLISHMENT.—There is established the United States Multilateral Aid Review Peer Review Group (referred to in this section as the ''Peer Review Group'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Peer Review Group shall be composed of 8 nongovernmental volunteer members, of whom—

(i) 2 shall be appointed by the majority leader of the Senate;

(ii) 2 shall be appointed by the minority leader of the Senate;

(iii) 2 shall be appointed by the Speaker of the House of Representatives; and

(iv) 2 shall be appointed by the minority leader of the House of Representatives.

(B) APPOINTMENT CRITERIA.—The members of the Peer Review Group shall have appropriate expertise and knowledge of the multilateral entities subject to the Review established under this section. In making appointments to the Peer Review Group, the appointing authorities should take into account potential conflicts of interest.

(C) DATE.—The appointments to the Peer Review Group shall be made not later than 30 days after the date on which the Task Force is established pursuant to subsection (g)(1), and the terms of the members so appointed shall begin on such date.

(D) CHAIRMAN AND VICE CHAIRMAN.—The Peer Review Group shall select a Chairman and Vice Chairman from among the members of the Peer Review Group.

(3) EXPERT ANALYSIS.—The Peer Review Group shall meet regularly with the Task Force, including regarding the initial review of methodology, to offer their expertise of the funding and performance of multilateral entities.

(4) REVIEW OF REPORT.—

(A) IN GENERAL.—Not later than 180 days before submitting the report required under subsection (f)(1), the Task Force shall submit a draft of the report to—

(i) the Peer Review Group; and

(ii) the appropriate congressional committees.

(B) REVIEW.—The Peer Review Group shall—

(i) review the draft report submitted under subparagraph (A); and

(ii) not later than 90 days before the submission of the report required under subsection (f)(1), provide to the Task Force and to the appropriate congressional committees—

(I) an analysis of the conclusions of the report;

(II) an analysis of the established methodologies used to reach such conclusions;

(III) an analysis of the evidence used to reach such conclusions; and

(IV) any additional comments to improve the evaluations and analysis of the report.

(5) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—Each member of the Peer Review Group shall be appointed for a 2-year term.

(B) VACANCIES.—Any vacancy in the Peer Review Group—

(i) shall not affect the powers of the Peer Review Group; and

(ii) shall be filled in the same manner as the original appointment.

(6) MEETINGS.—

(A) IN GENERAL.—The Peer Review Group shall meet at the call of the Chairman.

(B) INITIAL MEETING.—The Peer Review Group shall hold its first meeting not later than 30 days after its last member is appointed.

(C) QUORUM.—A majority of the members of the Peer Review Group shall constitute a quorum, but a lesser number of members may hold meetings.

(i) TERMINATION OF AUTHORITIES.—The authorities and requirements provided under this section shall terminate on the date that is 2 years after the date of the enactment of this Act.

SA 5771. Mr. RISCH (for himself, Mr. ROUNDS, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. SOMALILAND PARTNERSHIP ACT.

(a) SHORT TITLE.—This section may be cited as the ''Somaliland Partnership Act''.

(b) DEFINED TERM.—In this section, the term ''Somaliland'' means the territory that—

(1) received its independence from the United Kingdom on June 26, 1960, before the creation of the Somali Republic;

(2) has been a self-declared independent and sovereign state since 1991 that is not internationally recognized; and

(3) exists as a semi-autonomous region of the Federal Republic of Somalia.

(c) REPORT ON FOREIGN ASSISTANCE AND OTHER ACTIVITIES IN SOMALILAND.—

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

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

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

(2) REPORT.—

(A) IN GENERAL.—Not later than September 30, 2022, and annually thereafter until the date that is 5 years 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, shall submit a report to the appropriate congressional committees that, with respect to the most recently concluded 12-month period—

(i) describes United States foreign assistance to Somaliland, including—

(I) the value of such assistance (in United States dollars);

(II) the source from which such assistance was funded;

(III) the names of the programs through which such assistance was administered;

(IV) the implementing partners through which such assistance was provided;

(V) the sponsoring bureau of the United States Government; and

(VI) if the assistance broadly targeted the Federal Republic of Somalia, the portion of such assistance that was—

(aa) explicitly intended to support Somaliland; and

(bb) ultimately employed in Somaliland;

(ii) details the staffing and responsibilities of the Department of State and the United States Agency for International Development supporting foreign assistance, relations, consular services, and security initiatives in Somaliland, including the location of such personnel (duty station) and their corresponding bureau;

(iii) provides—

(I) a detailed account of travel to Somaliland by employees of the Department of State and the United States Agency for International Development, if any, including the position, duty station, and trip purpose for each such trip; or

(II) the justification for not traveling to Somaliland if no such personnel traveled during the reporting period;

(iv) describes consular services provided by the Department of State for the residents of Somaliland;

(v) discusses the Department of State's Travel Advisory for Somalia related to the region of Somaliland; and

(vi) if the Travel Advisory for all or part of Somaliland is identical to the Travel Advisory for other regions of Somalia, justifies such ranking based on a security assessment of the region of Somaliland.

(B) FORM.—The report required under subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

(d) FEASIBILITY STUDY.—

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

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

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

(C) the Committee on Foreign Affairs of the House of Representatives; and

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

(2) FEASIBILITY STUDY.—The Secretary of State, in coordination with the Secretary of Defense, shall conduct a feasibility study that—

(A) includes coordination with Somaliland security organs;

(B) determines opportunities for collaboration in the pursuit of United States national security interests in the Horn of Africa, the Gulf of Aden, and the broader Indo-Pacific region;

(C) identifies the practicability of improving the professionalization and capacity of Somaliland security sector actors; and

(D) identifies the most effective way to conduct and carry out programs, transactions, and other relations in the City of Hargeisa on behalf of the United States Government.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the heads of other relevant Federal departments and agencies, shall submit a classified report to the appropriate congressional committees that contains the results of the feasibility study required under paragraph (2), including an assessment of the extent to which—

(A) opportunities exist for the United States to support the training of Somaliland's security sector actors with a specific focus on counterterrorism and border and maritime security;

(B) Somaliland's security forces were implicated, if any, in gross violations of human rights during the 3-year period immediately preceding the date of the enactment of this Act;

(C) the United States has provided or discussed with officials of Somaliland the provision of training to security forces, including—

(i) where such training has occurred;

(ii) the extent to which Somaliland security forces have demonstrated the ability to absorb previous training; and

(iii) the ability of Somaliland security forces to maintain and appropriately utilize such training, as applicable;

(D) a United States diplomatic and security engagement partnership with Somaliland would have a strategic impact, including by protecting the United States and allied maritime interests in the Bab-el-Mandeb Strait and at Somaliland's Port of Berbera;

(E) Somaliland could—

(i) serve as a maritime gateway in East Africa for the United States and its allies; and

(ii) counter Iran's presence in the Gulf of Aden and China's growing regional military presence;

(F) a United States security and defense partnership could—

(i) bolster cooperation between Somaliland and Taiwan;

(ii) stabilize this semi-autonomous region of Somalia further as a democratic counterweight to anti-democratic forces in the greater Horn of Africa region; and

(iii) impact the capacity of the United States to achieve policy objectives in Somalia, particularly to degrade and ultimately defeat the terrorist threat posed by Al-Shabaab, the Islamic State in Somalia (the Somalia-based Islamic State affiliate), and other terrorist groups operating in Somalia;

(G) the extent to which an improved relationship with Somaliland could—

(i) support United States policy focused on the Red Sea corridor, the Indo-Pacific region, and the Horn of Africa;

(ii) improve cooperation on counterterrorism and intelligence sharing;

(iii) enable cooperation on counter-trafficking, including the trafficking of humans, wildlife, weapons, and illicit goods; and

(iv) support trade and development, including how Somaliland could benefit from Prosper Africa and other regional trade initiatives.

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

(e) RULE OF CONSTRUCTION.—Nothing in this Act, including the reporting requirement under subsection (c) and the conduct of the feasibility study under subsection (d), may be construed to convey United States recognition of Somaliland as an independent state.

SA 5772. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 372. PLAN FOR RESOLVING CHALLENGES REGARDING SMALL ARMS TRAINING AND QUALIFICATION FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Manpower and Reserve Affairs shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for resolving existing challenges regarding small arms training and qualifications for members of the reserve components of the Armed Forces.

(b) ELEMENTS.—The plan required under subsection (a) shall include—

(1) specific details for the resolution of barriers to small arms training and qualifications for members of the reserve components of the Armed Forces; and

(2) a plan for providing necessary resources for access to live-fire ranges without incurring significant cost and excessive travel time for a majority of such members.

SA 5773. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1414. BRIEFING ON ABILITY OF DEPARTMENT OF DEFENSE TO RECOVER RARE EARTH MATERIALS FROM END-OF-LIFE ITEMS.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall brief the Committees on Armed Services of the Senate and the House of Representatives on the ability of the Department of Defense—

(1) to identify end-of-life items that contain rare earth materials;

(2) to sell or barter such items to rare earth recycling manufacturers; and

(3) to ensure that recovered rare earth materials and other critical materials are retained in the United States.

SA 5774. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

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

In the funding table in section 4101, in the item relating to V–22 (MEDIUM LIFT), strike the amount in the Senate Authorized column and insert ''1,099,795''.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Navy, strike the amount in the Senate Authorized column and insert ''19,527,814''.

In the funding table in section 4101, in the item relating to Total Procurement, strike the amount in the Senate Authorized column and insert ''158,987,016''.

SA 5775. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1239. LIMITATION ON UNITED STATES FORCE STRUCTURE REDUCTIONS IN EASTERN EUROPE AND THE BALTIC COUNTRIES.

(a) IN GENERAL.—The Secretary of Defense may not reduce the total number of members of the Armed Forces serving on active duty who are stationed in each of Bulgaria, Estonia, Latvia, Lithuania, Poland, or Romania below the levels in each such country as of January 1, 2022, until the date that is 120 days after the date on which the Secretary, in consultation with the heads of other relevant Federal departments and agencies, submits to the appropriate committees of Congress a written assessment that contains the following:

(1) An analysis as to whether such a reduction—

(A) would be in the national security interest of the United States; and

(B) would not detract from United States military posture and alignment in the European theater.

(2) An analysis of the impact of such a reduction on—

(A) the security of the United States;

(B) the security of United States allies and partners in Europe;

(C) the deterrence and defense posture of the North Atlantic Treaty Organization;

(D) the ability of the Armed Forces to execute contingency plans of the Department of Defense, including ongoing operations executed by the United States Central Command and the United States Africa Command;

(E) military families, including with respect to additional costs for relocation of associated infrastructure; and

(F) military training and major military exercises, including with respect to interoperability and joint activities with United States allies and partners.

(3) A description of—

(A) the consultations made with United States allies and partners in Europe, including a description of the consultations with each member of the North Atlantic Treaty Organization regarding such a reduction; and

(B) the capabilities that would be impacted in the country in which the total number of Armed Forces serving on active duty is being reduced, and any actions designed to mitigate such a reduction.

(4) A detailed description of the requirements for the Department to effectuate any relocation and redeployment of members of the Armed Forces from the country in which the total number of Armed Forces serving on active duty is being reduced and the associated relocation of military families.

(5) A detailed analysis of—

(A) the impact of such a reduction and redeployment of military capabilities on the ability of the United States—

(i) to meet commitments under the North Atlantic Treaty; and

(ii) to support operations in the Middle East and Africa;

(B) the impact of such a reduction and redeployment on the implementation of the National Defense Strategy and on Joint Force Planning; and

(C) the cost implications of such a reduction and redeployment, including—

(i) the cost of any associated new facilities to be constructed, or existing facilities to be renovated, at the location where the members of the Armed Forces are to be moved and stationed; and

(ii) the costs associated with rotational deployments.

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

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

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

(c) TERMINATION.—This section shall cease to have effect on September 30, 2023.

SA 5776. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. IMPOSITION OF SANCTIONS WITH RESPECT TO ANSARALLAH.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall—

(1) designate Ansarallah as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(2) impose, with respect to Ansarallah and any foreign person the President determines is an official, agent, or affiliate of Ansarallah, the sanctions applicable with respect to a foreign person pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

(b) DETERMINATION REQUIRED.—Not later than 30 days after the President makes the designation required by paragraph (1) of subsection (a) and imposes the sanctions required by paragraph (2) of that subsection, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a determination regarding whether the following foreign persons are officials, agents, or affiliates of Ansarallah:

(1) Abdul Malik al-Houthi.

(2) Abd al-Khaliq Badr al-Din al-Houthi.

(3) Abdullah Yahya al-Hakim.

(c) ANSARALLAH DEFINED.—In this section, the term ''Ansarallah'' means the movement known as Ansarallah, the Houthi movement, or any other alias.

SA 5777. Mr. SULLIVAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL COST SHARE FOR DISASTER RELIEF RELATED TO TYPHOON MERBOK.

Notwithstanding sections 403(b), 403(c)(4), 404(a), 406(b), 407(d), 408(g)(2), 428(e)(2)(B), and 503(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for any emergency or major disaster declared by the President under such Act with a declaration occurring or an incident period beginning between September 15, 2022, and September 20, 2022, the Federal share of assistance, including direct Federal assistance, provided under such sections shall be not less than 100 percent of the eligible cost of such assistance during the 30-day period beginning on the date of the declaration.

SA 5778. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. PROHIBITION ON USE OF FUNDS TO PRODUCE INSTRUCTIONAL MATERIALS REGARDING GENDER IDENTITY OR CORRECT PRONOUN USAGE.

None of the funds authorized to be appropriated by this Act for fiscal year 2023 may be used to produce instructional materials regarding gender identity or correct pronoun usage.

SA 5779. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION AND UKRAINIAN MILITARY, ECONOMIC, AND HUMANITARIAN AID.

(a) PURPOSES.—The purposes of this section are—

(1) to provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to Ukraine for military, economic, and humanitarian aid;

(2) to provide for the independent and objective leadership and coordination of, and recommendations concerning, policies designed—

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations; and

(3) to provide for an independent and objective means of keeping the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies fully and currently informed about—

(A) problems and deficiencies relating to the administration of the programs and operations described in paragraph (1); and

(B) the necessity for, and the progress toward implementing, corrective action related to such programs.

(b) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE MILITARY, ECONOMIC, OR HUMANITARIAN AID FOR UKRAINE.—The term ''amounts appropriated or otherwise made available for military, economic, or humanitarian aid for Ukraine'' means amounts appropriated or otherwise made available for any fiscal year—

(A) for the Ukraine Security Assistance Initiative;

(B) for Foreign Military Financing funding for Ukraine;

(C) under titles III and VI of the Ukraine Supplemental Appropriations Act (division N of Public Law 117–103);

(D) under the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128); and

(E) for military, economic, or humanitarian aid for Ukraine under any other provision of law.

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

(A) the Committee on Appropriations of the Senate;

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

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

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

(E) the Committee on Armed Services of the House of Representatives; and

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

(3) OFFICE.—The term ''Office'' means the Office of the Special Inspector General for Afghanistan Reconstruction and Ukrainian Military, Economic, and Humanitarian Aid renamed under subsection (c)(1).

(4) SPECIAL INSPECTOR GENERAL.—The term ''Special Inspector General'' means the Special Inspector General for Afghanistan Reconstruction and Ukrainian Military, Economic, and Humanitarian Aid renamed under subsection (c)(2).

(c) EXPANSION OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.—

(1) RENAMING OF OFFICE.—Beginning on the date of the enactment of this Act, the Office of the Special Inspector General for Afghanistan Reconstruction shall be referred to as the Office of the Special Inspector General for Afghanistan Reconstruction and Ukrainian Military, Economic, and Humanitarian Aid and shall carry out the purposes described in subsection (a).

(2) RENAMING OF SPECIAL INSPECTOR GENERAL.—Beginning on the date of the enactment of this Act, the Special Inspector General for Afghanistan Reconstruction shall be referred to as the Special Inspector General for Afghanistan Reconstruction and Ukrainian Military, Economic, and Humanitarian Aid.

(3) COMPENSATION.—The annual rate of basic pay of the Special Inspector General shall be 3 percent higher than the annual rate of basic pay provided for positions at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(4) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Special Inspector General is not an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(5) REMOVAL.—The Special Inspector General shall be removable from office in accordance with section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(6) APPOINTMENT.—If the Special Inspector General is removed from office or otherwise leaves such office, the President shall appoint a new Special Inspector General.

(d) ASSISTANT INSPECTORS GENERAL.—The Special Inspector General shall be assisted by—

(1) the Assistant Inspector General for Auditing appointed pursuant to section 1229(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), who shall supervise the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(2) the Assistant Inspector General for Investigations appointed pursuant to section 1229(d)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), who shall supervise the performance of investigative activities relating to the programs and operations described in paragraph (1).

(e) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Special Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, the United States Agency for International Development, or any other relevant Federal agency may prevent or prohibit the Special Inspector General from—

(A) initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine; or

(B) issuing any subpoena during the course of any such audit or investigation.

(f) DUTIES.—

(1) OVERSIGHT OF MILITARY, ECONOMIC, AND HUMANITARIAN AID TO UKRAINE PROVIDED AFTER FEBRUARY 24, 2022.—In addition to any duties previously carried out as the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General shall conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records regarding the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Ukraine, major recipients of Ukrainian refugees, partners in the region, and other donor countries;

(G) the investigation of overpayments (such as duplicate payments or duplicate billing) and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities; and

(H) the referral of reports compiled as a result of such investigations, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of funds, or other remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duties described in paragraph (1).

(3) CONSULTATION.—The Special Inspector General shall consult with the appropriate congressional committees before engaging in auditing activities outside of Ukraine.

(4) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in paragraphs (1) and (2), the Special Inspector General shall have the duties and responsibilities of inspectors general under the Inspector General Act of 1978 (5 U.S.C. App.).

(5) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this section, the Special Inspector General shall coordinate with, and receive cooperation from—

(A) the Inspector General of the Department of Defense;

(B) the Inspector General of the Department of State;

(C) the Inspector General of the United States Agency for International Development; and

(D) the Inspector General of any other relevant Federal agency.

(g) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—

(A) IN GENERAL.—In carrying out the duties specified in subsection (f), the Special Inspector General shall have the authorities provided under section 6 of the Inspector General Act of 1978, including the authorities under subsection (e) of such section.

(B) RETENTION OF CERTAIN AUTHORITIES.—The Special Inspector General shall retain all of the duties, powers, and authorities provided to the Special Inspector General for Afghanistan Reconstruction under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), and may utilize those powers and authorities as are, in the judgment of the Special Inspector General, necessary to carry out the duties under this section.

(2) AUDIT STANDARDS.—The Special Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with

section 4(b)(1) of the Inspector General Act of 1978.

(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—

(A) IN GENERAL.—The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General under this section, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) ADDITIONAL AUTHORITIES.—

(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code, without regard to subsection (a) of such section.

(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i)—

(I) paragraph (2) of such subsection (relating to periods of appointments) shall not apply; and

(II) no period of appointment may exceed the date on which the Office terminates under subsection (l).

(iii) ACQUISITION OF COMPETITIVE STATUS.—An employee shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications if the employee—

(I) completes at least 12 months of continuous service after the date of the enactment of this Act; or

(II) is employed on the date on which the Office terminates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Special Inspector General may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule under section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Special Inspector General may—

(A) enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons; and

(B) make such payments as may be necessary to carry out the duties of the Special Inspector General.

(4) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Special Inspector General with—

(A) appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as appropriate, in Ukraine or in European partner countries;

(B) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices; and

(C) necessary maintenance services for such offices and the equipment and facilities located in such offices.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, to the extent practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall immediately report the circumstances to—

(i) the Secretary of State or the Secretary of Defense, as appropriate; and

(ii) the appropriate congressional committees.

(i) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each quarter of each fiscal year, the Special Inspector General shall submit to the appropriate congressional committees, the Secretary of State, and the Secretary of Defense a report that—

(A) summarizes, for the applicable quarter, and to the extent possible, for the period from the end of such quarter to the date on which the report is submitted, the activities during such period of the Special Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(B) includes, for applicable quarter, a detailed statement of all obligations, expenditures, and revenues associated with military, economic, and humanitarian activities in Ukraine, including—

(i) obligations and expenditures of appropriated funds;

(ii) a project-by-project and program-by-program accounting of the costs incurred to date for military, economic, and humanitarian aid to Ukraine, including an estimate of the costs to be incurred by the Department of Defense, the Department of State, the United States Agency for International Development, and other relevant Federal agencies to complete each project and each program;

(iii) revenues attributable to, or consisting of, funds provided by foreign nations or international organizations to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(iv) revenues attributable to, or consisting of, foreign assets seized or frozen that contribute to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(v) operating expenses of entities receiving amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(vi) for any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(I) the dollar amount of the contract, grant, agreement, or other funding mechanism;

(II) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(III) a discussion of how the Federal department or agency involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, including a list of the potential individuals or entities that were issued solicitations for the offers; and

(IV) the justification and approval documents on which the determination to use procedures other than procedures that provide for full and open competition was based.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any Federal department or agency that involves the use of amounts appropriated or otherwise made available for the military, economic, or humanitarian aid to Ukraine with any public or private sector entity—

(A) to build or rebuild the physical infrastructure of Ukraine;

(B) to establish or reestablish a political or societal institution of Ukraine;

(C) to provide products or services to the people of Ukraine; or

(D) to provide security assistance to Ukraine.

(3) PUBLIC AVAILABILITY.—The Special Inspector General shall publish each report submitted pursuant to paragraph (1) on a publicly available internet website in English, Ukrainian, and Russian.

(4) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Special Inspector General determines that a classified annex is necessary.

(5) SUBMISSION OF COMMENTS TO CONGRESS.—During the 30-day period beginning on the date a report is received under paragraph (1), the Secretary of State and the Secretary of Defense may submit comments to the appropriate congressional committees, in unclassified form, regarding any matters covered by the report that the Secretary of State or the Secretary of Defense considers appropriate. Such comments may include a classified annex if the Secretary of State or the Secretary of Defense considers such annex to be necessary.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(j) TRANSPARENCY.—

(1) REPORT.—Except as provided in paragraph (3), not later than 60 days after receiving a report under subsection (i)(1), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request and at a reasonable cost.

(2) COMMENTS.—Except as provided in paragraph (3), not later than 60 days after submitting comments pursuant to subsection (i)(5), the Secretary of State and the Secretary of Defense shall jointly make copies of such comments available to the public upon request and at a reasonable cost.

(3) WAIVER.—

(A) AUTHORITY.—The President may waive the requirement under paragraph (1) or (2) with respect to availability to the public of any element in a report submitted pursuant to subsection (i)(1) or any comments submitted pursuant to subsection (i)(5) if the President determines that such waiver is justified for national security reasons.

(B) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under subparagraph (A) in the Federal Register not later than the date of the submission to the appropriate congressional committees of a report required under subsection (i)(1) or any comments under subsection (i)(5). Each such report and comments shall specify whether a waiver was made pursuant to subparagraph (A) and which elements in the report or the comments were affected by such waiver.

(k) USE OF PREVIOUSLY APPROPRIATED FUNDS.—Amounts appropriated before the

date of the enactment of this Act for the Office of the Special Inspector General for Afghanistan Reconstruction may be used to carry out the duties described in subsection (f).

(l) TERMINATION.—

(1) IN GENERAL.—The Office shall terminate on September 30, 2027.

(2) FINAL REPORT.—Before the termination date referred to in paragraph (1), the Special Inspector General shall prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine.

SA 5780. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 144. PROCUREMENT AUTHORITY FOR COMMERCIAL ENGINEERING SOFTWARE.

4 (a) PROCUREMENT AUTHORITY.—The Secretary of the Air Force may enter into one or more contracts for 6 the procurement of commercial engineering software to 7 meet the digital transformation goals and objectives of the 8 Department of the Air Force.

(b) INCLUSION OF PROGRAM ELEMENT IN BUDGET MATERIALS.—In the materials submitted by the Secretary of the Air Force in support of the budget of the President 2 for fiscal year 2024 (as submitted to Congress pursuant 3 to section 1105 of title 31, United States Code), the Secretary shall include a program element dedicated to the 5 procurement and management of the commercial engineer- 6 ing software described in subsection (a).

(c) REVIEW.—ln carrying out subsection (a), the Secretary of the Air Force shall—

(1) review the commercial physics-based simulation marketspace; and

(2) conduct research on providers of commercial software capabilities that have the potential to expedite the progress of digital engineering initiatives across the weapon system enterprise, with a particular focus on capabilities that have the potential to generate significant life-cycle cost savings, streamline and accelerate weapon system acquisition, and provide data-driven approaches to inform investments by the Department of the Air Force.

(d) REPORT.—Not later than March 1, 2023, the Secretary of the Air Force shall submit to the congressional defense committees a report that includes—

(1) an analysis of specific physics-based simulation capability manufacturers that deliver high mission impact with broad reach into the weapon system enterprise of the Department of the Air Force; and

(2) a prioritized list of programs and offices of the Department of the Air Force that could better utilize commercial physics-based modeling and simulation and opportunities for the implementation of such modeling and simulation capabilities within the Department.

SA 5781. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 753. PROHIBITION ON ADVERSE PERSONNEL ACTIONS TAKEN AGAINST MEMBERS OF THE ARMED FORCES BASED ON DECLINING COVID–19 VACCINE.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of Defense has announced a COVID–19 vaccine mandate will take effect for the Department of Defense.

(2) Reports of adverse actions being taken, or threatened, by military leadership at all levels are antithetical to our fundamental American values.

(3) Any discharge other than honorable denotes a dereliction of duty or a failure to serve the United States and its people to the best of the ability of an individual.

(b) PROHIBITION.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1107a the following new section:

''§ 1107b. Prohibition on certain adverse personnel actions related to COVID–19 vaccine requirement

''Notwithstanding any other provision of law, a member of the armed forces subject to discharge on the basis of the member choosing not to receive the COVID–19 vaccine may only receive an honorable discharge.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1107a the following new item:

''1107b. Prohibition on certain adverse personnel actions related to COVID–19 vaccine requirement.''.

SA 5782. Mr. MARSHALL (for himself, Mr. RISCH, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. 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) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

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

(2) the Committee on Appropriations of the Senate

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

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

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

(6) the Select Committee on Intelligence of the Senate;

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

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

(9) the Committee on the Judiciary of the House of Representatives;

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

(11) the Committee on Financial Services of the House of Representatives; and

(12) the Permanent Select Committee on Intelligence of the House of Representatives.

(c) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Administrator of the Drug Enforcement Administration, the Director of National Intelligence, the Director of the Office of National Drug Control Policy, and the heads of other appropriate Federal agencies, shall provide a written strategy (with a classified annex, if necessary), to the appropriate congressional committees for disrupting and dismantling narcotics production and trafficking and affiliated networks linked to the regime of Bashar al-Assad in Syria.

(2) CONTENTS.—The strategy required under paragraph (1) shall include—

(A) a detailed plan for—

(i) targeting, disrupting and degrading networks that directly and indirectly support the narcotics infrastructure of the Assad regime, particularly through diplomatic and intelligence support to law enforcement investigations; and

(ii) building 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;

(B)(i) the identification of the countries that are receiving or transiting large shipments of Captagon;

(ii) an assessment of the counter-narcotics capacity of such countries to interdict or disrupt the smuggling of Captagon; and

(iii) an assessment of current United States assistance and training programs to build such capacity in such countries;

(C) the use of sanctions, including sanctions authorized under section the Caesar Syria Civilian Protection Act of 2019 (22 U.S.C. 8791 note; title LXXIV of division F of Public Law 116–92), and associated actions to target individuals and entities directly or indirectly associated with the narcotics infrastructure of the Assad regime;

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

(E) leveraging multilateral institutions and cooperation with international partners to disrupt the narcotics infrastructure of the Assad regime; and

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

SA 5783. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5499 submitted by

Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 753. LIMITATION ON CONDUCTING CERTAIN RESEARCH IN COUNTRIES OF CONCERN.

Beginning not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prohibit research funded by the Department of Defense conducted in a foreign institution involving pathogens of pandemic potential or biological agents or toxins listed pursuant to section 351A(a)(1) of the Public Health Service Act (42 U.S.C. 262a(a)(1)) located in a country of concern, as determined by the Director of National Intelligence or the head of another relevant Federal agency, as appropriate, in consultation with the Secretary of Defense.

SA 5784. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON DESIGNATION OF CERTAIN DRUG CARTELS AS FOREIGN TERRORIST ORGANIZATIONS.

(a) SHORT TITLE.—This section may be cited as the ''Drug Cartel Terrorist Designation Act''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each of the drug cartels referred to in subsection (d) meets the criteria for designation as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(c) DEFINED TERM.—In this section, the term ''appropriate committees of Congress'' means—

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

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

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

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

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

(6) the Select Committee on Intelligence of the Senate;

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

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

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

(10) the Committee on the Judiciary of the House of Representatives;

(11) the Committee on Homeland Security of the House of Representatives; and

(12) the Permanent Select Committee on Intelligence of the House of Representatives.

(d) DESIGNATION.—

(1) IN GENERAL.—The Secretary of State shall designate each of the following Mexican drug cartels as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)):

(A) The Reynosa/Los Metros faction of the Gulf Cartel.

(B) The Cartel Del Noreste faction of Los Zetas.

(C) The Jalisco New Generation Cartel.

(D) The Sinaloa Cartel.

(2) ADDITIONAL CARTELS.—The Secretary of State shall designate any Mexican drug cartel, or any faction of such a cartel, as a foreign terrorist organization if such cartel or faction meets the criteria described in such section 219(a).

(e) REPORT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence, shall submit to the appropriate committees of Congress a detailed report regarding—

(A) each of the drug cartels referred to in subsection (d)(1) that describes the criteria justifying their designations as foreign terrorist organizations under section 219(a)of the Immigration and Nationality Act (8 U.S.C. 1189(a)); and

(B) all other Mexican drug cartels, or factions of cartels, that the Secretary determines pursuant to subsection (d)(2) meet the criteria for designation as foreign terrorist organizations under such section 219(a), including the specific criteria justifying each such designation.

(2) FORM.—The report required under paragraph (1)—

(A) shall be submitted in unclassified form, but may include a classified annex;

(B) shall be made available only in electronic form; and

(C) may not be printed, except upon a request for a printed copy from a congressional office.

SA 5785. Ms. KLOBUCHAR (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SUPPORT FOR NATIONALS OF AFGHANISTAN APPLYING FOR STUDENT VISAS.

(a) EXCEPTION WITH RESPECT TO RESIDENCE.—To be eligible as a nonimmigrant described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)), an individual who is a national of Afghanistan or a person with no nationality who last habitually resided in Afghanistan shall meet all requirements for such nonimmigrant status except that the individual shall not be required to demonstrate residence in Afghanistan or an intention not to abandon such residence.

(b) APPLICABILITY.—

(1) IN GENERAL.—The exception under subsection (a) shall apply during the period beginning on the date of the enactment of this Act and ending on the date that is two years after such date of enactment.

(2) EXTENSION.—The Secretary of Homeland Security, in consultation with the Secretary of State—

(A) shall periodically review the country conditions in Afghanistan; and

(B) may renew the exception under subsection (a) in 18-month increments based on such conditions.

SA 5786. Ms. KLOBUCHAR (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SUPPORT FOR NATIONALS OF AFGHANISTAN APPLYING FOR SPECIAL IMMIGRANT VISAS OR REFUGEE STATUS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should increase support for nationals of Afghanistan who—

(1) aided the United States mission in Afghanistan during the past 20 years and are now under threat from the Taliban, specifically such nationals of Afghanistan who—

(A) are special immigrant visa applicants; or

(B) have been referred to the United States Refugee Admissions Program, including through the Priority 2 designation for nationals of Afghanistan; and

(2) remain in Afghanistan or are in third countries.

(b) REQUIREMENTS.—The Secretary of State, in coordination with the Secretary of Homeland Security and the head of any other relevant Federal department or agency, shall further surge capacity, including by increasing consular personnel at any United States embassy or consulate in the region that processes visa applications for nationals of Afghanistan—

(1) to better support nationals of Afghanistan who—

(A)(i) are special immigrant visa applicants who have been approved by the Chief of Mission; or

(ii) have been referred to the United States Refugee Admissions Program, including through the Priority 2 designation for nationals of Afghanistan; and

(2) to reduce application processing times for such nationals of Afghanistan while ensuring strict and necessary security vetting, including, to the extent practicable, by enabling such nationals of Afghanistan who have been referred to the United States Refugee Admissions Program to initiate application processing while still in Afghanistan.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the Secretary of State to decrease the capacity to process visa applications at United States embassies or consulates worldwide.

SA 5787. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities

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

At the appropriate place, insert the following:

SEC. _____ . SPECIAL MEASURES TO FIGHT MODERN THREATS.—

(a) FINDINGS.—Congress finds the following:

(1) The Financial Crimes Enforcement Network (in this section referred to as ''FinCEN'') is the financial intelligence unit of the United States tasked with safeguarding the financial system from illicit use, combating money laundering and its related crimes, including terrorism, and promoting national security.

(2) Under law, FinCEN may require domestic financial institutions and financial agencies to take certain ''special measures'' against jurisdictions, institutions, classes of transactions, or types of accounts determined to be of primary money laundering concern, providing the Secretary with a range of options, such as enhanced record-keeping, that can be adapted to target specific money laundering and terrorist financing and to bring pressure on those that pose money laundering threats.

(3) This special-measures authority was granted in 2001, when most cross-border transactions occurred through correspondent or payable-through accounts held with large financial institutions that serve as intermediaries to facilitate financial transactions on behalf of other banks.

(4) Innovations in financial services have transformed and expanded methods of cross-border transactions that could not have been envisioned 20 years ago when FinCEN was given its special-measures authority.

(5) These innovations, particularly through digital assets and informal value transfer systems, while useful to legitimate consumers and law enforcement, can be tools abused by bad actors like sanctions evaders, fraudsters, money launderers, and those who commit ransomware attacks on victimized United States companies and that abuse the financial system to move and obscure the proceeds of their crimes.

(6) Ransomware attacks on United States companies requiring payments in cryptocurrencies have increased in recent years, with the Treasury estimating that ransomware payments in the United States reached $590,000,000 in just the first half of 2021, compared to a total of $416,000,000 in 2020.

(7) In July 2021, the White House, with support of United States allies, asserted that the People's Republic of China was responsible for ransomware operations against private companies that included demands of millions of dollars, including the 2021 ransomware attacks that breached Microsoft email systems and affected thousands of consumers, State and local municipalities, and government contractors attributed to a cyber espionage group with links to the Ministry of State Security of the People's Republic of China.

(8) As ransomware attacks organized by Chinese and other foreign bad actors continue to grow in size and scope, modernizing the special-measure authorities of FinCEN will empower FinCEN to adapt its existing tools, monitor and obstruct global financial threats, and meet the challenges of combating 21st century financial crime.

(b) PROHIBITIONS OR CONDITIONS ON CERTAIN TRANSMITTALS OF FUNDS.—Section 5318A of title 31, United States Code, is amended—

(1) in subsection (a)(2)(C), by striking ''subsection (b)(5)'' and inserting ''paragraphs (5) and (6) of subsection (b)''; and

(2) in subsection (b)—

(A) in paragraph (5), by striking ''for or on behalf of a foreign banking institution''; and

(B) by adding at the end the following:

''(6) PROHIBITIONS OR CONDITIONS ON CERTAIN TRANSMITTALS OF FUNDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more types of accounts within, or involving, a jurisdiction outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon, certain transmittals of funds (as such term may be defined by the Secretary in a special measure issuance, by regulation, or as otherwise permitted by law), to or from any domestic financial institution or domestic financial agency if such transmittal of funds involves any such jurisdiction, institution, type of account, or class of transaction.''.

SA 5788. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After division D, insert the following:

DIVISION E—FINANCIAL DATA TRANSPARENCY

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Financial Data Transparency Act of 2022''.

TITLE LI—DATA STANDARDS FOR COVERED AGENCIES; DEPARTMENT OF THE TREASURY RULEMAKING

SEC. 5101. DATA STANDARDS.

(a) IN GENERAL.—Subtitle A of the Financial Stability Act of 2010 (12 U.S.C. 5321 et seq.) is amended by adding at the end the following:

''SEC. 124. DATA STANDARDS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered agencies' means—

''(A) the Department of the Treasury;

''(B) the Board of Governors;

''(C) the Office of the Comptroller of the Currency;

''(D) the Bureau;

''(E) the Commission;

''(F) the Corporation;

''(G) the Federal Housing Finance Agency;

''(H) the National Credit Union Administration Board; and

''(I) any other primary financial regulatory agency designated by the Secretary;

''(2) the term 'data standard' means a standard that specifies rules by which data is described and recorded; and

''(3) the terms 'machine-readable', 'metadata', and 'open license' have the meanings given the terms in section 3502 of title 44, United States Code.

''(b) PROMULGATION OF STANDARDS.—Not later than 2 years after the date of enactment of this section, the heads of the covered agencies shall jointly promulgate final rules that establish data standards for—

''(1) the collections of information reported to each covered agency by financial entities under the jurisdiction of the covered agency; and

''(2) the data collected from covered agencies on behalf of the Council.

''(c) DATA STANDARDS.—

''(1) COMMON IDENTIFIERS; QUALITY.—The data standards established in the final rules promulgated under subsection (b) shall—

''(A) include common identifiers for collections of information reported to covered agencies or collected on behalf of the Council, which shall include a common nonproprietary legal entity identifier that is available under an open license for all entities required to report to covered agencies; and

''(B) to the extent practicable—

''(i) render data fully searchable and machine-readable;

''(ii) enable high quality data through schemas, with accompanying metadata documented in machine-readable taxonomy or ontology models, which clearly define the semantic meaning of the data, as defined by the underlying regulatory information collection requirements;

''(iii) ensure that a data element or data asset that exists to satisfy an underlying regulatory information collection requirement be consistently identified as such in associated machine-readable metadata;

''(iv) be nonproprietary or made available under an open license;

''(v) incorporate standards developed and maintained by voluntary consensus standards bodies; and

''(vi) use, be consistent with, and implement applicable accounting and reporting principles.

''(2) CONSULTATION; INTEROPERABILITY.—In establishing data standards in the final rules promulgated under subsection (b), the heads of the covered agencies shall—

''(A) consult with other Federal departments and agencies and multi-agency initiatives responsible for Federal data standards; and

''(B) seek to promote interoperability of financial regulatory data across members of the Council.

''(d) EFFECTIVE DATE.—The data standards established in the final rules promulgated under subsection (b) shall take effect not later than 2 years after the date on which those final rules are promulgated under that subsection.''.

(b) CLERICAL AMENDMENT.—The table of contents under section 1(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended by inserting after the item relating to section 123 the following:

''Sec. 124. Data standards.''.

SEC. 5102. OPEN DATA PUBLICATION BY THE DEPARTMENT OF THE TREASURY.

(a) IN GENERAL.—Subtitle A of the Financial Stability Act of 2010 (12 U.S.C. 5321 et seq.), as amended by section 5101(a), is further amended by adding at the end the following:

''SEC. 125. OPEN DATA PUBLICATION.

''All public data assets published by the Secretary under this subtitle shall be—

''(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

''(2) freely available for download in bulk;

''(3) rendered in a human-readable format; and

''(4) accessible via application programming interface where appropriate.''.

(b) CLERICAL AMENDMENT.—The table of contents under section 1(b) of the Dodd-

Frank Wall Street Reform and Consumer Protection Act, as amended by section 5101(b), is further amended by inserting after the item relating to section 124 the following:

''Sec. 125. Open data publication.''.

(c) RULEMAKING.—The Secretary of the Treasury shall issue rules to carry out the amendments made by this section, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

SEC. 5103. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Secretary of the Treasury to collect or make publicly available additional information under the Financial Stability Act of 2010 (12 U.S.C. 5311 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

TITLE LII—SECURITIES AND EXCHANGE COMMISSION

SEC. 5201. DATA STANDARDS REQUIREMENTS FOR THE SECURITIES AND EXCHANGE COMMISSION.

(a) DATA STANDARDS FOR INVESTMENT ADVISERS' REPORTS UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by redesignating the second subsection (d) (relating to Records of Persons With Custody of Use) as subsection (e); and

(2) by adding at the end the following:

''(f) DATA STANDARDS FOR REPORTS FILED UNDER THIS SECTION.—

''(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all reports filed by investment advisers with the Commission under this section.

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(b) DATA STANDARDS FOR REGISTRATION STATEMENTS AND REPORTS UNDER THE INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 8 (15 U.S.C. 80a–8), by adding at the end the following:

''(g) DATA STANDARDS FOR REGISTRATION STATEMENTS.—

''(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all registration statements required to be filed with the Commission under this section, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''; and

(2) in section 30 (15 U.S.C. 80a–29), by adding at the end the following:

''(k) DATA STANDARDS FOR REPORTS.—

''(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all reports required to be filed with the Commission under this section, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(c) DATA STANDARDS FOR INFORMATION REQUIRED TO BE SUBMITTED OR PUBLISHED BY NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7) is amended by adding at the end the following:

''(w) DATA STANDARDS FOR INFORMATION REQUIRED TO BE SUBMITTED OR PUBLISHED UNDER THIS SECTION.—

''(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all collections of information required to be submitted or published by a nationally recognized statistical rating organization under this section.

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(d) DATA STANDARDS FOR ASSET-BACKED SECURITIES DISCLOSURES.—Section 7(c) of the Securities Act of 1933 (15 U.S.C. 77g(c)) is amended by adding at the end the following:

''(3) DATA STANDARDS FOR ASSET-BACKED SECURITIES DISCLOSURES.—

''(A) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all disclosures required under this subsection.

''(B) CONSISTENCY.—The data standards required under subparagraph (A) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(e) DATA STANDARDS FOR CORPORATE DISCLOSURES UNDER THE SECURITIES ACT OF 1933.—Title I of the Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by adding at the end the following:

''SEC. 29. DATA STANDARDS.

''(a) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all registration statements, and for all prospectuses included in registration statements, required to be filed with the Commission under this title, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

''(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(f) DATA STANDARDS FOR PERIODIC AND CURRENT CORPORATE DISCLOSURES UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(s) DATA STANDARDS.—

''(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all collections of information with respect to periodic and current reports required to be filed or furnished under this section or under section 15(d), except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(g) DATA STANDARDS FOR CORPORATE PROXY AND CONSENT SOLICITATION MATERIALS UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following:

''(k) DATA STANDARDS FOR PROXY AND CONSENT SOLICITATION MATERIALS.—

''(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all information contained in any proxy or consent solicitation material prepared by an issuer for an annual meeting of the shareholders of the issuer, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(h) DATA STANDARDS FOR SECURITY-BASED SWAP REPORTING.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

''SEC. 41. DATA STANDARDS FOR SECURITY-BASED SWAP REPORTING.

''(a) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all reports related to security-based swaps that are required under this Act.

''(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(i) RULEMAKING.—

(1) IN GENERAL.—The rules that the Securities and Exchange Commission are required to issue under the amendments made by this section shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(2) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under the amendments made by this section, as described in paragraph (1), the Securities and Exchange Commission—

(A) may scale data reporting requirements in order to reduce any unjustified burden on emerging growth companies, lending institutions, accelerated filers, smaller reporting companies, and other smaller issuers, as determined by any study required under section 5205(b), while still providing searchable information to investors; and

(B) shall seek to minimize disruptive changes to the persons affected by those rules.

SEC. 5202. OPEN DATA PUBLICATION BY THE SECURITIES AND EXCHANGE COMMISSION.

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

''(k) OPEN DATA PUBLICATION.—All public data assets published by the Commission under the securities laws and the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 1376) shall be—

''(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

''(2) freely available for download in bulk;

''(3) rendered in a human-readable format; and

''(4) accessible via application programming interface where appropriate.''.

SEC. 5203. DATA TRANSPARENCY AT THE MUNICIPAL SECURITIES RULEMAKING BOARD.

(a) IN GENERAL.—Section 15B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(b)) is amended by adding at the end the following:

''(8)(A) If the Board establishes information systems under paragraph (3), the Board shall adopt data standards for information submitted through those systems.

''(B) Any data standards adopted under subparagraph (A) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division, the Municipal Securities Rulemaking Board shall issue rules to adopt the standards required under paragraph (8) of section 15B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(b)), as added by subsection (a), if the Board has established information systems under paragraph (3) of such section 15B(b).

(2) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules described in paragraph (1), the Municipal Securities Rulemaking Board—

(A) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(B) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5204. DATA TRANSPARENCY AT NATIONAL SECURITIES ASSOCIATIONS.

(a) IN GENERAL.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by adding at the end the following:

''(n) DATA STANDARDS.—

''(1) REQUIREMENT.—A national securities association registered pursuant to subsection (a) shall adopt data standards for all information that is regularly filed with or submitted to the association.

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division, each national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(a)) shall issue rules to adopt the standards required under subsection (n) of section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3), as added by subsection (a) of this section.

(2) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under paragraph (1), a national securities association described in that paragraph—

(A) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(B) shall seek to minimize disruptive changes to the persons affected by those standards.

SEC. 5205. SHORTER-TERM BURDEN REDUCTION AND DISCLOSURE SIMPLIFICATION AT THE SECURITIES AND EXCHANGE COMMISSION; SUNSET.

(a) BETTER ENFORCEMENT OF THE QUALITY OF CORPORATE FINANCIAL DATA SUBMITTED TO THE SECURITIES AND EXCHANGE COMMISSION.—

(1) DATA QUALITY IMPROVEMENT PROGRAM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission shall establish a program to improve the quality of corporate financial data filed or furnished by issuers under the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).

(B) CONTENTS.—The program established under subparagraph (A) shall include the following:

(i) The designation of an official in the Office of the Chairman of the Securities and Exchange Commission responsible for the improvement of the quality of data filed with or furnished to the Commission by issuers.

(ii) The issuance by the Division of Corporation Finance of the Securities and Exchange Commission of comment letters requiring correction of errors in data filings and submissions, where necessary.

(2) GOALS.—In establishing the program required under this subsection, the Securities and Exchange Commission shall seek to—

(A) improve the quality of data filed with or furnished to the Commission to a commercially acceptable level; and

(B) make data filed with or furnished to the Commission useful to investors.

(b) REPORT ON THE USE OF MACHINE-READABLE DATA FOR CORPORATE DISCLOSURES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and once every 180 days thereafter, the Securities and Exchange Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report regarding the public and internal use of machine-readable data for corporate disclosures.

(2) CONTENT.—Each report required under paragraph (1) shall include—

(A) an identification of which corporate disclosures required under section 7 of the Securities Act of 1933 (15 U.S.C. 77g), section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), and section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) are expressed as machine-readable data and which are not;

(B) an analysis of the costs and benefits of the use of machine-readable data in corporate disclosure to investors, markets, the Securities and Exchange Commission, and issuers;

(C) a summary of enforcement actions that result from the use or analysis of machine-readable data collected under the provisions of law described in subparagraph (A); and

(D) an analysis of how the Securities and Exchange Commission uses the machine-readable data collected by the Commission.

(c) SUNSET.—Beginning on the date that is 7 years after the date of enactment of this Act, this section shall have no force or effect.

SEC. 5206. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Securities and Exchange Commission, the Municipal Securities Rulemaking Board, or any national securities association to collect or make publicly available additional information under the provisions of law amended by this title (or under any provision of law referenced in an amendment made by this title), beyond information that was collected or made publicly available under any such provision, as of the day before the date of enactment of this Act.

TITLE LIII—FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 5301. DATA STANDARDS REQUIREMENTS FOR THE FEDERAL DEPOSIT INSURANCE CORPORATION.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

''SEC. 52. DATA STANDARDS.

''(a) DEFINITION.—In this section, the term 'financial company' has the meaning given the term in section 201(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5381(a)).

''(b) REQUIREMENT.—The Corporation shall, by rule, adopt data standards for all collections of information with respect to information received by the Corporation from any depository institution or financial company under this Act or under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5381 et seq.).

''(c) CONSISTENCY.—The data standards required under subsection (b) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

SEC. 5302. OPEN DATA PUBLICATION BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), as amended by section 5301, is further amended by adding at the end the following:

''SEC. 53. OPEN DATA PUBLICATION.

''All public data assets published by the Corporation under this Act or under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 1376) shall be—

''(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

''(2) freely available for download in bulk;

''(3) rendered in a human-readable format; and

''(4) accessible via application programming interface where appropriate.''.

SEC. 5303. RULEMAKING.

(a) IN GENERAL.—The Federal Deposit Insurance Corporation shall issue rules to carry out the amendments made by this title, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Federal Deposit Insurance Corporation—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5304. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Federal Deposit Insurance Corporation to collect or make publicly available additional information under the Acts amended by this title (or under any provision of law referenced in an amendment made by this title), beyond information that was collected or made publicly available under any such provision, as of the day before the date of enactment of this Act.

TITLE LIV—OFFICE OF THE COMPTROLLER OF THE CURRENCY

SEC. 5401. DATA STANDARDS AND OPEN DATA PUBLICATION REQUIREMENTS FOR THE OFFICE OF THE COMPTROLLER OF THE CURRENCY.

The Revised Statutes of the United States is amended by inserting after section 332 (12 U.S.C. 14) the following:

''SEC. 333. DATA STANDARDS; OPEN DATA PUBLICATION.

''(a) DATA STANDARDS.—

''(1) REQUIREMENT.—The Comptroller of the Currency shall, by rule, adopt data standards for all collections of information that are regularly filed with or submitted to the Comptroller of the Currency by any entity with respect to which the Office of the Comptroller of the Currency is the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.

''(b) OPEN DATA PUBLICATION.—All public data assets published by the Comptroller of the Currency under title LXII or the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 1376) shall be—

''(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

''(2) freely available for download in bulk;

''(3) rendered in a human-readable format; and

''(4) accessible via application programming interface where appropriate.''.

SEC. 5402. RULEMAKING.

(a) IN GENERAL.—The Comptroller of the Currency shall issue rules to carry out the amendments made by section 5401, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Comptroller of the Currency—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5403. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Comptroller of the Currency to collect or make publicly available additional information under the Revised Statutes of the United States (or under any other provision of law referenced in an amendment made by this title), beyond information that was collected or made publicly available under any such provision of law, as of the day before the date of enactment of this Act.

TITLE LV—BUREAU OF CONSUMER FINANCIAL PROTECTION

SEC. 5501. DATA STANDARDS AND OPEN DATA PUBLICATION REQUIREMENTS FOR THE BUREAU OF CONSUMER FINANCIAL PROTECTION.

(a) IN GENERAL.—Subtitle A of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5491 et seq.) is amended by—

(1) redesignating section 1018 (12 U.S.C. 5491 note) as section 1020; and

(2) by inserting after section 1017 (12 U.S.C. 5497) the following:

''SEC. 1018. DATA STANDARDS.

''(a) REQUIREMENT.—The Bureau shall, by rule, adopt data standards for all collections of information that are regularly filed with or submitted to the Bureau.

''(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.

''SEC. 1019. OPEN DATA PUBLICATION.

''All public data assets published by the Bureau shall be—

''(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

''(2) freely available for download in bulk;

''(3) rendered in a human-readable format; and

''(4) accessible via application programming interface where appropriate.''.

(b) CLERICAL AMENDMENT.—The table of contents under section 1(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended by striking the item relating to section 1018 and inserting the following:

''Sec. 1018. Data standards.
''Sec. 1019. Open data publication.
''Sec. 1020. Effective date.''.

SEC. 5502. RULEMAKING.

(a) IN GENERAL.—The Director of the Bureau of Consumer Financial Protection shall issue rules to carry out the amendments made by section 5501, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Director of the Bureau of Consumer Financial Protection—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5503. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Bureau of Consumer Financial Protection to collect or make publicly available additional information under the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

TITLE LVI—FEDERAL RESERVE SYSTEM

SEC. 5601. DATA STANDARDS REQUIREMENTS FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) DATA STANDARDS FOR INFORMATION FILED OR SUBMITTED BY NONBANK FINANCIAL COMPANIES.—Section 161(a) of the Financial Stability Act of 2010 (12 U.S.C. 5361(a)) is amended by adding at the end the following:

''(4) DATA STANDARDS FOR REPORTS UNDER THIS SUBSECTION.—

''(A) IN GENERAL.—The Board of Governors shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board of Governors under this subsection by any nonbank financial company supervised by the Board of Governors or any subsidiary thereof.

''(B) CONSISTENCY.—The data standards required under subparagraph (A) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of section 124.''.

(b) DATA STANDARDS FOR INFORMATION FILED OR SUBMITTED BY SAVINGS AND LOAN HOLDING COMPANIES.—Section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) is amended by adding at the end the following:

''(u) DATA STANDARDS.—

''(1) REQUIREMENT.—The Board shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board by any savings and loan holding company, or subsidiary of a savings and loan holding company, other than a depository institution, under this section.

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(c) DATA STANDARDS FOR INFORMATION FILED OR SUBMITTED BY BANK HOLDING COMPANIES.—Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following:

''(h) DATA STANDARDS.—

''(1) REQUIREMENT.—The Board shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board by any bank holding company in a report under subsection (c).

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

(d) DATA STANDARDS FOR INFORMATION SUBMITTED BY FINANCIAL MARKET UTILITIES OR INSTITUTIONS UNDER THE PAYMENT, CLEARING, AND SETTLEMENT SUPERVISION ACT OF 2010.—Section 809 of the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5468) is amended by adding at the end the following:

''(h) DATA STANDARDS.—

''(1) REQUIREMENT.—The Board of Governors shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board or the Council by any financial market utility or financial institution under subsection (a) or (b).

''(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

SEC. 5602. OPEN DATA PUBLICATION BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

The Federal Reserve Act (12 U.S.C. 226 et seq.) is amended by adding at the end the following:

''SEC. 32. OPEN DATA PUBLICATION BY THE BOARD OF GOVERNORS.

''All public data assets published by the Board of Governors under this Act, the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), the Financial Stability Act of 2010 (12 U.S.C. 5311 et seq.), the Home Owners' Loan Act (12 U.S.C. 1461 et seq.), the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5461 et seq.), or the Enhancing Financial Institution Safety and Soundness Act of 2010 (title III of Public Law 111–203) (or any provision of law amended by that Act) shall be—

''(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

''(2) freely available for download in bulk;

''(3) rendered in a human-readable format; and

''(4) accessible via application programming interface where appropriate.''.

SEC. 5603. RULEMAKING.

(a) IN GENERAL.—The Board of Governors of the Federal Reserve System shall issue rules to carry out the amendments made by this title, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Board of Governors of the Federal Reserve System—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5604. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Board of Governors of the Federal Reserve System to collect or make publicly available additional information under any Act amended by this title, any Act referenced in an amendment made by this title, or any Act amended by an Act referenced in an amendment made by this title, beyond information that was collected or made publicly available under any such provision of law, as of the day before the date of enactment of this Act.

TITLE LVII—NATIONAL CREDIT UNION ADMINISTRATION

SEC. 5701. DATA STANDARDS.

Title I of the Federal Credit Union Act (12 U.S.C. 1752 et seq.) is amended by adding at the end the following:

''SEC. 132. DATA STANDARDS.

''(a) REQUIREMENT.—The Board shall, by rule, adopt data standards for all collections of information and reports regularly filed with or submitted to the Administration under this Act.

''(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

SEC. 5702. OPEN DATA PUBLICATION BY THE NATIONAL CREDIT UNION ADMINISTRATION.

Title I of the Federal Credit Union Act (12 U.S.C. 1752 et seq.), as amended by section 5701, is further amended by adding at the end the following:

''SEC. 133. OPEN DATA PUBLICATION.

''All public data assets published by the Administration under this title shall be—

''(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

''(2) freely available for download in bulk;

''(3) rendered in a human-readable format; and

''(4) accessible via application programming interface where appropriate.''.

SEC. 5703. RULEMAKING.

(a) IN GENERAL.—The National Credit Union Administration Board shall issue rules to carry out the amendments made by this title, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the National Credit Union Administration Board—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5704. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the National Credit Union Administration Board to collect or make publicly available additional information under the Federal Credit Union Act (12 U.S.C. 1751 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

TITLE LVIII—FEDERAL HOUSING FINANCE AGENCY

SEC. 5801. DATA STANDARDS REQUIREMENTS FOR THE FEDERAL HOUSING FINANCE AGENCY.

Part 1 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4511 et seq.) is amended by adding at the end the following:

''SEC. 1319H. DATA STANDARDS.

''(a) REQUIREMENT.—The Agency shall, by rule, adopt data standards for all collections of information that are regularly filed with or submitted to the Agency.

''(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.''.

SEC. 5802. OPEN DATA PUBLICATION BY THE FEDERAL HOUSING FINANCE AGENCY.

Part 1 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4511 et seq.), as amended by section 5801, is further amended by adding at the end the following:

''SEC. 1319I. OPEN DATA PUBLICATION.

''All public data assets published by the Agency shall be—

''(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

''(2) freely available for download in bulk;

''(3) rendered in a human-readable format; and

''(4) accessible via application programming interface where appropriate.''.

SEC. 5803. RULEMAKING.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency shall issue rules to carry out the amendments made by this title, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) MINIMIZING DISRUPTION.—In issuing the regulations required under subsection (a), the Director of the Federal Housing Finance Agency shall seek to minimize disruptive changes to the persons affected by those rules.

SEC. 5804. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Federal Housing Finance Agency to collect or make publicly available additional information under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

TITLE LIX—MISCELLANEOUS

SEC. 5901. RULES OF CONSTRUCTION.

(a) NO EFFECT ON INTELLECTUAL PROPERTY.—Nothing in this division, or the amendments made by this division, may be construed to alter the existing legal protections of copyrighted material or other intellectual property rights of any non-Federal person.

(b) NO EFFECT ON MONETARY POLICY.—Nothing in this division, or the amendments made by this division, may be construed to apply to activities conducted, or data standards used, in connection with monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

(c) PRESERVATION OF AGENCY AUTHORITY TO TAILOR REQUIREMENTS.—Nothing in this division, or the amendments made by this division, may be construed to prohibit the head of a covered agency, as defined in section 124(a) of the Financial Stability Act of 2010, as added by section 5101(a) of this division, from tailoring those standards when those standards are adopted under this division and the amendments made by this division.

SEC. 5902. CLASSIFIED AND PROTECTED INFORMATION.

(a) IN GENERAL.—Nothing in this division, or the amendments made by this division, shall require the disclosure to the public of—

(1) information that would be exempt from disclosure under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''); or

(2) information protected under—

(A) section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''); or

(B) section 6103 of the Internal Revenue Code of 1986.

(b) EXISTING AGENCY REGULATIONS.—Nothing in this division, or the amendments made by this division, shall be construed to require the Secretary of the Treasury, the Securities and Exchange Commission, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Director of the Bureau of Consumer Financial Protection, the Board of Governors of the Federal Reserve System, the National Credit Union Administration Board, the Director of the Federal Housing Finance Agency, or the head of any other primary financial regulatory agency (as defined in section 2 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301)) designated by the Secretary of the Treasury to amend existing regulations and procedures regarding the sharing and disclosure of nonpublic information, including confidential supervisory information.

SEC. 5903. DISCRETIONARY SURPLUS FUND.

(a) IN GENERAL.—Section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by striking ''$6,825,000,000'' and inserting ''$6,725,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2031.

SEC. 5904. REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the feasibility, costs, and potential benefits of building upon the taxonomy established by this division, and the amendments made by this division, to arrive at a Federal governmentwide regulatory compliance standardization mechanism similar to Standard Business Reporting.

SEC. 5905. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this division, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this division, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 5789. Ms. ROSEN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVING CYBERSECURITY OF SMALL ENTITIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) ANNUAL CYBERSECURITY REPORT; SMALL BUSINESS; SMALL ENTITY; SMALL GOVERNMENTAL JURISDICTION; SMALL ORGANIZATION.—The terms ''annual cybersecurity report'', ''small business'', ''small entity'', ''small governmental jurisdiction'', and ''small organization'' have the meanings given those terms in section 2220E of the Homeland Security Act of 2002, as added by subsection (b).

(3) CISA.—The term ''CISA'' means the Cybersecurity and Infrastructure Security Agency.

(4) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(b) ANNUAL REPORT.—

(1) AMENDMENT.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 2220E. ANNUAL CYBERSECURITY REPORT FOR SMALL ENTITIES.

''(a) DEFINITIONS.—

''(1) ADMINISTRATION.—The term 'Administration' means the Small Business Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Administration.

''(3) ANNUAL CYBERSECURITY REPORT.—The term 'annual cybersecurity report' means the annual cybersecurity report published and promoted under subsections (b) and (c), respectively.

''(4) COMMISSION.—The term 'Commission' means the Federal Trade Commission.

''(5) ELECTRONIC DEVICE.—The term 'electronic device' means any electronic equipment that is—

''(A) used by an employee or contractor of a small entity for the purpose of performing work for the small entity;

''(B) capable of connecting to the internet or another communication network; and

''(C) capable of sending, receiving, or processing personal information.

''(6) NIST.—The term 'NIST' means the National Institute of Standards and Technology.

''(7) SMALL BUSINESS.—The term 'small business' has the meaning given the term 'small business concern' in section 3 of the Small Business Act (15 U.S.C. 632).

''(8) SMALL ENTITY.—The term 'small entity' means—

''(A) a small business;

''(B) a small governmental jurisdiction; and

''(C) a small organization.

''(9) SMALL GOVERNMENTAL JURISDICTION.—The term 'small governmental jurisdiction' means governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.

''(10) SMALL ORGANIZATION.—The term 'small organization' means any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

''(b) ANNUAL CYBERSECURITY REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, and not less frequently than annually thereafter, the Director shall publish a report for small entities that documents and promotes evidence-based cybersecurity policies and controls for use by small entities, which shall—

''(A) include basic controls that have the most impact in protecting small entities against common cybersecurity threats and risks;

''(B) include protocols and policies to address common cybersecurity threats and risks posed by electronic devices, regardless of whether the electronic devices are—

''(i) issued by the small entity to employees and contractors of the small entity; or

''(ii) personal to the employees and contractors of the small entity; and

''(C) recommend, as practicable—

''(i) measures to improve the cybersecurity of small entities; and

''(ii) configurations and settings for some of the most commonly used software that can improve the cybersecurity of small entities.

''(2) EXISTING RECOMMENDATIONS.—The Director shall ensure that each annual cybersecurity report incorporates—

''(A) cybersecurity resources developed by NIST, as required by the NIST Small Business Cybersecurity Act (Public Law 115–236); and

''(B) the most recent version of the Cybersecurity Framework, or successor resource, maintained by NIST.

''(3) CONSIDERATION FOR SPECIFIC TYPES OF SMALL ENTITIES.—The Director may include and prioritize the development of cybersecurity recommendations, as required under paragraph (1), appropriate for specific types of small entities in addition to recommendations applicable for all small entities.

''(4) CONSULTATION.—In publishing the annual cybersecurity report, the Director shall, to the degree practicable and as appropriate, consult with—

''(A) the Administrator, the Secretary of Commerce, the Commission, and the Director of NIST;

''(B) small entities, insurers, State governments, companies that work with small entities, and academic and Federal and non-Federal experts in cybersecurity; and

''(C) any other entity as determined appropriate by the Director.

''(c) PROMOTION OF ANNUAL CYBERSECURITY REPORT FOR SMALL BUSINESSES.—

''(1) PUBLICATION.—The annual cybersecurity report, and previous versions of the report as appropriate, shall be—

''(A) made available, prominently and free of charge, on the public website of the Agency; and

''(B) linked to from relevant portions of the websites of the Administration and the Minority Business Development Agency, as determined by the Administrator and the Director of the Minority Business Development Agency, respectively.

''(2) PROMOTION GENERALLY.—The Director, the Administrator, and the Secretary of Commerce shall, to the degree practicable, promote the annual cybersecurity report through relevant resources that are intended for or known to be regularly used by small entities, including agency documents, websites, and events.

''(d) TRAINING AND TECHNICAL ASSISTANCE.—The Director, the Administrator, and the Director of the Minority Business Development Agency shall make available to employees of small entities voluntary training and technical assistance on how to implement the recommendations of the annual cybersecurity report.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public 107–296; 116 Stat. 2135) is amended—

(A) by moving the item relating to section 2220D to appear after the item relating to section 2220C; and

(B) by inserting after the item relating to section 2220D the following:

''Sec. 2220E. Annual cybersecurity report for small entities.''.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 10 years, the Secretary shall submit to Congress a report describing methods to improve the cybersecurity of small entities, including through the adoption of policies, controls, and classes of products and services that have been demonstrated to reduce cybersecurity risk.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall—

(A) identify barriers or challenges for small entities in purchasing or acquiring

classes of products and services that promote the cybersecurity of small entities;

(B) assess market availability, market pricing, and affordability of classes of products and services that promote the cybersecurity of small entities, with particular attention to identifying high-risk and underserved sectors or regions;

(C) estimate the costs and benefits of policies that promote the cybersecurity of small entities, including—

(i) tax breaks;

(ii) grants and subsidies; and

(iii) other incentives as determined appropriate by the Secretary;

(D) describe evidence-based cybersecurity controls and policies that improve the cybersecurity of small entities;

(E) with respect to the incentives described in subparagraph (C), recommend measures that can effectively improve cybersecurity at scale for small entities; and

(F) include any other matters as the Secretary determines relevant.

(3) SPECIFIC SECTORS OF SMALL ENTITIES.—In preparing the report required under paragraph (1), the Secretary may include matters applicable for specific sectors of small entities in addition to matters applicable to all small entities.

(4) CONSULTATION.—In preparing the report required under paragraph (1), the Secretary shall consult with—

(A) the Administrator, the Director of CISA, and the Commission; and

(B) small entities, insurers of risks related to cybersecurity, State governments, cybersecurity and information technology companies that work with small entities, and academic and Federal and non-Federal experts in cybersecurity.

(d) PERIODIC CENSUS ON STATE OF CYBERSECURITY OF SMALL BUSINESSES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not less frequently than every 24 months thereafter for 10 years, the Administrator shall submit to Congress and make publicly available data on the state of cybersecurity of small businesses, including, to the extent practicable—

(A) adoption of the cybersecurity recommendations from the annual cybersecurity report among small businesses;

(B) the most significant and widespread cybersecurity threats facing small businesses;

(C) the amount small businesses spend on cybersecurity products and services; and

(D) the personnel small businesses dedicate to cybersecurity, including the amount of total personnel time, whether by employees or contractors, dedicated to cybersecurity efforts.

(2) VOLUNTARY PARTICIPATION.—In carrying out paragraph (1), the Administrator shall collect data from small businesses that participate on a voluntary basis.

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

(4) CONSULTATION.—In preparing to collect the data required under paragraph (1), the Administrator shall consult with—

(A) the Secretary, the Director of CISA, and the Commission; and

(B) small businesses, insurers of risks related to cybersecurity, cybersecurity and information technology companies that work with small businesses, and academic and Federal and non-Federal experts in cybersecurity.

(5) PRIVACY.—In carrying out this subsection, the Administrator shall ensure that any publicly available data is anonymized and does not reveal personally identifiable information.

(e) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to provide any additional regulatory authority to CISA.

SA 5790. Ms. ROSEN (for herself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 357. REQUIREMENT TO INCLUDE THE MODULAR AIRBORNE FIRE FIGHTING SYSTEM MISSION AS PART OF THE BASING CRITERIA FOR C–130J AIRCRAFT FOR THE AIR NATIONAL GUARD.

The Secretary of the Air Force shall include the Modular Airborne Fire Fighting System (MAFFS) mission as part of the basing criteria of the Air Force for C–130J aircraft for the Air National Guard.

SA 5791. Ms. HASSAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. AMENDMENTS TO PATHWAYS FOR COUNSELING IN THE TRANSITION ASSISTANCE PROGRAM.

Section 1142(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking ''Disability'' and inserting ''Potential or confirmed disability'';

(2) in subparagraph (F), by striking ''Character'' and inserting ''Potential or confirmed character'';

(3) by redesignating subparagraph (M) as subparagraph (R); and

(4) by inserting after subparagraph (L) the following new subparagraphs:

''(M) Child care requirements of the member (including whether a dependent of the member is enrolled in the Exceptional Family Member Program).

''(N) The employment status of other adults in the household of the member.

''(O) The proximity of the duty station of the member to the anticipated post-separation residence of the member (including whether the member was separated from family while on duty).''.

SA 5792. Ms. HASSAN (for herself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the 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 4093 of title 10, United States Code, 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. 4001 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.''.

SEC. 2___. IMPROVEMENTS TO NATIONAL QUANTUM INITIATIVE PROGRAM.

(a) INVOLVEMENT OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY IN NATIONAL QUANTUM INITIATIVE ADVISORY COMMITTEE.—

(1) QUALIFICATIONS.—Subsection (b) of section 104 of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8814) is amended by striking ''and Federal laboratories'' and inserting ''Federal laboratories, and defense and intelligence researchers''.

(2) INTEGRATION.—Such section is amended—

(A) by redesignating subsections (e) through (g) as subsection (f) through (h), respectively; and

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

''(e) INTEGRATION OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY.—The Advisory Committee shall take such actions as may be necessary, including by modifying policies and procedures of the Advisory Committee, to ensure the full integration of the Department of Defense and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) in activities of the Advisory Committee.''.

(b) CLARIFICATION OF PURPOSE OF MULTIDISCIPLINARY CENTERS FOR QUANTUM RESEARCH AND EDUCATION.—Section 302(c) of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8842(c)) is amended—

(1) in paragraph (2), by striking ''; and'' and inserting a semicolon;

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

(3) by adding at the end the following new paragraph:

''(4) encouraging workforce collaboration, both with private industry and among Federal entities, including Department of Defense components and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).''.

(c) COORDINATION OF NATIONAL QUANTUM INFORMATION SCIENCE RESEARCH CENTERS.—Section 402(d) of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8852(d)) is amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) other research entities of the Federal government, including research entities in the Department of Defense and research entities in the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));''.

(d) NATIONAL QUANTUM COORDINATION OFFICE, COLLABORATION WHEN REPORTING TO CONGRESS.—Section 102 of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8812) is amended—

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

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

''(c) COLLABORATION WHEN REPORTING TO CONGRESS.—The Coordination Office shall ensure that when participants in the National Quantum Initiative Program prepare and submit reports to Congress that they do so in collaboration with each other and as appropriate Federal civilian, defense, and intelligence research entities.''.

(e) REPORTING TO ADDITIONAL COMMITTEES OF CONGRESS.—Paragraph (2) of section 2 of such Act (15 U.S.C. 8801) is amended to read as follows:

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SA 5793. Mrs. MURRAY (for herself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 753. HELPING HEROES ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the ''Helping Heroes Act of 2022''.

(b) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term ''Department'' means the Department of Veterans Affairs.

(2) DISABLED VETERAN.—The term ''disabled veteran'' has the meaning given that term in section 4211 of title 38, United States Code.

(3) ELIGIBLE CHILD.—The term ''eligible child'', with respect to an eligible veteran, means an individual who—

(A) is a ward, child (including stepchild), grandchild, or sibling (including stepsibling or halfsibling) of the eligible veteran; and

(B) is less than 18 years of age.

(4) ELIGIBLE VETERAN.—The term ''eligible veteran'' means a disabled veteran who has a service-connected disability rated at 70 percent or more.

(5) FAMILY COORDINATOR.—The term ''Family Coordinator'' means an individual placed at a medical center of the Department pursuant to subsection (c).

(6) FAMILY SUPPORT PROGRAM.—The term ''Family Support Program'' means the program established under subsection (d).

(7) NON-DEPARTMENT PROVIDER.—The term ''non-Department provider'' means a public or non-profit entity that is not an entity of the Department.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Veterans Affairs.

(9) SUPPORTIVE SERVICES.—The term ''supportive services'' means services that address the social, emotional, and mental health, career-readiness, and other needs of eligible children, including—

(A) wellness services, including mental, emotional, behavioral, and physical health and nutritional counseling and assistance;

(B) peer-support programs for children;

(C) assistance completing college admission and financial aid applications, including the Free Application for Federal Student Aid described in section 483(a) of the Higher Education Act (20 U.S.C. 1090), and accessing veterans' education benefits as defined under section 480(c)(2) of such Act (20 U.S.C. 1087vv) that eligible children may be eligible to receive;

(D) assistance with accessing workforce development programs, including programs providing the activities authorized under section 129 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164), and programs of vocational rehabilitation services, including programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(E) sports and recreation;

(F) after-school care and summer learning opportunities;

(G) dependent care, including home and community-based services;

(H) other resources for low-income families;

(I) assistance transitioning from active duty in the Armed Forces to veteran status; and

(J) any other services or activities the Secretary considers appropriate to support the needs of eligible children.

(c) REQUIREMENTS FOR FAMILY COORDINATORS.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Secretary shall—

(A) place at each medical center of the Department not fewer than one Family Coordinator; and

(B) ensure adequate staffing and resources at each such medical center to ensure Family Coordinators are able to carry out their duties.

(2) FAMILY COORDINATORS.—

(A) EMPLOYMENT.—Each Family Coordinator placed at a medical center of the Department under paragraph (1) shall be employed full-time by the Department as a Family Coordinator and shall have no other duties in addition to the duties of a Family Coordinator.

(B) QUALIFICATIONS.—

(i) IN GENERAL.—To qualify to be a Family Coordinator under paragraph (1), an individual shall—

(I) be a social worker licensed, registered, or certified in accordance with the requirements of any State; and

(II) have a graduate degree in social work or a related field.

(ii) WAIVER.—The Secretary may waive the qualifications required by clause (i) to permit individuals in other professions to serve as Family Coordinators.

(C) DUTIES.—Each Family Coordinator shall—

(i) assess the needs of the families of veterans using evidence-based strategies;

(ii) build positive relationships with such families;

(iii) refer veterans to local, State, and Federal resources that support veterans and their families;

(iv) develop and maintain a list of—

(I) supportive services offered by the medical center at which the Family Coordinator is placed; and

(II) supportive services offered at reduced or no cost by non-Department providers located in the catchment area of such medical center; and

(v) develop and maintain on an internet website a list of family resources that shall be made available for all veterans in the catchment area of such medical center who are enrolled in the patient enrollment system of the Department established and operated under section 1705(a) of title 38, United States Code.

(d) ESTABLISHMENT OF FAMILY SUPPORT PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall establish a program to be known as the Family Support Program to provide and coordinate the provision of supportive services to eligible veterans and eligible children.

(2) IMPLEMENTATION OF FAMILY SUPPORT PROGRAM.—To carry out the Family Support Program, the Secretary shall—

(A) provide supportive services through medical centers of the Department;

(B) collaborate with relevant Federal agencies to provide supportive services;

(C) provide funding to non-Department providers pursuant to paragraph (3); and

(D) engage in any other activities the Secretary considers appropriate.

(3) FUNDING TO NON-DEPARTMENT PROVIDERS.—

(A) IN GENERAL.—The Secretary may enter into contracts and award grants to provide funding to eligible non-Department providers to participate in the Family Support Program.

(B) ELIGIBILITY.—

(i) IN GENERAL.—The Secretary shall establish and make publicly available the criteria for a non-Department provider to be eligible to participate in the Family Support Program.

(ii) CRITERIA.—The criteria required by clause (i) shall include requirements for a non-Department provider—

(I) to provide a description of—

(aa) each supportive service proposed to be provided to eligible children; and

(bb) the demonstrated record of the non-Department provider in providing such supportive service;

(II) to demonstrate the ability to serve families of veterans in a manner that is trauma-informed and culturally and linguistically appropriate; and

(III) to agree to oversight by the Secretary regarding—

(aa) the use of funds provided by the Department under this paragraph; and

(bb) the quality of supportive services provided.

(C) NOTICE.—The Secretary shall promptly provide to eligible non-Department providers selected by the Secretary to participate in the Family Support Program notice of the award of funds under this paragraph to ensure such providers have sufficient time to prepare to provide supportive services under the Family Support Program.

(D) AUTHORIZED ACTIVITIES.—Funds provided under this paragraph shall be used to provide supportive services.

(E) TRAINING.—For each non-Department provider selected by the Secretary to participant in the Family Support Program, the Secretary shall offer training and technical assistance regarding the planning, development, and provision of supportive services under the Family Support Program.

(4) COORDINATION WITH OTHER DEPARTMENT OF VETERANS AFFAIRS PROGRAMS.—The Secretary shall share best practices with and facilitate referrals of eligible veterans and their families, as appropriate, from the Family Support Program to other programs of the Department, such as the program of support services for caregivers of veterans under section 1720G(b) of title 38, United States Code.

(5) REPORTING REQUIREMENTS.—

(A) ANNUAL REPORT.—Not later than one year after the date of the commencement of the Family Support Program, and annually thereafter, each non-Department provider in receipt of funds under the Family Support Program shall submit to the Secretary a report describing the supportive services carried out with such funds during the year covered by such report.

(B) REPORTS TO CONGRESS.—

(i) REPORT ON ADDITIONAL RESOURCES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the potential need for additional resources for family members of eligible veterans other than eligible children.

(ii) REPORT ON PROGRESS.—

(I) IN GENERAL.—Not later than one year after the commencement of the Family Support Program, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the progress of the Family Support Program.

(II) CONTENTS.—The report required by subclause (I) shall include—

(aa) the number of eligible veterans and eligible children who received supportive services under the Family Support Program;

(bb) the demographic data of eligible veterans and family members, including—

(AA) the relationship to the eligible veteran;

(BB) age;

(CC) race;

(DD) ethnicity;

(EE) gender identity;

(FF) sexual orientation;

(GG) disability; and

(HH) English proficiency and whether a language other than English is spoken at home;

(cc) a summary of the supportive services carried out under the Family Support Program and the costs to the Department of such supportive services; and

(dd) an assessment, measured by a survey of participants, of whether participation in the Family Support Program resulted in positive outcomes for eligible veterans and eligible children.

(e) OUTREACH ON AVAILABILITY OF SERVICES.—The Secretary shall conduct an outreach program to ensure eligible veterans who are enrolled in the patient enrollment system of the Department established and operated under section 1705(a) of title 38, United States Code, employees of the Department, and potential State, local, and Federal entities are informed of the Family Support Program and the availability of Family Coordinators.

(f) TRANSITION ASSISTANCE.—Not later than one year after the date of the enactment of this Act, the Secretary shall include information regarding supportive services available for members of the Armed Forces who are being separated from active duty and their families, including mental health and other services for children, in the transition assistance curriculum offered by the Department.

(g) SURVEY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary shall conduct a survey of disabled veterans and their families to identify and better understand the needs of such disabled veterans and their families.

(2) CONTENT.—The survey required under paragraph (1) shall include questions with respect to—

(A) the types and quality of support disabled veterans receive from the children of such disabled veterans; and

(B) the unmet needs of such children.

(h) NONDISCRIMINATION.—Programs or activities receiving funds under this section may not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, disability status, or age.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this section.

SA 5794. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. WILD OLYMPICS WILDERNESS AND WILD AND SCENIC RIVERS.

(a) DESIGNATION OF OLYMPIC NATIONAL FOREST WILDERNESS AREAS.—

(1) IN GENERAL.—In furtherance of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the Olympic National Forest in the State of Washington comprising approximately 126,554 acres, as generally depicted on the map entitled ''Proposed Wild Olympics Wilderness and Wild and Scenic Rivers Act'' and dated April 8, 2019 (referred to in this subsection as the ''map''), is designated as wilderness and as components of the National Wilderness Preservation System:

(A) LOST CREEK WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 7,159 acres, as generally depicted on the map, which shall be known as the ''Lost Creek Wilderness''.

(B) RUGGED RIDGE WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 5,956 acres, as generally depicted on the map, which shall be known as the ''Rugged Ridge Wilderness''.

(C) ALCKEE CREEK WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 1,787 acres, as generally depicted on the map, which shall be known as the ''Alckee Creek Wilderness''.

(D) GATES OF THE ELWHA WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 5,669 acres, as generally depicted on the map, which shall be known as the ''Gates of the Elwha Wilderness''.

(E) BUCKHORN WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 21,965 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the ''Buckhorn Wilderness'', as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–339).

(F) GREEN MOUNTAIN WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 4,790 acres, as generally depicted on the map, which shall be known as the ''Green Mountain Wilderness''.

(G) THE BROTHERS WILDERNESS ADDITIONS.—Certain land managed by the Forest Service, comprising approximately 8,625 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the ''The Brothers Wilderness'', as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–339).

(H) MOUNT SKOKOMISH WILDERNESS ADDITIONS.—Certain land managed by the Forest Service, comprising approximately 8,933 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the ''Mount Skokomish Wilderness'', as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–339).

(I) WONDER MOUNTAIN WILDERNESS ADDITIONS.—Certain land managed by the Forest Service, comprising approximately 26,517 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the ''Wonder Mountain Wilderness'', as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–339).

(J) MOONLIGHT DOME WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 9,117 acres, as generally depicted on the map, which shall be known as the ''Moonlight Dome Wilderness''.

(K) SOUTH QUINAULT RIDGE WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 10,887 acres, as generally depicted on the map, which shall be known as the ''South Quinault Ridge Wilderness''.

(L) COLONEL BOB WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 353 acres,

as generally depicted on the map, is incorporated in, and shall be managed as part of, the ''Colonel Bob Wilderness'', as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–339).

(M) SAM'S RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 13,418 acres, as generally depicted on the map, which shall be known as the ''Sam's River Wilderness''.

(N) CANOE CREEK WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 1,378 acres, as generally depicted on the map, which shall be known as the ''Canoe Creek Wilderness''.

(2) ADMINISTRATION.—

(A) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by paragraph (1) shall be administered by the Secretary of Agriculture (referred to in this subsection as the ''Secretary''), in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(B) MAP AND DESCRIPTION.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the land designated as wilderness by paragraph (1) with—

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

(II) the Committee on Energy and Natural Resources of the Senate.

(ii) EFFECT.—Each map and legal description filed under clause (i) shall have the same force and effect as if included in this subsection, except that the Secretary may correct minor errors in the map and legal description.

(iii) PUBLIC AVAILABILITY.—Each map and legal description filed under clause (i) shall be filed and made available for public inspection in the appropriate office of the Forest Service.

(3) POTENTIAL WILDERNESS.—

(A) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 5,346 acres as identified as ''Potential Wilderness'' on the map, is designated as potential wilderness.

(B) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by subparagraph (A) have terminated, the potential wilderness shall be—

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the adjacent wilderness area.

(4) ADJACENT MANAGEMENT.—

(A) NO PROTECTIVE PERIMETERS OR BUFFER ZONES.—The designations in this section shall not create a protective perimeter or buffer zone around any wilderness area.

(B) NONCONFORMING USES PERMITTED OUTSIDE OF BOUNDARIES OF WILDERNESS AREAS.—Any activity or use outside of the boundary of any wilderness area designated under this subsection shall be permitted even if the activity or use would be seen or heard within the boundary of the wilderness area.

(5) FIRE, INSECTS, AND DISEASES.—The Secretary may take such measures as are necessary to control fire, insects, and diseases, in the wilderness areas designated by this subsection, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and subject to such terms and conditions as the Secretary determines to be appropriate.

(b) WILD AND SCENIC RIVER DESIGNATIONS.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(231) ELWHA RIVER, WASHINGTON.—The approximately 29.0-mile segment of the Elwha River and tributaries from the source to Cat Creek, to be administered by the Secretary of the Interior as a wild river.

''(232) DUNGENESS RIVER, WASHINGTON.—The segment of the Dungeness River from the headwaters to the State of Washington Department of Natural Resources land in T. 29 N., R. 4 W., sec. 12, to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, including the following segments of the mainstem and major tributary the Gray Wolf River, in the following classes:

''(A) The approximately 5.8-mile segment of the Dungeness River from the headwaters to the 2870 Bridge, as a wild river.

''(B) The approximately 2.1-mile segment of the Dungeness River from the 2870 Bridge to Silver Creek, as a scenic river.

''(C) The approximately 2.7-mile segment of the Dungeness River from Silver Creek to Sleepy Hollow Creek, as a wild river.

''(D) The approximately 6.3-mile segment of the Dungeness River from Sleepy Hollow Creek to the Olympic National Forest boundary, as a scenic river.

''(E) The approximately 1.9-mile segment of the Dungeness River from the National Forest boundary to the State of Washington Department of Natural Resources land in T. 29 N., R. 4 W., sec. 12, to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture, as provided in section 10(e).

''(F) The approximately 16.1-mile segment of the Gray Wolf River from the headwaters to the 2870 Bridge, as a wild river.

''(G) The approximately 1.1-mile segment of the Gray Wolf River from the 2870 Bridge to the confluence with the Dungeness River, as a scenic river.

''(233) BIG QUILCENE RIVER, WASHINGTON.—The segment of the Big Quilcene River from the headwaters to the City of Port Townsend water intake facility, to be administered by the Secretary of Agriculture, in the following classes:

''(A) The approximately 4.4-mile segment from the headwaters to the Buckhorn Wilderness boundary, as a wild river.

''(B) The approximately 5.3-mile segment from the Buckhorn Wilderness boundary to the City of Port Townsend water intake facility, as a scenic river.

''(C) Section 7(a), with respect to the licensing of dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works, shall apply to the approximately 5-mile segment from the City of Port Townsend water intake facility to the Olympic National Forest boundary.

''(234) DOSEWALLIPS RIVER, WASHINGTON.—The segment of the Dosewallips River from the headwaters to the private land in T. 26 N., R. 3 W., sec. 15, to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:

''(A) The approximately 12.9-mile segment from the headwaters to Station Creek, as a wild river.

''(B) The approximately 6.8-mile segment from Station Creek to the private land in T. 26 N., R. 3 W., sec. 15, as a scenic river.

''(235) DUCKABUSH RIVER, WASHINGTON.—The segment of the Duckabush River from the headwaters to the private land in T. 25 N., R. 3 W., sec. 1, to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:

''(A) The approximately 19.0-mile segment from the headwaters to the Brothers Wilderness boundary, as a wild river.

''(B) The approximately 1.9-mile segment from the Brothers Wilderness boundary to the private land in T. 25 N., R. 3 W., sec. 1, as a scenic river.

''(236) HAMMA HAMMA RIVER, WASHINGTON.—The segment of the Hamma Hamma River from the headwaters to the eastern edge of the NW¼ sec. 21, T. 24 N., R. 3 W., to be administered by the Secretary of Agriculture, in the following classes:

''(A) The approximately 3.1-mile segment from the headwaters to the Mt. Skokomish Wilderness boundary, as a wild river.

''(B) The approximately 5.8-mile segment from the Mt. Skokomish Wilderness boundary to Lena Creek, as a scenic river.

''(C) The approximately 6.8-mile segment from Lena Creek to the eastern edge of the NW¼ sec. 21, T. 24 N., R. 3 W., to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture, as provided in section 10(e).

''(237) SOUTH FORK SKOKOMISH RIVER, WASHINGTON.—The segment of the South Fork Skokomish River from the headwaters to the Olympic National Forest boundary to be administered by the Secretary of Agriculture, in the following classes:

''(A) The approximately 6.7-mile segment from the headwaters to Church Creek, as a wild river.

''(B) The approximately 8.3-mile segment from Church Creek to LeBar Creek, as a scenic river.

''(C) The approximately 4.0-mile segment from LeBar Creek to upper end of gorge in the NW¼ sec. 22, T. 22 N., R. 5 W., as a recreational river.

''(D) The approximately 6.0-mile segment from the upper end of the gorge to the Olympic National Forest boundary, as a scenic river.

''(238) MIDDLE FORK SATSOP RIVER, WASHINGTON.—The approximately 7.9-mile segment of the Middle Fork Satsop River from the headwaters to the Olympic National Forest boundary, to be administered by the Secretary of Agriculture, as a scenic river.

''(239) WEST FORK SATSOP RIVER, WASHINGTON.—The approximately 8.2-mile segment of the West Fork Satsop River from the headwaters to the Olympic National Forest boundary, to be administered by the Secretary of Agriculture, as a scenic river.

''(240) WYNOOCHEE RIVER, WASHINGTON.—The segment of the Wynoochee River from the headwaters to the head of Wynoochee Reservoir to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:

''(A) The approximately 2.5-mile segment from the headwaters to the boundary of the Wonder Mountain Wilderness, as a wild river.

''(B) The approximately 7.4-mile segment from the boundary of the Wonder Mountain Wilderness to the head of Wynoochee Reservoir, as a recreational river.

''(241) EAST FORK HUMPTULIPS RIVER, WASHINGTON.—The segment of the East Fork Humptulips River from the headwaters to the Olympic National Forest boundary to be administered by the Secretary of Agriculture, in the following classes:

''(A) The approximately 7.4-mile segment from the headwaters to the Moonlight Dome Wilderness boundary, as a wild river.

''(B) The approximately 10.3-mile segment from the Moonlight Dome Wilderness boundary to the Olympic National Forest boundary, as a scenic river.

''(242) WEST FORK HUMPTULIPS RIVER, WASHINGTON.—The approximately 21.4-mile segment of the West Fork Humptulips River from the headwaters to the Olympic National Forest Boundary, to be administered by the Secretary of Agriculture, as a scenic river.

''(243) QUINAULT RIVER, WASHINGTON.—The segment of the Quinault River from the headwaters to private land in T. 24 N., R. 8 W., sec. 33, to be administered by the Secretary of the Interior, in the following classes:

''(A) The approximately 16.5-mile segment from the headwaters to Graves Creek, as a wild river.

''(B) The approximately 6.7-mile segment from Graves Creek to Cannings Creek, as a scenic river.

''(C) The approximately 1.0-mile segment from Cannings Creek to private land in T. 24 N., R. 8 W., sec. 33, as a recreational river.

''(244) QUEETS RIVER, WASHINGTON.—The segment of the Queets River from the headwaters to the Olympic National Park boundary to be administered by the Secretary of the Interior, except that portions of the river outside the boundaries of Olympic National Park shall be administered by the Secretary of Agriculture, including the following segments of the mainstem and certain tributaries in the following classes:

''(A) The approximately 28.6-mile segment of the Queets River from the headwaters to the confluence with Sams River, as a wild river.

''(B) The approximately 16.0-mile segment of the Queets River from the confluence with Sams River to the Olympic National Park boundary, as a scenic river.

''(C) The approximately 15.7-mile segment of the Sams River from the headwaters to the confluence with the Queets River, as a scenic river.

''(D) The approximately 17.7-mile segment of Matheny Creek from the headwaters to the confluence with the Queets River, to be administered as a scenic river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture, as provided in section 10(e).

''(245) HOH RIVER, WASHINGTON.—The segment of the Hoh River and the major tributary South Fork Hoh from the headwaters to Olympic National Park boundary, to be administered by the Secretary of the Interior, in the following classes:

''(A) The approximately 20.7-mile segment of the Hoh River from the headwaters to Jackson Creek, as a wild river.

''(B) The approximately 6.0-mile segment of the Hoh River from Jackson Creek to the Olympic National Park boundary, as a scenic river.

''(C) The approximately 13.8-mile segment of the South Fork Hoh River from the headwaters to the Olympic National Park boundary, as a wild river.

''(D) The approximately 4.6-mile segment of the South Fork Hoh River from the Olympic National Park boundary to the Washington State Department of Natural Resources boundary in T. 27 N., R. 10 W., sec. 29, to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture, as provided in section 10(e).

''(246) BOGACHIEL RIVER, WASHINGTON.—The approximately 25.6-mile segment of the Bogachiel River from the source to the Olympic National Park boundary, to be administered by the Secretary of the Interior, as a wild river.

''(247) SOUTH FORK CALAWAH RIVER, WASHINGTON.—The segment of the South Fork Calawah River and the major tributary Sitkum River from the headwaters to Hyas Creek to be administered by the Secretary of Agriculture, except those portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, including the following segments in the following classes:

''(A) The approximately 15.7-mile segment of the South Fork Calawah River from the headwaters to the Sitkum River, as a wild river.

''(B) The approximately 0.9-mile segment of the South Fork Calawah River from the Sitkum River to Hyas Creek, as a scenic river.

''(C) The approximately 1.6-mile segment of the Sitkum River from the headwaters to the Rugged Ridge Wilderness boundary, as a wild river.

''(D) The approximately 11.9-mile segment of the Sitkum River from the Rugged Ridge Wilderness boundary to the confluence with the South Fork Calawah, as a scenic river.

''(248) SOL DUC RIVER, WASHINGTON.—The segment of the Sol Duc River from the headwaters to the Olympic National Park boundary to be administered by the Secretary of the Interior, including the following segments of the mainstem and certain tributaries in the following classes:

''(A) The approximately 7.0-mile segment of the Sol Duc River from the headwaters to the end of Sol Duc Hot Springs Road, as a wild river.

''(B) The approximately 10.8-mile segment of the Sol Duc River from the end of Sol Duc Hot Springs Road to the Olympic National Park boundary, as a scenic river.

''(C) The approximately 14.2-mile segment of the North Fork Sol Duc River from the headwaters to the Olympic Hot Springs Road bridge, as a wild river.

''(D) The approximately 0.2-mile segment of the North Fork Sol Duc River from the Olympic Hot Springs Road bridge to the confluence with the Sol Duc River, as a scenic river.

''(E) The approximately 8.0-mile segment of the South Fork Sol Duc River from the headwaters to the confluence with the Sol Duc River, as a scenic river.

''(249) LYRE RIVER, WASHINGTON.—The approximately 0.2-mile segment of the Lyre River from Lake Crescent to the Olympic National Park boundary, to be administered by the Secretary of the Interior as a scenic river.''.

(2) EFFECT.—The amendment made by paragraph (1) does not affect valid existing water rights.

(3) UPDATES TO LAND AND RESOURCE MANAGEMENT PLANS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture shall, with respect to the designations made under subsection (a) on lands under the jurisdiction of the Secretary, incorporate such designations into updated management plans for units of the National Forest System in accordance with applicable laws (including regulations).

(B) EXCEPTION.—The date specified in subparagraph (A) shall be 5 years after the date of enactment of this Act if the Secretary of Agriculture—

(i) is unable to meet the requirement under that paragraph by the date specified in such subparagraph; and

(ii) not later than 3 years after the date of enactment of this Act, includes in the Department of Agriculture annual budget submission to Congress a request for additional sums as may be necessary to meet the requirement of that subparagraph.

(C) COMPREHENSIVE MANAGEMENT PLAN REQUIREMENTS.—Updated management plans under subparagraph (A) or (B) satisfy the requirements under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) EXISTING RIGHTS AND WITHDRAWAL.—

(1) IN GENERAL.—In accordance with section 12(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1283(b)), nothing in this Act or the amendment made by subsection (b)(1) affects or abrogates existing rights, privileges, or contracts held by private parties, nor does this section in any way modify or direct the management, acquisition, or disposition of land managed by the Washington Department of Natural Resources on behalf of the State of Washington.

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by this section and the amendment made by subsection (b)(1) is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

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

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(d) TREATY RIGHTS.—Nothing in this section alters, modifies, diminishes, or extinguishes the reserved treaty rights of any Indian Tribe with hunting, fishing, gathering, and cultural or religious rights as protected by a treaty.

SA 5795. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Arms Export Control Act Amendments

SEC. 1281. REQUIRED ASSESSMENT OF RISK OF EXPORTED WEAPONS BEING USED TO VIOLATE PRINCIPLES OF HUMAN RIGHTS OR THE LAW OF ARMED CONFLICT.

(a) LETTERS OF OFFER.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended—

(1) in subparagraph (O), by striking ''; and'' and inserting a semicolon;

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

(3) by inserting after subparagraph (P) the following new subparagraph:

''(Q) an assessment of the risk of the defense articles, defense services, or design and construction services to be offered being used to violate principles of human rights or the law of armed conflict, prepared by the Secretary of State through the Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor, in consultation with the Secretary of Defense and the Director of Central Intelligence.''.

(b) EXPORT LICENSE APPLICATIONS.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended—

(1) by striking ''and (C)'' and inserting ''(C)''; and

(2) by inserting after ''items to be exported'' the following: '', and (D) an assessment of the risk of the items being used to

violate principles of human rights or the law of armed conflict, prepared by the Secretary of State through the Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor, in consultation with the Secretary of Defense and the Director of Central Intelligence''.

SEC. 1282. INCLUSION IN BLUE LANTERN PROGRAM OF CONSIDERATION OF USE OF DEFENSE ARTICLES AND SERVICES TO COMMIT SERIOUS VIOLATIONS OF THE LAWS OF ARMED CONFLICT AND INTERNATIONAL HUMAN RIGHTS LAW.

(a) TECHNICAL CORRECTION.—Chapter 3A of the Arms Export Control Act (22 U.S.C. 2785) is amended by redesignating the second section designated section 40A as section 40B.

(b) CONSIDERATION OF HUMAN RIGHTS VIOLATIONS.—Subsection (b)(1) of section 40B of the Arms Export Control Act, as redesignated by subsection (a) of this section, is amended by inserting ''(including use to commit serious violations of the laws of armed conflict and international human rights law)'' after ''to diversion or other misuse''.

SEC. 1283. CONSIDERATION OF RISK OF COMMISSION OF VIOLATIONS OF HUMAN RIGHTS OR THE LAW OF ARMED CONFLICT IN ISSUING EXPORT LICENSES.

Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended by inserting after ''conflict,'' the following: ''be used to commit violations of human rights or the law of armed conflict,''.

SA 5796. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the table in section 2401(a), insert the following:

Washington	Naval Undersea Warfare Center Keyport	$24,640,000

At the appropriate place in the table in section 4601, under the heading ''Defense-Wide'', insert the following:

Defense-Wide	Washington, Naval Undersea Warfare Center Keyport	Cold Water Training Austere Environment Facility	0	24,640

SA 5797. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 389. AUTHORIZATION OF AMOUNTS FOR SERVICEWOMEN'S COMMEMORATIVE PARTNERSHIPS.

Section 362(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 7771 note prec.) is amended—

(1) by striking ''Of the amounts'' and inserting the following:

''(1) FISCAL YEAR 2021.—Of the amounts''; and

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

''(2) FISCAL YEAR 2023.—Of the amounts available to the Department of Defense for fiscal year 2023, $1,000,000 shall be available for Servicewomen's Commemorative Partnerships under section (a).''.

SA 5798. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 632. PLAN FOR IMPROVING ACCESS TO THRIFT SAVINGS PLAN.

Not later than 18 months after the date of the enactment of this Act, the Federal Retirement Thrift Investment Board shall submit to Congress a plan for improving the access of members of the Armed Forces to information about the Thrift Savings Plan that—

(1) takes into account the time likely to pass between the mailing of account information to a member of the Armed Forces and the time the member is likely to receive the information; and

(2) makes recommendations for statutory changes necessary to improve such access.

SA 5799. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Reproductive and Fertility Preservation Assistance

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''Veteran Families Health Services Act of 2022''.

CHAPTER 1—REPRODUCTIVE AND FERTILITY PRESERVATION ASSISTANCE FOR MEMBERS OF THE ARMED FORCES

SEC. 1082. DEFINITIONS.

In this chapter:

(1) ACTIVE DUTY.—The term ''active duty'' has the meaning given that term in section 101(d)(1) of title 10, United States Code.

(2) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101(a)(4) of such title.

SEC. 1083. PROVISION OF FERTILITY TREATMENT AND COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND SPOUSES, PARTNERS, AND GESTATIONAL SURROGATES OF SUCH MEMBERS.

(a) FERTILITY TREATMENT AND COUNSELING.—

(1) IN GENERAL.—The Secretary of Defense shall furnish fertility treatment and counseling, including through the use of assisted reproductive technology, to a covered member of the Armed Forces or a spouse, partner, or gestational surrogate of such a member.

(2) ELIGIBILITY FOR TREATMENT AND COUNSELING.—Fertility treatment and counseling shall be furnished under paragraph (1) without regard to the sex, gender identity, sexual orientation, or marital status of the covered member of the Armed Forces.

(3) IN VITRO FERTILIZATION.—In the case of in vitro fertilization treatment furnished under paragraph (1), the Secretary may furnish not more than three completed cycles or six attempted cycles of in vitro fertilization, whichever occurs first, to an individual under such paragraph.

(b) PROCUREMENT OF GAMETES.—If a covered member of the Armed Forces is unable to provide their gametes for purposes of fertility treatment under subsection (a), the Secretary shall, at the election of such member, allow such member to receive such treatment with donated gametes and pay or reimburse such member the reasonable costs of procuring gametes from a donor.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary—

(1) to find or certify a gestational surrogate for a covered member of the Armed Forces or to connect a gestational surrogate with such a member; or

(2) to find or certify gametes from a donor for a covered member of the Armed Forces or to connect such a member with gametes from a donor.

(d) DEFINITIONS.—In this section:

(1) ASSISTED REPRODUCTIVE TECHNOLOGY.—The term ''assisted reproductive technology'' includes in vitro fertilization and other fertility treatments in which both eggs and sperm are handled when clinically appropriate.

(2) COVERED MEMBER OF THE ARMED FORCES.—The term ''covered member of the Armed Forces'' means a member of the

Armed Forces who has an infertility condition, unless the Secretary can show that the member was completely infertile before service on active duty in the Armed Forces.

(3) FERTILITY TREATMENT.—The term ''fertility treatment'' includes the following:

(A) Procedures that use assisted reproductive technology.

(B) Sperm retrieval.

(C) Egg retrieval.

(D) Artificial insemination.

(E) Embryo transfer.

(F) Such other treatments as the Secretary of Defense considers appropriate.

(4) INFERTILITY CONDITION.—The term ''infertility condition'' includes—

(A) a diagnosis of infertility; or

(B) the inability to conceive or safely carry a pregnancy to term, including as a result of treatment for another condition.

(5) PARTNER.—The term ''partner'', with respect to a member of the Armed Forces, means an individual selected by the member who agrees to share with the member the parental responsibilities with respect to any child born as a result of the use of any fertility treatment under this section.

SEC. 1084. ESTABLISHMENT OF FERTILITY PRESERVATION PROCEDURES AFTER AN INJURY OR ILLNESS.

(a) IN GENERAL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Health Affairs, shall establish procedures for the retrieval of gametes, as soon as medically appropriate, from a member of the Armed Forces in cases in which the fertility of such member is potentially jeopardized as a result of an injury or illness incurred or aggravated while serving on active duty in the Armed Forces in order to preserve the medical options of such member.

(b) CONSENT FOR RETRIEVAL OF GAMETES.—Gametes may be retrieved from a member of the Armed Forces under subsection (a) only—

(1) with the specific consent of the member; or

(2) if the member is unable to consent, if a medical professional determines that—

(A) the future fertility of the member is potentially jeopardized as a result of an injury or illness described in subsection (a) or will be potentially jeopardized as a result of treating such injury or illness;

(B) the member lacks the capacity to consent to the retrieval of gametes and is likely to regain such capacity; and

(C) the retrieval of gametes under this section is in the medical interest of the member.

(c) CONSENT FOR USE OF RETRIEVED GAMETES.—Gametes retrieved from a member of the Armed Forces under subsection (a) may be used only—

(1) with the specific consent of the member; or

(2) if the member has lost the ability to consent permanently, as determined by a medical professional, as specified in an advance directive or testamentary instrument executed by the member.

(d) DISPOSAL OF GAMETES.—In accordance with regulations prescribed by the Secretary for purpose of this subsection, the Secretary shall dispose of gametes retrieved from a member of the Armed Forces under subsection (a)—

(1) with the specific consent of the member; or

(2) if the member—

(A) has lost the ability to consent permanently, as determined by a medical professional; and

(B) has not specified the use of their gametes in an advance directive or testamentary instrument executed by the member.

SEC. 1085. CRYOPRESERVATION AND STORAGE OF GAMETES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

(a) IN GENERAL.—The Secretary of Defense shall provide members of the Armed Forces on active duty in the Armed Forces with the opportunity to cryopreserve and store their gametes prior to—

(1) deployment to a combat zone; or

(2) a duty assignment that includes a hazardous assignment, as determined by the Secretary.

(b) PERIOD OF TIME.—

(1) IN GENERAL.—The Secretary shall provide for the cryopreservation and storage of gametes of any member of the Armed Forces under subsection (a) in a facility of the Department of Defense or of a private entity and the transportation of such gametes, at no cost to the member, until the date that is one year after the retirement, separation, or release of the member from the Armed Forces.

(2) CONTINUED CRYOPRESERVATION AND STORAGE.—At the end of the one-year period specified in paragraph (1), the Secretary shall permit an individual whose gametes were cryopreserved and stored in a facility of the Department as described in that paragraph to select, including pursuant to an advance medical directive or military testamentary instrument completed under subsection (c), one of the following options:

(A) To continue such cryopreservation and storage in such facility with the cost of such cryopreservation and storage borne by the individual.

(B) To transfer the gametes to a private cryopreservation and storage facility selected by the individual.

(C) To transfer the gametes to a facility of the Department of Veterans Affairs if cryopreservation and storage is available to the individual at such facility.

(3) DISPOSAL OF GAMETES.—If an individual described in paragraph (2) does not make a selection under subparagraph (A), (B), or (C) of such paragraph, the Secretary may dispose of the gametes of the individual not earlier than the date that is 90 days after the end of the one-year period specified in paragraph (1) with respect to the individual.

(c) ADVANCE MEDICAL DIRECTIVE AND MILITARY TESTAMENTARY INSTRUMENT.—A member of the Armed Forces who elects to cryopreserve and store their gametes under this section must complete an advance medical directive, as defined in section 1044c(b) of title 10, United States Code, and a military testamentary instrument, as defined in section 1044d(b) of such title, that explicitly specifies the use of their cryopreserved and stored gametes if such member dies or otherwise loses the capacity to consent to the use of their cryopreserved and stored gametes.

(d) AGREEMENTS.—To carry out this section, the Secretary may enter into agreements with private entities that provide cryopreservation, transportation, and storage services for gametes.

SEC. 1086. ASSISTANCE WITH AND CONTINUITY OF CARE REGARDING REPRODUCTIVE AND FERTILITY PRESERVATION SERVICES.

The Secretary of Defense shall ensure that employees of the Department of Defense assist members of the Armed Forces—

(1) in navigating the services provided under this chapter;

(2) in finding a provider that meets the needs of such members with respect to such services; and

(3) in continuing the receipt of such services without interruption during a permanent change of station for such members.

SEC. 1087. COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS ON FURNISHING OF FERTILITY TREATMENT AND COUNSELING.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall share best practices and facilitate referrals, as they consider appropriate, on the furnishing of fertility treatment and counseling to individuals eligible for the receipt of such counseling and treatment from the Secretaries.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into a memorandum of understanding—

(1) providing that the Secretary of Defense will ensure access by the Secretary of Veterans Affairs to gametes of veterans stored by the Department of Defense for purposes of furnishing fertility treatment under section 1720K of title 38, United States Code, as added by section 1089(a); and

(2) authorizing the Department of Veterans Affairs to compensate the Department of Defense for the cryopreservation, transportation, and storage of gametes of veterans under section 1085.

CHAPTER 2—REPRODUCTIVE AND ADOPTION ASSISTANCE FOR VETERANS

SEC. 1088. INCLUSION OF FERTILITY TREATMENT AND COUNSELING UNDER THE DEFINITION OF MEDICAL SERVICES IN TITLE 38.

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(I) Fertility treatment and counseling, including treatment using assisted reproductive technology.''.

SEC. 1089. FERTILITY TREATMENT AND COUNSELING FOR CERTAIN VETERANS AND SPOUSES, PARTNERS, AND GESTATIONAL SURROGATES OF SUCH VETERANS.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1720K. Fertility treatment and counseling for certain veterans and spouses, partners, and gestational surrogates of such veterans

''(a) IN GENERAL.—(1) The Secretary shall furnish fertility treatment and counseling, including through the use of assisted reproductive technology, to a covered veteran or a spouse, partner, or gestational surrogate of a covered veteran if the veteran, and the spouse, partner, or gestational surrogate of the veteran, as applicable, apply jointly for such treatment and counseling through a process prescribed by the Secretary.

''(2) Fertility treatment and counseling shall be furnished under paragraph (1) without regard to the sex, gender identity, sexual orientation, or marital status of the covered veteran.

''(3) In the case of in vitro fertilization treatment furnished under paragraph (1), the Secretary may furnish not more than three completed cycles or six attempted cycles of in vitro fertilization, whichever occurs first, to an individual under such paragraph.

''(b) PROCUREMENT OF GAMETES.—If a covered veteran is unable to provide their gametes for purposes of fertility treatment under subsection (a), the Secretary shall, at the election of such member, allow such veteran to receive such treatment with donated gametes and pay or reimburse such veteran the reasonable costs of procuring gametes from a donor.

''(c) COORDINATION OF CARE FOR OTHER INDIVIDUALS.—In the case of a veteran or a spouse, partner, or gestational surrogate of a veteran not described in subsection (a) who

is seeking fertility treatment and counseling, the Secretary may coordinate fertility treatment and counseling for such veteran, spouse, partner, or gestational surrogate.

''(d) OUTREACH AND TRAINING.—The Secretary shall carry out an outreach and training program to ensure veterans and health care providers of the Department are aware of—

''(1) the availability of and eligibility requirements for fertility treatment and counseling under this section; and

''(2) any changes to fertility treatment and counseling covered under this section.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary—

''(1) to find or certify a gestational surrogate for a covered veteran or to connect a gestational surrogate with a covered veteran; or

''(2) to furnish maternity care to a covered veteran or spouse, partner, or gestational surrogate of a covered veteran in addition to what is otherwise required by law.

''(f) DEFINITIONS.—In this section:

''(1) The term 'assisted reproductive technology' includes in vitro fertilization and other fertility treatments in which both eggs and sperm are handled when clinically appropriate.

''(2) The term 'covered veteran' means a veteran who—

''(A) has an infertility condition, unless the Secretary can show that the veteran was completely infertile before service in the active military, naval, or air service; and

''(B) is enrolled in the system of annual patient enrollment established under section 1705(a) of this title.

''(3) The term 'fertility treatment' includes the following:

''(A) Procedures that use assisted reproductive technology.

''(B) Sperm retrieval.

''(C) Egg retrieval.

''(D) Artificial insemination.

''(E) Embryo transfer.

''(F) Such other treatments as the Secretary considers appropriate.

''(4) The term 'infertility condition' includes—

''(A) a diagnosis of infertility; or

''(B) the inability to conceive or safely carry a pregnancy to term, including as a result of treatment for another condition.

''(5) The term 'partner', with respect to a veteran, means an individual selected by the veteran who agrees to share with the veteran the parental responsibilities with respect to any child born as a result of the use of any fertility treatment under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 17 of such title is amended by inserting after the item relating to section 1720J the following new item:

''1720K. Fertility treatment and counseling for certain veterans and spouses, partners, and gestational surrogates of such veterans.''.

SEC. 1090. ADOPTION ASSISTANCE FOR CERTAIN VETERANS.

(a) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1790. Adoption assistance

''(a) IN GENERAL.—The Secretary may pay an amount, not to exceed the limitation amount, to assist a covered veteran in the adoption of one or more children, without regard to the sex, gender identity, sexual orientation, or marital status of the covered veteran.

''(b) LIMITATION AMOUNT.—For purposes of this section, the limitation amount is the amount equal to the cost the Department would incur by paying the expenses of three adoptions by covered veterans, as determined by the Secretary.

''(c) COVERED VETERAN DEFINED.—In this section, the term 'covered veteran' has the meaning given that term in section 1720K(f) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VIII of chapter 17 of such title is amended by inserting after the item relating to section 1789 the following new item:

''1790. Adoption assistance.''.

SEC. 1091. ASSISTANCE WITH AND CONTINUITY OF CARE REGARDING REPRODUCTIVE AND FERTILITY PRESERVATION SERVICES.

The Secretary of Veterans Affairs shall ensure that employees of the Department of Veterans Affairs assist veterans—

(1) in navigating the services provided under this title and the amendments made by this title;

(2) in finding a provider that meets the needs of such veterans with respect to such services; and

(3) in continuing the receipt of such services without interruption if such veterans move to a different geographic location.

SEC. 1092. FACILITATION OF REPRODUCTION AND INFERTILITY RESEARCH.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7330D. Facilitation of reproduction and infertility research

''(a) FACILITATION OF RESEARCH REQUIRED.—The Secretary shall facilitate research conducted collaboratively by the Secretary of Defense and the Secretary of Health and Human Services to improve the ability of the Department of Veterans Affairs to meet the long-term reproductive health care needs of veterans who have a genitourinary service-connected disability or a condition that was incurred or aggravated in line of duty in the active military, naval, or air service, such as a spinal cord injury, military sexual trauma, or a mental health condition, that affects the ability of the veteran to reproduce.

''(b) DISSEMINATION OF INFORMATION.—The Secretary shall ensure that information produced by the research facilitated under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 73 of such title is amended by inserting after the item relating to section 7330C the following new item:

''7330D. Facilitation of reproduction and infertility research.''.

(c) REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research activities conducted by the Secretary under section 7330D of title 38, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report submitted under paragraph (1) shall include demographic data on veterans included in the research conducted under section 7330D of title 38, United States Code, as added by subsection (a), disaggregated by age, race, ethnicity, sex, gender identity, sexual orientation, marital status, type of disability (if applicable), and geographic location of such veterans.

SEC. 1093. ANNUAL REPORT ON FERTILITY TREATMENT AND COUNSELING FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the fertility treatment and counseling furnished by the Department of Veterans Affairs, including through non-Department providers, during the year preceding the submittal of the report.

(b) ELEMENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) The number of veterans who were diagnosed with clinical infertility, disaggregated by age, race, ethnicity, sex, gender identity, sexual orientation, marital status, type of disability (if applicable), geographic location, era of military service, and, to the extent possible to determine, the cause of infertility of such veterans.

(2) The number of veterans who received fertility treatment or counseling furnished by the Department of Veterans Affairs, including through non-Department providers, disaggregated by age, race, ethnicity, sex, gender identity, sexual orientation, marital status, type of disability (if applicable), geographic location, era of military service, and, to the extent possible to determine, the cause of infertility of such veterans.

(3) The number of veterans who self-reported difficulty becoming pregnant or successfully carrying a pregnancy to term to a health care provider of the Department or a non-Department provider, disaggregated by age, race, ethnicity, sex, gender identity, sexual orientation, marital status, type of disability (if applicable), and geographic location of such veterans.

(4) The number of veterans who were exposed to hazardous chemical or biological agents during service in the Armed Forces who—

(A) received a clinical diagnosis of infertility; or

(B) self-reported difficulty becoming pregnant or successfully carrying a pregnancy to term.

(5) The number of spouses, partners, and gestational surrogates of veterans who received fertility treatment or counseling furnished by the Department, including through non-Department providers.

(6) The cost to the Department of furnishing fertility treatment and counseling, including through non-Department providers, disaggregated by cost of services and administration.

(7) The average cost to the Department per recipient of fertility treatment and counseling.

(8) In cases in which the Department furnished fertility treatment through the use of assisted reproductive technology, including through non-Department providers, the average number of cycles per person furnished, disaggregated by type of treatment.

(9) A description of how fertility treatment and counseling services of the Department, including those services provided through non-Department providers, are coordinated with similar services of the Department of Defense, including the average wait time for veterans to transfer from the health system of the Department of Defense to the Veterans Health Administration.

(c) DEFINITIONS.—In this section, the terms ''assisted reproductive technology'' and ''partner'' have the meanings given those terms in section 1720K(f) of title 38, United States Code, as added by section 1089(a).

SEC. 1094. REPORT ON TIMELINESS AND ADEQUACY OF ACCESS BY VETERANS TO FERTILITY TREATMENT AND COUNSELING SERVICES FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than every 180 days thereafter, the Secretary of Veterans Affairs shall submit to Congress a report containing data on the timeliness and adequacy of access by veterans to fertility treatment and counseling services furnished by the Department of Veterans Affairs, including through non-Department providers.

(b) ELEMENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) The average number of days from when a veteran first seeks fertility treatment to when a referral for such treatment is made and the average number of days from when such referral is made to when an appointment for such treatment occurs, disaggregated by facility of the Department or non-Department provider.

(2) The average number of days from when a veteran first seeks fertility counseling to when a referral for such counseling is made and the average number of days from when such referral is made to when an appointment for such counseling occurs, disaggregated by facility of the Department or non-Department provider.

(3) The number of available providers of the Department and non-Department providers for fertility treatment and counseling in each State or territory, disaggregated by facility.

(4) The average number of days it takes for the Secretary to pay claims for fertility treatment and counseling services from non-Department providers under section 1703D of title 38, United States Code.

SEC. 1095. REGULATIONS ON FURNISHING OF FERTILITY TREATMENT AND COUNSELING AND ADOPTION ASSISTANCE BY DEPARTMENT OF VETERANS AFFAIRS.

Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations—

(1) to carry out section 1720K of title 38, United States Code, as added by section 1089(a); and

(2) to carry out section 1790 of such title, as added by section 1090(a).

SA 5800. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 632. ADVISORY COUNCIL ON FINANCIAL READINESS.

Section 992 of title 10, United States Code, is amended—

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

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

''(e) ADVISORY COUNCIL ON FINANCIAL READINESS.—

''(1) ESTABLISHMENT.—There is established an Advisory Council on Financial Readiness (in this section referred to as the 'Council').

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall consist of 12 members appointed by the Secretary of Defense, as follows:

''(i) Three shall be representatives of military support organizations.

''(ii) Three shall be representatives of veterans service organizations.

''(iii) Three shall be representatives of private, nonprofit organizations with a vested interest in education and communication of financial education and financial services.

''(iv) Three shall be representatives of governmental entities with a vested interest in education and communication of financial education and financial services.

''(B) QUALIFICATIONS.—The Secretary shall appoint members to the Council from among individuals qualified to appraise military compensation, military retirement, and financial literacy training.

''(C) TERMS.—Members of the Council shall serve for terms of three years, except that, of the members first appointed—

''(i) four shall be appointed for terms of one year;

''(ii) four shall be appointed for terms of two years; and

''(iii) four shall be appointed for terms of three years.

''(D) REAPPOINTMENT.—A member of the Council may be reappointed for additional terms.

''(E) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term of office for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

''(3) DUTIES AND FUNCTIONS.—The Council shall—

''(A) advise the Secretary with respect to matters relating to the financial literacy and financial readiness of members of the armed forces; and

''(B) submit to the Secretary recommendations with respect to those matters.

''(4) MEETINGS.—

''(A) IN GENERAL.—The Council shall meet not less frequently than twice each year and at such other times as the Secretary requests.

''(B) QUORUM.—A majority of members shall constitute a quorum and action shall be taken only by a majority vote of the members present and voting.

''(5) SUPPORT SERVICES.—The Secretary—

''(A) shall provide to the Council an executive secretary and such secretarial, clerical, and other support services as the Council considers necessary to carry out the duties of the Council; and

''(B) may request that other Federal agencies provide statistical data, reports, and other information that is reasonably accessible to assist the Council in the performance of the duties of the Council.

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

''(7) ANNUAL REPORT.—Not less frequently than annually, the Secretary shall submit to Congress a report that—

''(A) describes each recommendation received from the Council during the preceding year; and

''(B) includes a statement, with respect to each such recommendation, of whether the Secretary has implemented the recommendation and, if not, a description of why the Secretary has not implemented the recommendation.

''(8) TERMINATION.—Section 14(a) of the Federal Advisory Committee Act (5 U.S.C. App.) (relating to termination) shall not apply to the Council.

''(9) DEFINITIONS.—In this subsection:

''(A) MILITARY SUPPORT ORGANIZATION.—The term 'military support organization' means an organization that provides support to members of the armed forces and their families with respect to education, finances, health care, employment, and overall well-being.

''(B) VETERANS SERVICE ORGANIZATION.—The term 'veterans service organization' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38.''.

SA 5801. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. INCLUSION OF MILITARY FAMILY SPECIAL NEEDS COUNSELING IN THE TRANSITION ASSISTANCE PROGRAM.

Section 1142 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(20)(A) Counseling for the member and the family of the member, including the spouse and dependents of the member, on any loss of family medical and special needs benefits due to the transition of the member.

''(B) The creation of a personalized plan for support and services in the State the family will transfer to, including services such as respite care, special education support, Medicaid waivers, Supplemental Security Income, conservatorship services, and services for incapacitated dependents.

''(C) Options to allow a Judge Advocate General to have power of attorney privileges to complete required documentation for dependent needs prior to the separation of the member.''; and

(2) in subsection (c)(1)(E), by inserting '', including family members with special needs'' after ''Disability''.

SA 5802. Mr. COONS (for himself, Ms. MURKOWSKI, Mr. BENNET, Ms. ROSEN, Mr. CASSIDY, Ms. COLLINS, Mrs. SHAHEEN, Mr. PADILLA, and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. NATIONAL CLIMATE ADAPTATION AND RESILIENCE STRATEGY.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION.—The term ''adaptation'' means an adjustment in a natural or human system in response to a new or changing environmental condition, including such an adjustment associated with climate change, that exploits beneficial opportunities or moderates negative effects.

(2) ADAPTIVE CAPACITY.—The term ''adaptive capacity'' means the ability of a system—

(A) to adjust to climate vulnerabilities to moderate potential damage or harm;

(B) to take advantage of new, and potentially beneficial, opportunities; or

(C) to cope with change.

(3) CASCADING CLIMATE HAZARDS.—The term ''cascading climate hazards'' means a series of successive environmental hazards triggered by an initial hazard that is driven or exacerbated by climate change, such that the impacts to vulnerable systems are amplified.

(4) CHIEF RESILIENCE OFFICER.—The term ''Chief Resilience Officer'' means the Chief Resilience Officer of the United States appointed by the President under subsection (b)(1)(A).

(5) CLIMATE CHANGE.—The term ''climate change'' means changes in average atmospheric and oceanic conditions that persist over multiple decades or longer and are natural or anthropogenic in origin, including—

(A) both increases and decreases in temperature;

(B) shifts in precipitation;

(C) shifts in ecoregion or biome geography and phenology, as applicable;

(D) changing risk from certain types of rapid-onset climate hazards and slow-onset climate hazards; and

(E) changes to other features of the climate system.

(6) CLIMATE INFORMATION.—The term ''climate information'' means information, data, or products that enhance knowledge and understanding of climate science, risk, conditions, vulnerability, or impact, including—

(A) climate data products;

(B) historic or future climate projections or scenarios;

(C) climate risk or vulnerability information;

(D) data or information related to climate adaptation and mitigation; and

(E) other best available climate science.

(7) COMPOUND CLIMATE HAZARDS.—The term ''compound climate hazards'' means 2 or more environmental hazards driven or exacerbated by climate change that occur simultaneously or successively, such that the impacts to vulnerable systems are amplified.

(8) COUNCIL.—The term ''Council'' means the Partners Council on Climate Adaptation and Resilience established by subsection (c)(1).

(9) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(10) FREELY ASSOCIATED STATE.—The term ''Freely Associated State'' means—

(A) the Federated States of Micronesia;

(B) the Republic of the Marshall Islands; and

(C) the Republic of Palau.

(11) FRONTLINE COMMUNITIES.—The term ''frontline communities'' means human communities that—

(A) are highly vulnerable to climate change or exposed to climate risk;

(B) experience the earliest, most adverse impacts of climate change; and

(C) may have a reduced ability to adapt to climate change due to a lack of resources, political power, or adaptive capacity.

(12) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means the Implementation Plan jointly developed by the Chief Resilience Officer and the Working Groups under subsection (e)(2).

(13) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(14) NATIONAL CLIMATE ASSESSMENT.—The term ''National Climate Assessment'' means the assessment delivered to Congress and the President pursuant to section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936).

(15) NATURAL INFRASTRUCTURE.—The term ''natural infrastructure'' means infrastructure that—

(A) uses, restores, or emulates natural ecological, geological, or physical processes; and

(B)(i) is created through the action of natural physical, geological, biological, and chemical processes over time;

(ii) is created by human design, engineering, and construction to emulate or act in concert with natural processes; or

(iii) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of natural areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, to manage erosion and saltwater intrusion, and for other related purposes.

(16) NON-FEDERAL PARTNER.—The term ''non-Federal partner'' means a member of a unit of State, local, or territorial government, the government of an Indian Tribe, the government of a Freely Associated State, a private sector entity, or another individual or organization not affiliated with the Federal Government.

(17) OPERATIONS REPORT.—The term ''Operations Report'' means the National Climate Adaptation and Resilience Operations Report jointly developed by the Chief Resilience Officer and the Working Groups under subsection (d).

(18) RAPID-ONSET CLIMATE HAZARD.—The term ''rapid-onset climate hazard'' means an abrupt environmental hazard driven or exacerbated by climate change that occurs quickly or unexpectedly and triggers impacts that materialize rapidly and interact with conditions of exposure and vulnerability to result in a disaster.

(19) REPRESENTED AGENCY.—The term ''represented agency'' means each Federal agency from which the Chief Resilience Officer appoints a member to a Working Group under subsection (b)(2)(D)(ii)(II).

(20) RESILIENCE.—The term ''resilience'' means the capacity of a social, physical, economic, or environmental system to cope with an environmental hazard event, trend, or disturbance that is driven or exacerbated by climate change by responding or reorganizing in ways that maintain, to the greatest extent practicable, the essential function, identity, and structure of the system and ensure that, in the event of a rapid-onset climate hazard or a slow-onset climate hazard, basic human needs are met, while also maintaining the capacity for adaptation and transformation.

(21) RISK.—

(A) IN GENERAL.—The term ''risk'' means the potential for consequences in a situation in which—

(i) something of value is at stake; and

(ii) the outcome is uncertain.

(B) INCLUSION.—The term ''risk'' includes the potential for consequences described in subparagraph (A) that is evaluated as the product obtained by multiplying—

(i) the probability of a hazard occurring; by

(ii) the consequence that would result if the hazard occurred.

(22) SLOW-ONSET CLIMATE HAZARD.—

(A) IN GENERAL.—The term ''slow-onset climate hazard'' means an environmental hazard driven or exacerbated by climate change that evolves gradually through time due to incremental change or because of an increasing frequency or intensity of recurring climate impacts.

(B) INCLUSIONS.—The term ''slow-onset climate hazard'' includes hazards such as—

(i) sea level rise;

(ii) desertification;

(iii) biodiversity loss or the alteration of or shift in habitat range of individual species or entire biomes;

(iv) increasing temperatures;

(v) ocean acidification;

(vi) saltwater intrusion;

(vii) soil salinization;

(viii) drought and water scarcity;

(ix) reduced snow pack;

(x) sea ice retreat;

(xi) glacial ice retreat;

(xii) permafrost thaw; and

(xiii) coastal and river bank erosion.

(23) STRATEGY.—The term ''Strategy'' means the National Climate Adaptation and Resilience Strategy required to be developed jointly by the Chief Resilience Officer and the Working Groups under subsection (e)(1).

(24) TERRITORIAL GOVERNMENT.—The term ''territorial government'' means the government of a territory (as defined in section 602(g) of the Social Security Act (42 U.S.C. 802(g))).

(25) VULNERABILITY.—The term ''vulnerability'' means the propensity or predisposition of a human individual or community or physical, biological, or socioeconomic system to be susceptible to and adversely affected by the impacts of climate change.

(26) WORKING GROUP.—The term ''Working Group'' means a National Climate Adaptation and Resilience Working Group established by the Chief Resilience Officer under subsection (b)(2).

(b) CHIEF RESILIENCE OFFICER AND NATIONAL CLIMATE ADAPTATION AND RESILIENCE WORKING GROUPS.—

(1) CHIEF RESILIENCE OFFICER.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall identify or appoint a Chief Resilience Officer of the United States to serve in the Executive Office of the President.

(B) DUTIES.—The Chief Resilience Officer shall—

(i) serve the President by directing a whole-of-government effort to build resilience to climate change vulnerabilities in the United States (as described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer) in collaboration with existing Federal initiatives and interagency adaptation efforts;

(ii) establish Working Groups in accordance with paragraph (2) to facilitate interagency coordination with respect to climate resilience and adaptation; and

(iii) at the end of a presidential administration, delegate the duties of the Chief Resilience Officer to the Executive Secretary of the Working Groups designated under paragraph (2)(F)(i)(I) until a new Chief Resilience Officer is appointed.

(C) COMPENSATION.—The Chief Resilience Officer shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(2) WORKING GROUPS.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—Subject to clause (ii), the Chief Resilience Officer shall establish the

minimum number of National Climate Adaptation and Resilience Working Groups that is necessary to carry out the duties and purposes described in subparagraph (C).

(ii) LIMITATION.—The Chief Resilience Officer shall not establish more than 5 Working Groups.

(B) FOCUS.—Each Working Group shall focus on a topic or series of related topics with respect to climate adaptation and resilience, as determined by the Chief Resilience Officer.

(C) DUTIES AND PURPOSE.—Each Working Group shall, under the leadership of the Chief Resilience Officer, with respect to the focus of the Working Group—

(i) coordinate a whole-of-government plan to build resilience to the applicable climate change vulnerabilities described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer;

(ii) assist in the development of the applicable portions of—

(I) the Operations Report;

(II) the Strategy; and

(III) the Implementation Plan; and

(iii) assist in the standardization across represented agencies of, with respect to climate change, the term ''resilience'' to promote greater consistency in Federal resilience leadership.

(D) STRUCTURE.—

(i) CHAIRPERSON.—

(I) IN GENERAL.—Subject to a designation under subclause (III), the Chief Resilience Officer shall serve as chairperson of each Working Group.

(II) TEMPORARY CHAIRPERSON.—The President or the Chief Resilience Officer may designate another staff member or member of a Working Group to act temporarily as the chairperson of that Working Group in the absence of the Chief Resilience Officer.

(III) DESIGNATED AGENCY CHAIRPERSON.—The Chief Resilience Officer may designate as chairperson of a Working Group the head of a represented agency that serves on that Working Group.

(ii) MEMBERSHIP.—In establishing a Working Group, the Chief Resilience Officer shall—

(I) identify each Federal agency with operations or organizational units that are relevant to the focus of the Working Group; and

(II) appoint 1 member of each Federal agency identified under subclause (I) to represent that Federal agency on the Working Group.

(iii) REQUIREMENT.—In appointing a member of a Working Group under clause (ii)(II), the Chief Resilience Officer shall, to the maximum extent practicable, appoint the head of the portion of the represented agency that is most relevant to the focus of the Working Group.

(iv) DUTIES OF MEMBERS.—Each member of a Working Group—

(I) shall attend meetings of the Working Group; and

(II) work to support the duties of the Working Group.

(E) MEETINGS.—

(i) IN GENERAL.—Each Working Group shall meet not less frequently than once every 180 days.

(ii) QUORUM.—¾ of the members of a Working Group shall constitute a quorum of the Working Group.

(iii) REMOTE PARTICIPATION.—A member of a Working Group may participate in a meeting of that Working Group through teleconference or similar means.

(F) SUPPORT PERSONNEL.—

(i) EXECUTIVE SECRETARY.—

(I) IN GENERAL.—The Chief Resilience Officer shall designate a permanent employee of a represented agency to serve as Executive Secretary of the Working Groups.

(II) EMPLOYMENT.—The employee designated as Executive Secretary under subclause (I) shall remain an employee of the agency, department, or program from which the employee was appointed.

(ii) NECESSARY ASSISTANCE.—To carry out the purposes of each Working Group, as described in subparagraph (C), each represented agency with a member on the Working Group shall furnish necessary assistance to that Working Group, such as—

(I) a detail of employees to the Working Group to perform such functions, consistent with the purposes of the Working Group described in subparagraph (C), as the Chief Resilience Officer may assign, including support staff for the Executive Secretary appointed under clause (i)(I); and

(II) on request of the Chief Resilience Officer, undertaking special studies for the Working Group as may be appropriate to carry out the functions of the Working Group.

(c) PARTNERS COUNCIL ON CLIMATE ADAPTATION AND RESILIENCE.—

(1) ESTABLISHMENT.—There is established a council, to be known as the ''Partners Council on Climate Adaptation and Resilience''.

(2) MISSION AND FUNCTION.—The Council shall work to improve the climate adaptation and resilience operations of the Federal Government by providing recommendations through the Chief Resilience Officer, including those recommendations contained in the report required under paragraph (3), that identify how the Federal Government can better support non-Federal partners with equitable resources, technical assistance, improved policies, and other assistance to help frontline communities build resilience to climate change.

(3) REPORT.—Not later than 16 months after the date of enactment of this Act, and every 3 years thereafter, the Council, acting through the Chief Resilience Officer, shall submit to the President and the Working Groups a report that includes—

(A) an analysis of the deficiencies or gaps in the climate resilience operations of the Federal Government that reduce or fail to increase the capacity of non-Federal partners to adapt to climate change;

(B) an identification of the resources, including Federal funding, necessary for non-Federal partners to adequately adapt to climate change; and

(C) recommendations with respect to how the Federal Government could better support efforts by non-Federal partners to expeditiously address vulnerabilities associated with climate change and build climate resilience.

(4) CHAIR AND VICE-CHAIR.—The Chief Resilience Officer shall serve as chairperson of the Council and shall appoint a vice-chairperson from among the members of the Council appointed pursuant to paragraph (5).

(5) MEMBERSHIP.—

(A) IN GENERAL.—In addition to the Chief Resilience Officer, the Council shall consist of not more than 23 members appointed by the Chief Resilience Officer.

(B) APPOINTMENT.—

(i) IN GENERAL.—The Chief Resilience Officer shall appoint members of the Council who can support the Working Groups by articulating how the Federal Government can better support State governments, local governments, territorial governments, the governments of Indian Tribes, the governments of Freely Associated States, nonprofit organizations, or private sector entities to build resilience to climate change.

(ii) NON-FEDERAL PARTNER MEMBERS.—The Chief Resilience Officer shall appoint 20 non-Federal partner members of the Council as follows:

(I) 12 members who are employees of State governments, local governments, territorial governments, the governments of Indian Tribes, or the governments of Freely Associated States, of which—

(aa) not fewer than 2 shall be employees of a State government;

(bb) not fewer than 2 shall be employees of a unit of local government;

(cc) not fewer than 2 shall be employees of the government of an Indian Tribe; and

(dd) not fewer than 2 shall be employees of a territorial government or the government of a Freely Associated State; and

(II) 8 members who represent nongovernmental organizations and the private sector, of which—

(aa) 3 shall represent nongovernmental organizations;

(bb) 3 shall represent the private sector; and

(cc) 2 shall represent academic institutions.

(iii) REPRESENTED AGENCY MEMBERS.—The Chief Resilience Officer may, with the consent of those representatives, appoint not more than 3 representatives of represented agencies to the Council that the Chief Resilience Officer determines would promote dialogue useful for implementation of the duties of the Council while keeping the size of the Council manageable.

(iv) SELECTION.—To the maximum extent practicable, the Chief Resilience Officer shall seek to select members of the Council who—

(I) possess first-hand, lived experience of climate vulnerability in the United States, including direct experience working with, or as members of, frontline communities; and

(II) represent a diversity of—

(aa) perspectives;

(bb) demographics;

(cc) geographies;

(dd) political affiliations; and

(ee) institution sizes, including representatives of both small and large units of government and businesses.

(v) TERM.—Members appointed to the Council shall serve a single term of not more than 3 years, except that—

(I) of the initial members appointed to the Council, the Chief Resilience Officer shall appoint—

(aa) ½ of the members to serve for a term of 18 months; and

(bb) ½ of the members to serve a term of 3 years; and

(II) the Chief Resilience Officer may extend the term of any member of the Council by a period of not more than 1 year on a one-time basis, if the Chief Resilience Officer determines it necessary to support the work of the Council.

(vi) VACANCIES.—

(I) IN GENERAL.—A vacancy in the Council shall be filled in the same manner in which the original selection was made.

(II) APPOINTMENT OF NEW MEMBERS.—After the expiration of the term for which a member of the Council is appointed, the member may continue to serve until a successor is appointed.

(6) MEETINGS.—

(A) IN GENERAL.—The Council shall meet not less frequently than once every 180 days.

(B) QUORUM.—¾ of the members of the Council shall constitute a quorum of the Council.

(C) REMOTE PARTICIPATION.—A member of the Council may participate in a meeting of the Council through teleconference or similar means.

(7) APPLICABILITY OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(d) NATIONAL CLIMATE ADAPTATION AND RESILIENCE OPERATIONS REPORT.—Not later than 16 months after the date of enactment of this Act, and every 3 years thereafter, the Chief Resilience Officer and the Working Groups shall jointly and simultaneously submit to the President and Congress a National Climate Adaptation and Resilience Operations Report that includes—

(1) a summary of the existing climate resilience operations of each represented agency that includes—

(A) the roles and responsibilities of each represented agency in building national resilience to the climate vulnerabilities described in the National Climate Assessment or other analyses relevant to each represented agency;

(B) the major findings and conclusions from climate adaptation plans or risk or vulnerability assessments prepared by each represented agency;

(C) the mechanisms by which each represented agency supports the resilience efforts of non-Federal partners, such as by providing funding, resources, and technical assistance; and

(D) an assessment of how each represented agency is working to ensure equitable adaptation outcomes; and

(2) a cross-agency analysis of the resilience operations identified under paragraph (1) that—

(A) identifies—

(i) the challenges, barriers, or disincentives for the Federal Government to build resilience to climate change in the United States;

(ii) the inconsistencies in goals, priorities, or strategies underlying climate resilience operations and policy across represented agencies that may inhibit effective interagency coordination to support national climate resilience, including—

(I) the areas of necessary differences in those goals, priorities, or strategies; and

(II) the justifications for those inconsistencies;

(iii) areas of overlap or redundant use of resources between or among represented agencies, including recommendations to eliminate any unnecessary or unintentional redundancy;

(iv) gaps or deficiencies in resilience operations and policy that need to be addressed in the context of the Strategy;

(v) opportunities for greater collaboration between or among represented agencies to improve Federal Government resilience operations and policy; and

(vi) opportunities for greater collaboration between the Federal Government and non-Federal partners to build local-level adaptive capacity and resilience; and

(B) includes a review and summary of all available Federal funding from represented agencies that is specifically allocated for climate adaptation activities to be undertaken by non-Federal partners, including—

(i) a summary of Federal funding available in appropriations accounts and subaccounts;

(ii) disparities between the supply and demand for adaptation funding available to non-Federal partners; and

(iii) existing mechanisms to ensure Federal funding allocations are being directed to frontline communities with the greatest level of vulnerability.

(e) NATIONAL CLIMATE ADAPTATION AND RESILIENCE STRATEGY.—

(1) STRATEGY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Chief Resilience Officer and the Working Groups shall jointly submit and simultaneously to the President and Congress a National Climate Adaptation and Resilience Strategy.

(B) UPDATES.—Not later than the date that is 3 years after the date on which the Chief Resilience Officer and the Working Groups jointly and simultaneously submit the Strategy to the President and Congress under subparagraph (A), and every 3 years thereafter, the Chief Resilience Officer and the Working Groups shall jointly submit an updated version of the Strategy to the President and Congress to account for—

(i) new science related to climate change, resilience, and adaptation;

(ii) relevant changes in Federal Government structure, congressional authorities, or appropriations; and

(iii) any other necessary improvements or changes identified by the Chief Resilience Officer.

(C) PURPOSE AND SCOPE.—The Strategy shall describe strategies for the Federal Government, in partnership with non-Federal partners, to address the vulnerabilities of the United States to climate change described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer to ensure that—

(i) the United States has an overarching strategic vision to respond to climate change that—

(I) identifies national climate resilience goals and guides national climate adaptation efforts;

(II) facilitates the incorporation of the climate resilience goals identified under subclause (I) into relevant national programs, operations, and strategies;

(III) develops proactive, long-term, scenario-based strategies to plan for and respond to current and future climate impacts to human communities, natural resources and public land, and infrastructure and other physical assets;

(IV) emphasizes forward-thinking adaptation strategies, including predisaster mitigation, that seek to overcome repeated climate impacts to vulnerable systems and communities;

(V) prioritizes climate resilience efforts to support the most vulnerable human communities and the most urgent national resilience challenges, as determined by the Chief Resilience Officer in consultation with the Working Groups;

(VI) avoids unnecessary redundancies and inefficiencies in the national planning for and response to climate change; and

(VII) recognizes the vulnerability of natural systems to climate change and underscores the importance of promoting ecosystem resilience to preserve the intrinsic value of nature and support ecosystem services relied on by human beings;

(ii) Federal investments in Federal and non-Federal infrastructure and assets promote climate resilience to the maximum extent practicable; and

(iii) the adaptive capacity and resilience of State governments, local governments, territorial governments, the governments of Indian Tribes, and governments of Freely Associated States are maximized to the maximum extent practicable.

(D) COUNCIL RECOMMENDATIONS.—In developing the Strategy, the Chief Resilience Officer and Working Groups shall consider the recommendations of the Council.

(E) INCLUSIONS.—In addition to the overarching strategies developed in accordance with subparagraph (C), the Strategy shall include information with respect to the following:

(i) DIRECT FEDERAL GOVERNMENT RESPONSE TO CLIMATE CHANGE.—

(I) Addressing the limitations, redundancies, and opportunities for improved resilience operations of the Federal Government that are identified in the Operations Report.

(II) Better preparing the United States for the adverse impacts experienced or anticipated to be experienced as a result of—

(aa) rapid-onset climate hazards;

(bb) slow-onset climate hazards;

(cc) compound climate hazards; and

(dd) cascading climate hazards.

(III) Educating, engaging, or developing the skills of the workforce of the represented agencies with respect to topics related to climate change vulnerability and resilience to promote effective Federal resilience operations.

(IV) An identification of opportunities and appropriate circumstances for represented agencies to better utilize natural infrastructure as an adaptation strategy.

(ii) SUPPORT OF NON-FEDERAL PARTNERS' RESPONSE TO CLIMATE CHANGE.—

(I) Methods for represented agencies to better collaborate and work directly with non-Federal partners to increase the resilience and adaptive capacity of State governments, local governments, territorial governments, the governments of Indian Tribes, the governments of Freely Associated States, and other non-Federal partners.

(II) Educating non-Federal partners about the availability of Federal funding opportunities identified in the Operations Report under subsection (d)(2)(B), including the development of a centralized, cross-agency portal that allows non-Federal partners to easily identify and apply for appropriate Federal funding opportunities for the specific resilience needs of those non-Federal partners.

(III) Clarifying, simplifying, and harmonizing the planning requirements and application processes for State governments, local governments, territorial governments, the governments of Indian Tribes, and the governments of Freely Associated States to access Federal funds for climate adaptation and resilience efforts across represented agencies.

(IV) Identifying under-resourced communities and communities with low adaptive capacity and resilience and to directly support those communities in applying for Federal funds for climate adaptation and resilience efforts.

(V) Supporting the retreat or relocation of human communities in areas that are at increasing risk from climate change, in particular from slow-onset climate hazards, including strategies to better manage equitable property buyouts, managed retreat, or relocation options for communities in those areas.

(iii) CLIMATE INFORMATION.—

(I) Increasing the accessibility and utility of climate information that is produced, published, or hosted by the Federal Government, including strategies to better collaborate across the represented agencies and work with non-Federal partners—

(aa) to provide the high-quality, locally relevant climate information and, where practicable and useful, transparent and replicable downscaled climate projections that are necessary to support local-level adaptation efforts;

(bb) to establish improved methods of communicating climate risk and other relevant climate information;

(cc) to better educate non-Federal partners about the available resources for climate information; and

(dd) to assist non-Federal partners in selecting and using appropriate climate information or related tools.

(II) Standardized procedures to synthesize, align, and update climate information produced, published, or hosted by the Federal Government to create arrays of standardized national, regional, and, where applicable, local climate information for adaptation planning.

(III) An assessment of the necessity and utility of developing or improving a centralized clearinghouse and dedicated Federal program for climate information to better provide climate information to end users.

(IV) Developing the centralized clearinghouse or dedicated Federal program described in subclause (III), if such an effort is determined to be necessary by the Chief Resilience Officer.

(iv) RESILIENCE METRICS AND INDICATORS.—At the discretion of the Chief Resilience Officer, developing or improving resilience metrics and indicators to assist the Federal Government and non-Federal partners—

(I) to the maximum extent practicable, to consistently measure the resilience of human communities, natural systems, and physical assets to climate change;

(II) to set baselines and targets to measurably increase climate resilience over time; and

(III) to better monitor and assess the effectiveness of various resilience-building activities after implementation.

(v) FUNDING CLIMATE ADAPTATION.—

(I) Helping to prioritize Federal funding expenditures for adaptation and resilience in consideration of the greatest vulnerabilities.

(II) Creating financial incentives for adaptation and resilience efforts.

(III) A review of the cost-benefit analysis methodologies and discount rates used by represented agencies for all Federal investments, including a review of the implications of those methodologies and discount rates for climate adaptation and resilience.

(IV) Recommendations to improve the methodologies described in subclause (III) to reflect—

(aa) the added value of resilience planning and construction methodologies over the lifetime of a project or unit of infrastructure;

(bb) the benefits of natural infrastructure investments;

(cc) the potential value of retreat and relocation as adaptation solutions; and

(dd) to what extent existing cost-benefit analysis methodologies lead to inequitable outcomes or outcomes that increase climate vulnerability.

(vi) SOCIAL EQUITY.—

(I) Ensuring that the costs, benefits, and risks resulting from climate resilience efforts, including funding allocations, the methodologies for determining funding allocations, and existing and future policies, are equitably distributed among sectors of society, types of communities, and geographies.

(II) Ensuring that federally supported climate resilience efforts are—

(aa) designed in consultation with the communities that will be affected by those efforts; and

(bb) centered on the needs of those communities.

(III) To the greatest extent practicable, integrating social equity considerations across all aspects of the Strategy.

(2) IMPLEMENTATION PLAN.—Concurrently with the Strategy and each update of the Strategy, the Chief Resilience Officer and the Working Groups shall jointly and simultaneously submit to the President and Congress an Implementation Plan that describes how represented agencies intend to carry out the Strategy, which shall include—

(A) a description of the roles and responsibilities of each represented agency in carrying out each element of the Strategy described in paragraph (1);

(B) a plan to enter into such interagency agreements between and among represented agencies, partnerships with non-Federal entities, and other agreements for coordination between and among the Federal Government and non-Federal partners as may be necessary to facilitate a unified national plan to build resilience to climate change; and

(C) the use of any relevant metrics and indicators described in paragraph (1)(E)(iv).

(3) ASSESSMENT.—Not later than 2 years following the completion of each Strategy under paragraph (1)(A) and each Implementation Plan, the Comptroller General of the United States shall simultaneously submit to the President and Congress a report that assesses—

(A) the extent to which the Strategy and Implementation Plan have been carried out by the Federal Government, which shall be judged, as appropriate, based on any metrics and indicators developed to track progress in increasing resilience under paragraph (1)(E)(iv);

(B) the effectiveness of the actions taken under the Strategy and Implementation Plan and the resulting outcomes of those actions in building national resilience to climate change; and

(C) the progress made towards the development of an effective whole-of-government effort to build resilience to the climate vulnerabilities described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer, including recommendations for additional steps necessary to reach this goal.

(4) PUBLIC COMMENT.—The Chief Resilience Officer shall—

(A) publish draft and final versions of the Strategy and Implementation Plan, and each update to the Strategy and Implementation Plan; and

(B) through publication in the Federal Register, solicit comments from the public on the draft versions of the documents published under subparagraph (A) for a period of 60 days, which the Chief Resilience Officer and the Working Groups shall consider before submitting final versions of the Strategy and Implementation Plan, and updates to the Strategy and Implementation Plan, to the President and Congress.

(f) SUNSET.—This section ceases to be effective on the date that is the earlier of—

(1) the date on which the Comptroller General of the United States submits to the President and Congress the third assessment report under subsection (e)(3); and

(2) the date that is the last day of fiscal year 2033.

SA 5803. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. WEATHERIZATION ASSISTANCE PROGRAM.

(a) WEATHERIZATION READINESS FUND.—Section 414 of the Energy Conservation and Production Act (42 U.S.C. 6864) is amended by adding at the end the following:

''(d) WEATHERIZATION READINESS FUND.—

''(1) IN GENERAL.—The Secretary shall establish a fund, to be known as the 'Weatherization Readiness Fund', from which the Secretary shall distribute funds to States receiving financial assistance under this part, in accordance with subsection (a).

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—A State receiving funds under paragraph (1) shall use the funds for repairs to dwelling units described in subparagraph (B) that will remediate the applicable structural defects or hazards of the dwelling unit so that weatherization measures may be installed.

''(B) DWELLING UNIT.—A dwelling unit referred to in subparagraph (A) is a dwelling unit occupied by a low-income person that, on inspection pursuant to the program under this part, was found to have significant defects or hazards that prevented the installation of weatherization measures under the program.

''(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 422, there is authorized to be appropriated to the Secretary to carry out this subsection $65,000,000 for each of fiscal years 2023 through 2027.''.

(b) STATE AVERAGE COST PER UNIT.—

(1) IN GENERAL.—Section 415(c) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence, by striking ''$6,500'' and inserting ''$12,000''; and

(II) by striking ''(c)(1) Except as provided in paragraphs (3) and (4)'' and inserting the following:

''(c) FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—Except as provided in paragraphs (3), (4), and (6)'';

(ii) by conforming the margins of subparagraphs (A) through (D) to the margin of subparagraph (E);

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

(iv) in subparagraph (E), by adding a period at the end;

(B) in paragraph (2), in the first sentence, by striking ''weatherized (including dwelling units partially weatherized)'' and inserting ''fully weatherized'';

(C) in paragraph (4), by striking ''$3,000'' and inserting ''$6,000'';

(D) in paragraph (5)—

(i) in subparagraph (A)(i), by striking ''(6)(A)(ii)'' and inserting ''(7)(A)(ii)''; and

(ii) by striking ''(6)(A)(i)(I)'' each place it appears and inserting ''(7)(A)(i)(I)'';

(E) by redesignating paragraph (6) as paragraph (7); and

(F) by inserting after paragraph (5) the following:

''(6) LIMIT INCREASE.—The Secretary may increase the amount of financial assistance provided per dwelling unit under this part beyond the limit specified in paragraph (1) if the Secretary determines that market conditions require such an increase to achieve the purposes of this part.''.

(2) CONFORMING AMENDMENT.—Section 414D(b)(1)(C) of the Energy Conservation and Production Act (42 U.S.C. 6864d(b)(1)(C)) is amended by striking ''415(c)(6)(A)'' and inserting ''415(c)(7)''.

SA 5804. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DHS TRADE AND ECONOMIC SECURITY COUNCIL.

(a) ESTABLISHMENT OF THE DHS TRADE AND ECONOMIC SECURITY COUNCIL.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term ''Council'' means the DHS Trade and Economic Security Council established under paragraph (2).

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

(C) ECONOMIC SECURITY.—The term ''economic security'' has the meaning given that term in section 890B(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 474(c)(2)).

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

(2) DHS TRADE AND ECONOMIC SECURITY COUNCIL.—In accordance with the mission of the Department under section 101(b) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)), and in particular paragraph (1)(F) of that section, the Secretary shall establish a standing council of component heads or their designees within the Department, which shall be known as the ''DHS Trade and Economic Security Council''.

(3) DUTIES OF THE COUNCIL.—Pursuant to the scope of the mission of the Department as described in paragraph (2), the Council shall provide to the Secretary advice and recommendations on matters of trade and economic security, including—

(A) identifying concentrated risks for trade and economic security;

(B) setting priorities for securing the trade and economic security of the United States;

(C) coordinating Department-wide activity on trade and economic security matters;

(D) with respect to the development of the continuity of the economy plan of the President under section 9603 of the William M. (Mac) Thornberry National Defense Authorization Act of Fiscal Year 2021 (6 U.S.C. 322);

(E) proposing statutory and regulatory changes impacting trade and economic security; and

(F) any other matters the Secretary considers appropriate.

(4) CHAIR AND VICE CHAIR.—The Under Secretary for Strategy, Policy, and Plans of the Department—

(A) shall serve as Chair of the Council; and

(B) may designate a Council member as a Vice Chair.

(5) MEETINGS.—The Council shall meet not less frequently than quarterly, as well as—

(A) at the call of the Chair; or

(B) at the direction of the Secretary.

(6) BRIEFINGS.—Not later than 180 days after the date of enactment of this Act and every 180 days thereafter for 4 years, the Council shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the actions and activities of the Council.

(b) ASSISTANT SECRETARY FOR TRADE AND ECONOMIC SECURITY.—Section 709 of the Homeland Security Act of 2002 (6 U.S.C. 349) is amended—

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

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

''(g) ASSISTANT SECRETARY FOR TRADE AND ECONOMIC SECURITY.—

''(1) IN GENERAL.—There is established within the Office of Strategy, Policy, and Plans an Assistant Secretary for Trade and Economic Security.

''(2) DUTIES.—At the direction of the Under Secretary for Strategy, Policy, and Plans, the Assistant Secretary for Trade and Economic Security shall be responsible for policy formulation regarding matters relating to economic security and trade, as such matters relate to the mission and the operations of the Department.

''(3) ADDITIONAL RESPONSIBILITIES.—In addition to the duties specified in paragraph (2), the Assistant Secretary for Trade and Economic Security, at the direction of the Under Secretary for Strategy, Policy, and Plans, may—

''(A) oversee—

''(i) coordination of supply chain policy; and

''(ii) assessments and reports to Congress related to critical economic security domains;

''(B) serve as the representative of the Under Secretary for Strategy, Policy, and Plans for the purposes of representing the Department on—

''(i) the Committee on Foreign Investment in the United States; and

''(ii) the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector;

''(C) coordinate with stakeholders in other Federal departments and agencies and nongovernmental entities with trade and economic security interests, authorities, and responsibilities; and

''(D) perform such additional duties as the Secretary or the Under Secretary of Strategy, Policy, and Plans may prescribe.

''(4) DEFINITIONS.—In this subsection:

''(A) CRITICAL ECONOMIC SECURITY DOMAIN.—The term 'critical economic security domain' means any infrastructure, industry, technology, or intellectual property (or combination thereof) that is essential for the economic security of the United States.

''(B) ECONOMIC SECURITY.—The term 'economic security' has the meaning given that term in section 890B(c)(2).''.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to affect or diminish the authority otherwise granted to any other officer of the Department of Homeland Security.

SA 5805. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950.—

(1) DEFINITION OF COVERED TRANSACTION.—Subsection (a)(4) of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''; and'' and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) any transaction described in subparagraph (B)(vi) proposed or pending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023.'';

(B) in subparagraph (B), by adding at the end the following:

''(vi) Any gift to an institution of higher education from a foreign person, or the entry into a contract by such an institution with a foreign person, if—

''(I)(aa) the value of the gift or contract equals or exceeds $1,000,000; or

''(bb) the institution receives, directly or indirectly, more than one gift from or enters into more than one contract, directly or indirectly, with the same foreign person for the same purpose the aggregate value of which, during the period of 2 consecutive calendar years, equals or exceeds $1,000,000; and

''(II) the gift or contract—

''(aa) relates to research, development, or production of critical technologies and provides the foreign person potential access to any material nonpublic technical information (as defined in subparagraph (D)(ii)) in the possession of the institution; or

''(bb) is a restricted or conditional gift or contract (as defined in section 117(h) of the Higher Education Act of 1965 (20 U.S.C. 1011f(h))) that establishes control.''; and

(C) by adding at the end the following:

''(G) FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.—For purposes of subparagraph (B)(vi):

''(i) CONTRACT.—The term 'contract' means any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign person, for the direct benefit or use of either of the parties.

''(ii) GIFT.—The term 'gift' means any gift of money or property.

''(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means any institution, public or private, or, if a multicampus institution, any single campus of such institution, in any State—

''(I) that is legally authorized within such State to provide a program of education beyond secondary school;

''(II) that provides a program for which the institution awards a bachelor's degree (or provides not less than a 2-year program which is acceptable for full credit toward such a degree) or a more advanced degree;

''(III) that is accredited by a nationally recognized accrediting agency or association; and

''(IV) to which the Federal Government extends Federal financial assistance (directly or indirectly through another entity or person), or that receives support from the extension of Federal financial assistance to any of the institution's subunits.''.

(2) MANDATORY DECLARATIONS.—Subsection (b)(1)(C)(v)(IV)(aa) of such section is amended by adding at the end the following: ''Such regulations shall require a declaration under this subclause with respect to a covered transaction described in subsection (a)(4)(B)(vi)(II)(aa).''.

(3) FACTORS TO BE CONSIDERED.—Subsection (f) of such section is amended—

(A) in paragraph (10), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following:

''(11) as appropriate, and particularly with respect to covered transactions described in subsection (a)(4)(B)(vi), the importance of academic freedom at institutions of higher education in the United States; and''.

(4) MEMBERSHIP OF CFIUS.—Subsection (k) of such section is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(ii) by inserting after subparagraph (G) the following:

''(H) In the case of a covered transaction involving an institution of higher education (as defined in subsection (a)(4)(G)), the Secretary of Education.''; and

(B) by adding at the end the following:

''(8) INCLUSION OF OTHER AGENCIES ON COMMITTEE.—In considering including on the Committee under paragraph (2)(K) the heads of other executive departments, agencies, or offices, the President shall give due consideration to the heads of relevant research and science agencies, departments, and offices, including the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Director of the National Science Foundation.''.

(5) CONTENTS OF ANNUAL REPORT RELATING TO CRITICAL TECHNOLOGIES.—Subsection (m)(3) of such section is amended—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

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

(C) by adding at the end the following:

''(D) an evaluation of whether there are foreign malign influence or espionage activities directed or directly assisted by foreign governments against institutions of higher education (as defined in subsection (a)(4)(G)) aimed at obtaining research and development methods or secrets related to critical technologies; and

''(E) an evaluation of, and recommendation for any changes to, reviews conducted under this section that relate to institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f(a)).''.

(b) INCLUSION OF CFIUS IN REPORTING ON FOREIGN GIFTS UNDER HIGHER EDUCATION ACT OF 1965.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by inserting after ''the Secretary'' the following: ''and the Secretary of the Treasury (in the capacity of the Secretary as the chairperson of the Committee on Foreign Investment in the United States under section 721(k)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3)))''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''with the Secretary'' and inserting ''with the Secretary and the Secretary of the Treasury''; and

(ii) by striking ''to the Secretary'' and inserting ''to each such Secretary''; and

(B) in paragraph (2), by striking ''with the Secretary'' and inserting ''with the Secretary and the Secretary of the Treasury''.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act, subject to the requirements of subsections (d) and (e); and

(2) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date that is 30 days after the publication in the Federal Register of the notice required under subsection (e)(2).

(d) REGULATIONS.—

(1) IN GENERAL.—The Committee on Foreign Investment in the United States (in this section referred to as the ''Committee''), which shall include the Secretary of Education for purposes of this subsection, shall prescribe regulations as necessary and appropriate to implement the amendments made by subsection (a).

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall include—

(A) regulations accounting for the burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a), including structuring penalties and filing fees to reduce such burdens, shortening timelines for reviews and investigations, allowing for simplified and streamlined declaration and notice requirements, and implementing any procedures necessary to protect academic freedom; and

(B) guidance with respect to—

(i) which gifts and contracts described in described in clause (vi)(II)(aa) of subsection (a)(4)(B) of section 721 of the Defense Production Act of 1950, as added by subsection (a)(1), would be subject to filing mandatory declarations under subsection (b)(1)(C)(v)(IV) of that section; and

(ii) the meaning of ''control'', as defined in subsection (a) of that section, as that term applies to covered transactions described in clause (vi) of paragraph (4)(B) of that section, as added by subsection (a)(1).

(3) ISSUANCE OF FINAL RULE.—The Committee shall issue a final rule to carry out the amendments made by subsection (a) after assessing the findings of the pilot program required by subsection (e).

(e) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning on the date that is 30 days after the publication in the Federal Register of the matter required by paragraph (2) and ending on the date that is 570 days thereafter, the Committee shall conduct a pilot program to assess methods for implementing the review of covered transactions described in clause (vi) of section 721(a)(4)(B) of the Defense Production Act of 1950, as added by subsection (a)(1).

(2) PROPOSED DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, the Committee shall, in consultation with the Secretary of Education, publish in the Federal Register—

(A) a proposed determination of the scope of and procedures for the pilot program required by paragraph (1);

(B) an assessment of the burden on institutions of higher education likely to result from compliance with the pilot program;

(C) recommendations for addressing any such burdens, including shortening timelines for reviews and investigations, structuring penalties and filing fees, and simplifying and streamlining declaration and notice requirements to reduce such burdens; and

(D) any procedures necessary to ensure that the pilot program does not infringe upon academic freedom.

(3) REPORT ON FINDINGS.—Upon conclusion of the pilot program required by paragraph (1), the Committee shall submit to Congress a report on the findings of that pilot program that includes—

(A) a summary of the reviews conducted by the Committee under the pilot program and the outcome of such reviews;

(B) an assessment of any additional resources required by the Committee to carry out this section or the amendments made by subsection (a);

(C) findings regarding the additional burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a) and any additional recommended steps to reduce those burdens; and

(D) any recommendations for Congress to consider regarding the scope or procedures described in this section or the amendments made by subsection (a).

SA 5806. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GOVERNMENT ACCOUNTABILITY OFFICE UNIMPLEMENTED PRIORITY RECOMMENDATIONS.

The Comptroller General of the United States shall, as part of the Comptroller General's annual reporting to committees of Congress—

(1) consolidate Matters for Congressional Consideration from the Government Accountability Office in one report organized by policy topic that includes the amount of time such Matters have been unimplemented and submit such report to congressional leadership and the oversight committees of each House;

(2) with respect to the annual letters sent by the Comptroller General to individual agency heads and relevant congressional committees on the status of unimplemented priority recommendations, identify any additional congressional oversight actions that can help agencies implement such priority recommendations and address any underlying issues relating to such implementation;

(3) make publicly available the information described in paragraphs (1) and (2); and

(4) publish any known costs of unimplemented priority recommendations, if applicable.

SA 5807. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TECHNOLOGICAL HAZARDS PREPAREDNESS TRAINING.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Emergency Management Agency.

(2) INDIAN TRIBAL GOVERNMENT.—The term ''Indian Tribal government'' has the meaning given the term ''Indian tribal government'' in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) LOCAL GOVERNMENT; STATE.—The terms ''local government'' and ''State'' have the meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(4) TECHNOLOGICAL HAZARD AND RELATED EMERGING THREAT.—The term ''technological hazard and related emerging threat''—

(A) means a hazard that involves materials created by humans that pose a unique hazard to the general public and environment and which may result from—

(i) an accident;

(ii) an emergency caused by another hazard; or

(iii) intentional use of the hazardous materials; and

(B) includes a chemical, radiological, biological, and nuclear hazard.

(b) ASSISTANCE AND TRAINING FOR COMMUNITIES WITH TECHNOLOGICAL HAZARDS AND RELATED EMERGING THREATS.—

(1) IN GENERAL.—The Administrator shall maintain the capacity to provide States and local governments with technological hazards and related emerging threats technical assistance, training, and other preparedness programming to build community resilience to technological hazards and related emerging threats.

(2) AUTHORITIES.—The Administrator shall carry out paragraph (1) in accordance with—

(A) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(B) section 1236 of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5196g); and

(C) the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394).

(3) ASSESSMENT AND NOTIFICATION.—In carrying out paragraph (1), the Administrator shall—

(A) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the communities that have the highest risk of and vulnerability to a technological hazard in each State; and

(B) ensure each State and Indian Tribal government is aware of—

(i) the communities identified under subparagraph (A); and

(ii) the availability of programming under this section for—

(I) technological hazards and related emerging threats preparedness; and

(II) building community capability.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report relating to—

(A) actions taken to implement this section; and

(B) technological hazards and related emerging threats preparedness programming provided under this section during the 1-year period preceding the date of submission of the report.

(5) CONSULTATION.—The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs by consulting State, Tribal, territorial, and local emergency services organizations and private sector stakeholders.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2023 through 2024.

(d) SAVINGS PROVISION.—Nothing in this section shall diminish or divert resources from—

(1) the full completion of federally-led chemical surety material storage missions or chemical demilitarization missions that are underway as of the date of enactment of this Act; or

(2) any transitional activities or other community assistance incidental to the completion of the missions described in paragraph (1).

SA 5808. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—GLOBAL CASTROPHIC RISK MANAGEMENT ACT OF 2022

SEC. 5001. SHORT TITLE.

This Act may be cited as the ''Global Catastrophic Risk Management Act of 2022''.

SEC. 5002. DEFINITIONS.

In this division:

(1) BASIC NEED.—The term ''basic need''—

(A) means any good, service, or activity necessary to protect the health, safety, and general welfare of the civilian population of the United States; and

(B) includes—

(i) food;

(ii) water;

(iii) shelter;

(iv) basic communication services;

(v) basic sanitation and health services; and

(vi) public safety.

(2) CATASTROPHIC INCIDENT.—The term ''catastrophic incident''—

(A) means any natural or man-made disaster that results in extraordinary levels of casualties or damage, mass evacuations, or disruption severely affecting the population, infrastructure, environment, economy, national morale, or government functions in an area; and

(B) may include an incident—

(i) with a sustained national impact over a prolonged period of time;

(ii) that may rapidly exceed resources available to State and local government and private sector authorities in the impacted area; or

(iii) that may significantly interrupt governmental operations and emergency services to such an extent that national security could be threatened.

(3) COMMITTEE.—The term ''committee'' means the interagency committee on global catastrophic risk established under section 5003.

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

(5) EXISTENTIAL RISK.—The term ''existential risk'' means the potential for an outcome that would result in human extinction.

(6) GLOBAL CATASTROPHIC RISK.—The term ''global catastrophic risk'' means the risk of events or incidents consequential enough to significantly harm, set back, or destroy human civilization at the global scale.

(7) GLOBAL CATASTROPHIC AND EXISTENTIAL THREATS.—The term ''global catastrophic and existential threats'' means those threats that with varying likelihood can produce consequences severe enough to result in significant harm or destruction of human civilization at the global scale, or lead to human extinction. Examples of global catastrophic and existential threats include severe global pandemics, nuclear war, asteroid and comet impacts, supervolcanoes, sudden and severe changes to the climate, and intentional or accidental threats arising from the use and development of emerging technologies.

(8) NATIONAL EXERCISE PROGRAM.—The term ''national exercise program'' means activities carried out to test and evaluate the national preparedness goal and related plans and strategies as described in section 648(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)).

(9) TRIBAL GOVERNMENT.—The term ''Tribal government'' means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, that is individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

SEC. 5003. INTERAGENCY COMMITTEE ON GLOBAL CATASTROPHIC RISK.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the President shall establish an interagency committee on global catastrophic risk.

(b) MEMBERSHIP.—The committee shall include senior representatives of—

(1) the Assistant to the President for National Security Affairs;

(2) the Director of the Office of Science and Technology Policy;

(3) the Director of National Intelligence and the Director of the National Intelligence Council;

(4) the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency;

(5) the Secretary of State and the Under Secretary of State for Arms Control and International Security;

(6) the Attorney General and the Director of the Federal Bureau of Investigation;

(7) the Secretary of Energy, the Under Secretary of Energy for Nuclear Security, and the Director of Science;

(8) the Secretary of Health and Human Services, the Assistant Secretary for Preparedness and Response, and the Assistant Secretary of Global Affairs;

(9) the Secretary of Commerce, the Under Secretary of Commerce for Oceans and Atmosphere, and the Under Secretary of Commerce for Standards and Technology;

(10) the Secretary of the Interior and the Director of the United States Geological Survey;

(11) the Administrator of the Environmental Protection Agency and the Assistant Administrator for Water;

(12) the Administrator of the National Aeronautics and Space Administration;

(13) the Director of the National Science Foundation;

(14) the Secretary of the Treasury;

(15) the Chair of the Board of Governors of the Federal Reserve System;

(16) the Secretary of Defense, the Assistant Secretary of the Army for Civil Works, and the Chief of Engineers and Commanding General of the Army Corps of Engineers;

(17) the Chairman of the Joint Chiefs of Staff;

(18) the Administrator of the United States Agency for International Development; and

(19) other stakeholders the President determines appropriate.

(c) CHAIRMANSHIP.—The committee shall be co-chaired by a senior representative of the President and the Deputy Administrator of the Federal Emergency Management Agency for Resilience.

SEC. 5004. REPORT REQUIRED.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 10 years thereafter, the President, with support from the committee, shall conduct and submit to Congress a report containing a detailed assessment of global catastrophic and existential risk.

(b) MATTERS COVERED.—Each report required under subsection (a) shall include —

(1) expert estimates of cumulative global catastrophic and existential risk in the next 30 years, including separate estimates for the likelihood of occurrence and potential consequences;

(2) expert-informed analyses of the risk of the most concerning specific global catastrophic and existential threats, including separate estimates, where reasonably feasible and credible, of each threat for its likelihood of occurrence and its potential consequences, as well as associated uncertainties;

(3) a comprehensive list of potential catastrophic or existential threats, including even those that may have very low likelihood;

(4) technical assessments and lay explanations of the analyzed global catastrophic and existential risks, including their qualitative character and key factors affecting their likelihood of occurrence and potential consequences;

(5) an explanation of any factors that limit the ability of the President to assess the risk both cumulatively and for particular threats, and how those limitations may be overcome through future research or with additional resources, programs, or authorities;

(6) a review of the effectiveness of intelligence collection, early warning and detection systems, or other functions and programs necessary to evaluate the risk of particular global catastrophic and existential threats, if any exist and as applicable for particular threats;

(7) a forecast of if and why global catastrophic and existential risk is likely to increase or decrease significantly in the next 30 years, both qualitatively and quantitatively, as well as a description of associated uncertainties;

(8) proposals for how the Federal Government may more adequately assess global catastrophic and existential risk on an ongoing basis in future years;

(9) recommendations for legislative actions, as appropriate, to support the evaluation and assessment of global catastrophic and existential risk; and

(10) other matters deemed appropriate by the President.

(c) CONSULTATION REQUIREMENT.—In producing the report required under subsection (a), the President, with support from the committee, shall regularly consult with experts on global catastrophic and existential risks, including from non-governmental, academic, and private sector institutions.

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

SEC. 5005. REPORT ON CONTINUITY OF OPERATIONS AND CONTINUITY OF GOVERNMENT PLANNING.

(a) IN GENERAL.—Not later than 180 days after the submission of the report required under section 5004, the President, with support from the committee, shall produce a report on the adequacy of continuity of operations and continuity of government plans based on the assessed global catastrophic and existential risk.

(b) MATTERS COVERED.—The report required under subsection (a) shall include—

(1) a detailed assessment of the ability of continuity of government and continuity of operations plans and programs, as defined by Executive Order 13961 (85 Fed. Reg. 79379; relating to governance and integration of Federal mission resilience), Presidential Policy Directive–40 (July 15, 2016; relating to national continuity policy), or successor policies, to maintain national essential functions following global catastrophes, both cumulatively and for particular threats;

(2) an assessment of the need to revise Executive Order 13961 (85 Fed. Reg. 79379; relating to governance and integration of Federal mission resilience), Presidential Policy Directive–40 (July 15, 2016; relating to national continuity policy), or successor policies to account for global catastrophic and existential risk cumulatively or for particular threats;

(3) an assessment of any technology gaps limiting mitigation of global catastrophic and existential risks for continuity of operations and continuity of government plans;

(4) a budget proposal for continuity of government and continuity of operations programs necessary to adequately maintain national essential functions during global catastrophes;

(5) recommendations for legislative actions and technology development and implementation actions necessary to improve continuity of government and continuity of operations plans and programs;

(6) a plan for increased senior leader involvement in continuity of operations and continuity of government exercises; and

(7) other matters deemed appropriate by the co-chairs of the committee.

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

SEC. 5006. ENHANCED CATASTROPHIC INCIDENT ANNEX.

(a) IN GENERAL.—The President, with support from the committee, shall supplement each Federal Interagency Operational Plan to include an annex containing a strategy to ensure the health, safety, and general welfare of the civilian population affected by catastrophic incidents by—

(1) providing for the basic needs of the civilian population of the United States that is impacted by catastrophic incidents in the United States;

(2) coordinating response efforts with State and local governments, the private sector, and nonprofit relief organizations;

(3) promoting personal and local readiness and non-reliance on government relief during periods of heightened tension or after catastrophic incidents; and

(4) developing international partnerships with allied nations for the provision of relief services and goods.

(b) ELEMENTS OF THE STRATEGY.—The strategy required under subsection (a) shall include a description of—

(1) actions the President will take to ensure the basic needs of the civilian population of the United States in a catastrophic incident are met;

(2) how the President will coordinate with non-Federal entities to multiply resources and enhance relief capabilities, including—

(A) State and local governments;

(B) Tribal governments;

(C) State disaster relief agencies;

(D) State and local disaster relief managers;

(E) State National Guards;

(F) law enforcement and first response entities; and

(G) nonprofit relief services;

(3) actions the President will take to enhance individual resiliency to the effects of a catastrophic incident, which actions shall include—

(A) readiness alerts to the public during periods of elevated threat;

(B) efforts to enhance domestic supply and availability of critical goods and basic necessities; and

(C) information campaigns to ensure the public is aware of response plans and services that will be activated when necessary;

(4) efforts the President will undertake and agreements the President will seek with international allies to enhance the readiness of the United States to provide for the general welfare;

(5) how the strategy will be implemented should multiple levels of critical infrastructure be destroyed or taken offline entirely for an extended period of time; and

(6) the authorities the President would implicate in responding to a catastrophic incident.

(c) ASSUMPTIONS.—In designing the strategy under subsection (a), the President shall account for certain factors to make the strategy operationally viable, including the assumption that—

(1) multiple levels of critical infrastructure have been taken offline or destroyed by catastrophic incidents or the effects of catastrophic incidents;

(2) impacted sectors may include—

(A) the transportation sector;

(B) the communication sector;

(C) the energy sector;

(D) the healthcare and public health sector;

(E) the water and wastewater sector; and

(F) the financial sector;

(3) State, local, Tribal, and territorial governments have been equally affected or made largely inoperable by catastrophic incidents or the effects of catastrophic incidents;

(4) the emergency has exceeded the response capabilities of State and local governments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and other relevant disaster response laws; and

(5) the United States military is sufficiently engaged in armed or cyber conflict with State or non-State adversaries, or is otherwise unable to augment domestic response capabilities in a significant manner due to a catastrophic incident.

(d) EXISTING PLANS.—The President may incorporate existing contingency plans in the strategy developed under subsection (a) so long as those contingency plans are amended to be operational in accordance with the requirements under this section.

(e) AVAILABILITY.—The strategy developed under subsection (a) shall be available to the public but may include a classified, or other restricted, annex to be made available to the appropriate committees of Congress and appropriate government entities.

SEC. 5007. VALIDATION OF THE STRATEGY THROUGH AN EXERCISE.

Not later than 1 year after the addition of the annex required under section 5006, the Department of Homeland Security shall lead an exercise as part of the national exercise program, in coordination with the committee, to test and enhance the operationalization of the strategy required under section 5006.

SEC. 5008. RECOMMENDATIONS.

(a) IN GENERAL.—The President shall provide recommendations to Congress for—

(1) actions that should be taken to prepare the United States to implement the strategy required under section 5006, increase readiness, and address preparedness gaps for responding to the impacts of catastrophic incidents on citizens of the United States; and

(2) additional authorities that should be considered for Federal agencies and the President to more effectively implement the strategy required under section 5006.

(b) INCLUSION IN REPORTS.—The President may include the recommendations required under subsection (a) in a report submitted under section 5009.

SEC. 5009. REPORTING REQUIREMENTS.

Not later than 1 year after the date on which Department of Homeland Security leads the exercise under section 5007, the President shall submit to Congress a report that includes—

(1) a description of the efforts of the President to develop and update the strategy required under section 5006; and

(2) an after-action report following the conduct of the exercise described in section 5007.

SEC. 5010. RULE OF CONSTRUCTION.

Nothing in this division shall be construed to supersede the civilian emergency management authority of the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Post Katrina Emergency Management Reform Act (6 U.S.C. 701 et seq.).

SA 5809. Mr. PORTMAN (for himself and Ms. HASSAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1012. STIPENDS FOR TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.

(a) SHORT TITLE.—This section may be cited as the ''Transnational Criminal Investigative Unit Stipend Act''.

(b) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

''SEC. 890C. TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.

''(a) IN GENERAL.—The Secretary shall operate Transnational Criminal Investigative Units within United States Immigration and Customs Enforcement, Homeland Security Investigations.

''(b) COMPOSITION.—Each Transnational Criminal Investigative Unit shall be composed of trained foreign law enforcement officials who shall collaborate with Homeland Security Investigations to investigate and prosecute individuals involved in transnational criminal activity.

''(c) VETTING REQUIREMENT.—

''(1) IN GENERAL.—Upon entry into a Transnational Criminal Investigative Unit, and at periodic intervals while serving in such a unit, foreign law enforcement officials shall be required to pass certain security evaluations, which may include a background check, a polygraph examination, a urinalysis test, or other measures that the Director of U.S. Immigration and Customs Enforcement determines to be appropriate.

''(2) REPORT.—The Director of U.S. Immigration and Customs Enforcement shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes—

''(A) the procedures used for vetting Transnational Criminal Investigative Unit members; and

''(B) any additional measures that should be implemented to prevent personnel in vetted units from being compromised by criminal organizations.

''(d) MONETARY STIPEND.—The Director of U.S. Immigration and Customs Enforcement is authorized to pay vetted members of a Transnational Criminal Investigative Unit a monetary stipend in an amount associated with their duties dedicated to unit activities.

''(e) ANNUAL BRIEFING.—The Director of U.S. Immigration and Customs Enforcement, during the 5-year period beginning on the date of the enactment of this Act, shall provide an annual unclassified briefing to the congressional committees referred to in subsection (c)(2), which may include a classified session, if necessary, that identifies—

''(1) the number of vetted members of Transnational Criminal Investigative Unit in each country;

''(2) the amount paid in stipends to such members, disaggregated by country; and

''(3) relevant enforcement statistics, such as arrests and progress made on joint investigations, in each such country.''.

(c) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 890B the following:

''Sec. 890C. Transnational Criminal Investigative Units.''.

SA 5810. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—SAFEGUARDING AMERICAN INNOVATION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Safeguarding American Innovation Act''.

SEC. ___02. FEDERAL RESEARCH SECURITY COUNCIL.

(a) IN GENERAL.—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

''CHAPTER 79—FEDERAL RESEARCH SECURITY COUNCIL

''§ 7901. Definitions

''In this chapter:

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

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

''(B) the Committee on Commerce, Science, and Transportation of the Senate;

''(C) the Select Committee on Intelligence of the Senate;

''(D) the Committee on Foreign Relations of the Senate;

''(E) the Committee on Armed Services of the Senate;

''(F) the Committee on Health, Education, Labor, and Pensions of the Senate;

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

''(H) the Committee on Homeland Security of the House of Representatives;

''(I) the Committee on Energy and Commerce of the House of Representatives;

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

''(K) the Committee on Foreign Affairs of the House of Representatives;

''(L) the Committee on Armed Services of the House of Representatives;

''(M) the Committee on Science, Space, and Technology of the House of Representatives; and

''(N) the Committee on Education and Labor of the House of Representatives.

''(2) COUNCIL.—The term 'Council' means the Federal Research Security Council established under section 7902(a).

''(3) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(4) FEDERAL RESEARCH SECURITY RISK.—The term 'Federal research security risk' means the risk posed by malign state actors and other persons to the security and integrity of research and development conducted using research and development funds awarded by Executive agencies.

''(5) INSIDER.—The term 'insider' means any person with authorized access to any United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.

''(6) INSIDER THREAT.—The term 'insider threat' means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security of the United States or negatively affect the integrity of a Federal agency's normal processes, including damaging the United States through espionage, sabotage, terrorism, unauthorized disclosure of national security information or nonpublic information, a destructive act (which may include physical harm to another in the workplace), or through the loss or degradation of departmental resources, capabilities, and functions.

''(7) RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'research and development' means all research activities, both basic and applied, and all development activities.

''(B) DEVELOPMENT.—The term 'development' means experimental development.

''(C) EXPERIMENTAL DEVELOPMENT.—The term 'experimental development' means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

''(i) is directed toward the production of new products or processes or improving existing products or processes; and

''(ii) like research, will result in gaining additional knowledge.

''(D) RESEARCH.—The term 'research'—

''(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

''(ii) includes activities involving the training of individuals in research techniques if such activities—

''(I) utilize the same facilities as other research and development activities; and

''(II) are not included in the instruction function.

''(8) UNITED STATES RESEARCH COMMUNITY.—The term 'United States research community' means—

''(A) research and development centers of Executive agencies;

''(B) private research and development centers in the United States, including for profit and nonprofit research institutes;

''(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

''(E) government-owned, contractor-operated United States Government research and development centers; and

''(F) any person conducting federally funded research or receiving Federal research grant funding.

''§ 7902. Federal Research Security Council establishment and membership

''(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The following agencies shall be represented on the Council:

''(A) The Office of Management and Budget.

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

''(C) The Department of Defense.

''(D) The Department of Homeland Security.

''(E) The Office of the Director of National Intelligence.

''(F) The Department of Justice.

''(G) The Department of Energy.

''(H) The Department of Commerce.

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

''(J) The Department of State.

''(K) The Department of Transportation.

''(L) The National Aeronautics and Space Administration.

''(M) The National Science Foundation.

''(N) The Department of Education.

''(O) The Small Business Administration.

''(P) The Council of Inspectors General on Integrity and Efficiency.

''(Q) Other Executive agencies, as determined by the Chairperson of the Council.

''(2) LEAD REPRESENTATIVES.—

''(A) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

''(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

''(c) CHAIRPERSON.—

''(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Management and Budget shall designate a senior level official from the Office of Management and Budget to serve as the Chairperson of the Council.

''(2) FUNCTIONS.—The Chairperson shall perform functions that include—

''(A) subject to subsection (d), developing a schedule for meetings of the Council;

''(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

''(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

''(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

''(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead science advisor to the Council for purposes of this chapter.

''(4) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall designate a senior level official from the National Counterintelligence and Security Center to be the lead security advisor to the Council for purposes of this chapter.

''(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

''§ 7903. Functions and authorities

''(a) DEFINITIONS.—In this section:

''(1) IMPLEMENTING.—The term 'implementing' means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place and enforce the measures described in this section.

''(2) UNIFORM APPLICATION PROCESS.—The term 'uniform application process' means a process employed by Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

''(b) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

''(1) Developing and implementing, across all Executive agencies that award research and development grants, awards, and contracts, a uniform application process for grants in accordance with subsection (c).

''(2) Developing and implementing policies and providing guidance to prevent malign foreign interference from unduly influencing the peer review process for federally funded research and development.

''(3) Identifying or developing criteria for sharing among Executive agencies and with law enforcement and other agencies, as appropriate, information regarding individuals who violate disclosure policies and other policies related to research security.

''(4) Identifying an appropriate Executive agency—

''(A) to accept and protect information submitted by Executive agencies and non-Federal entities based on the process established pursuant to paragraph (1); and

''(B) to facilitate the sharing of information received under subparagraph (A) to support, consistent with Federal law—

''(i) the oversight of federally funded research and development;

''(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

''(iii) counterintelligence investigations.

''(5) Identifying, as appropriate, Executive agencies to provide—

''(A) shared services, such as support for conducting Federal research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

''(B) common contract solutions to support the verification of the identities of persons participating in federally funded research and development.

''(6) Identifying and issuing guidance, in accordance with subsection (e) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for expanding the scope of Executive agency insider threat programs, including the safeguarding of research and development from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each such agency.

''(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (c)(1). Such programs shall include an assessment of—

''(A) a grantee's support from foreign sources and affiliations, appointments, or participation in talent programs with foreign funding institutions or laboratories; and

''(B) the impact of such support and affiliations, appointments, or participation in talent programs on United States national security and economic interests.

''(8) Providing guidance to Executive agencies regarding appropriate application of consequences for violations of disclosure requirements.

''(9) Developing and implementing a cross-agency policy and providing guidance related to the use of digital persistent identifiers for individual researchers supported by, or working on, any Federal research grant with the goal to enhance transparency and security, while reducing administrative burden for researchers and research institutions.

''(10) Engaging with the United States research community in conjunction with the National Science and Technology Council and the National Academies Science, Technology and Security Roundtable created under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 42 U.S.C. 6601 note) in performing the functions described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal research security risks.

''(11) Carrying out such other functions, consistent with Federal law, that are necessary to reduce Federal research security risks.

''(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (b)(1), the Council shall—

''(1) ensure that the process—

''(A) requires principal investigators, co-principal investigators, and key personnel associated with the proposed Federal research or development grant project—

''(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments, or foreign laboratories, and all support received from foreign sources; and

''(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

''(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants;

''(2) design the process—

''(A) to reduce the administrative burden on persons applying for Federal research and development funding; and

''(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

''(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

''(d) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information with respect to Federal research security risks under subsection (b)(3), the Council shall ensure that such criteria address, at a minimum—

''(1) the information to be shared;

''(2) the circumstances under which sharing is mandated or voluntary;

''(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

''(4) the procedures for protecting intellectual capital that may be present in such information; and

''(5) appropriate privacy protections for persons involved in Federal research and development.

''(e) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (b)(6), the Council shall ensure that such guidance provides for, at a minimum—

''(1) such programs—

''(A) to deter, detect, and mitigate insider threats; and

''(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

''(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats, including through—

''(A) monitoring user activity on computer networks controlled by Executive agencies;

''(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

''(C) gathering information for a centralized analysis, reporting, and response capability; and

''(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

''(3) the development and implementation of policies and procedures under which the insider threat program of an Executive agency accesses, shares, and integrates information and data derived from offices within the agency and shares insider threat information with the executive agency research sponsors;

''(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

''(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

''(f) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

''(1) IN GENERAL.—The Council, in conjunction with the lead security advisor designated under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

''(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

''(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

''(i) to exploit, interfere, or undermine research and development by the United States research community; or

''(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

''(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

''(i) the science and technology of that foreign country; or

''(ii) federally funded research and development; and

''(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

''(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy that detail—

''(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments;

''(2) Federal agencies' performance and compliance with interagency suspensions and debarments;

''(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

''(4) proposals for developing a unified Federal policy on suspensions and debarments; and

''(5) other current suspension and debarment related issues.

''(h) SAVINGS PROVISION.—Nothing in this section may be construed—

''(1) to alter or diminish the authority of any Federal agency; or

''(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

''§ 7904. Annual report

''Not later than November 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees that describes the activities of the Council during the preceding fiscal year.

''§ 7905. Requirements for Executive agencies

''(a) IN GENERAL.—The head of each Executive agency on the Council shall be responsible for—

''(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

''(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b);

''(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States;

''(4) ensuring that initiatives impacting Federally funded research grant making policy and management to protect the national and economic security interests of the United States are integrated with the activities of the Council; and

''(5) ensuring that the initiatives of the Council comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(b) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

''(1) developing an overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

''(2) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

''(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

''(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 31, United States Code, is amended by inserting after the item relating to chapter 77 the following:

''79. Federal Research Security Council ..... 7901.''.

SEC. ___03. FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Federal grant application fraud

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 551 of title 5, United States Code.

''(2) FEDERAL GRANT.—The term 'Federal grant'—

''(A) means a grant awarded by a Federal agency;

''(B) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

''(C) does not include—

''(i) direct United States Government cash assistance to an individual;

''(ii) a subsidy;

''(iii) a loan;

''(iv) a loan guarantee; or

''(v) insurance.

''(3) FEDERAL GRANT APPLICATION.—The term 'Federal grant application' means an application for a Federal grant.

''(4) FOREIGN COMPENSATION.—The term 'foreign compensation' means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

''(A) a foreign government;

''(B) a foreign government institution; or

''(C) a foreign public enterprise.

''(5) FOREIGN GOVERNMENT.—The term 'foreign government' includes a person acting or purporting to act on behalf of—

''(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

''(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

''(6) FOREIGN GOVERNMENT INSTITUTION.—The term 'foreign government institution' means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

''(7) FOREIGN PUBLIC ENTERPRISE.—The term 'foreign public enterprise' means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

''(8) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency'—

''(A) means a Federal, State, local, or Tribal law enforcement agency; and

''(B) includes—

''(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

''(ii) the Office of Inspector General, or similar office, of a State or unit of local government.

''(9) OUTSIDE COMPENSATION.—The term 'outside compensation' means any compensation, resource, or support (regardless of

monetary value) made available to the applicant in support of, or related to, any research endeavor, including a title, research grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including materials, travel compensation, or work incentives.

''(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

''(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual, the value of which is not less than $1,000;

''(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

''(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

''(A) contains a material false statement;

''(B) contains a material misrepresentation; or

''(C) fails to disclose a material fact.

''(c) EXCEPTION.—Subsection (b) does not apply to an activity—

''(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

''(A) a law enforcement agency; or

''(B) a Federal intelligence agency; or

''(2) authorized under chapter 224.

''(d) PENALTY.—Any individual who violates subsection (b)—

''(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both, in accordance with the level of severity of that individual's violation of subsection (b); and

''(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. Federal grant application fraud.''.

SEC. ___04. RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

(a) IN GENERAL.—The Secretary of State may impose the sanctions described in subsection (c) if the Secretary determines an alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government's security or strategic capabilities.

(b) RELEVANT FACTORS.—To determine whether to impose sanctions under subsection (a), the Secretary of State shall—

(1) take account of information and analyses relevant to implementing subsection (a) from the Office of the Director of National Intelligence, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Commerce, and other appropriate Federal agencies;

(2) take account of the continual expert assessments of evolving sensitive or emerging technologies that foreign adversaries are targeting;

(3) take account of relevant information concerning the foreign person's employment or collaboration, to the extent known, with—

(A) foreign military and security related organizations that are adversarial to the United States;

(B) foreign institutions involved in the theft of United States research;

(C) entities involved in export control violations or the theft of intellectual property;

(D) a government that seeks to undermine the integrity and security of the United States research community; or

(E) other associations or collaborations that pose a national security threat based on intelligence assessments; and

(4) weigh the proportionality of risks and the factors listed in paragraphs (1) through (3).

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—An alien described in subsection (a) may be—

(A) inadmissible to the United States;

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

(C) 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.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—An alien described in subsection (a) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(B) IMMEDIATE EFFECT.—A revocation under clause (A) shall take effect immediately, and automatically cancel any other valid visa or entry documentation that is in the alien's possession, in accordance with section 221(i) of the Immigration and Nationality Act.

(3) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—The sanctions described in this subsection shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(d) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and semi-annually thereafter until the sunset date set forth in subsection (f), the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that identifies—

(1) any criteria, if relevant used to describe the alien in subsection (a);

(2) the number of individuals determined to be subject to sanctions under subsection (a), including the nationality of each such individual and the reasons for each sanctions determination; and

(3) the number of days from the date of the consular interview until a final decision is issued for each application for a visa considered under this section, listed by applicants' country of citizenship and relevant consulate.

(e) CLASSIFICATION OF REPORT.—Each report required under subsection (d) shall be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a classified annex.

(f) SUNSET.—This section shall cease to be effective on the date that is 2 years after the date of the enactment of this Act.

SA 5811. Mr. PORTMAN (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS.

(a) TECHNICAL AMENDMENT RELATING TO DOTGOV ACT OF 2020.—

(1) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

(b) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting before the subtitle A heading the following:

''SEC. 2200. DEFINITIONS.

''Except as otherwise specifically provided, in this title:

''(1) AGENCY.—The term 'Agency' means the Cybersecurity and Infrastructure Security Agency.

''(2) AGENCY INFORMATION.—The term 'agency information' means information collected or maintained by or on behalf of an agency.

''(3) AGENCY INFORMATION SYSTEM.—The term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency.

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

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

''(B) the Committee on Homeland Security of the House of Representatives.

''(5) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' means information not customarily in the public domain and related to the security of critical infrastructure or protected systems—

''(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

''(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of

critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

''(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

''(6) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' means information that is necessary to describe or identify—

''(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

''(B) a method of defeating a security control or exploitation of a security vulnerability;

''(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

''(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

''(E) malicious cyber command and control;

''(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

''(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

''(H) any combination thereof.

''(7) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

''(8) CYBERSECURITY RISK.—The term 'cybersecurity risk'—

''(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

''(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

''(9) CYBERSECURITY THREAT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'cybersecurity threat' means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

''(B) EXCLUSION.—The term 'cybersecurity threat' does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

''(10) DEFENSIVE MEASURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'defensive measure' means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

''(B) EXCLUSION.—The term 'defensive measure' does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by—

''(i) the entity operating the measure; or

''(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

''(11) DIRECTOR.—The term 'Director' means the Director Cybersecurity and Infrastructure Security Agency

''(12) HOMELAND SECURITY ENTERPRISE.—The term 'Homeland Security Enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

''(13) INCIDENT.—The term 'incident' means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system.

''(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'Information Sharing and Analysis Organization' means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

''(A) gathering and analyzing critical infrastructure information, including information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;

''(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of an interference, a compromise, or an incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

''(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

''(15) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44, United States Code.

''(16) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(17) MONITOR.—The term 'monitor' means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

''(18) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term 'national cybersecurity asset response activities' means—

''(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

''(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

''(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

''(D) facilitating information sharing and operational coordination with threat response; and

''(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

''(19) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given the term in section 11103 of title 40, United States Code.

''(20) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

''(21) SECURITY CONTROL.—The term 'security control' means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

''(22) SECURITY VULNERABILITY.—The term 'security vulnerability' means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

''(23) SHARING.—The term 'sharing' (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by amending section 2201 (6 U.S.C. 651) to read as follows:

''SEC. 2201. DEFINITION.

''In this subtitle, the term 'Cybersecurity Advisory Committee' means the advisory committee established under section 2219(a).'';

(B) in section 2202 (6 U.S.C. 652)—

(i) in subsection (a)(1), by striking ''(in this subtitle referred to as the Agency)'';

(ii) in subsection (b)(1), by striking ''in this subtitle referred to as the 'Director')''; and

(iii) in subsection (f)—

(I) in paragraph (1), by inserting ''Executive'' before ''Assistant Director''; and

(II) in paragraph (2), by inserting ''Executive'' before ''Assistant Director'';

(C) in section 2209 (6 U.S.C. 659)—

(i) by striking subsection (a);

(ii) by redesignating subsections (b) through subsection (o) as subsections (a) through (n), respectively;

(iii) in subsection (c)(1), as so redesignated—

(I) in subparagraph (A)(iii), as so redesignated, by striking '', as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))''; and

(II) in subparagraph (B)(ii), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(iv) in subsection (d), as so redesignated—

(I) in the matter preceding paragraph (1), by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(II) in paragraph (1)(E)(ii)(II), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(v) in subsection (j), as so redesignated, by striking ''subsection (c)(8)'' and inserting ''subsection (b)(8)'';

(vi) by redesignating the first subsections (p) and (q) and second subsections (p) and (q) as subsections (o) and (p) and subsections (q) and (r), respectively; and

(vii) in subsection (o), as so redesignated—

(I) in paragraph (2)(A), by striking ''subsection (c)(12)'' and inserting ''subsection (b)(12)''; and

(II) in paragraph (3)(B)(i), by striking ''subsection (c)(12)'' and inserting ''subsection (b)(12)'';

(D) in section 2210 (6 U.S.C. 660)—

(i) by striking subsection (a);

(ii) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively;

(iii) in subsection (b), as so redesignated—

(I) by striking ''information sharing and analysis organizations (as defined in section 2222(5))'' and inserting ''Information Sharing and Analysis Organizations''; and

(II) by striking ''(as defined in section 2209)''; and

(iv) in subsection (c), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (b)'';

(E) in section 2211 (6 U.S.C. 661), by striking subsection (h);

(F) in section 2212 (6 U.S.C. 662), by striking ''information sharing and analysis organizations (as defined in section 2222(5))'' and inserting ''Information Sharing and Analysis Organizations'';

(G) in section 2213 (6 U.S.C. 663)—

(i) by striking subsection (a);

(ii) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(iii) in subsection (b), as so redesignated, by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

(iv) in subsection (c), as so redesignated, in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(v) in subsection (d), as so redesignated—

(I) in paragraph (1)—

(aa) in the matter preceding subparagraph (A), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)'';

(bb) in subparagraph (A), by striking ''subsection (c)(1)'' and inserting ''subsection (b)(1)''; and

(cc) in subparagraph (B), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)''; and

(II) in paragraph (2), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)'';

(H) in section 2216 (6 U.S.C. 665b)—

(i) in subsection (d)(2), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations''; and

(ii) by striking subsection (f) and inserting the following:

''(f) CYBER DEFENSE OPERATION DEFINED.—In this section, the term 'cyber defense operation' means the use of a defensive measure.'';

(I) in section 2218(c)(4)(A) (6 U.S.C. 665d(4)(A)), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(J) in section 2220A (6 U.S.C. 665g)—

(i) in subsection (a)—

(I) by striking paragraphs (1), (2), (5), and (6); and

(II) by redesignating paragraphs (3), (4), (7), (8), (9), (10), (11), and (12) as paragraphs (1) through (8), respectively;

(ii) in subsection (e)(2)(B)(xiv)(II)(aa), by striking ''information sharing and analysis organization'' and inserting ''Information Sharing and Analysis Organization'';

(iii) in subsection (p), by striking ''appropriate committees of Congress'' and inserting ''appropriate congressional committees''; and

(iv) in subsection (q)(4), in the matter preceding clause (i), by striking ''appropriate committees of Congress'' and inserting ''appropriate congressional committees''

(K) in section 2220C(f) (6 U.S.C. 665i(f))—

(i) by striking paragraph (1);

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

(iii) in paragraph (2), as so redesignated, by striking ''(enacted as division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501(9))'' and inserting ''(6 U.S.C. 1501)''; and

(L) in section 2222 (6 U.S.C. 671)—

(i) by striking paragraphs (3), (5), and (8);

(ii) by redesignating paragraph (4) as paragraph (3); and

(iii) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(3) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(A) by inserting before the item relating to subtitle A of title XXII the following:

''Sec. 2200. Definitions.'';

(B) by striking the item relating to section 2201 and insert the following:

''Sec. 2201. Definition.''; and

(C) by moving the item relating to section 2220D to appear after the item relating to section 2220C.

(4) CYBERSECURITY ACT OF 2015 DEFINITIONS.—Section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501) is amended—

(A) by striking paragraphs (4) through (7) and inserting the following:

''(4) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(5) CYBERSECURITY THREAT.—The term 'cybersecurity threat' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(6) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(7) DEFENSIVE MEASURE.—The term 'defensive measure' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.'';

(B) by striking paragraph (13) and inserting the following:

''(13) MONITOR.— The term 'monitor' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.''; and

(C) by striking paragraphs (16) and (17) and inserting the following:

''(16) SECURITY CONTROL.—The term 'security control' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(17) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.''.

(c) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—

(1) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015.—The Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521 et seq.) is amended—

(A) in section 222 (6 U.S.C. 1521)—

(i) in paragraph (2), by striking ''section 2210'' and inserting ''section 2200''; and

(ii) in paragraph (4), by striking ''section 2209'' and inserting ''section 2200'';

(B) in section 223(b) (6 U.S.C. 151 note), by striking ''section 2213(b)(1)'' each place it appears and inserting ''section 2213(a)(1)'';

(C) in section 226 (6 U.S.C. 1524)—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''section 2213'' and inserting ''section 2200'';

(II) in paragraph (2), by striking ''section 102'' and inserting ''section 2200 of the Homeland Security Act of 2002'';

(III) in paragraph (4), by striking ''section 2210(b)(1)'' and inserting ''section 2210(a)(1)''; and

(IV) in paragraph (5), by striking ''section 2213(b)'' and inserting ''section 2213(a)''; and

(ii) in subsection (c)(1)(A)(vi), by striking ''section 2213(c)(5)'' and inserting ''section 2213(b)(5)''; and

(D) in section 227(b) (6 U.S.C. 1525(b)), by striking ''section 2213(d)(2)'' and inserting ''section 2213(c)(2)''.

(2) PUBLIC HEALTH SERVICE ACT.—Section 2811(b)(4)(D) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(4)(D)) is amended by striking ''section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 149(c))'' and inserting ''section 2210(b) of the Homeland Security Act of 2002 (6 U.S.C. 660(b))''.

(3) WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2021.—Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a) is amended—

(A) in subsection (a)—

(i) by striking paragraph (5);

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(iii) by amending paragraph (7) to read as follows:

''(7) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.'';

(B) in subsection (c)(3)(B), by striking ''section 2201(5)'' and inserting ''section 2200''; and

(C) in subsection (d), by striking ''section 2215 of the Homeland Security Act of 2002, as added by this section'' and inserting ''section 2218 of the Homeland Security Act of 2002 (6 U.S.C. 665d)''.

(4) NATIONAL SECURITY ACT OF 1947.—Section 113B(b)(4) of the National Security Act of 1947 (50 U.S.C. 3049a(b)(4)) is amended by striking section ''226 of the Homeland Security Act of 2002 (6 U.S.C. 147)'' and inserting ''section 2208 of the Homeland Security Act of 2002 (6 U.S.C. 658)''.

(5) IOT CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 5(b)(3) of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3c(b)(3)) is amended by striking ''section 2209(m) of the Homeland Security Act of 2002 (6 U.S.C. 659(m))'' and inserting ''section 2209(l) of the Homeland Security Act of 2002 (6 U.S.C. 659(l))''.

(6) SMALL BUSINESS ACT.—Section 21(a)(8)(B) of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is amended by striking ''section 2209(a)'' and inserting ''section 2200''.

(7) TITLE 46.—Section 70101(2) of title 46, United States Code, is amended by striking ''section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148)'' and inserting ''section 2200 of the Homeland Security Act of 2002''.

SA 5812. Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENTREPRENEURSHIP ASSISTANCE FOR MILITARY SPOUSES.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration; and

(2) the term ''small business concern'' has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall establish a program within the Small Business Administration, the purpose of which shall be to assist military spouses in forming, operating, and growing small business concerns.

(2) EXTENSION OF EXISTING PROGRAM.—In lieu of establishing a new program, the Administrator may carry out the purposes described in paragraph (1) through an extension of a program that is in existence, as of the date of enactment of this Act, if that extension is tailored to military spouses and otherwise achieves those purposes and satisfies the requirements of this section.

(c) ASSISTANCE.—The assistance provided by the Administrator under the program described in subsection (b) shall include the following:

(1) Assistance for military spouses in identifying and understanding the requirements with respect to forming and operating a small business concern.

(2) Assistance for military spouses in strengthening the expertise and skills necessary for the formation and operation of a small business concern, including the expertise and skills necessary to create a sustainable small business concern throughout the uniquely challenging requirements of life as a military spouse, which arise as a result of—

(A) military deployments;

(B) military-related absences from the workforce; or

(C) multiple permanent changes of duty station or other long-term relocations for military reasons.

(3) Through military spouse entrepreneurship organizations and business volunteer entities (including by entering into cooperative agreements with those organizations and entities), providing mentorship to military spouses with respect to entrepreneurship.

(4) Any other assistance that the Administrator determines to be appropriate.

(d) SURVEY; REPORT; USE OF RESULTS.—

(1) SURVEY.—

(A) IN GENERAL.—The Administrator, in consultation with such nonprofit organizations and other stakeholders determined appropriate by the Administrator, shall conduct a survey at select military installations to identify the barriers to forming, operating, and growing small business concerns that are faced by military spouses as a result of life as a military spouse, including as a result of the conditions described in subparagraphs (A), (B), and (C) of subsection (c)(2).

(B) ANALYSIS REQUIRED.—The survey conducted under subparagraph (A) shall include an analysis of the challenges that military spouses face in accessing capital and other critical resources with respect to forming, operating, and growing small business concerns, including the education, mentoring, and training that is required to form, operate, and grow a small business concern.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of the survey conducted under paragraph (1).

(e) USE OF RESULTS; OUTREACH.—In carrying out the program described in subsection (b), the Administrator shall—

(1) take into consideration the results of the survey conducted under subsection (d)(1); and

(2) develop an outreach program to ensure that the program becomes well-known.

(f) CONSULTATION PERMITTED.—In carrying out this section, the Administrator may consult with the Secretary of Defense, as determined necessary by the Administrator.

SA 5813. Ms. KLOBUCHAR (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

''(vi) veterans who are lesbian, gay, bisexual, transgender, gender diverse, gender nonconforming, intersex, or queer.''.

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

SA 5814. Ms. SINEMA (for herself and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. IMPROVING DIGITAL IDENTITY.

(a) FINDINGS.—Congress finds the following:

(1) The lack of an easy, affordable, reliable, and secure way for organizations, businesses, and government agencies to identify whether an individual is who they claim to be online creates an attack vector that is widely exploited by adversaries in cyberspace and precludes many high-value transactions from being available online.

(2) Incidents of identity theft and identity fraud continue to rise in the United States, where more than 293,000,000 people were impacted by data breaches in 2021.

(3) Since 2017, losses resulting from identity fraud have increased by 333 percent, and, in 2020, those losses totaled $56,000,000,000.

(4) The Director of the Treasury Department Financial Crimes Enforcement Network has stated that the abuse of personally identifiable information and other building blocks of identity is a key enabler behind much of the fraud and cybercrime affecting the United States today.

(5) The inadequacy of current digital identity solutions degrades security and privacy for all people in the United States, and next generation solutions are needed that improve security, privacy, equity, and accessibility.

(6) Government entities, as authoritative issuers of identity in the United States, are uniquely positioned to deliver critical components that address deficiencies in the digital identity infrastructure of the United States and augment private sector digital identity and authentication solutions.

(7) State governments are particularly well-suited to play a role in enhancing digital identity solutions used by both the public and private sectors, given the role of State governments as the issuers of driver's licenses and other identity documents commonly used today.

(8) The public and private sectors should collaborate to deliver solutions that promote confidence, privacy, choice, equity, accessibility, and innovation. The private sector drives much of the innovation around digital identity in the United States and has an important role to play in delivering digital identity solutions.

(9) The bipartisan Commission on Enhancing National Cybersecurity has called for the Federal Government to ''create an interagency task force directed to find secure, user-friendly, privacy-centric ways in which agencies can serve as 1 authoritative source to validate identity attributes in the broader identity market. This action would enable Government agencies and the private sector to drive significant risk out of new account openings and other high-risk, high-value online services, and it would help all citizens more easily and securely engage in transactions online.''.

(10) The National Institute of Standards and Technology has published digital identity guidelines that address technical requirements for identity proofing and the authentication of users, but those guidelines do not cover requirements for providing identity attribute validation services that could be used to support identity proofing.

(11) It should be the policy of the Federal Government to use the authorities and capabilities of the Federal Government, in coordination with State, local, Tribal, and territorial partners and private sector innovators, to enhance the security, reliability, privacy, equity, accessibility, and convenience of consent-based digital identity solutions that support and protect transactions between individuals, government entities, and businesses, and that enable people in the United States to prove who they are online.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE NOTIFICATION ENTITIES.—The term ''appropriate notification entities'' means—

(A) the President;

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

(C) the Committee on Oversight and Reform of the House of Representatives.

(2) DIGITAL IDENTITY VERIFICATION.—The term ''digital identity verification'' means a process to verify the identity or an identity

attribute of an individual accessing a service online or through another electronic means.

(3) DIRECTOR.—The term ''Director'' means the Director of the Task Force.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(5) IDENTITY ATTRIBUTE.—The term ''identity attribute'' means a data element associated with the identity of an individual, including, the name, address, or date of birth of an individual.

(6) IDENTITY CREDENTIAL.—The term ''identity credential'' means a document or other evidence of the identity of an individual issued by a government agency that conveys the identity of the individual, including a driver's license or passport.

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

(8) TASK FORCE.—The term ''Task Force'' means the Improving Digital Identity Task Force established under subsection (c)(1).

(c) IMPROVING DIGITAL IDENTITY TASK FORCE.—

(1) ESTABLISHMENT.—There is established in the Executive Office of the President a task force to be known as the ''Improving Digital Identity Task Force''.

(2) PURPOSE.—The purpose of the Task Force shall be to establish and coordinate a government-wide effort to develop secure methods for Federal, State, local, Tribal, and territorial agencies to improve access and enhance security between physical and digital identity credentials, particularly by promoting the development of digital versions of existing physical identity credentials, including driver's licenses, e-Passports, social security credentials, and birth certificates, to—

(A) protect the privacy and security of individuals;

(B) support reliable, interoperable digital identity verification in the public and private sectors; and

(C) in achieving subparagraphs (A) and (B), place a particular emphasis on—

(i) reducing identity theft and fraud;

(ii) enabling trusted transactions; and

(iii) ensuring equitable access to digital identity verification.

(3) DIRECTOR.—

(A) IN GENERAL.—The Task Force shall have a Director, who shall be appointed by the President.

(B) POSITION.—The Director shall serve at the pleasure of the President.

(C) PAY AND ALLOWANCES.—The Director shall be compensated at the rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(D) QUALIFICATIONS.—The Director shall have substantive technical expertise and managerial acumen that—

(i) is in the business of digital identity management, information security, or benefits administration;

(ii) is gained from not less than 1 organization; and

(iii) includes specific expertise gained from academia, advocacy organizations, or the private sector.

(E) EXCLUSIVITY.—The Director may not serve in any other capacity within the Federal Government while serving as Director.

(F) TERM.—The term of the Director, including any official acting in the role of the Director, shall terminate on the date described in paragraph (11).

(4) MEMBERSHIP.—

(A) FEDERAL GOVERNMENT REPRESENTATIVES.—The Task Force shall include the following individuals or the designees of such individuals:

(i) The Secretary.

(ii) The Secretary of the Treasury.

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

(iv) The Director of the Financial Crimes Enforcement Network.

(v) The Commissioner of Social Security.

(vi) The Secretary of State.

(vii) The Administrator of General Services.

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

(ix) The Postmaster General of the United States Postal Service.

(x) The National Cyber Director.

(xi) The heads of other Federal agencies or offices as the President may designate or invite, as appropriate.

(B) STATE, LOCAL, TRIBAL, AND TERRITORIAL GOVERNMENT REPRESENTATIVES.—The Director shall appoint to the Task Force 6 State, local, Tribal, and territorial government officials who represent agencies that issue identity credentials and who have—

(i) experience in identity technology and services;

(ii) knowledge of the systems used to provide identity credentials; or

(iii) any other qualifications or competencies that may help achieve balance or otherwise support the mission of the Task Force.

(C) NONGOVERNMENTAL EXPERTS.—

(i) IN GENERAL.—The Director shall appoint to the Task Force 5 nongovernmental experts.

(ii) SPECIFIC APPOINTMENTS.—The experts appointed under clause (i) shall include the following:

(I) A member who is a privacy and civil liberties expert.

(II) A member who is a technical expert in identity verification.

(III) A member who is a technical expert in cybersecurity focusing on identity verification services.

(IV) A member who represents an industry identity verification service provider.

(V) A member who represents a party that relies on effective identity verification services to conduct business.

(5) WORKING GROUPS.—The Director shall organize the members of the Task Force into appropriate working groups for the purpose of increasing the efficiency and effectiveness of the Task Force, as appropriate.

(6) MEETINGS.—The Task Force shall—

(A) convene at the call of the Director; and

(B) provide an opportunity for public comment in accordance with section 10(a)(3) of the Federal Advisory Committee Act (5 U.S.C. App.).

(7) DUTIES.—In carrying out the purpose described in paragraph (2), the Task Force shall—

(A) identify Federal, State, local, Tribal, and territorial agencies that issue identity credentials or hold information relating to identifying an individual;

(B) assess restrictions with respect to the abilities of the agencies described in subparagraph (A) to verify identity information for other agencies and nongovernmental organizations;

(C) assess any necessary changes in statutes, regulations, or policy to address any restrictions assessed under subparagraph (B);

(D) recommend a standards-based architecture to enable agencies to provide services relating to digital identity verification in a way that—

(i) is secure, protects privacy, and protects individuals against unfair and misleading practices;

(ii) prioritizes equity and accessibility;

(iii) requires individual consent for the provision of digital identify verification services by a Federal, State, local, Tribal, or territorial agency; and

(iv) is interoperable among participating Federal, State, local, Tribal, and territorial agencies, as appropriate and in accordance with applicable laws;

(E) recommend principles to promote policies for shared identity proofing across public sector agencies, which may include single sign-on or broadly accepted attestations;

(F) identify funding or other resources needed to support the agencies described in subparagraph (D) that provide digital identity verification, including recommendations with respect to the need for and the design of a Federal grant program to implement the recommendations of the Task Force and facilitate the development and upgrade of State, local, Tribal, and territorial highly-secure interoperable systems that enable digital identity verification;

(G) recommend funding models to provide digital identity verification to private sector entities, which may include fee-based funding models;

(H) determine if any additional steps are necessary with respect to Federal, State, local, Tribal, and territorial agencies to improve digital identity verification and management processes for the purpose of enhancing the security, reliability, privacy, accessibility, equity, and convenience of digital identity solutions that support and protect transactions between individuals, government entities, and businesses; and

(I) undertake other activities necessary to assess and address other matters relating to digital identity verification, including with respect to—

(i) the potential exploitation of digital identity tools or associated products and services by malign actors;

(ii) privacy implications; and

(iii) increasing access to foundational identity documents.

(8) PROHIBITION.—The Task Force may not implicitly or explicitly recommend the creation of—

(A) a single identity credential provided or mandated by the Federal Government for the purposes of verifying identity or associated attributes;

(B) a unilateral central national identification registry relating to digital identity verification; or

(C) a requirement that any individual be forced to use digital identity verification for a given public purpose.

(9) REQUIRED CONSULTATION.—The Task Force shall closely consult with leaders of Federal, State, local, Tribal, and territorial governments and nongovernmental leaders, which shall include the following:

(A) The Secretary of Education.

(B) The heads of other Federal agencies and offices determined appropriate by the Director.

(C) State, local, Tribal, and territorial government officials focused on identity, such as information technology officials and directors of State departments of motor vehicles and vital records bureaus.

(D) Digital privacy experts.

(E) Civil liberties experts.

(F) Technology and cybersecurity experts.

(G) Users of identity verification services.

(H) Representatives with relevant expertise from academia and advocacy organizations.

(I) Industry representatives with experience implementing digital identity systems.

(J) Identity theft and fraud prevention experts, including advocates for victims of identity theft and fraud.

(10) REPORTS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate

notification entities a report on the activities of the Task Force, including—

(i) recommendations on—

(I) priorities for research and development in the systems that enable digital identity verification, including how the priorities can be executed;

(II) the standards-based architecture developed pursuant to paragraph (7)(D);

(III) methods to leverage digital driver's licenses, distributed ledger technology, and other technologies; and

(IV) priorities for research and development in the systems and processes that reduce identity fraud; and

(ii) summaries of the input and recommendations of the leaders consulted under paragraph (9).

(B) INTERIM REPORTS.—

(i) IN GENERAL.—The Director may submit to the appropriate notification entities interim reports the Director determines necessary to support the work of the Task Force and educate the public.

(ii) MANDATORY REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Director shall submit to the appropriate notification entities an interim report addressing—

(I) the matters described in subparagraphs (A), (B), (D), and (F) of paragraph (7); and

(II) any other matters the Director determines necessary to support the work of the Task Force and educate the public.

(C) FINAL REPORT.—Not later than 180 days before the date described in paragraph (11), the Director shall submit to the appropriate notification entities a final report that includes recommendations for the President and Congress relating to any relevant matter within the scope of the duties of the Task Force.

(D) PUBLIC AVAILABILITY.—The Task Force shall make the reports required under this paragraph publicly available on centralized website as an open Government data asset (as defined in section 3502 of title 44, United States Code).

(11) SUNSET.—The Task Force shall conclude business on the date that is 3 years after the date of enactment of this Act.

(d) SECURITY ENHANCEMENTS TO FEDERAL SYSTEMS.—

(1) GUIDANCE FOR FEDERAL AGENCIES.—Not later than 180 days after the date on which the Director submits the report required under subsection (c)(10)(A), the Director of the Office of Management and Budget shall issue guidance to Federal agencies for the purpose of implementing any recommendations included in such report determined appropriate by the Director of the Office of Management and Budget.

(2) REPORTS ON FEDERAL AGENCY PROGRESS IMPROVING DIGITAL IDENTITY VERIFICATION CAPABILITIES.—

(A) ANNUAL REPORT ON GUIDANCE IMPLEMENTATION.—Not later than 1 year after the date of the issuance of guidance under paragraph (1), and annually thereafter, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a report on the efforts of the Federal agency to implement that guidance.

(B) PUBLIC REPORT.—

(i) IN GENERAL.—Not later than 45 days after the date of the issuance of guidance under paragraph (1), and annually thereafter, the Director shall develop and make publicly available a report that includes—

(I) a list of digital identity verification services offered by Federal agencies;

(II) the volume of digital identity verifications performed by each Federal agency;

(III) information relating to the effectiveness of digital identity verification services by Federal agencies; and

(IV) recommendations to improve the effectiveness of digital identity verification services by Federal agencies.

(ii) CONSULTATION.—In developing the first report required under clause (i), the Director shall consult the Task Force.

(C) CONGRESSIONAL REPORT ON FEDERAL AGENCY DIGITAL IDENTITY CAPABILITIES.—

(i) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report relating to the implementation and effectiveness of the digital identity capabilities of Federal agencies.

(ii) CONSULTATION.—In developing the report required under clause (i), the Director of the Office of Management and Budget shall—

(I) consult with the Task Force; and

(II) to the greatest extent practicable, include in the report recommendations of the Task Force.

(iii) CONTENTS OF REPORT.—The report required under clause (i) shall include—

(I) an analysis, including metrics and milestones, for the implementation by Federal agencies of—

(aa) the guidelines published by the National Institute of Standards and Technology in the document entitled ''Special Publication 800–63'' (commonly referred to as the ''Digital Identity Guidelines''), or any successor document; and

(bb) if feasible, any additional requirements relating to enhancing digital identity capabilities identified in the document of the Office of Management and Budget entitled ''M–19–17'' and issued on May 21, 2019, or any successor document;

(II) a review of measures taken to advance the equity, accessibility, cybersecurity, and privacy of digital identity verification services offered by Federal agencies; and

(III) any other relevant data, information, or plans for Federal agencies to improve the digital identity capabilities of Federal agencies.

(3) ADDITIONAL REPORTS.—On the first March 1 occurring after the date described in paragraph (2)(C)(i), and annually thereafter, the Director of the Office of Management and Budget shall include in the report required under section 3553(c) of title 44, United States Code—

(A) any additional and ongoing reporting on the matters described in paragraph (2)(C)(iii); and

(B) associated information collection mechanisms.

(e) GAO REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the estimated potential savings, including estimated annual potential savings, due to the increased adoption and widespread use of digital identification, of—

(A) the Federal Government from averted fraud, including benefit fraud; and

(B) the economy of the United States and consumers from averted identity theft .

(2) CONTENTS.—Among other variables the Comptroller General of the United States determines relevant, the report required under paragraph (1) shall include multiple scenarios with varying uptake rates to demonstrate a range of possible outcomes.

SA 5815. Mr. PETERS (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ____—FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2022

SEC. ___01. SHORT TITLE.

This division may be cited as the ''Federal Information Security Modernization Act of 2022''.

SEC. ___02. 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 systems for threats and vulnerabilities, including threats or vulnerabilities that may evade detection by automated threat detection systems.

(9) ZERO TRUST ARCHITECTURE.—The term ''zero trust architecture'' has the meaning given the term in Special Publication 800–207 of the National Institute of Standards and Technology, or any successor document.

SEC. ___03. AMENDMENTS TO TITLE 44.

(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, security of information; and''; and

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

''(1) develop and oversee the implementation of policies, principles, standards, and

guidelines on privacy, confidentiality, disclosure, and sharing, and in consultation with the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on security, of information collected or maintained by or for agencies; and'';

(2) in section 3505—

(A) by striking the first subsection designated as subsection (c);

(B) in paragraph (2) of the second subsection designated as subsection (c), by inserting ''an identification of internet accessible information systems and'' after ''an inventory under this subsection shall include'';

(C) in paragraph (3) of the second 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, wherever practicable.'';

(3) in section 3506—

(A) in subsection (a)(3), by inserting ''In carrying out these duties, the Chief Information Officer shall coordinate, as appropriate, with the Chief Data Officer in accordance with the designated functions under section 3520(c).'' after ''reduction of information collection burdens on the public.'';

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

(C) 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 to the Secretary of Homeland Security and the National Cyber Director.''.

(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), (4), (5), (6), (7), (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 (2), as so redesignated, the following:

''(3) The term 'high value asset' means information or an information system that the head of an agency, using policies, principles, standards, or guidelines issued by the Director under section 3553(a), in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, determines to be so critical to the agency that the loss or degradation of the confidentiality, integrity, or accessibility of such information or information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.'';

(D) by inserting after paragraph (7), as so redesignated, the following:

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

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

''(10) The term 'penetration test'—

''(A) means an authorized assessment that emulates attempts to gain unauthorized access to, or disrupt the operations of, an information system or component of an information system; and

''(B) includes any additional meaning given the term in policies, principles, standards, or guidelines issued by the Director under section 3553(a).''; and

(F) 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.

''(13) The term 'zero trust architecture' has the meaning given the term in Special Publication 800–207 of the National Institute of Standards and Technology, or any successor document.''.

(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 semicolon; 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) in subsection (a)—

(i) in paragraph (1), by inserting '', in consultation with the Secretary and the National Cyber Director,'' before ''overseeing'';

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

(iii) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(8) promoting, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, 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, such as zero trust architecture, to improve resiliency and timely response actions to incidents on Federal systems.'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''and the National Cyber Director'' after ''Director'';

(ii) in paragraph (2)(A), by inserting ''and reporting requirements under subchapter IV of this chapter'' after ''section 3556'';

(iii) by redesignating paragraphs (8) and (9) as paragraphs (10) and (11), respectively; and

(iv) by inserting after paragraph (7) the following:

''(8) expeditiously seeking opportunities to reduce costs, administrative burdens, and other barriers to information technology security and modernization for agencies, including through shared services for cybersecurity capabilities identified as appropriate by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and other agencies as appropriate;'';

(C) in subsection (c)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''each year'' and inserting ''each year during which agencies are required to submit reports under section 3554(c)'';

(II) by inserting '', which shall be unclassified but may include a classified annex,'' after ''a report''; and

(III) by striking ''preceding year'' and inserting ''preceding 2 years'';

(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 the risks and trends identified in the Federal risk assessment required under subsection (i);''; and

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

(D) in subsection (h)—

(i) in paragraph (2)—

(I) in subparagraph (A), by inserting ''and the National Cyber Director'' after ''in coordination with the Director''; and

(II) in subparagraph (D), by inserting '', the National Cyber Director,'' after ''notify the Director''; and

(ii) in paragraph (3)(A)(iv), by inserting '', the National Cyber Director,'' after ''the Secretary provides prior notice to the Director'';

(E) by amending subsection (i) to read as follows:

''(i) FEDERAL RISK ASSESSMENT.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall assess the 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 such assessment, 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 required under section 3554(a)(1)(A); and

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

(F) by adding at the end the following:

''(m) BINDING OPERATIONAL DIRECTIVES.—If the Secretary issues a binding operational directive or an emergency directive under this section, not later than 4 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 Director, National Cyber Director, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives the status of the implementation of the binding operational directive at the agency.

''(n) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) CONDUCT OF REVIEW.—The Director of the Office of Management and Budget shall regularly review the efficacy of the guidance and policy promulgated by the Director in reducing cybersecurity risks, including consideration of reporting and compliance burden on agencies.

''(2) CONGRESSIONAL NOTIFICATION.—The Director of the Office of Management and Budget shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives of planned changes to guidance or policy resulting from the review in paragraph (1).

''(3) GAO REVIEW.—The Government Accountability Office shall regularly review the guidance and policy promulgated by the Director to assess its efficacy in risk reduction and burden on agencies, and shall issue recommendations to the Director.

''(o) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard or guideline pursuant to paragraphs (2) or (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.

''(p) INSPECTORS GENERAL ACCESS TO FEDERAL RISK ASSESSMENTS.—The Director of the Cybersecurity and Infrastructure Security Agency shall, upon request, make available Federal risk assessment information under (i) to the Council of the Inspectors General on Integrity and Efficiency.'';

(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, assessing agency system risk by—

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

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

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

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

''(v) evaluating 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) assessing 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) assessing 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 required under subparagraph (A), providing 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 required 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 required 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;'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in accordance with the agency system risk assessment required 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) the ongoing and continuous assessment of agency system risk required under subsection (a)(1)(A), which may include using guidance 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 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 issued by the Secretary 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 the agency risk assessment required under subsection (a)(1)(A);

(iii) in paragraph (5)(A), by inserting '', including penetration testing, as appropriate,'' after ''shall include testing'';

(iv) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(v) by inserting after paragraph (6) the following:

''(7) a process for providing the status of every remedial action and unremediated identified 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

(vi) 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 chapter; and''; and

(IV) in clause (iv), as so redesignated—

(aa) in subclause (II), by adding ''and'' at the end;

(bb) by striking subclause (III); and

(cc) 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) BIENNIAL REPORT.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2022 and not less frequently than once every 2 years thereafter, using the continuous and ongoing agency system risk assessment required 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 required 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 required 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 striking the period at the end and inserting '', including the reporting procedures established under section 11315(d) of title 40 and subsection (a)(3)(A)(v) of this section'';

(D) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''and the National Cyber Director'' after ''the Director''; and

(E) by adding at the end the following:

''(f) REPORTING STRUCTURE EXEMPTION.—

''(1) IN GENERAL.—On an annual basis, the Director may exempt an agency from the reporting structure requirement under subsection (a)(3)(A)(v)(II).

''(2) REPORT.—On an annual basis, the Director shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives that includes a list of each exemption granted under paragraph (1) and the associated rationale for each exemption.

''(3) COMPONENT OF OTHER REPORT.—The report required under paragraph (2) may be incorporated into any other annual report required under this chapter.'';

(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 performing, or reviewing the results of, agency 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) 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

(F) 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 risk-based guidance for evaluating the effectiveness of an information security program and practices

''(2) PRIORITIES.—The risk-based guidance developed under paragraph (1) shall include—

''(A) the identification of the most common successful threat patterns experienced by each agency;

''(B) the identification of security controls that address the threat patterns described in subparagraph (A);

''(C) any other security risks unique to the networks of each agency; and

''(D) any other element the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Council of the Inspectors General on Integrity and Efficiency, determines appropriate.''; 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 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 Commerce, Science, and Transportation of the Senate;

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

''(F) the Committee on Homeland Security of the House of Representatives;

''(G) the Committee on Science, Space, and Technology of the House of Representatives;

''(H) the appropriate authorization and appropriations committees of Congress;

''(I) the Director;

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

''(K) the National Cyber Director;

''(L) the Comptroller General of the United States; and

''(M) the inspector general of any impacted agency.

''(2) AWARDEE.—The term 'awardee', with respect to an agency—

''(A) means—

''(i) a contractor of an agency;

''(ii) the recipient of a grant from an agency;

''(iii) a party to a cooperative agreement with an agency; and

''(iv) a party to an other transaction agreement with an agency; and

''(B) includes a subgrantee of an entity described in subparagraph (A).

''(3) BREACH.—The term 'breach'—

''(A) means the compromise, unauthorized disclosure, unauthorized acquisition, or loss of control of personally identifiable information or any similar occurrence; and

''(B) includes any additional meaning given the term in policies, principles, standards, or guidelines issued by the Director under section 3553(a).

''(4) CONTRACTOR.—The term 'contractor' means a prime contractor of an agency or a subcontractor of a prime contractor of an agency that creates, collects, stores, processes, maintains, or transmits Federal information.

''(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 the 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 breach;

''(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, mailing address, 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) or (d) 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 National Cyber Director, 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 potentially affected 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) DELAY AND LACK OF NOTIFICATION REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Information Security Modernization Act of 2022, and annually thereafter, an official who delays a notification under subsection (c) shall submit to the appropriate reporting entities a report on the delay.

''(2) LACK OF BREACH NOTIFICATION.—The Director shall submit to the appropriate reporting entities an annual report on each breach with respect to which the head of an agency determined, pursuant to subsection (a)(1), not to notify individuals potentially impacted by the breach.

''(3) 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) CONGRESSIONAL REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—On a periodic basis, the Director of the Office of Management and Budget shall update breach notification policies and guidelines for agencies.

''(2) REQUIRED NOTICE FROM AGENCIES.—Subject to paragraph (4), the Director of the Office of Management and Budget shall require the head of an agency affected by a breach to expeditiously and not later than 30 days after the date on which the agency discovers the breach give notice of the breach to—

''(A) each congressional committee described in section 3554(c)(1); and

''(B) the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(3) CONTENTS OF NOTICE.—Notice of a breach provided by the head of an agency pursuant to paragraph (2) shall include—

''(A) information about the breach, including a summary of any information about how the breach occurred known by the agency as of the date of the notice;

''(B) an estimate of the number of individuals affected by the breach based on information known by the agency as of the date of the notice, including an assessment of the risk of harm to affected individuals;

''(C) a description of any circumstances necessitating a delay in providing notice to individuals affected by the breach; and

''(D) an estimate of whether and when the agency will provide notice to individuals affected by the breach.

''(4) EXCEPTION.—An element of the intelligence community that is required to provide notice pursuant to paragraph (2) shall only provide such notice to the appropriate committees of Congress.

''(5) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) through (3) shall be construed to alter any authority of an agency.

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the authority of the Director from issuing guidance relating to notifications of, or the head of an agency from notifying individuals potentially affected by, breaches that are not determined to be major incidents;

''(2) the authority of the Director from issuing guidance relating to notifications of major incidents;

''(3) the authority of the head of an agency from providing more information than required under subsection (b) when notifying individuals potentially affected by a breach; or

''(4) the timing of incident reporting or the types of information included in incident reports provided, pursuant to this subchapter, to—

''(A) the Director;

''(B) the National Cyber Director;

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

''(D) any other agency.

''§ 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 Commerce, Science, and Transportation 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 Science, Space, and Technology of the House of Representatives, and the appropriate authorization and appropriations committees of Congress.

''(2) CONTENTS.—A report required under paragraph (1) shall include, in a manner consistent with section 552a of title 5, United States Code—

''(A) a summary of the information available about the major incident, including how the major incident occurred and, if applicable 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 a notification to individuals potentially affected by the major incident under section 3592(c);

''(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;

''(D) if applicable, whether any ransom has been demanded or paid, or is expected to be paid, by any entity operating a Federal information system or with access to Federal information or a Federal information system, including, as available, the name of the entity demanding ransom, the date of the demand, and the amount and type of currency demanded, unless disclosure of such information will disrupt an active Federal law enforcement or national security operation; and

''(E) information available about the major incident, taking into account—

''(i) the information known at the time of the report;

''(ii) the sensitivity of the details associated with the major incident; and

''(iii) the classification level of the information contained in 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, which may include classified annexes, on the major incident and, to the extent practicable, provide a briefing, which may include a classified component, 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, including the requirements of section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523), 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;

''(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 described in section 3592(c), if applicable; and

''(8) if applicable, a description of any data or circumstances leading the head of the agency to determine, pursuant to section 3592(a)(1), not to notify individuals potentially impacted by a breach.

''(c) UPDATE REPORT.—If the agency, the Director, or the National Cyber Director, determines that there is any significant change in the understanding 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) BIENNIAL REPORT.—Each agency shall submit as part of the biennial report required under section 3554(c)(1) a description of each major incident that occurred during the 2-year period preceding the date on which the biennial report is submitted.

''(e) REPORT DELIVERY.—Any written report required to be submitted under this section may be submitted in a paper or electronic format.

''(f) 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 impacted agency shall coordinate with the National Cyber Director and consult with the Director and any other Federal entity determined appropriate by the National Cyber Director to 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.

''(g) REPORT AND BRIEFING CONSISTENCY.—To achieve consistent and coherent agency reporting to Congress, the National Cyber Director, in coordination with the Director, shall—

''(1) provide recommendations to agencies on formatting and the contents of information to be included in the reports and briefings required under this section, including recommendations for consistent formats for presenting any associated metrics; and

''(2) maintain a comprehensive record of each major incident report and briefing provided under this section, which shall—

''(A) include, at a minimum—

''(i) the full contents of the report;

''(ii) the reporting agency; and

''(iii) the date of submission; and a list of the recipient congressional entities; and

''(B) be made available upon request to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

''(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.—Subject to the limitations described in subsection (b), the head of each agency shall provide to the Cybersecurity and Infrastructure Security Agency information relating to any incident affecting the agency, whether the information is obtained by the Federal Government directly or indirectly.

''(2) CONTENTS.—A provision of information relating to an incident made by the head of an agency under paragraph (1) shall, at a minimum—

''(A) include detailed information about the safeguards that were in place when the incident occurred;

''(B) identify 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 or the cause of the incident, subject to appropriate privacy protections.

''(3) INFORMATION SHARING.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(A) make incident information provided under paragraph (1) available to the Director and the National Cyber Director;

''(B) to the greatest extent practicable, share information relating to an incident with—

''(i) the head of any agency that may be—

''(I) impacted by the incident;

''(II) similarly susceptible to the incident; or

''(III) similarly targeted by the incident; and

''(ii) appropriate Federal law enforcement agencies to facilitate any necessary threat response activities, as requested;

''(C) coordinate any necessary information sharing efforts relating to a major incident with the private sector; and

''(D) notify the National Cyber Director of any efforts described in subparagraph (C).

''(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.—In providing information and selecting a method to provide information under subsection (a), the head of each agency shall implement subsection (a)(1) in a manner that enables automated and consistent reporting to the greatest extent practicable.

''(c) INCIDENT RESPONSE.—Each agency that has a reasonable basis to suspect or conclude that a major incident occurred involving Federal information in electronic medium or form that does not exclusively involve a national security system, regardless of delays from notification granted for a major incident that is also a breach, shall coordinate with—

''(1) the Cybersecurity and Infrastructure Security Agency to facilitate asset response activities and provide recommendations for mitigating future incidents; and

''(2) consistent with relevant policies, appropriate Federal law enforcement agencies to facilitate threat response activities.

''§ 3595. Responsibilities of contractors and awardees

''(a) REPORTING.—

''(1) IN GENERAL.—With respect to the agency with which an awardee has a contract, grant, cooperative agreement, or other transaction agreement, within the same amount of time that agency is required to report an incident to the Cybersecurity and Infrastructure Security Agency under section 3594(a), the awardee shall report to the head of that agency and the Director of the Cybersecurity and Infrastructure Security Agency if the awardee has a reasonable basis to suspect or conclude that—

''(A) an incident or breach has occurred with respect to Federal information collected, used, or maintained by the awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement;

''(B) an incident or breach has occurred with respect to a Federal information system used or operated by the awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement; or

''(C) the awardee has received information from the agency that the awardee is not authorized to receive in connection with the contract, grant, cooperative agreement, or other transaction agreement.

''(2) PROCEDURES.—Following a report of a breach or incident to an agency by an awardee under paragraph (1), the head of the agency, in consultation with the awardee, shall carry out the applicable requirements under sections 3592, 3593, and 3594 with respect to the breach or incident.

''(b) REGULATIONS; MODIFICATIONS.—Not later than 1 year after the date of enactment of the Federal Information Security Modernization Act of 2022, the head of each agency shall—

''(1) promulgate regulations, policies, and procedures, as appropriate, relating to the responsibilities of awardees to comply with this section; and

''(2) modify each existing contract, grant, cooperative agreement, and other transaction agreement of the agency to comply with this section.

''§ 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—

''(1) an employee, contractor, awardee, volunteer, or intern of an agency; or

''(2) an employee of a contractor or awardee of an agency.

''(b) GUIDANCE.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Institute of Standards and Technology, shall develop guidance containing minimum standards for 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, including the information to be collected and a requirement that such information be reported in a machine-readable format to the greatest extent practicable;

''(2) the obligation of a covered individual to report to the agency any suspected or confirmed incident involving Federal information in any medium or form, including paper, oral, and electronic; and

''(3) appropriate training and qualification standards for information technology personnel and cyber incident responders.

''(c) TRAINING.—The head of each agency shall develop training for covered individuals that adheres to the guidance developed under subsection (b).

''(d) INCLUSION IN ANNUAL TRAINING.—The training developed under subsection (c) 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 perform and, in consultation with the Director and the National Cyber Director, develop, 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) common root causes of incidents across multiple 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 across multiple agencies to address intrusion detection 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 of the Cybersecurity and Infrastructure Security Agency shall share on an ongoing basis the analyses required under this subsection with agencies, the Director, 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 of the Cybersecurity and Infrastructure Security Agency 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, the National Cyber Director and the heads of other agencies, as appropriate, shall submit to the appropriate reporting 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 incidents 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.—

''(1) IN GENERAL.—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 during which the report is submitted.

''(2) EXEMPTION.—The Director of the Cybersecurity and Infrastructure Security Agency shall exempt all or a portion of a report described in paragraph (1) from public publication if the Director of the Cybersecurity and Infrastructure Security Agency or the National Cyber Director determines the exemption is in the interest of national security.

''(3) LIMITATION ON EXEMPTION.—An exemption granted under paragraph (2) shall not apply to any version of a report submitted to the appropriate reporting entities under subsection (b).

''(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 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 national security system 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 and the National Cyber Director, and in consultation with the impacted agency.

''§ 3598. Major incident definition

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Information Security Modernization Act of 2022, 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, foreign relations, homeland security, or economic security of the United States; or

''(ii) the civil liberties, public confidence, privacy, 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 the head of the agency determines substantially disrupts or substantially degrades the operations of a high value asset owned or operated by the agency;

''(D) any incident involving the exposure to a foreign entity of sensitive agency information, 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

''(E) any other type of incident determined appropriate by the Director;

''(2) stipulate that the National Cyber Director, in consultation with the Director and the Director of the Cybersecurity and Infrastructure Security Agency, may declare a major incident at any agency;

''(3) stipulate that the National Cyber Director, in consultation with the Director and the Director of the Cybersecurity and Infrastructure Security Agency, shall consider declaring a major incident at any agency impacted by an incident if it is determined 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, or a common software or hardware vulnerability; or

''(ii) the related activities of a common threat actor;

''(4) stipulate that, in determining whether an incident constitutes a major incident under the standards described in paragraph (1), the head of the agency shall consult with the National Cyber Director, the Director, and the Director of the Cybersecurity and Infrastructure Security Agency; and

''(5) stipulate that the mere report of a vulnerability discovered or disclosed without a loss of confidentiality, integrity, or availability shall not on its own constitute a major incident.

''(c) EVALUATION AND UPDATES.—Not later than 2 years after the date on which the Director promulgates the guidance required under subsection (a), and not less frequently than every 2 years thereafter, 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 that includes—

''(1) an evaluation of any necessary updates to the guidance;

''(2) an evaluation of any necessary updates to the definition of the term 'major incident' included in the guidance; and

''(3) an explanation of, and the analysis that led to, the definition described in paragraph (2).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''3591. Definitions.
''3592. Notification of breach.
''3593. Congressional and Executive Branch reports.
''3594. Government information sharing and incident response.
''3595. Responsibilities of contractors and awardees.
''3596. Training.
''3597. Analysis and report on Federal incidents.
''3598. Major incident definition.''.

SEC. ___04. 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 in section 1078—

(1) 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.'';

(2) 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, as appropriate and to be reviewed by the member of the Technology Modernization Board described in subsection (c)(5)(C)—

''(i) a cybersecurity risk management plan; and

''(ii) a supply chain risk management plan.''; and

(3) in subsection (c)—

(A) in paragraph (2)(A)(i), by inserting '', including a consideration of the impact on high value assets'' after ''operational risks'';

(B) 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

(C) 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 chapter 113 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)(3)—

(i) in subparagraph (A)—

(I) by striking ''including data'' and inserting ''which shall—

''(i) include data''; and

(II) by adding at the end the following:

''(ii) specifically denote cybersecurity funding under the risk-based budget model developed pursuant to section 3553(a)(7) of title 44.''; and

(ii) in subparagraph (B), by 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

(C) 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 budget model developed pursuant to section 3553(a)(7) of title 44'' after ``title 31''.

(c) SUBCHAPTER II.—Subchapter II of chapter 113 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.

``(e) REPORTING STRUCTURE EXEMPTION.—

``(1) IN GENERAL.—On annual basis, the Director may exempt any agency from the reporting structure requirements under subsection (d).

``(2) REPORT.—On an annual basis, 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 a report that includes a list of each exemption granted under paragraph (1) and the associated rationale for each exemption.

``(3) COMPONENT OF OTHER REPORT.—The report required under paragraph (2) may be incorporated into any other annual report required under chapter 35 of title 44, United States Code.'';

(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''.

SEC. ____05. ACTIONS TO ENHANCE FEDERAL INCIDENT TRANSPARENCY.

(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 of the Cybersecurity and Infrastructure Security Agency 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) UPDATING FISMA 2014.—Section 2 of the Federal Information Security Modernization Act of 2014 (Public Law 113–283; 128 Stat. 3073) is amended—

(A) by striking subsections (b) and (d); and

(B) by redesignating subsections (c), (e), and (f) as subsections (b), (c), and (d), 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) 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;

(ii) include requirements for the timeliness of data production; and

(iii) 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 552a(b)(13) of title 5, United States Code, as added by this section, 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, as appropriate, templates, to be reviewed and, if necessary, updated not less frequently than once every 2 years, for use by 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 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 agencies of incidents involving information of the Federal Government.

(6) UPDATED BRIEFINGS.—Not later than 30 days after the Director updates guidance or templates under paragraph (2)(A) or (4), the Director shall provide to the appropriate congressional committees a briefing on such updates.

(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, to the extent necessary, in furtherance of a response to an incident (as defined in section 3552 of title 44) or to fulfill the information sharing requirements under section 3594 of title 44, provided that the disclosing agency maintains documentation specifying the particular portion shared and the activity for which the record is disclosed.''.

SEC. ____06. ADDITIONAL GUIDANCE TO AGENCIES ON FISMA UPDATES.

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 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 opportunities 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 Director of 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; and

(4) 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. ____07. 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 1 year 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) any agency information system used in the transmission or storage of the sensitive information described in paragraph (1).

SEC. ____08. 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;

(2) a requirement for each 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; and

(3) instructions on sharing the inventory of the agency required under paragraph (1) with the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable.

(c) 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. ___09. 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 duration that logs and other relevant data should be retained;

(3) the time periods for agency implementation of 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 consistent section 552a of title 5, United States Code, agencies provide logs to—

(A) the Director of the Cybersecurity and Infrastructure Security Agency for a cybersecurity purpose; and

(B) the Director of the Federal Bureau of Investigation, or the appropriate Federal law enforcement agency, to investigate potential criminal activity; and

(6) requirements to ensure that 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 National Cyber Director, 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.

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

SEC. ___10. 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).

(f) COORDINATION OF ACTIVITIES.—The Director of the Cybersecurity and Infrastructure Security Agency shall consult with the Director on the execution of the duties of the Cybersecurity and Infrastructure Security Agency advisors to ensure that there is no inappropriate duplication of activities among—

(1) Federal cybersecurity support to agencies of the Office of Management and Budget; and

(2) the Cybersecurity and Infrastructure Security Agency advisors.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed impact the ability of the Director to support agency implementation of Federal cybersecurity requirements pursuant to subchapter II of chapter 35 of title 44, United States Code, as amended by this Act.

SEC. ___11. 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) GUIDANCE.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies that—

''(1) requires agencies to use, when and where appropriate, penetration testing by both Federal and non-Federal entities on agency systems with a focus on high value assets;

''(2) provides policies governing the development of—

''(A) an agency operational plan;

''(B) rules of engagement for using penetration testing; and

''(C) procedures to use the results of penetration testing to improve the cybersecurity and risk management of the agency;

''(3) ensures that—

''(A) penetration testing is performed appropriately by agencies; and

''(B) operational support or a shared service is available; and

''(4) in no manner restricts the authority of the Secretary of Homeland Security or the Director of the Cybersecurity and Infrastructure Agency to conduct threat hunting pursuant to section 3553 of title 44, United States Code, or penetration testing under this chapter.

''(b) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The guidance issued under subsection (a) shall not apply to national security systems.

''(c) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director described in subsection (a) shall be delegated to—

''(1) the Secretary of Defense in the case of a system described in section 3553(e)(2); and

''(2) the Director of National Intelligence in the case of a system described in section 3553(e)(3).''.

(b) DEADLINE FOR GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Director shall issue the guidance required under section 3559A(a) 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) SUNSET.—

(1) IN GENERAL.—Effective on the date that is 10 years after the date of enactment of this Act, subchapter II of chapter 35 of title 44, United States Code, is amended by striking section 3559A.

(2) CLERICAL AMENDMENT.—Effective on the date that is 10 years after the date of enactment of this Act, the table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3559A.

(e) PENETRATION TESTING BY THE SECRETARY OF HOMELAND SECURITY.—Section 3553(b) of title 44, United States Code, as amended by section ___03, is further amended by inserting after paragraph (8) the following:

''(9) performing penetration testing to identify vulnerabilities within Federal information systems;''.

SEC. ___12. 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, proactive threat-hunting services in accordance with authorities granted under section paragraphs (7) and (10) of subsection (b) and subsection (l) of section 3553 of title 44,United States Code, as amended by this Act, which may be offered as a shared service, on the networks 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, analyzing, and safeguarding appropriate agency data;

(B) provide on-premises support to agencies;

(C) staff threat hunting services;

(D) establish common operating procedures, including necessary interagency legal agreements;

(E) allocate available human and financial resources to implement the plan; and

(F) provide input to the heads of agencies on the use of 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. ___13. 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 ___11 of this division, the following:

''§ 3559B. Federal vulnerability disclosure programs

''(a) PURPOSE; SENSE OF CONGRESS.—

''(1) PURPOSE.—The purpose of Federal vulnerability disclosure programs is to create a mechanism to use the expertise of the public to provide a service to agencies by identifying information system vulnerabilities.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that, in implementing the requirements of this section, the Federal Government should take appropriate steps to reduce real and perceived burdens in communications between agencies and security researchers.

''(b) DEFINITIONS.—In this section:

''(1) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

''(2) SUBMITTER.—The term 'submitter' means an individual that submits a vulnerability disclosure report pursuant to the vulnerability disclosure process of an agency.

''(3) VULNERABILITY DISCLOSURE REPORT.—The term 'vulnerability disclosure report' means a disclosure of a security vulnerability made to an agency by a submitter.

''(c) 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 submitter or an individual that conducts a security research activity that—

''(A) represents a good faith effort to identify and report security vulnerabilities in Federal information systems; or

''(B) is otherwise authorized under the vulnerability disclosure policy of the agency developed under subsection (e)(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 Director of the Cybersecurity and Infrastructure Security Agency, including—

''(A) any valid or credible vulnerability disclosure reports of newly discovered or not publicly known security vulnerabilities (including misconfigurations) in commercial software or services used by Federal information systems;

''(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 Director of the Cybersecurity and Infrastructure Security Agency.

''(3) AGENCY VULNERABILITY DISCLOSURE POLICIES.—

''(A) IN GENERAL.—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 (e)(2).

''(B) LIMITATION.—The guidance to agencies under subparagraph (A) shall stipulate that the mere identification by a submitter of a security vulnerability, without a significant compromise of confidentiality, integrity, or availability, does not constitute a major incident.

''(d) 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;

''(3) upon a request by an agency, assist the agency in the disclosure to vendors of newly identified security vulnerabilities in vendor products and services; and

''(4) as appropriate, implement the requirements of this section, in accordance with the authority under section 3553(b)(8), as a shared service available to agencies.

''(e) 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 vulnerability disclosure report to an agency, describe—

''(i) how the submitter should submit the vulnerability disclosure 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 and cover every internet accessible Federal information system used or operated by that agency or on behalf of that agency.

''(3) IDENTIFIED SECURITY VULNERABILITIES.—The head of each agency shall—

''(A) consider security vulnerabilities reported under paragraph (2); and

''(B) commensurate with the risk posed by the security vulnerability, address such security vulnerability using the security vulnerability management process of the agency.

''(f) CONGRESSIONAL REPORTING.—Not later than 90 days after the date of enactment of the Federal Information Security Modernization Act of 2022, and annually thereafter for a 3-year period, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and the heads of impacted agencies, 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 (c)(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 ___11 of this division, the following:

''3559B. Federal vulnerability disclosure programs.''.

(c) SUNSET.—

(1) IN GENERAL.—Effective on the date that is 10 years after the date of enactment of this Act, subchapter II of chapter 35 of title 44, United States Code, is amended by striking section 3559B.

(2) CLERICAL AMENDMENT.—Effective on the date that is 10 years after the date of enactment of this Act, the table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3559B.

SEC. ___14. IMPLEMENTING ZERO TRUST ARCHITECTURE.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Reform and Homeland Security of the House of Representatives an update 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, including through the transition to zero trust architecture;

(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 as quickly as practicable, accounting for intelligence or law enforcement purposes;

(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) PROGRESS REPORT.—As a part of the report required under section 3553(c) of title 44, United States Code, the Director shall include an update on agency implementation of information security programs based on the presumption of compromise and least privilege, such as zero trust architecture, which shall include—

(1) a description of steps agencies have completed, including progress toward achieving any requirements issued by the Director, including the adoption of any models or reference architecture;

(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.

(c) CLASSIFIED ANNEX.—The update required under subsection (b) may include a classified annex, as appropriate.

SEC. ___15. GAO AUTOMATION REPORTS.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall perform a study, and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Reform and Homeland Security of the House of Representatives a report, 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 employed by agencies under paragraphs (1), (5)(C), and (8)(B) of section 3554(b) of title 44, United States Code, as amended by this Act.

SEC. ___16. EXTENSION OF FEDERAL ACQUISITION SECURITY COUNCIL AND SOFTWARE INVENTORY.

(a) EXTENSION.—Section 1328 of title 41, United States Code, is amended by striking ''the date that'' and all that follows and inserting ''December 31, 2028.''.

(b) EXTENSION.—Section 4713(j) of title 41, United States Code, is amended by striking ''the date that'' and all that follows and inserting ''December 31, 2028.''.

(c) REQUIREMENT.—Subsection 1326(b) of title 41, United States Code, is amended—

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

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

''(6) maintaining an up-to-date and accurate inventory of software in use by the agency and, when available and applicable, the components of such software, including any available software bills of materials, as applicable, that will be provided within 30 days of receiving a request from the Federal Acquisition Security Council, the individual serving as the Administrator of the Office of Electronic Government, the National Cyber Director, or the Director of Cybersecurity and Infrastructure Security Agency; and''.

SEC. ___17. EXTENSION OF CHIEF DATA OFFICER COUNCIL.

Section 3520A(e)(2) of title 44, United States Code, is amended by striking ''upon the expiration of the 2-year period that begins on the date the Comptroller General submits the report under paragraph (1) to Congress'' and inserting ''January 31, 2030''.

SEC. ___18. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIRED.—Section 11(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (2)—

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

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

(C) 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''; and

(2) by inserting after paragraph (3) the following:

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the publication of information that is exempted from disclosure under section 552 of title 5, United States Code''.

SEC. ___19. 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, and as appropriate thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director and the National Cyber 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)) update or 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.

(5) TIME-BASED METRIC.—With respect the first update or establishment of covered metrics required under subsection (b)(2), the Director of the Cybersecurity and Infrastructure Security Agency shall establish covered metrics that include not less than 2 metrics addressing the time it takes for agencies to identify and respond to incidents.

(d) CONGRESSIONAL REPORTS.—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 submit to the appropriate congressional committees a report on the utility and use of the covered metrics.

(e) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015 UPDATE.—Section 222(3)(B) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521(3)(B)) is amended by inserting ''and the Committee on Oversight and Reform'' before ''of the House of Representatives.''

SEC. ___20. ESTABLISHMENT OF RISK-BASED BUDGET MODEL.

(a) DEFINITIONS.—In this section:

(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 Oversight and Reform, 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).

(b) ESTABLISHMENT OF RISK-BASED BUDGET MODEL.—

(1) IN GENERAL.—

(A) 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 informing a risk-based budget for cybersecurity spending.

(B) RESPONSIBILITY OF DIRECTOR.—Section 3553(a) of title 44, United States Code, as amended by section ___03 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''.

(C) CONTENTS OF MODEL.—The model required to be developed under subparagraph (A) shall utilize appropriate information to evaluate risk, including, as determined appropriate by the Director—

(i) Federal and non-Federal cyber threat intelligence products, where available, to identify threats, vulnerabilities, and risks;

(ii) analysis of the impact of agency operations of compromise of systems, including the interconnectivity to other agency systems and the operations of other agencies; and

(iii) to the greatest extent practicable, analysis of where resources should be allocated to have the greatest impact on mitigating current and future threats and current and future cybersecurity capabilities.

(D) USE OF MODEL.—The model required to be developed under subparagraph (A) shall be used to—

(i) 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

(ii) evaluate and inform Government-wide cybersecurity programs.

(E) MODEL VARIATION.—The Director may develop multiple models under subparagraph (A) based on different agency characteristics, such as size or cybersecurity maturity.

(F) 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 subparagraph (A).

(G) PUBLICATION.—Not earlier than 5 years after the date on which the model developed under subparagraph (A) is completed, the Director shall, taking into account any classified or sensitive information, publish the model, and any updates necessary under subparagraph (F), on the public website of the Office of Management and Budget.

(H) REPORTS.—Not later than 2 years 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, and annually thereafter for each of the 2 following fiscal years or until the date on which the model required to be developed under subparagraph (A) is completed, whichever is sooner, the Director shall submit to the appropriate congressional committees a report on the development of the model.

(2) PHASED IMPLEMENTATION OF RISK-BASED BUDGET MODEL.—

(A) INITIAL PHASE.—

(i) IN GENERAL.—Not later than 2 years after the date on which the model developed under paragraph (1) is completed, the Director shall require not less than 5 covered agencies to use the model to inform the development of the annual cybersecurity and information technology budget requests of those covered agencies.

(ii) BRIEFING.—Not later than 1 year after the date on which the covered agencies selected under clause (i) begin using the model developed under paragraph (1), the Director shall provide to the appropriate congressional committees a briefing on implementation of risk-based budgeting for cybersecurity spending, an assessment of agency implementation, and an evaluation of whether the risk-based budget helps to mitigate cybersecurity vulnerabilities.

(B) FULL DEPLOYMENT.—Not later than 5 years after the date on which the model developed under paragraph (1) is completed, the head of each covered agency shall use the model, or any updated model pursuant to paragraph (1)(F), to the greatest extent practicable, to inform the development of the annual cybersecurity and information technology budget requests of the covered agency.

(C) AGENCY PERFORMANCE PLANS.—

(i) AMENDMENT.—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)''.

(ii) EFFECTIVE DATE.—The amendment made by clause (i) shall take effect on the date that is 5 years after the date on which the model developed under paragraph (1) is completed.

(3) VERIFICATION.—

(A) IN GENERAL.—Section 1105(a)(35)(A)(i) of title 31, United States Code, is amended—

(i) in the matter preceding subclause (I), by striking ''by agency, and by initiative area (as determined by the administration)'' and inserting ''and by agency'';

(ii) in subclause (III), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(V) a validation that the budgets submitted were informed by 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.''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on the date that is 5 years after the date on which the model developed under paragraph (1) is completed.

(4) REPORTS.—

(A) INDEPENDENT EVALUATION.—Section 3555(a)(2) of title 44, United States Code, is amended—

(i) in subparagraph (B), by striking ''and'' at the end;

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

(iii) by adding at the end the following:

''(D) an assessment of how the agency was informed by the risk-based budget model required under section 3553(a)(7) and an evaluation of whether the model mitigates agency cyber vulnerabilities.''.

(B) ASSESSMENT.—

(i) AMENDMENT.—Section 3553(c) of title 44, United States Code, as amended by section ____03 of this division, is further amended by inserting after paragraph (5) the following:

''(6) an assessment of—

''(A) Federal agency utilization of the model required under subsection (a)(7); and

''(B) whether the model mitigates the cyber vulnerabilities of the Federal Government.''.

(ii) EFFECTIVE DATE.—The amendment made by clause (i) shall take effect on the date that is 5 years after the date on which the model developed under paragraph (1) is completed.

(5) 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 paragraph (3), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes—

(A) an evaluation of the success of covered agencies in utilizing the risk-based budget model;

(B) an evaluation of the success of covered agencies in implementing risk-based budgets;

(C) an evaluation of whether the risk-based budgets developed by covered agencies are effective at informing Federal Government-wide cybersecurity programs; and

(D) any other information relating to risk-based budgets the Comptroller General determines appropriate.

SEC. ____21. ACTIVE CYBER DEFENSIVE STUDY.

(a) DEFINITION.—In this section, the term ''active defense technique''—

(1) has the meaning given the term by the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, the Attorney General, and the heads of other appropriate agencies; and

(2) includes, at a minimum—

(A) 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

(B) 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 and the National Cyber Director, shall perform a study, and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Reform and Homeland Security of the House of Representatives a report, 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 Attorney General;

(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 agency operations and mission delivery, threat response efforts, criminal investigations, and national security activities, including intelligence collection; and

(4) the development of a framework for the use of different active defense techniques by agencies.

SEC. ____22. SECURITY OPERATIONS CENTER AS A SERVICE PILOT.

(a) PURPOSE.—The purpose of this section is for the Cybersecurity and Infrastructure Security Agency to run a security operation center on behalf of another agency, alleviating the need to duplicate this function at every agency, and empowering a greater centralized cybersecurity capability.

(b) PLAN.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish a centralized Federal security operations center shared service offering within the Cybersecurity and Infrastructure Security Agency.

(c) CONTENTS.—The plan required under subsection (b) shall include considerations for—

(1) collecting, organizing, and analyzing agency information system data in real time, including endpoint detection and response capabilities;

(2) staffing and resources; and

(3) appropriate interagency agreements, concepts of operations, and governance plans, including alignment with existing shared services operations and policy.

(d) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date on which the plan required under subsection (b) is developed, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, shall enter into a 1-year agreement with not less than 2 agencies to offer a security operations center as a shared service.

(2) ADDITIONAL AGREEMENTS.—After the date on which the briefing required under subsection (e)(1) is provided, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, may enter into additional 1-year agreements described in paragraph (1) with agencies.

(e) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 270 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a briefing on the parameters of any 1-year agreements entered into under subsection (d)(1).

(2) REPORT.—Not later than 90 days after the date on which the first 1-year agreement entered into under subsection (d) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a report on—

(A) the agreement; and

(B) any additional agreements entered into with agencies under subsection (d).

SEC. ___23. FEDERAL CYBERSECURITY REQUIREMENTS.

(a) EXEMPTION FROM FEDERAL REQUIREMENTS.—Section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) DURATION OF CERTIFICATION.—

''(A) IN GENERAL.—A certification and corresponding exemption of an agency under paragraph (2) shall expire on the date that is 4 years after the date on which the head of the agency submits the certification under paragraph (2)(A).

''(B) RENEWAL.—Upon the expiration of a certification of an agency under paragraph (2), the head of the agency may submit an additional certification in accordance with that paragraph.''.

(b) REPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, as amended by section ___03(c) of this division, is amended—

(1) in subparagraph (C), 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) with respect to any exemption from the requirements of section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report, the number of agency information systems that have received an exemption from those requirements.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SA 5816. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. ARCTIC SHIPPING FEDERAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall establish the Arctic Shipping Federal Advisory Committee, as required in section 8426 of the Elijah E. Cummings Coast Guard Authorization Act of 2020 (division G of Public Law 116–283).

(b) FUNDING.—The Secretary of Transportation shall make available to the Arctic Shipping Advisory Committee, from amounts appropriated to the Office of the Secretary of Transportation, such funds as may be necessary for the operation and sustainment of the Committee.

SA 5817. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. AMENDMENTS TO THE ARCTIC RESEARCH AND POLICY ACT OF 1984.

(a) FINDINGS AND PURPOSES.—Section 102(a) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4101(a)) is amended—

(1) in paragraph (2), by inserting ''and homeland'' after ''national'';

(2) by redesignating paragraphs (5) through (17) as paragraphs (6) through (18), respectively;

(3) by striking paragraph (4) and inserting the following:

''(4) Changing Arctic conditions directly affect global weather and climate patterns and must be better understood—

''(A) to promote better agricultural management throughout the United States; and

''(B) to address the myriad of impacts, challenges, and opportunities brought about by such change.

''(5) Since a rapidly changing climate will reshape the economic, social, cultural, political, environmental, and security landscape of the Arctic region, sustained, robust, coordinated, reliable, appropriately funded, and dependable Arctic research is required to inform and influence sound domestic and international Arctic policy.''; and

(4) in paragraph (6), as redesignated, by inserting ''and climate'' after ''weather''.

(b) ARCTIC RESEARCH COMMISSION.—Section 103 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking ''who are'' and inserting ''who is a''; and

(ii) by striking ''who live in areas'' and inserting ''who live in an area'';

(B) in paragraph (2), by striking ''chairperson'' and inserting ''Chair''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting ''or her'' after ''his''; and

(ii) by inserting '', or in the case of the Chair, not to exceed 120 days of service each year'' after ''year''; and

(B) in paragraph (2), by striking ''Chairman'' and inserting ''Chair''.

(c) ADMINISTRATION OF THE COMMISSION.—Section 106(4) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4105(4)) is amended—

(1) by inserting '', and other Federal Government entities, as appropriate,'' after ''with the General Services Administration''; and

(2) by inserting '', or the heads of other Federal Government entities, as appropriate,'' before the semicolon.

(d) INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE.—Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by redesignating subparagraph (L) as subparagraph (O); and

(2) in subparagraph (K), by striking ''and'' at the end; and

(3) by inserting after subparagraph (K) the following:

''(L) the Department of Agriculture;

''(M) the Marine Mammal Commission;

''(N) the Denali Commission; and''.

(e) 5-YEAR ARCTIC RESEARCH PLAN.—Section 109(a) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4108(a)) is amended by striking ''The Plan'' and inserting ''Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66), the Plan''.

SA 5818. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON ESTABLISHING PRESENCE OF NAVY OR COAST GUARD IN THE UNITED STATES ARCTIC.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard and the Chief of Naval Operations shall jointly submit a report to the appropriate committees of Congress that—

(1) describes the requirements necessary to establish, and the feasibility of establishing, a year-round presence of the Navy and the Coast Guard in the Arctic region at—

(A) the Port of Nome;

(B) the natural deepwater port of Unalaska;

(C) the former Coast Guard Station at Port Clarence;

(D) Point Spencer (as defined in section 532 of the Pribilof Island Transition Completion Act of 2015 (subtitle B of title V of Public Law 114–120));

(E) the port on Saint George Island in the Bering Sea;

(F) the Port of Adak;

(G) Cape Blossom;

(H) Southeast Alaska;

(I) ports in the Northeastern United States including Eastport, Searsport, and Portland; and

(J) any other deepwater port that the Commandant determines would facilitate such a presence in the places described in subparagraphs (A) through (I); and

(2) provides an estimate of the costs of implementing the requirements described in paragraph (1), after taking into account the costs of constructing the onshore infrastructure that will be required to support year-

round maritime operations in the vicinity of the Bering Sea and the Arctic region.

(b) PORT DEVELOPMENT REQUIREMENTS.—The port development requirements described in the report submitted under subsection (a) shall include a range of options, including—

(1) scalable and non-scalable;

(2) austere facilities such as moorings with austere port facilities,

(3) pier space without services such as refuel and resupply (to include water, sewage removal, and food); and

(4) pier space that includes services such as the ability to refuel and resupply (to include water, sewage removal, and food).

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

(1) the congressional defense committees;

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

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

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

(5) the Committee on Commerce, Science, and Transportation of the Senate

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

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

(8) the Committee on Energy and Commerce of the House of Representatives; and

(9) the Committee on Transportation and Infrastructure of the House of Representatives.

SA 5819. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 632. EXPANSION OF COMMISSARY STORE DOORSTOP DELIVERY PILOT PROGRAM.

The Director of the Defense Commissary Agency shall expand the doorstop delivery pilot program for grocery delivery from commissary stores to include States outside the continental United States, giving priority to locations that—

(1) are in remote locations; and

(2) face long winters and periods of darkness.

SA 5820. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON ELIMINATING THE RUSSIAN MONOPOLY ON ARCTIC SHIPPING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Committee on the Maritime Transportation System, in coordination with the Arctic Shipping Federal Advisory Committee, shall submit a report to the appropriate committees of Congress that—

(1) describes the control and influence of the Russian Federation on shipping in the Arctic region;

(2) analyzes the effect of such control and influence on ongoing efforts to increase the presence, capacity, and volume of United States shipping in the Arctic region; and

(3) includes a plan for eliminating the Russian monopoly on shipping in the Arctic region to enable an increase United States' presence in the Arctic shipping domain.

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

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

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

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

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

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

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

(7) the Committee on Foreign Affairs of the House of Representatives; and

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

SA 5821. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. CROSSCUT REPORT ON ARCTIC RESEARCH PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of the Office of Management and Budget shall submit a detailed report to Congress regarding all existing Federal programs relating to Arctic research, including—

(1) the goals of each such program;

(2) the funding levels for each such program for each of the 5 immediately preceding fiscal years;

(3) the anticipated funding levels for each such program for each of the 5 following fiscal years; and

(4) the total funding appropriated for the current fiscal year for such programs.

(b) DISTRIBUTION.—Not later than 3 days after submitting the report to Congress pursuant to subsection (a), the Director of the Office of Management and Budget shall submit a copy of the report to the National Science Foundation, the United States Arctic Research Commission, and the Office of Science and Technology Policy.

SA 5822. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. AMBASSADOR-AT-LARGE FOR THE ARCTIC REGION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 64. UNITED STATES AMBASSADOR-AT-LARGE FOR THE ARCTIC REGION.

''(a) ESTABLISHMENT.—There is authorized within the Department of State an Ambassador-at-Large for the Arctic Region, appointed under subsection (b).

''(b) APPOINTMENT.—The Ambassador shall be appointed by the President, by, and with the advice and consent of the Senate.

''(c) DUTIES.—The Ambassador is authorized to represent the United States in matters and cases relevant to Arctic affairs and shall be responsible to the Secretary of State for all matters, programs, and related activities pertaining to the Arctic region in the conduct of foreign policy by the Department, including, as appropriate, leading the coordination of programs carried out by United States Government agencies abroad, and such other related duties as the Secretary may from time to time designate.

''(d) AREAS OF RESPONSIBILITY.—The Ambassador-at-Large for the Arctic Region is authorized to maintain continuous observation and coordination of all matters indicated by the Secretary of State, including those pertaining to energy, environment, trade, and infrastructure development and maintenance, and, in consultation with the heads of other relevant departments and agencies, those pertaining to law enforcement and political-military affairs in the conduct of foreign policy in the Arctic, including programs carried out by other United States Government agencies when such programs pertain to the following matters, to the extent directed by the Secretary of State:

''(1) National security.

''(2) Strengthening cooperation among Arctic countries.

''(3) The promotion of responsible natural resource management and economic development.

''(4) Protecting the Arctic environment and conserving its biological resources.

''(5) Arctic indigenous peoples, including by involving them in decisions that affect them.

''(6) Scientific monitoring and research.

''(e) ADDITIONAL DUTIES.—In addition to the duties and responsibilities specified in subsections (c) and (d), the Ambassador-at-Large for the Arctic Region shall also carry out such other relevant duties as the Secretary may assign.

''(f) DEFINITIONS.—In this section:

''(1) ARCTIC REGION.—The term 'Arctic region' means—

''(A) the geographic region north of the 66.56083 parallel latitude north of the equator;

''(B) all the United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers;

''(C) all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and

''(D) the Aleutian Chain.

''(2) ARCTIC COUNTRIES.—The term 'Arctic countries' means the permanent members of the Arctic Council, namely the United States, Canada, Denmark, Iceland, Norway, Sweden, Finland, and Russia.''.

SA 5823. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle E—Don Young Arctic Warrior Act

SEC. 641. SHORT TITLE.

This subtitle may be cited as the ''Don Young Arctic Warrior Act''.

SEC. 642. SPECIAL PAY AND ALLOWANCES FOR CERTAIN MEMBERS OF THE ARMED FORCES ASSIGNED TO COLD WEATHER OPERATIONS.

(a) SPECIAL PAY.—

(1) ESTABLISHMENT.—Subchapter II of chapter 5 of title 37, United States Code, is amended by inserting after section 336 the following new section:

''§ 337. Special pay: members of the armed forces assigned to cold weather operations

''(a) SPECIAL PAY AUTHORIZED.—The Secretary concerned shall pay monthly special pay (to be known as 'arctic pay') to a member of the armed forces—

''(1) assigned to perform cold weather operations; or

''(2) required to maintain proficiency through frequent operations in cold weather.

''(b) AMOUNT OF PAY.—Special pay under this section shall equal $300 per month.

''(c) RELATIONSHIP TO OTHER PAY OR ALLOWANCES.—Special pay under this section is in addition to any other pay or allowance to which a member is entitled.

''(d) SUNSET.—No special pay may be paid under this section after December 31, 2023.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 336 the following:

''337. Special pay: members of the armed forces assigned to cold weather operations.''.

(3) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the payment of arctic pay under section 337 of such title, as added by paragraph (1).

(b) ALLOWANCE FOR BROADBAND.—

(1) ESTABLISHMENT.—Chapter 7 of title 37, United States Code, is amended by inserting after section 425 the following new section:

''§ 426. Allowance for broadband for certain members of the armed forces assigned to permanent duty stations in Alaska

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned shall pay, to a member of the armed forces in the grade of E–5 or below who is assigned to a permanent duty station in Alaska, a monthly allowance for broadband.

''(b) AMOUNT.—The monthly allowance to a member under this section shall be—

''(1) $125 during calendar year 2023; and

''(2) in subsequent calendar years, an amount determined by the Secretary of Defense based on the difference between the average costs of unlimited broadband plans in Alaska and in the continental United States.

''(c) SUNSET.—No allowance may be paid under this section after December 31, 2028.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 425 the following:

''426. Allowance for broadband for certain members of the armed forces assigned to permanent duty stations in Alaska.''.

(3) EFFECTIVE DATE.—Section 426 of such title, as added by paragraph (1), shall take effect on the day the Secretary of Defense prescribes regulations under paragraph (4).

(4) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out section 426 of such title, as added by paragraph (1).

(5) REPORT.—Not later than December 31, 2027, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the evaluation of the Secretary of the allowance under section 426 of such title, as added by paragraph (1); and

(B) any recommendation of the Secretary regarding whether such allowance should be amended, extended, or made permanent.

(c) TRAVEL AND TRANSPORTATION ALLOWANCE.—

(1) ENTITLEMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations and guidance to provide a member of the Armed Forces in the grade of E–5 or below who is assigned to a permanent duty station in Alaska to a one-time allowance for air travel for the member and dependents of such member.

(2) AMOUNTS.—

(A) TRAVEL TO PERMANENT RESIDENCE.—If the air travel for which an allowance under paragraph (1) is paid to a member is to the permanent residence of the member, the amount of the allowance shall equal the total costs of such air travel.

(B) TRAVEL TO OTHER DESTINATIONS.—If the air travel for which an allowance under paragraph (1) is paid to a member is to a destination in the United States other than the permanent residence of the member, the amount of the allowance shall be equal to the lesser of the following:

(i) The rate for such air travel under the City Pair Program of the General Services Administration (or successor program) in effect at the time of such air travel.

(ii) The actual costs of such air travel.

(3) TIMING.—Air travel for which an allowance under paragraph (1) is paid to a member may not commence later than 30 months after the member is assigned to a permanent duty station in Alaska.

(4) ADDITIONAL AUTHORIZATION.—The Secretary concerned (as defined in section 101 of title 37, United States Code) may authorize an additional allowance for a member who has used the allowance to which such member is entitled under paragraph (1).

SEC. 643. PILOT PROGRAM ON CAR SHARING ON REMOTE MILITARY INSTALLATIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to allow car sharing at military installations in Alaska.

(b) PROGRAM ELEMENTS.—To carry out the pilot program under this section, the Secretary shall take steps including the following:

(1) Seek to enter into an agreement with an entity that—

(A) provides car sharing services; and

(B) is capable of serving all military installations in Alaska.

(2) Provide to members assigned to such installations the resources the Secretary determines necessary to participate in such pilot program.

(3) Promote such pilot program to such members.

(c) IMPLEMENTATION PLAN.—Not later than 90 days after the date the Secretary enters into an agreement under subsection (b)(1), the Secretary shall submit to the congressional defense committees an implementation plan established to carry out the pilot program.

(d) DURATION.—the pilot program under this section shall terminate two years after the Secretary commences such pilot program.

(e) REPORT.—Upon the termination of the pilot program under this section, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The number of individuals who used car sharing services offered pursuant to the pilot program.

(2) The cost to the Department of Defense of the pilot program.

(3) An analysis of the effect of the pilot program on mental health and community connectedness of members described in subsection (b)(2).

(4) Other information the Secretary determines appropriate.

(f) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' has the meaning given that term in section 101(a) of title 10, United States Code.

(2) MILITARY INSTALLATION.—The term ''military installation'' has the meaning given that term in section 2801 of title 10, United States Code.

SEC. 644. CLARIFICATION REGARDING LICENSURE REQUIREMENTS FOR PROVISION OF NON-MEDICAL COUNSELING SERVICES BY CERTAIN HEALTH-CARE PROFESSIONALS.

Section 1094 of title 10, United States Code is amended—

(1) in subsection (d)(1), by inserting '', including by providing non-medical counseling services in connection with such practice,'' after ''the health profession or professions of the health-care professional''; and

(2) in subsection (e), by adding at the end the following new paragraph:

''(3) The term 'non-medical counseling'—

''(A) means short-term, non-therapeutic counseling that is not an appropriate substitute for individuals in need of clinical therapy; and

''(B) includes counseling that is supportive in nature and addresses issues such as general conditions of living, life skills, improving relationships at home and at work, stress management, adjustment issues (such as those related to returning from a deployment), marital problems, parenting, and grief and loss.''.

SEC. 645. IMPROVEMENTS RELATING TO BEHAVIORAL HEALTH CARE AVAILABLE UNDER MILITARY HEALTH SYSTEM.

(a) EXPANSION OF CERTAIN BEHAVIORAL HEALTH PROGRAMS AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—

(1) ESTABLISHMENT OF GRADUATE PROGRAMS.—The Secretary of Defense shall establish graduate degree-granting programs in counseling and social work at the Uniformed Services University of the Health Sciences.

(2) EXPANSION OF CLINICAL PSYCHOLOGY GRADUATE PROGRAM.—The Secretary of Defense shall take such steps as may be necessary to expand the clinical psychology

graduate program of the Uniformed Services University of the Health Sciences.

(3) POST-AWARD EMPLOYMENT OBLIGATION.—

(A) AGREEMENT WITH SECRETARY.—Subject to subparagraph (B), as a condition of enrolling in a degree-granting program in clinical psychology, social work, or counseling at the Uniformed Services University of the Health Sciences, a civilian student shall enter into an agreement with the Secretary of Defense pursuant to which the student agrees that, if the student does not become a member of a uniformed service upon graduating such program, the student shall work on a full-time basis as a covered civilian behavioral health provider for a period that is at least equivalent to the period during which the student was enrolled in such program.

(B) OTHER TERMS AND CONDITIONS.—An agreement entered into pursuant to subparagraph (A) may include such other terms and conditions as the Secretary of Defense may determine necessary to protect the interests of the United States or otherwise appropriate for purposes of this section, including terms and conditions providing for limited exceptions from the employment obligation specified in such subparagraph.

(C) REPAYMENT.—

(i) IN GENERAL.—A civilian graduate who does not complete the employment obligation required under the agreement entered into pursuant to subparagraph (A) shall repay to the Secretary of Defense a prorated portion of the cost of attendance in the program described in such subparagraph that are paid by the Secretary on behalf of the civilian graduate.

(ii) DETERMINATION OF AMOUNT.—The amount of any repayment required under clause (i) shall be determined by the Secretary.

(D) APPLICABILITY.—This paragraph shall apply to civilian students who enroll in the first year of a degree-granting program in clinical psychology, social work, or counseling at the Uniformed Services University of the Health Sciences on or after the date of the enactment of this Act.

(4) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan for the implementation of this subsection.

(B) ELEMENTS.—The plan required by subparagraph (A) shall include—

(i) a determination as to the resources for personnel and facilities required for the implementation of this subsection;

(ii) estimated timelines for such implementation; and

(iii) a projection of the number of graduates from the programs specified in paragraph (1) upon the completion of such implementation.

(b) SCHOLARSHIP-FOR-SERVICE PROGRAM FOR CIVILIAN BEHAVIORAL HEALTH PROVIDERS.—

(1) IN GENERAL.—Beginning not later than two years after the date of the enactment of this Act, the Secretary of Defense shall carry out a program under which—

(A) the Secretary may provide—

(i) direct grants to cover tuition, fees, living expenses, and any other cost of attendance at an institution of higher education to an individual enrolled in a program of study leading to a graduate degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and

(ii) student loan repayment assistance to a credentialed behavioral health provider who has a graduate degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and

(B) in exchange for such assistance, the recipient shall commit to work as a covered civilian behavioral health provider in accordance with paragraph (2).

(2) POST-AWARD EMPLOYMENT OBLIGATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), as a condition of receiving assistance under paragraph (1), the recipient of such assistance shall enter into an agreement with the Secretary of Defense pursuant to which the recipient agrees to work on a full-time basis as a covered civilian behavioral health provider for a period that is at least equivalent to the period during which the recipient received assistance under such paragraph.

(B) OTHER TERMS AND CONDITIONS.—An agreement entered into pursuant to subparagraph (A) may include such other terms and conditions as the Secretary of Defense may determine necessary to protect the interests of the United States or otherwise appropriate for purposes of this section, including terms and conditions providing for limited exceptions from the post-award employment obligation specified in such subparagraph.

(3) REPAYMENT.—

(A) IN GENERAL.—An individual who receives assistance under paragraph (1) and does not complete the employment obligation required under the agreement entered into pursuant to paragraph (2) shall repay to the Secretary of Defense a prorated portion of the financial assistance received by the individual under paragraph (1).

(B) DETERMINATION OF AMOUNT.—The amount of any repayment required under subparagraph (A) shall be determined by the Secretary.

(4) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the implementation of this subsection.

(c) INTERNSHIP PROGRAMS FOR CIVILIAN BEHAVIORAL HEALTH.—

(1) ESTABLISHMENT OF PROGRAMS.—The Secretary of Defense shall establish paid predoctoral and post-doctoral internship programs for the purpose of training clinical psychologists to work as covered civilian behavioral health providers.

(2) EMPLOYMENT OBLIGATION.—

(A) IN GENERAL.—Subject to subparagraph (B), as a condition of participating in an internship program under paragraph (1), an individual shall enter into an agreement with the Secretary of Defense pursuant to which the individual agrees to work on a full-time basis as a covered civilian behavioral health provider for a period that is at least equivalent to the period of participation by the individual in such internship program.

(B) OTHER TERMS AND CONDITIONS.—An agreement entered into pursuant to subparagraph (A) may include such other terms and conditions as the Secretary of Defense may determine necessary to protect the interests of the United States or otherwise appropriate for purposes of this section, including terms and conditions providing for limited exceptions from the employment obligation specified in such subparagraph.

(3) REPAYMENT.—

(A) IN GENERAL.—An individual who participates in an internship program under paragraph (1) and does not complete the employment obligation required under the agreement entered into pursuant to paragraph (2) shall repay to the Secretary of Defense a prorated portion of the cost of administering such program with respect to such individual and of any payment received by the individual under such program.

(B) DETERMINATION OF AMOUNT.—The amount of any repayment required under subparagraph (A) shall be determined by the Secretary.

(4) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the implementation of this subsection.

(d) RETENTION BONUSES FOR CERTAIN BEHAVIORAL HEALTH PROVIDERS.—

(1) RETENTION BONUS.—From amounts available in the Department of Defense Civilian Workforce Incentive Fund established under section 9902(a)(3) of title 5, United States Code, the Secretary of Defense may pay an incentive payment of not more than $50,000 annually per employee to employees described in paragraph (2) for the purposes of retaining such employees.

(2) ELIGIBLE RECIPIENTS OF BONUS.—Employees described in this paragraph are covered civilian behavioral health providers in the following professions:

(A) Clinical psychologists.

(B) Social workers.

(C) Counselors.

(e) REPORT ON BEHAVIORAL HEALTH WORKFORCE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an analysis of the behavioral health workforce under the direct care component of the TRICARE program and submit to the congressional defense committees a report containing the results of such analysis.

(2) ELEMENTS.—The report required under paragraph (1) shall include, with respect to the workforce specified in such paragraph, the following:

(A) The number of positions authorized for military behavioral health providers within such workforce, and the number of such positions filled, disaggregated by the professions described in paragraph (3).

(B) The number of positions authorized for civilian behavioral health providers within such workforce, and the number of such positions filled, disaggregated by the professions described in paragraph (3).

(C) For each military department, the ratio of military behavioral health providers assigned to military medical treatment facilities compared to civilian behavioral health providers so assigned, disaggregated by the professions described in paragraph (3).

(D) For each military department, the number of military behavioral health providers authorized to be embedded within an operational unit, and the number of such positions filled, disaggregated by the professions described in paragraph (3).

(E) Data on the historical demand for behavioral health services by members of the Armed Forces.

(F) An estimate of the number of health care providers necessary to meet the demand by such members for behavioral health services under the direct care component of the TRICARE program, disaggregated by provider type.

(G) An identification of any shortfall between the estimated number under subparagraph (F) and the total number of positions for behavioral health providers filled within such workforce.

(H) Such other information as the Secretary may determine appropriate.

(3) PROVIDER TYPES.—The professions described in this paragraph are as follows:

(A) Clinical psychologists.

(B) Social workers.

(C) Counselors.

(D) Such other professions as the Secretary may determine appropriate.

(f) PLAN TO ADDRESS SHORTFALLS IN BEHAVIORAL HEALTH WORKFORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the

congressional defense committees a plan to address any shortfall of the behavioral health workforce identified under subsection (e)(2)(G).

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) address, with respect to any shortfall of military behavioral health providers (addressed separately with respect to such providers assigned to military medical treatment facilities and such providers assigned to be embedded within operational units)—

(i) recruitment;

(ii) accession;

(iii) retention;

(iv) special pay and other aspects of compensation;

(v) workload;

(vi) the role of the Uniformed Services University of the Health Sciences and the Armed Forces Health Professions Scholarship Program under chapter 105 of title 10, United States Code;

(vii) any additional authorities or resources necessary for the Secretary to increase the number of such providers; and

(viii) such other considerations as the Secretary may consider appropriate;

(B) address, with respect to any shortfall of civilian behavioral health providers—

(i) recruitment;

(ii) hiring;

(iii) retention;

(iv) pay and benefits;

(v) workload;

(vi) educational scholarship programs;

(vii) any additional authorities or resources necessary for the Secretary to increase the number of such providers; and

(viii) such other considerations as the Secretary may consider appropriate;

(C) recommend whether the number of military behavioral health providers in each military department should be increased, and if so, by how many;

(D) include a plan to expand access to behavioral health services under the military health system through the use of telehealth;

(E) include a plan by each military department to allocate additional uniformed mental health providers in military medical treatment facilities at remote installations; and

(F) assess the feasibility of hiring civilian mental health providers at remote installations to augment the provision of mental health care services by uniformed mental health providers.

(g) DEFINITIONS.—In this section:

(1) ARMED FORCES; CONGRESSIONAL DEFENSE COMMITTEES.—The terms ''Armed Forces'' and ''congressional defense committees'' have the meanings given those terms in section 101 of title 10, United States Code.

(2) BEHAVIORAL HEALTH.—The term ''behavioral health'' includes psychiatry, clinical psychology, social work, counseling, and related fields.

(3) CIVILIAN BEHAVIORAL HEALTH PROVIDER.—The term ''civilian behavioral health provider'' means a behavioral health provider who is a civilian employee of the Department of Defense.

(4) COST OF ATTENDANCE.—The term ''cost of attendance'' has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(5) COVERED CIVILIAN BEHAVIORAL HEALTH PROVIDER.—The term ''covered civilian behavioral health provider'' means a civilian behavioral health provider whose employment by the Secretary of Defense involves the provision of behavioral health services at a military medical treatment facility.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) MILITARY BEHAVIORAL HEALTH PROVIDER.—The term ''military behavioral health provider'' means a behavioral health provider who is a member of the Armed Forces.

(8) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

(9) UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—The term ''Uniformed Services University of the Health Sciences'' means the university established under section 2112 of title 10, United States Code.

SEC. 646. PILOT PROGRAM ON SAFE STORAGE OF PERSONALLY OWNED FIREARMS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to promote the safe storage of personally owned firearms.

(b) VOLUNTARY PARTICIPATION.—Participation by members of the Armed Forces in the pilot program under subsection (a) shall be on a voluntary basis.

(c) ELEMENTS.—Under the pilot program under subsection (a), the Secretary of Defense shall furnish to members of the Armed Forces who are participating in the pilot program at military installations selected under subsection (e) locking devices and firearm safes for the purpose of securing personally owned firearms when not in use (including by directly providing, subsidizing, or otherwise making available such devices or safes).

(d) PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the implementation of the pilot program under subsection (a).

(e) SELECTION OF INSTALLATIONS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than five military installations at which to carry out the pilot program under subsection (a).

(f) DURATION.—The duration of the pilot program under subsection (a) shall be for a period of six years.

(g) REPORT.—Upon the termination of the pilot program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The number and type of locking devices and firearm safes furnished to members of the Armed Forces under the pilot program.

(2) The cost of carrying out the pilot program.

(3) An analysis of the effect of the pilot program on suicide prevention.

(4) Such other information as the Secretary may determine appropriate, which shall exclude any personally identifiable information about participants in the pilot program.

(h) DEFINITIONS.—In this section, the terms ''Armed Forces'' and ''congressional defense committees'' have the meanings given those terms in section 101 of title 10, United States Code.

SA 5824. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1239. PARTNERSHIP WITH ICELAND.

(a) SENSE OF CONGRESS REGARDING A FREE TRADE AGREEMENT WITH ICELAND.—It is the sense of Congress that the United States should enter into negotiations with the Government of Iceland to develop and enter into a comprehensive free trade agreement between the United States and Iceland.

(b) NONIMMIGRANT TRADERS AND INVESTORS.—For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), Iceland shall be considered to be a foreign state under such section if the Government of Iceland offers similar nonimmigrant status to nationals of the United States.

SA 5825. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. MECHANISMS TO AVOID UNITED STATES' CONTRIBUTIONS TO TERRORISM, HUMAN RIGHTS ABUSES, OR DRUG TRAFFICKING.

(a) STRATEGY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit a strategy to the appropriate congressional committees that seeks to minimize direct benefits to the Taliban through United States' humanitarian and development assistance in Afghanistan.

(b) ELEMENTS.—The strategy required under subsection (a) shall—

(1) describe in detail the mechanisms used to monitor and prevent the diversion of United States' assistance to terrorism and drug trafficking, including through currency manipulation;

(2) describe in detail any mechanisms for ensuring that—

(A) the Taliban is not—

(i) the intended primary beneficiary or end user of United States' assistance; or

(ii) the direct recipient of such assistance; and

(B) such assistance is not used for payments to Taliban creditors;

(3) describe the extent of ownership or control exerted by the Taliban over entities and individuals that are the primary beneficiaries or end users of United States' assistance;

(4) indicate whether United States' assistance or direct services replace assistance or services previously provided by the Taliban; and

(5) define ''direct benefit'' for purposes of governing Department of State and United States Agency for International Development assistance operations in Afghanistan.

(c) FORM.—The strategy required under subsection (a) shall be unclassified, but may include a classified annex.

(d) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit a report to the appropriate congressional committees that describes the efforts undertaken to implement the strategy required under subsection (a).

(2) ELEMENTS.—Each report submitted pursuant to paragraph (1) shall include a detailed certification that transactions and activities authorized under a General License issued by the Office of Foreign Assets Control is not being used—

(A) to provide any direct benefit to the Taliban; or

(B) to fund terrorism, human rights abuses, or drug trafficking.

SA 5826. Mr. RISCH (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1226. STOP IRANIAN DRONES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Stop Iranian Drones Act''.

(b) FINDINGS.—Congress finds the following:

(1) A July 15, 2013, United Nations General Assembly Report on the continuing operation of the United Nations Register of Conventional Arms and its further development (document A/68/140) states in paragraph 45, ''The Group noted the discussion of the 2006 Group that category IV already covered armed unmanned aerial vehicles and of the 2009 Group on a proposal to include a new category for such vehicles. The Group reviewed proposals for providing greater clarity to category IV.''.

(2) Section 107 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9406), enacted August 2, 2017, requires the President to impose sanctions on any person that the President determines ''knowingly engages in any activity that materially contributes to the supply, sale, or transfer directly or indirectly to or from Iran, or for the use in or benefit of Iran, of any battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts''.

(3) In 2019, the United Nations formally changed the heading of category IV of the United Nations Register of Conventional Arms to ''combat aircraft and unmanned combat aerial vehicles''.

(c) STATEMENT OF POLICY.—It shall be the policy of the United States to prevent Iran and Iranian-aligned terrorist and militia groups from acquiring unmanned aerial vehicles, including commercially available component parts, that can be used in attacks against United States persons and partner nations.

(d) AMENDMENT TO COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT RELATING TO SANCTIONS WITH RESPECT TO IRAN.—

(1) IN GENERAL.—Section 107 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9406) is amended—

(A) in the section heading, by striking ''**ENFORCEMENT OF ARMS EMBARGOS**'' and inserting ''**SANCTIONS WITH RESPECT TO MAJOR CONVENTIONAL ARMS**''; and

(B) in subsection (a)(1), by inserting ''or unmanned combat aerial vehicles'' after ''combat aircraft''.

(2) CLERICAL AMENDMENT.—The table of contents for the Countering America's Adversaries Through Sanctions Act is amended by striking the item relating to section 107 and inserting the following:

''Sec. 107. Sanctions with respect to major conventional arms.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of the enactment of this Act and apply with respect to any person that knowingly engages in any activity that materially contributes to the supply, sale, or transfer directly or indirectly to or from Iran, or for the use in or benefit of Iran, of any unmanned combat aerial vehicles, as defined for the purpose of the United Nations Register of Conventional Arms, before, on, or after such date of enactment.

(e) REPORT TO IDENTIFY IRANIAN PERSONS THAT HAVE ATTACKED UNITED STATES CITIZENS USING UNMANNED COMBAT AERIAL VEHICLES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that identifies, for the period specified in paragraph (2), any Iranian person that has attacked a United States citizen using an unmanned combat aerial vehicle, as defined for the purpose of the United Nations Register of Conventional Arms.

(2) PERIOD SPECIFIED.—The period specified in this paragraph is—

(A) for the initial report, the period—

(i) beginning on the date that is 10 years before the date such report is submitted; and

(ii) ending on the date such report is submitted; and

(B) for the second or a subsequent report, the period—

(i) beginning on the date the preceding report was submitted; and

(ii) ending on the date such second or subsequent report is submitted.

(3) DESIGNATION OF PERSONS AS FOREIGN TERRORIST ORGANIZATIONS.—

(A) IN GENERAL.—The President shall designate any person identified in a report submitted under subsection (a) as a foreign terrorist organization under section 219 of the Immigration and Naturalization Act (8 U.S.C. 1189).

(B) REVOCATION.—The President may not revoke a designation made under subparagraph (A) until the date that is 10 years after the date of such designation.

(4) IRANIAN PERSON DEFINED.—In this subsection, the term ''Iranian person''—

(A) means an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran; and

(B) includes the Islamic Revolutionary Guard Corps.

(f) DETERMINATION OF BUDGETARY EFFECTS.—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this section, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 5827. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Imposition of Sanctions With Respect to the Taliban

SEC. 1281. DEFINITIONS.

In this subtitle:

(1) ADMISSION; ADMITTED; ALIEN.—The terms ''admission'', ''admitted'', and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

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

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

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

(4) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(5) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(7) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such entity.

SEC. 1282. IMPOSITION OF SANCTIONS WITH RESPECT TO TERRORISM, HUMAN RIGHTS ABUSES, AND NARCOTICS TRAFFICKING COMMITTED BY THE TALIBAN AND OTHERS IN AFGHANISTAN.

(a) SANCTIONS RELATING TO SUPPORT FOR TERRORISM.—In addition to authorities under Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism) under which the President has designating the Taliban and the Haqqani Network as specially designated global terrorist groups and section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) under which the President has designated the Haqqani Network as a foreign terrorist organization, the President shall impose the sanctions described in subsection (d) with respect to a foreign person, including a member of the Taliban, if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act,

is knowingly responsible for, complicit in, or has directly or indirectly provided financial, material, or technological support for, or financial or other services in support of, a terrorist group operating in Afghanistan.

(b) SANCTIONS RELATING TO HUMAN RIGHTS ABUSES.—The President shall impose the sanctions described in subsection (d) with respect to a foreign person, including a member of the Taliban, if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act, is responsible for, complicit in, or has directly or indirectly engaged in, serious human rights abuses in Afghanistan.

(c) SANCTIONS RELATING TO DRUG TRAFFICKING.—The President shall impose the sanctions described in subsection (d) with respect to a foreign person, including a member of the Taliban, if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act, knowingly—

(1) plays a significant role in international narcotics trafficking centered in Afghanistan; or

(2) provides significant financial, material, or technological support for, or significant financial or other services to or in support of, any person described in paragraph (1).

(d) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) PROPERTY BLOCKING.—The exercise of all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a), (b), or (c) if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

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

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a), (b), or (c) shall be—

(i) inadmissible to the United States;

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

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

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of any alien described in subsection (a), (b), or (c) is subject to revocation regardless of the issue date of the visa or other entry documentation.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the possession of the alien.

SEC. 1283. SUPPORT FOR MULTILATERAL SANCTIONS WITH RESPECT TO THE TALIBAN.

(a) VOICE AND VOTE AT UNITED NATIONS.—The Secretary of State shall use the voice and vote of the United States at the United Nations to maintain the sanctions with respect to the Taliban described in and imposed pursuant to United Nations Security Council Resolution 1988 (2011) and United Nations Security Council Resolution 2255 (2015).

(b) ENGAGEMENT WITH ALLIES AND PARTNERS.—The Secretary of State shall, acting through the Office of Sanctions Coordination established under section 1(h) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(h)), engage with the governments of allies and partners of the United States to promote their use of sanctions with respect to the Taliban, particularly for any support for terrorism, serious human rights abuses, or international narcotics trafficking.

SEC. 1284. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or any regulation, license, or order issued to carry out this subtitle shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(c) BRIEFING ON IMPLEMENTATION OF SANCTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter through December 31, 2026, the Secretary of State and the Secretary of the Treasury shall jointly brief the appropriate congressional committees on the implementation of sanctions under this subtitle.

(2) ELEMENTS.—Each briefing required under paragraph (1) shall include the following:

(A) A description of the number and identity of foreign persons with respect to which sanctions were imposed under section 1282 during the 90-day period preceding submission of the report.

(B) A description of the efforts of the United States Government to maintain sanctions with respect to the Taliban at the United Nations pursuant to section 1283(a) during that period.

(C) A description of the impact of sanctions imposed under section 1282 on the behavior of the Taliban, other groups, and other foreign governments during that period.

(D) A description of—

(i) the impact of sanctions imposed under section 1282 on Afghan civilians, particularly women and girls; and

(ii) the extent to which those sanctions affect the delivery of humanitarian, peacebuilding, education, and other development assistance to the Afghan people.

SEC. 1285. WAIVERS; EXCEPTIONS; SUSPENSION.

(a) WAIVER.—

(1) IN GENERAL.—The President may waive the application of sanctions under this subtitle with respect to a foreign person if the President, not later than 10 days before the waiver is to take effect, determines and certifies to the appropriate congressional committees that such waiver is in the national security interest of the United States.

(2) DETAILED JUSTIFICATION.—The President shall submit with each certification in connection with a waiver under paragraph (1) a detailed justification explaining the reasons for the waiver.

(b) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this subtitle shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under section 1282(d)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(c) SUSPENSION OF SANCTIONS.—

(1) SUSPENSION.—The Secretary of State, in consultation with the Director of National Intelligence and the Secretary of the Treasury, may suspend the imposition of sanctions under this subtitle if the Secretary of State certifies in writing to the appropriate congressional committees that the Taliban has—

(A) publicly and privately broken all ties with other terrorist groups, including al Qaeda;

(B) taken verifiable measures to prevent the use of Afghanistan as a platform for terrorist attacks against the United States or partners or allies of the United States, including by denying sanctuary space, transit of Afghan territory, and use of Afghanistan for terrorist training, planning, or equipping;

(C) provided humanitarian actors with full, unimpeded access to vulnerable populations throughout Afghanistan without interference or diversion;

(D) respected freedom of movement, including by facilitating the departure of foreign nationals, applicants for the special immigrant visa program, and other at-risk Afghans by air or land routes, and the safe, voluntary, and dignified return of displaced persons; and

(E) supported the establishment of an inclusive government of Afghanistan that respects the rule of law, press freedom, and human rights, including the rights of women and girls.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees with any certification under paragraph (1) a report addressing in detail each of the criteria for the suspension of sanctions under paragraph (1).

(B) FORM OF REPORT.—Each report submitted under subparagraph (A) shall be submitted in unclassified form.

SA 5828. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DISADVANTAGED BUSINESS ENTERPRISES.

Section 11101(e)(2)(A) of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 449) is amended to read as follows:

''(A) SMALL BUSINESS CONCERN.—The term 'small business concern' means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).''.

SA 5829. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2811. MODIFICATION OF AUTHORITY TO REPLACE DAMAGED OR DESTROYED FACILITIES TO INCLUDE FACILITIES IN FAILING CONDITION.

(a) IN GENERAL.—Section 2854 of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) Subject to subsection (b), the Secretary concerned may—

''(1) replace a facility under the jurisdiction of the Secretary concerned, including a family housing facility, that has been damaged or destroyed; or

''(2) subject to subsection (c)(3), replace a facility under the jurisdiction of the Secretary concerned, including a family housing facility, that is in failing condition, if—

''(A) replacement is more cost-effective than repair;

''(B) the replacement facility supports an existing mission of the Department of Defense; and

''(C) the replacement facility does not exceed the total square footage of the replaced facility.'';

(2) in subsection (b), by striking ''repair, restoration, or'';

(3) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''subsection (a)'' and inserting ''subsection (a)(1)''; and

(B) in paragraph (2)—

(i) by striking ''this subsection'' and inserting ''paragraph (1)''; and

(ii) by striking ''described in paragraph (1)'' and inserting ''described in paragraph (1)(B)'';

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following new paragraph (3):

''(3) In using the authority described in subsection (a)(2) to carry out a military construction project to replace a facility, including a family housing facility, that is in failing condition, the Secretary concerned may use appropriations available for operation and maintenance.''; and

(6) in paragraph (4), as redesignated by paragraph (4) of this subsection, by inserting ''per armed force'' before ''in any fiscal year''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 2854 of such title is amended to read as follows:

''§ 2854. Replacement of damaged, destroyed, or failing facilities''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2854 and inserting the following new item:

''2854. Replacement of damaged, destroyed, or failing facilities.''.

SA 5830. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2825. REQUIREMENTS FOR MILITARY TENANT ADVOCATES FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter V of chapter 169 of title 10, United States Code, is amended by inserting after section 2890 the following new section:

''§ 2890a. Military tenant advocates

''(a) IN GENERAL.—The Secretary of Defense shall ensure that each installation of the Department of Defense at which military housing under subchapter IV of this chapter is offered has a military tenant advocate employed by the military department concerned.

''(b) TRAINING AND CERTIFICATION.—(1) The Secretary shall implement a uniform training and certification program for all individuals serving or selected to serve as a military tenant advocate under subsection (a).

''(2) The training and certification program implemented under paragraph (1) shall include, at a minimum, instruction on the following:

''(A) The authority of the Secretary to provide military housing under subchapter IV of this chapter.

''(B) The role, authority, and responsibility of housing management offices.

''(C) The Military Housing Privatization Initiative Tenant Bill of Rights developed under section 2890 of this title.

''(D) The dispute resolution process under section 2894 of this title.

''(E) The resources available to tenants of military housing under subchapter IV of this chapter to ensure that all such tenants are living in housing that meets the standards described in the Military Housing Privatization Initiative Tenant Bill of Rights.

''(F) Relevant national, State, and local housing, disability, and environmental laws.

''(c) OUTREACH.—The Secretary shall conduct public outreach and education at each installation of the Department with a military tenant advocate under subsection (a) to provide members of the armed forces and their families with information on the identity, role, and authority of the military tenant advocate.

''(d) HIRING.—When hiring or selecting individuals to serve in the role of military tenant advocate under subsection (a), no preferential consideration shall be given to individuals currently or previously employed by—

''(1) a housing management office;

''(2) a garrison command; or

''(3) a housing provider or manager owning or operating military housing under subchapter IV of this chapter.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2890 the following new item:

''2890a. Military tenant advocates.''.

(2) CONFORMING AMENDMENTS.—

(A) RIGHTS AND RESPONSIBILITIES OF TENANTS.—Section 2890(b) of title 10, United States Code, is amended—

(i) in paragraph (5), by inserting ''under section 2890a of this title'' after ''advocate''; and

(ii) in paragraph (8), by striking '', as provided in section 2894(b)(4) of this title,'' and inserting ''under section 2890a of this title''.

(B) DISPUTE RESOLUTION PROCESS.—Section 2894(b)(4) of such title is amended by striking ''military housing advocate employed by the military department concerned'' and inserting ''military tenant advocate under section 2890a of this title''.

SA 5831. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 334. REPORT ON BLOOD TESTING OF FIREFIGHTERS OF DEPARTMENT OF DEFENSE FOR EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing—

(1) the implementation by the Secretary at each installation of the Department of Defense of blood testing of firefighters of the Department to determine and document potential exposure to perfluoroalkyl and polyfluoroalkyl substances, as required under section 707 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1441); and

(2) the status and results of the efforts of the Department to develop a plan to track, trend, and analyze the results of such blood testing throughout the Department in accordance with Department of Defense Instruction 6055.05, entitled ''Occupational Medical Examinations: Medical Surveillance and Medical Qualification''.

SA 5832. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 357. STUDY AND REPORT ON HEXAVALENT CHROMIUM AND OTHER HAZARDS AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study—

(1) to evaluate the nature and prevalence of hexavalent chromium, isocyanic acid, hexamethylene ester, and similar hazards at installations of the Department of Defense, particularly those installations associated with equipment and weapons system maintenance and sustainment activities; and

(2) to assess the efficacy of relevant mitigation measures being undertaken by the Department with respect to such hazards.

(b) ELEMENTS.—The study conducted under subsection (a) shall include an assessment of what and how unmet requirements related to military construction or facilities sustainment, restoration, and modernization impact the nature, prevalence, and mitigation of chemical hazards in activities of the Department.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

SA 5833. Mr. CASEY (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1214. GLOBAL FOOD SECURITY.

(a) SHORT TITLE.—The section may be cited as the ''Global Food Security Reauthorization Act of 2022''.

(b) FINDINGS.—Section 2 of the Global Food Security Act of 2016 (22 U.S.C. 9301) is amended by striking ''Congress makes'' and all that follows through ''(3) A comprehensive'' and inserting ''Congress finds that a comprehensive''.

(c) STATEMENT OF POLICY OBJECTIVES; SENSE OF CONGRESS.—Section 3(a) of such Act (22 U.S.C. 9302(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''programs, activities, and initiatives that'' and inserting ''comprehensive, multi-sectoral programs, activities, and initiatives that consider agriculture and food systems in their totality and that''.

(2) in paragraph (1), by striking ''and economic freedom through the coordination'' and inserting '', economic freedom, and security through the phasing, sequencing, and coordination'';

(3) by striking paragraphs (3) and (4) and inserting the following:

''(3) increase the productivity, incomes, and livelihoods of small-scale producers and artisanal fishing communities, especially women in these communities, by working across terrestrial and aquatic food systems and agricultural value chains, including by—

''(A) enhancing local capacity to manage agricultural resources and food systems effectively and expanding producer access to, and participation in, local, regional, and international markets;

''(B) increasing the availability and affordability of high quality nutritious and safe foods and clean water;

''(C) creating entrepreneurship opportunities and improving access to business development related to agriculture and food systems, including among youth populations, linked to local, regional, and international markets; and

''(D) enabling partnerships to facilitate the development of and investment in new agricultural technologies to support more resilient and productive agricultural practices;

''(4) build resilience to agriculture and food systems shocks and stresses, including global food catastrophes in which conventional methods of agriculture are unable to provide sufficient food and nutrition to sustain the global population, among vulnerable populations and households through inclusive growth, while reducing reliance upon emergency food and economic assistance;'';

(4) by amending paragraph (6) to read as follows:

''(6) improve the nutritional status of women, adolescent girls, and children, with a focus on reducing child stunting and incidence of wasting, including through the promotion of highly nutritious foods, diet diversification, large-scale food fortification, and nutritional behaviors that improve maternal and child health and nutrition, especially during the first 1,000-day window until a child reaches 2 years of age;''; and

(5) in paragraph (7)—

(A) by striking ''science and technology,'' and inserting ''combating fragility, resilience, science and technology, natural resource management''; and

(B) by inserting '', including deworming,'' after ''nutrition,''.

(d) DEFINITIONS.—Section 4 of the Global Food Security Act of 2016 (22 U.S.C. 9303) is amended—

(1) in paragraph (2), by inserting '', including in response to shocks and stresses to food and nutrition security'' before the period at the end;

(2) by redesignating paragraphs (4) through (12) as paragraphs (5) through (13), respectively;

(3) by inserting after paragraph (3) the following:

''(4) FOOD SYSTEM.—The term 'food system' means the intact or whole unit made up of interrelated components of people, behaviors, relationships, and material goods that interact in the production, processing, packaging, transporting, trade, marketing, consumption, and use of food, feed, and fiber through aquaculture, farming, wild fisheries, forestry, and pastoralism that operates within and is influenced by social, political, economic, and environmental contexts.'';

(4) in paragraph (6), as redesignated, by amending subparagraph (H) to read as follows:

''(H) local agricultural producers, including farmer and fisher organizations, cooperatives, small-scale producers, youth, and women; and'';

(5) in paragraph (7), as redesignated, by inserting ''the Inter-American Foundation,'' after ''United States African Development Foundation,'';

(6) in paragraph (9), as redesignated—

(A) by inserting ''agriculture and food'' before ''systems''; and

(B) by inserting '', including global food catastrophes,'' after ''food security'';

(7) in paragraph (10), as redesignated, by striking ''fishers'' and inserting ''artisanal fishing communities'';

(8) in paragraph (11), as redesignated, by amending subparagraphs (D) and (E) to read as follows:

''(D) is a marker of an environment deficient in the various needs that allow for a child's healthy growth, including nutrition; and

''(E) is associated with long-term poor health, delayed motor development, impaired cognitive function, and decreased immunity'';

(9) in paragraph (13), as redesignated, by striking ''agriculture and nutrition security'' and inserting ''food and nutrition security and agriculture-led economic growth''; and

(10) by adding at the end the following:

''(14) WASTING.—The term 'wasting' means—

''(A) a life-threatening condition attributable to poor nutrient intake or disease that is characterized by a rapid deterioration in nutritional status over a short period of time; and

''(B) in the case of children, is characterized by low weight for height and weakened immunity, increasing their risk of death due to greater frequency and severity of common infection, particularly when severe.''.

(e) COMPREHENSIVE GLOBAL FOOD SECURITY STRATEGY.—Section 5(a) of the Global Food Security Act of 2016 (22 U.S.C. 9304) is amended—

(1) in paragraph (4), by striking ''country-owned agriculture, nutrition, and food security policy and investment plans'' and inserting ''partner country-led agriculture, nutrition, regulatory, food security, and water resources management policy and investment plans and governance systems'';

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

''(5) support the locally-led and inclusive development of agriculture and food systems, including by enhancing the extent to which small-scale food producers, especially women, have access to and control over the inputs, skills, resource management capacity, networking, bargaining power, financing, market linkages, technology, and information needed to sustainably increase productivity and incomes, reduce poverty and malnutrition, and promote long-term economic prosperity;'';

(3) in paragraph (6)—

(A) by inserting '', adolescent girls,'' after ''women''; and

(B) by inserting ''and preventing incidence of wasting'' after ''reducing child stunting'';

(4) in paragraph (7), by inserting ''poor water resource management and'' after ''including'';

(5) in paragraph (8)—

(A) by striking ''the long term success of programs'' and inserting ''long-term impact''; and

(B) by inserting '', including agricultural research capacity,'' after ''institutions'';

(6) in paragraph (9), by striking ''integrate resilience and nutrition strategies into food security programs, such that chronically vulnerable populations are better able to'' and inserting ''coordinate with and complement relevant strategies to ensure that chronically vulnerable populations are better able to adapt,'';

(7) by redesignating paragraph (17) as paragraph (22);

(8) by redesignating paragraphs (12) through (16) as paragraphs (14) through (18), respectively;

(9) by striking paragraphs (10) and (11) and inserting the following:

''(10) develop community and producer resilience and adaptation strategies to disasters, emergencies, and other shocks and stresses to food and nutrition security, including conflicts, droughts, flooding, pests, and diseases, that adversely impact agricultural yield and livelihoods;

''(11) harness science, technology, and innovation, including the research and extension activities supported by the private sector, relevant Federal departments and agencies, Feed the Future Innovation Labs or any successor entities, and international and local researchers and innovators, recognizing that significant investments in research and technological advances will be necessary to reduce global poverty, hunger, and malnutrition;

''(12) use evidenced-based best practices, including scientific and forecasting data, and improved planning and coordination by, with, and among key partners and relevant Federal departments and agencies to identify, analyze, measure, and mitigate risks, and strengthen resilience capacities;

''(13) ensure scientific and forecasting data is accessible and usable by affected communities and facilitate communication and collaboration among local stakeholders in support of adaptation planning and implementation, including scenario planning and preparedness using seasonal forecasting and scientific and local knowledge;'';

(10) in paragraph (15), as redesignated, by inserting ''nongovernmental organizations, including'' after ''civil society,'';

(11) in paragraph (16), as redesignated, by inserting ''and coordination, as appropriate,'' after ''collaboration'';

(12) in paragraph (18), as redesignated, by striking ''section 8(b)(4); and'' and inserting ''section 8(a)(4);''; and

(13) by inserting after paragraph (18), as redesignated, the following:

''(19) improve the efficiency and resilience of agricultural production, including management of crops, rangelands, pastures, livestock, fisheries, and aquacultures;

''(20) ensure investments in food and nutrition security consider and integrate best practices in the management and governance of natural resources and conservation, especially among food insecure populations living in or near biodiverse ecosystems;

''(21) be periodically updated in a manner that reflects learning and best practices; and''.

(f) PERIODIC UPDATES.—Section 5 of the Global Food Security Act of 2016 (22 U.S.C. 9304), as amended by subsection (e), is further amended by adding at the end the following:

''(d) PERIODIC UPDATES.—Not less frequently than quinquennially through fiscal year 2030, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees updates to the Global Food Security Strategy required under subsection (a) and the agency-specific plans described in subsection (c)(2).''.

(g) AUTHORIZATION OF APPROPRIATIONS TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY.—Section 6(b) of such Act (22 U.S.C. 9305(b)) is amended—

(1) by striking ''$1,000,600,000 for each of fiscal years 2017 through 2023'' and inserting ''$1,200,000,000 for each of the fiscal years 2024 through 2028''; and

(2) by adding at the end the following: ''Amounts authorized to appropriated under this subsection should be prioritized to carry out programs and activities in target countries.''.

(h) EMERGENCY FOOD SECURITY PROGRAM.—

(1) IN GENERAL.—Section 7 of the Global Food Security Act of 2016 (22 U.S.C. 9306) is amended by striking ''(a) SENSE OF CONGRESS.—'' and all that follows through ''It shall be'' and inserting ''It shall be''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking ''$2,794,184,000 for each of fiscal years 2017 through 2023, of which up to $1,257,382,000'' and inserting ''$3,905,460,000 for each of the fiscal years 2024 through 2028, of which up to $1,757,457,000''.

(i) REPORTS.—Section 8(a) of the Global Food Security Act of 2016 (22 U.S.C. 9307) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''During each of the first 7 years after the date of the submission of the strategy required under section 5(c),'' and inserting ''For each of the fiscal years 2024 through 2028,'';

(B) by striking ''reports that describe'' and inserting ''a report that describes''; and

(C) by striking ''at the end of the reporting period'' and inserting ''during the preceding year'';

(2) in paragraph (2), by inserting '', including any changes to the target countries selected pursuant to the selection criteria described in section 5(a)(2) and justifications for any such changes'' before the semicolon at the end;

(3) in paragraph (3), by inserting ''identify and'' before ''describe'';

(4) by redesignating paragraphs (12) through (14) as paragraphs (15) through (17), respectively;

(5) by redesignating paragraphs (5) through (11) as paragraphs (7) through (13), respectively;

(6) by striking paragraph (4) and inserting the following:

''(4) identify and describe the priority quantitative metrics used to establish baselines and performance targets at the initiative, country, and zone of influence levels;

''(5) identify such established baselines and performance targets at the country and zone of influence levels;

''(6) identify the output and outcome benchmarks and indicators used to measure results annually, and report the annual measurement of results for each of the priority metrics identified pursuant to paragraph (4), disaggregated by age, gender, and disability, to the extent practicable and appropriate, in an open and transparent manner that is accessible to the people of the United States;'';

(7) in paragraph (7), as redesignated, by striking ''agriculture'' and inserting ''food'';

(8) in paragraph (8), as redesignated—

(A) by inserting ''quantitative and qualitative'' after ''how''; and

(B) by inserting ''at the initiative, country, and zone of influence levels, including longitudinal data and key uncertainties'' before the semicolon at the end;

(9) in paragraph (9), as redesignated, by inserting ''within target countries, amounts and justification for any spending outside of target countries'' after ''amounts spent'';

(10) in paragraph (13), as redesignated, by striking ''and the impact of private sector investment'' and inserting ''and efforts to encourage financial donor burden sharing and the impact of such investment and efforts'';

(11) by inserting after paragraph (13), as redesignated, the following:

''(14) describe how agriculture research is prioritized within the Global Food Security Strategy to support agriculture-led growth and eventual self-sufficiency and assess efforts to coordinate research programs within the Global Food Security Strategy with key stakeholders;'';

(12) in paragraph (16), as redesignated, by striking ''and'' at the end;

(13) in paragraph (17), as redesignated—

(A) by inserting '', including key challenges or missteps,'' after ''lessons learned''; and

(B) by striking the period at the end and inserting ''; and''; and

(14) by adding at the end the following:

''(18) during the final year of each strategy required under section 5, complete country graduation reports to determine whether a country should remain a target country based on quantitative and qualitative analysis.''.

SA 5834. Ms. CORTEZ MASTO submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 848. ACTIONS TO INCREASE AND STABILIZE THE SUPPLY OF MICROELECTRONICS FOR UNITED STATES COMPUTER NUMERICALLY CONTROLLED (CNC) MANUFACTURING BASE.

The Secretary of Defense and the Secretary of Commerce shall—

(1) take immediate action to increase and stabilize the supply of microelectronics available to the United States computer numerically controlled (CNC) manufacturing base in order to sustain critical defense programs and the defense industrial base; and

(2) not later than 30 days after the date of the enactment of this Act, jointly provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on efforts to carry out paragraph (1).

SA 5835. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. None of the funds made available under section 10301(1)(A) of Public Law 117–169 may be obligated during the period beginning on the date of the enactment of this section and ending on September 30, 2023.

SA 5836. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. None of the funds made available under clauses (ii) or (iii) of section 10301(1)(A) of Public Law 117–169 may be obligated during the period beginning on the date of the enactment of this section and ending on September 30, 2023.

SA 5837. Mr. CARPER (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FAIRNESS FOR FEDERAL FIREFIGHTERS.

(a) CERTAIN ILLNESSES AND DISEASES PRESUMED TO BE WORK-RELATED CAUSE OF DISABILITY OR DEATH FOR FEDERAL EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—

(1) PRESUMPTION RELATING TO EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—

(A) IN GENERAL.—Subchapter I of chapter 81 of title 5, United States Code, is amended by inserting after section 8143a the following:

"§ 8143b. Employees in fire protection activities

''(a) DEFINITIONS.—In this section:

''(1) EMPLOYEE IN FIRE PROTECTION ACTIVITIES.—The term 'employee in fire protection activities' means an employee employed as a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous material worker who—

''(A) is trained in fire suppression;

''(B) has the legal authority and responsibility to engage in fire suppression;

''(C) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations in which life, property, or the environment is at risk, including the prevention, control, suppression, or management of wildland fires; and

''(D) performs the activities described in subparagraph (C) as a primary responsibility of the job of the employee.

''(2) RULE.—The term 'rule' has the meaning given the term in section 804.

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

''(b) CERTAIN ILLNESSES AND DISEASES DEEMED TO BE PROXIMATELY CAUSED BY EMPLOYMENT IN FIRE PROTECTION ACTIVITIES.—

''(1) IN GENERAL.—For a claim under this subchapter of disability or death of an employee who has been employed for not less than 5 years in aggregate as an employee in fire protection activities, an illness or disease specified on the list established under paragraph (2) shall be deemed to be proximately caused by the employment of that employee, if the employee is diagnosed with that illness or disease not later than 10 years after the last active date of employment as an employee in fire protection activities.

''(2) ESTABLISHMENT OF INITIAL LIST.—There is established under this section the following list of illnesses and diseases:

''(A) Bladder cancer.

''(B) Brain cancer.

''(C) Chronic obstructive pulmonary disease.

''(D) Colorectal cancer.

''(E) Esophageal cancer.

''(F) Kidney cancer.

''(G) Leukemias.

''(H) Lung cancer.

''(I) Mesothelioma.

''(J) Multiple myeloma.

''(K) Non-Hodgkin lymphoma.

''(L) Prostate cancer.

''(M) Skin cancer (melanoma).

''(N) A sudden cardiac event or stroke suffered while, or not later than 24 hours after, engaging in the activities described in subsection (a)(1)(C).

''(O) Testicular cancer.

''(P) Thyroid cancer.

''(3) ADDITIONS TO THE LIST.—

''(A) IN GENERAL.—

''(i) PERIODIC REVIEW.—The Secretary shall—

''(I) in consultation with the Director of the National Institute for Occupational Safety and Health and any advisory committee determined appropriate by the Secretary, periodically review the list established under paragraph (2); and

''(II) if the Secretary determines that the weight of the best available scientific evidence warrants adding an illness or disease to the list established under paragraph (2), as described in subparagraph (B) of this paragraph, make such an addition through a rule that clearly identifies that scientific evidence.

''(ii) CLASSIFICATION.—A rule issued by the Secretary under clause (i) shall be considered to be a major rule for the purposes of chapter 8.

''(B) BASIS FOR DETERMINATION.—The Secretary shall add an illness or disease to the list established under paragraph (2) based on the weight of the best available scientific evidence that there is a significant risk to employees in fire protection activities of developing that illness or disease.

''(C) AVAILABLE EXPERTISE.—In determining significant risk for purposes of subparagraph (B), the Secretary may accept as authoritative, and may rely upon, recommendations, risk assessments, and scientific studies (including analyses of National Firefighter Registry data pertaining to Federal firefighters) by the National Institute for Occupational Safety and Health, the National Toxicology Program, the National Academies of Sciences, Engineering, and Medicine, and the International Agency for Research on Cancer.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8143a the following:

''8143b. Employees in fire protection activities.''.

(C) APPLICATION.—The amendments made by this paragraph shall apply to claims for compensation filed on or after the date of enactment of this Act.

(2) RESEARCH COOPERATION.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor (referred to in this subsection as the ''Secretary'') shall establish a process by which an employee in fire protection activities, as defined in subsection (a) of section 8143b of title 5, United States Code, as added by paragraph (1) of this subsection (referred to in this subsection as an ''employee in fire protection activities''), filing a claim under chapter 81 of title 5, United States Code, as amended by this subsection, relating to an illness or disease on the list established under subsection (b)(2) of such section 8143b (referred to in this subsection as ''the list''), as the list may be updated under such section 8143b, shall be informed about, and offered the opportunity to contribute to science by voluntarily enrolling in, the National Firefighter Registry or a similar research or public health initiative conducted by the Centers for Disease Control and Prevention.

(3) AGENDA FOR FURTHER REVIEW.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(A) evaluate the best available scientific evidence of the risk to an employee in fire protection activities of developing breast cancer, gynecological cancers, and rhabdomyolysis;

(B) add breast cancer, gynecological cancers, and rhabdomyolysis to the list, by rule in accordance with subsection (b)(3) of section 8143b of title 5, United States Code, as added by paragraph (1) of this subsection, if the Secretary determines that such evidence supports that addition; and

(C) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Education and Labor of the House of Representatives a report containing—

(i) the findings of the Secretary after making the evaluation required under subparagraph (A); and

(ii) the determination of the Secretary under subparagraph (B).

(4) REPORT ON FEDERAL WILDLAND FIREFIGHTERS.—

(A) DEFINITION.—In this paragraph, the term ''Federal wildland firefighter'' means an individual occupying a position in the occupational series developed pursuant to section 40803(d)(1) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592(d)(1)).

(B) STUDY.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the Director of the National Institute for Occupational Safety and Health, shall conduct a comprehensive study on long-term health effects that Federal wildland firefighters who are eligible to receive compensation for work injuries under chapter 81 of title 5, United States Code, as amended by this subsection, experience after being exposed to fires, smoke, and toxic fumes when in service.

(C) REQUIREMENTS.—The study required under subparagraph (B) shall include—

(i) the race, ethnicity, age, gender, and time of service of the Federal wildland firefighters participating in the study; and

(ii) recommendations to Congress regarding what legislative actions are needed to support the Federal wildland firefighters described in clause (i) in preventing health issues from the toxic exposure described in subparagraph (B), similar to veterans who are exposed to burn pits.

(D) SUBMISSION AND PUBLICATION.—The Secretary of the Interior and the Secretary of Agriculture shall submit the results of the study conducted under this paragraph to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Education and Labor of the House of Representatives and make those results publicly available.

(5) REPORT ON AFFECTED EMPLOYEES.—Beginning on the date that is 1 year after the date of enactment of this Act, with respect to each annual report required under section 8152 of title 5, United States Code, the Secretary—

(A) shall include in the report the total number of, and demographics regarding, employees in fire protection activities with illnesses and diseases described in the list (as the list may be updated under this subsection and the amendments made by this subsection), as of the date on which that annual report is submitted, which shall be disaggregated by the specific illness or disease for the purposes of understanding the scope of the problem facing those employees; and

(B) may—

(i) include in the report any information with respect to employees in fire protection activities that the Secretary determines to be necessary; and

(ii) as appropriate, make recommendations in the report for additional actions that

could be taken to minimize the risk of adverse health impacts for employees in fire protection activities.

(b) INCREASE IN TIME-PERIOD FOR FECA CLAIMANT TO SUPPLY SUPPORTING DOCUMENTATION TO OFFICE OF WORKER'S COMPENSATION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Labor shall—

(1) amend section 10.121 of title 20, Code of Federal Regulations, or any successor regulation, by striking ''30 days'' and inserting ''60 days''; and

(2) modify the Federal Employees' Compensation Act manual to reflect the changes made by the Secretary pursuant to paragraph (1).

SA 5838. Mrs. MURRAY (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—21ST CENTURY ASSISTIVE TECHNOLOGY ACT

SEC. __01. SHORT TITLE.

This title may be cited as the ''21st Century Assistive Technology Act''.

SEC. __02. REAUTHORIZATION.

The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Assistive Technology Act of 1998'.

''(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

''SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to support State efforts to improve the provision of assistive technology to individuals with disabilities through comprehensive statewide programs of technology-related assistance, for individuals with disabilities of all ages, that are designed to—

''(A) increase the availability of, funding for, access to, provision of, and training about assistive technology devices and assistive technology services;

''(B) increase the ability of individuals with disabilities of all ages to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by educational or human service agencies or between settings of daily living (for example, between home and work);

''(C) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

''(D) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

''(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;

''(F) increase the awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures that facilitate the availability or provision of assistive technology devices and assistive technology services; and

''(G) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and entities and the general population; and

''(2) to provide States and protection and advocacy systems with financial assistance that supports programs designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADULT SERVICE PROGRAM.—The term 'adult service program' means a program that provides services to, or is otherwise substantially involved with the major life functions of, individuals with disabilities. Such term includes—

''(A) a program providing residential, supportive, or employment services, or employment-related services, to individuals with disabilities;

''(B) a program carried out by a center for independent living, such as a center described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.);

''(C) a program carried out by an employment support agency connected to adult vocational rehabilitation, such as a one-stop partner, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); and

''(D) a program carried out by another organization or vender licensed or registered by the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705).

''(2) AMERICAN INDIAN CONSORTIUM.—The term 'American Indian consortium' means an entity that is an American Indian Consortium (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), and that is established to provide protection and advocacy services for purposes of receiving funding under subtitle C of title I of such Act (42 U.S.C. 15041 et seq.).

''(3) ASSISTIVE TECHNOLOGY.—The term 'assistive technology' means technology designed to be utilized in an assistive technology device or assistive technology service.

''(4) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

''(5) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

''(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

''(B) a service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

''(C) a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;

''(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

''(E) training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;

''(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and

''(G) a service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

''(6) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term 'capacity building and advocacy activities' means efforts that—

''(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

''(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

''(7) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term 'comprehensive statewide program of technology-related assistance' means a consumer-responsive program of technology-related assistance for individuals with disabilities that—

''(A) is implemented by a State;

''(B) is equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required; and

''(C) incorporates all the activities described in section 4(e) (unless excluded pursuant to section 4(e)(6)).

''(8) CONSUMER-RESPONSIVE.—The term 'consumer-responsive'—

''(A) with regard to policies, means that the policies are consistent with the principles of—

''(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

''(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

''(iii) inclusion, integration, and full participation of such individuals in society;

''(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

''(v) support for individual and systems advocacy and community involvement; and

''(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

''(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

''(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

''(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

''(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

''(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.

''(9) DISABILITY.—The term 'disability' has the meaning given the term under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

''(10) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means any individual of any age, race, or ethnicity—

''(A) who has a disability; and

''(B) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

''(11) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and includes a community college receiving funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

''(12) PROTECTION AND ADVOCACY SERVICES.—The term 'protection and advocacy services' means services that—

''(A) are described in subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

''(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Administrator of the Administration for Community Living.

''(14) STATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(B) OUTLYING AREAS.—In section 4(b):

''(i) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(ii) STATE.—The term 'State' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(15) STATE ASSISTIVE TECHNOLOGY PROGRAM.—The term 'State assistive technology program' means a program authorized under section 4.

''(16) TARGETED INDIVIDUALS AND ENTITIES.—The term 'targeted individuals and entities' means—

''(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

''(B) underrepresented populations, including the aging workforce;

''(C) individuals who work for public or private entities (including centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), insurers, or managed care providers) that have contact with, or provide services to, individuals with disabilities;

''(D) educators at all levels (including providers of early intervention services, elementary schools, secondary schools, community colleges, and vocational and other institutions of higher education) and related services personnel;

''(E) technology experts (including web designers and procurement officials);

''(F) health, allied health, and rehabilitation professionals and hospital employees (including discharge planners);

''(G) employers, especially small business employers, and providers of employment and training services;

''(H) entities that manufacture or sell assistive technology devices;

''(I) entities that carry out community programs designed to develop essential community services in rural and urban areas; and

''(J) other appropriate individuals and entities, as determined for a State by the State.

''(17) UNDERREPRESENTED POPULATION.—The term 'underrepresented population' means a population that is typically underrepresented in service provision, and includes populations such as individuals who have low-incidence disabilities, racial and ethnic minorities, low income individuals, homeless individuals (including children and youth), children in foster care, individuals with limited English proficiency, older individuals, or individuals living in rural areas.

''(18) UNIVERSAL DESIGN.—The term 'universal design' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

''SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PROGRAMS.

''(a) GRANTS TO STATES.—The Secretary shall award grants under subsection (b) to States to maintain a comprehensive statewide continuum of integrated assistive technology activities described in subsection (e) through State assistive technology programs that are designed—

''(1) to maximize the ability of individuals with disabilities across the human lifespan and across the wide array of disabilities, and their family members, guardians, advocates, and authorized representatives, to obtain assistive technology; and

''(2) to increase access to assistive technology.

''(b) AMOUNT OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—From funds made available to carry out this section, the Secretary shall award a grant to each eligible State and eligible outlying area from an allotment determined in accordance with paragraph (2).

''(2) CALCULATION OF STATE GRANTS.—

''(A) BASE YEAR.—Except as provided in subparagraphs (B) and (C), the Secretary shall allot to each State and outlying area for a fiscal year an amount that is not less than the amount the State or outlying area received under the grants provided under section 4 of this Act (as in effect on the day before the effective date of the 21st Century Assistive Technology Act) for fiscal year 2022.

''(B) RATABLE REDUCTION.—

''(i) IN GENERAL.—If funds made available to carry out this section for any fiscal year are insufficient to make the allotments required for each State and outlying area under subparagraph (A) for such fiscal year, the Secretary shall ratably reduce the allotments for such fiscal year.

''(ii) ADDITIONAL FUNDS.—If, after the Secretary makes the reductions described in clause (i), additional funds become available to carry out this section for the fiscal year, the Secretary shall ratably increase the allotments, until the Secretary has allotted the entire base year amount under subparagraph (A).

''(C) APPROPRIATION HIGHER THAN BASE YEAR AMOUNT.—For a fiscal year for which the amount of funds made available to carry out this section is greater than the base year amount under subparagraph (A) and no greater than $40,000,000, the Secretary shall—

''(i) make the allotments described in subparagraph (A);

''(ii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clause (i), the Secretary shall—

''(I) from 50 percent of the portion, allot to each State an equal amount; and

''(II) from 50 percent of the portion, allot to each State an amount that bears the same relationship to such 50 percent as the population of the State bears to the population of all States;

until each State has received an allotment of not less than $410,000 under clause (i) and this clause; and

''(iii) from the remainder of the funds after the Secretary makes the allotments described in clause (ii), the Secretary shall—

''(I) from 80 percent of the remainder, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and

''(II) from 20 percent of the remainder, allot to each State an equal amount.

''(D) APPROPRIATION HIGHER THAN THRESHOLD AMOUNT.—For a fiscal year for which the amount of funds made available to carry out this section is $40,000,000 or greater, the Secretary shall—

''(i) make the allotments described in subparagraph (A);

''(ii) from the funds remaining after the allotment described in clause (i), allot to each outlying area an amount of such funds until each outlying area has received an allotment of exactly $150,000 under clause (i) and this clause;

''(iii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clauses (i) and (ii), the Secretary shall—

''(I) from 50 percent of the portion, allot to each State an equal amount; and

''(II) from 50 percent of the portion, allot to each State an amount that bears the same relationship to such 50 percent as the population of the State bears to the population of all States;

until each State has received an allotment of not less than $450,000 under clause (i) and this clause; and

''(iv) from the remainder of the funds after the Secretary makes the allotments described in clause (iii), the Secretary shall—

''(I) from 80 percent of the remainder, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and

''(II) from 20 percent of the remainder, allot to each State an equal amount.

''(3) AVAILABILITY OF FUNDS.—Amounts made available for a fiscal year under this section shall be available for the fiscal year and the year following the fiscal year.

''(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND ADVISORY COUNCIL.—

''(1) LEAD AGENCY AND IMPLEMENTING ENTITY.—

''(A) LEAD AGENCY.—

''(i) IN GENERAL.—The Governor of a State shall designate a public agency as a lead agency—

''(I) to control and administer the funds made available through the grant awarded to the State under this section; and

''(II) to submit the application described in subsection (d) on behalf of the State, to ensure conformance with Federal and State accounting requirements.

''(ii) DUTIES.—The duties of the lead agency shall include—

''(I) preparing the application described in subsection (d) and carrying out State activities described in that application, including making programmatic and resource allocation decisions necessary to implement the comprehensive statewide program of technology-related assistance;

''(II) coordinating the activities of the comprehensive statewide program of technology-related assistance among public and private entities, including coordinating efforts related to entering into interagency agreements, and maintaining and evaluating the program; and

''(III) coordinating culturally competent efforts related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out through the grant.

''(B) IMPLEMENTING ENTITY.—The Governor may designate an agency, office, or other entity to carry out State activities under this section (referred to in this section as the 'implementing entity'), if such implementing entity is different from the lead agency. The implementing entity shall carry out responsibilities under this Act through a subcontract or another administrative agreement with the lead agency.

''(C) CHANGE IN AGENCY OR ENTITY.—

''(i) IN GENERAL.—On obtaining the approval of the Secretary—

''(I) the Governor may redesignate the lead agency of a State, if the Governor shows to the Secretary good cause why the agency designated as the lead agency should not serve as that agency; and

''(II) the Governor may redesignate the implementing entity of a State, if the Governor shows to the Secretary in accordance with subsection (d)(2)(B), good cause why the entity designated as the implementing entity should not serve as that entity.

''(ii) CONSTRUCTION.—Nothing in this paragraph shall be construed to require the Governor of a State to change the lead agency or implementing entity of the State to an agency other than the lead agency or implementing entity of such State as of the date of enactment of the Assistive Technology Act of 2004 (Public Law 108–364; 118 Stat. 1707).

''(2) ADVISORY COUNCIL.—

''(A) IN GENERAL.—There shall be established an advisory council to provide consumer-responsive, consumer-driven advice to the State for planning of, implementation of, and evaluation of the activities carried out through the grant, including setting the measurable goals described in subsection (d)(3)(C).

''(B) COMPOSITION AND REPRESENTATION.—

''(i) COMPOSITION.—The advisory council shall be composed of—

''(I) individuals with disabilities who use assistive technology, including older individuals, or the family members or guardians of the individuals;

''(II) a representative of the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) and the State agency for individuals who are blind (within the meaning of section 101 of that Act (29 U.S.C. 721)), if such agency is separate;

''(III) a representative of a State center for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.) or the Statewide Independent Living Council established under section 705 of such Act (29 U.S.C. 796d);

''(IV) a representative of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111);

''(V) a representative of the State educational agency, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

''(VI) a representative of an alternative financing program for assistive technology if—

''(aa) there is an alternative financing program for assistive technology in the State;

''(bb) such program is separate from the State assistive technology program supported under subsection (e)(2); and

''(cc) the program described in item (aa) is operated by a nonprofit entity;

''(VII) representatives of other State agencies, public agencies, or private organizations, as determined by the State; and

''(VIII) a representative of 1 or more of the following:

''(aa) The agency responsible for administering the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(bb) The designated State agency for purposes of section 124 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15024).

''(cc) The State agency designated under section 305(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)) or an organization that receives assistance under such Act (42 U.S.C. 3001 et seq.).

''(dd) An organization representing disabled veterans.

''(ee) A University Center for Excellence in Developmental Disabilities Education, Research, and Service designated under section 151(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061(a)).

''(ff) The State protection and advocacy system established in accordance with section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

''(gg) The State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15025).

''(ii) MAJORITY.—

''(I) IN GENERAL.—Not less than 51 percent of the members of the advisory council shall be members appointed under clause (i)(I), a majority of whom shall be individuals with disabilities.

''(II) REPRESENTATIVES OF AGENCIES.—Members appointed under subclauses (II) through (VIII) of clause (i) shall not count toward the majority membership requirement established in subclause (I).

''(iii) REPRESENTATION.—The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of types of services that an individual with a disability may receive.

''(C) EXPENSES.—The members of the advisory council shall receive no compensation for their service on the advisory council, but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

''(D) IMPACT ON EXISTING STATUTES, RULES, OR POLICIES.—Nothing in this paragraph shall be construed to affect State statutes, rules, or official policies relating to advisory bodies for State assistive technology programs or require changes to governing bodies of incorporated agencies that carry out State assistive technology programs.

''(d) APPLICATION.—

''(1) IN GENERAL.—Any State that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

''(2) LEAD AGENCY AND IMPLEMENTING ENTITY.—

''(A) IN GENERAL.—The application shall contain—

''(i) information identifying and describing the lead agency referred to in subsection (c)(1)(A);

''(ii) information identifying and describing the implementing entity referred to in subsection (c)(1)(B), if the Governor of the State designates such an entity; and

''(iii) a description of how individuals with disabilities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant and through the advisory council established in accordance with subsection (c)(2).

''(B) CHANGE IN LEAD AGENCY OR IMPLEMENTING ENTITY.—In any case where—

''(i) the Governor requests to redesignate a lead agency, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the agency designated as the lead agency should not serve as that agency; or

''(ii) the Governor requests to redesignate an implementing entity, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

''(3) STATE PLAN.—The application under this subsection shall include a State plan for assistive technology consisting of—

''(A) a description of how the State will carry out a statewide continuum of integrated assistive technology activities described in subsection (e) (unless excluded by the State pursuant to subsection (e)(6));

''(B) a description of how the State will allocate and utilize grant funds to implement the activities, including describing proposed budget allocations and planned procedures for tracking expenditures for the activities;

''(C) measurable goals, and a timeline for meeting the goals, that the State has set for addressing the assistive technology needs of

individuals with disabilities in the State related to—

''(i) education, including goals involving the provision of assistive technology to individuals with disabilities who receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

''(ii) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

''(iii) access to tele-assistive technology to aid in the access of health care services, including mental health and substance use disorder;

''(iv) accessible information and communication technology training; and

''(v) community living;

''(D) information describing how the State will quantifiably measure the goals to determine whether the goals have been achieved in a manner consistent with the data submitted through the progress reports under subsection (f); and

''(E) a description of any activities described in subsection (e) that the State will support with State or non-Federal funds.

''(4) INVOLVEMENT OF PUBLIC AND PRIVATE ENTITIES.—The application shall describe how various public and private entities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant, including—

''(A) in cases determined to be appropriate by the State, a description of the nature and extent of resources that will be committed by public and private collaborators to assist in accomplishing identified goals; and

''(B) a description of the mechanisms established to ensure coordination of activities and collaboration between the implementing entity, if any, and the State.

''(5) ASSURANCES.—The application shall include assurances that—

''(A) the State will annually collect data related to the required activities implemented by the State under this section in order to prepare the progress reports required under subsection (f);

''(B) funds received through the grant—

''(i) will be expended in accordance with this section; and

''(ii) will be used to supplement, and not supplant, funds available from other sources for technology-related assistance, including the provision of assistive technology devices and assistive technology services;

''(C) the lead agency will control and administer the funds received through the grant;

''(D) the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for the funds received through the grant;

''(E) the physical facility of the lead agency and implementing entity, if any, meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding accessibility for individuals with disabilities;

''(F) a public agency or an individual with a disability holds title to any property purchased with funds received under the grant and administers that property;

''(G) activities carried out in the State that are authorized under this Act, and supported by Federal funds received under this Act, will comply with the standards established by the Architectural and Transportation Barriers Compliance Board under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

''(H) the State will—

''(i) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this Act; and

''(ii) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this subparagraph.

''(e) USE OF FUNDS.—

''(1) REQUIRED ACTIVITIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (6), any State that receives a grant under this section shall—

''(i) use a portion of not more than 40 percent of the funds made available through the grant to carry out all activities described in paragraph (3), of which not less than 5 percent of such portion shall be available for activities described in paragraph (3)(A)(iii); and

''(ii) use a portion of the funds made available through the grant to carry out all of the activities described in paragraph (2).

''(B) STATE OR NON-FEDERAL FINANCIAL SUPPORT.—A State receiving a grant under this section shall not be required to use grant funds to carry out the category of activities described in subparagraph (A), (B), (C), or (D) of paragraph (2) if, in that State—

''(i) financial support is provided from State or other non-Federal resources or entities for that category of activities; and

''(ii) the amount of the financial support is comparable to, or greater than, the amount of the portion of the funds made available through the grant that the State would have expended for that category of activities, in the absence of this subparagraph.

''(2) STATE-LEVEL ACTIVITIES.—

''(A) STATE FINANCING ACTIVITIES.—The State shall support State financing activities to increase access to, and funding for, assistive technology devices and assistive technology services (which shall not include direct payment for such a device or service for an individual with a disability but may include support and administration of a program to provide such payment), including development of systems to provide and pay for such devices and services, for targeted individuals and entities described in section 3(16)(A), including—

''(i) support for the development of systems for the purchase, lease, or other acquisition of, or payment for, assistive technology devices and assistive technology services;

''(ii) another mechanism that is approved by the Secretary; or

''(iii) support for the development of a State-financed or privately financed alternative financing program engaged in the provision of assistive technology devices, such as—

''(I) a low-interest loan fund;

''(II) an interest buy-down program;

''(III) a revolving loan fund; or

''(IV) a loan guarantee or insurance program.

''(B) DEVICE REUTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, repair, recycling, or other reutilization of assistive technology devices, which may include redistribution through device sales, loans, rentals, or donations.

''(C) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that provide short-term loans of assistive technology devices to individuals, employers, public agencies, or others seeking to meet the needs of targeted individuals and entities, including others seeking to comply with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

''(D) DEVICE DEMONSTRATIONS.—

''(i) IN GENERAL.—The State shall directly, or in collaboration with public and private entities, such as one-stop partners, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), demonstrate a variety of assistive technology devices and assistive technology services (including assisting individuals in making informed choices regarding, and providing experiences with, the devices and services), using personnel who are familiar with such devices and services and their applications.

''(ii) COMPREHENSIVE INFORMATION.—The State shall directly, or through referrals, provide to individuals, to the extent practicable, comprehensive information about State and local assistive technology venders, providers, and repair services.

''(3) STATE LEADERSHIP ACTIVITIES.—

''(A) TRAINING AND TECHNICAL ASSISTANCE.—

''(i) IN GENERAL.—The State shall (directly or through the provision of support to public or private entities with demonstrated expertise in collaborating with public or private agencies that serve individuals with disabilities) develop and disseminate training materials, conduct training, and provide technical assistance, for individuals from local settings statewide, including representatives of State and local educational agencies, State vocational rehabilitation programs, other State and local agencies, early intervention programs, adult service programs, hospitals and other health care facilities, institutions of higher education, and businesses.

''(ii) AUTHORIZED ACTIVITIES.—In carrying out activities under clause (i), the State shall carry out activities that enhance the knowledge, skills, and competencies of individuals from local settings described in such clause, which may include—

''(I) general awareness training on the benefits of assistive technology and the Federal, State, and private funding sources available to assist targeted individuals, especially older individuals and transition-age youth with disabilities, and entities in acquiring assistive technology;

''(II) skills-development training in assessing the need for assistive technology devices and assistive technology services;

''(III) training to ensure the appropriate application and use of assistive technology devices, assistive technology services, and accessible information and communication technology for e-government functions;

''(IV) training in the importance of multiple approaches to assessment and implementation necessary to meet the individualized needs of individuals with disabilities and older individuals; and

''(V) technical training on integrating assistive technology into the development and implementation of service plans, including any education, health, discharge, Olmstead, employment, or other plan required under Federal or State law.

''(iii) TRANSITION ASSISTANCE TO INDIVIDUALS WITH DISABILITIES.—The State shall (directly or through the provision of support to public or private entities) develop and disseminate training materials, conduct training, facilitate access to assistive technology, and provide technical assistance, to assist—

''(I) students with disabilities, within the meaning of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), that receive transition services; and

''(II) adults who are individuals with disabilities maintaining or transitioning to community living.

''(B) PUBLIC-AWARENESS ACTIVITIES.—

''(i) IN GENERAL.—The State shall conduct public-awareness activities designed to provide information to targeted individuals, including older individuals and transition-age youth with disabilities, and entities relating to the availability, benefits, appropriateness, and costs of assistive technology devices and assistive technology services, including—

''(I) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals and entities, which may include partnerships with entities in the statewide and local workforce development systems established under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), State vocational rehabilitation programs, public and private employers, or elementary and secondary public schools;

''(II) the development and dissemination to targeted individuals, including older individuals and transition-age youth with disabilities, and entities, of information about State efforts related to assistive technology; and

''(III) the distribution of materials to appropriate public and private agencies that provide social, medical, educational, employment, and transportation services to individuals with disabilities.

''(ii) STATEWIDE INFORMATION AND REFERRAL SYSTEM.—

''(I) IN GENERAL.—The State shall directly, or in collaboration with public or private (such as nonprofit) entities, provide for the continuation and enhancement of a statewide information and referral system designed to meet the needs of targeted individuals and entities.

''(II) CONTENT.—The system shall deliver information on assistive technology devices, assistive technology services (with specific data regarding provider availability within the State), and the availability of resources, including funding through public and private sources, to obtain assistive technology devices and assistive technology services. The system shall also deliver information on the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living.

''(C) COORDINATION AND COLLABORATION.—The State shall coordinate activities described in paragraph (2) and this paragraph, among public and private entities that are responsible for policies, procedures, or funding for the provision of assistive technology devices and assistive technology services to individuals with disabilities, service providers, and others to improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State.

''(4) INDIRECT COSTS.—Not more than 10 percent of the funds made available through a grant to a State under this section may be used for indirect costs.

''(5) FUNDING RULES.—

''(A) PROHIBITION.—Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

''(B) FEDERAL PARTNER COLLABORATION.—In order to provide the maximum availability of funding to access and acquire assistive technology through device demonstration, loan, reuse, and State financing activities, a State receiving a grant under this section shall ensure that the lead agency or implementing entity is conducting outreach to and, as appropriate, collaborating with, other State agencies that receive Federal funding for assistive technology, including—

''(i) the State educational agency receiving assistance under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

''(ii) the State vocational rehabilitation agency receiving assistance under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

''(iii) the agency responsible for administering the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(iv) the State agency receiving assistance under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

''(v) any other agency in a State that funds assistive technology.

''(6) STATE FLEXIBILITY.—

''(A) IN GENERAL.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that the State receives under a grant awarded under this section to carry out any 2 or more of the activities described in paragraph (2).

''(B) SPECIAL RULE.—Notwithstanding paragraph (1)(A), any State that exercises its authority under subparagraph (A)—

''(i) shall carry out each of the required activities described in paragraph (3); and

''(ii) shall use not more than 30 percent of the funds made available through the grant to carry out such activities.

''(7) ASSISTIVE TECHNOLOGY DEVICE DISPOSITION.—Notwithstanding other equipment disposition policy under Federal law, an assistive technology device purchased to be used in activities authorized under this section may be reutilized to the maximum extent possible and then donated to a public agency, private nonprofit agency, or individual with a disability in need of such device.

''(f) ANNUAL PROGRESS REPORTS.—

''(1) DATA COLLECTION.—Each State receiving a grant under this section shall participate in data collection as required by law, including data collection required for preparation of the reports described in paragraph (2).

''(2) REPORTS.—

''(A) IN GENERAL.—Each State shall prepare and submit to the Secretary an annual progress report on the activities carried out by the State in accordance with subsection (e), including activities funded by State or non-Federal sources under subsection (e)(1)(B) at such time, and in such manner, as the Secretary may require.

''(B) CONTENTS.—The report shall include data collected pursuant to this section. The report shall document, with respect to activities carried out under this section in the State—

''(i) the type of State financing activities described in subsection (e)(2)(A) used by the State;

''(ii) the amount and type of assistance given to consumers of the State financing activities described in subsection (e)(2)(A) (which shall be classified by type of assistive technology device or assistive technology service financed through the State financing activities, and geographic distribution within the State), including—

''(I) the number of applications for assistance received;

''(II) the number of applications—

''(aa) approved;

''(bb) denied; or

''(cc) withdrawn;

''(III) the number, percentage, and dollar amount of defaults for the financing activities;

''(IV) the range and average interest rate for the financing activities;

''(V) the range and average income of approved applicants for the financing activities; and

''(VI) the types and dollar amounts of assistive technology financed;

''(iii) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabilities, employers, public agencies, or public accommodations through the device loan program described in subsection (e)(2)(C), and an analysis of the individuals with disabilities who have benefited from the device loan program;

''(iv) the number, type, estimated value, and scope of assistive technology devices exchanged, repaired, recycled, or reutilized (including redistributed through device sales, loans, rentals, or donations) through the device reutilization program described in subsection (e)(2)(B), and an analysis of the individuals with disabilities that have benefited from the device reutilization program;

''(v) the number and type of device demonstrations and referrals provided under subsection (e)(2)(D), and an analysis of individuals with disabilities who have benefited from the demonstrations and referrals;

''(vi)(I) the number and general characteristics of individuals who participated in training under subsection (e)(3)(A) (such as individuals with disabilities, parents, educators, employers, providers of employment services, health care workers, counselors, other service providers, or venders) and the topics of such training; and

''(II) to the extent practicable, the geographic distribution of individuals who participated in the training;

''(vii) the frequency of provision and nature of technical assistance provided to State and local agencies and other entities;

''(viii) the number of individuals assisted through the statewide information and referral system described in subsection (e)(3)(B)(ii) and descriptions of the public awareness activities under subsection (e)(3)(B) with high impact;

''(ix) the outcomes of any improvement initiatives carried out by the State as a result of activities funded under this section, including a description of any written policies, practices, and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices, and assistive technology services, in the contexts of education, health care, employment, community living, and accessible information and communication technology, including e-government;

''(x) the source of leveraged funding or other contributed resources, including resources provided through subcontracts or other collaborative resource-sharing agreements, from and with public and private entities to carry out State activities described in subsection (e)(3)(C), the number of individuals served with the contributed resources for which information is not reported under clauses (i) through (ix) or clause (xi), and other outcomes accomplished as a result of such activities carried out with the contributed resources; and

''(xi) the level of customer satisfaction with the services provided.

''SEC. 5. GRANTS FOR PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary shall make grants under subsection (b) to protection and advocacy systems in each State for the purpose of enabling such systems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

''(2) GENERAL AUTHORITIES.—In providing such assistance, protection and advocacy systems shall have the same general authorities as the systems are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of

2000 (42 U.S.C. 15041 et seq.), as determined by the Secretary.

''(b) RESERVATION; DISTRIBUTION.—

''(1) RESERVATION.—For each fiscal year, the Secretary shall reserve, from the amounts made available to carry out this section under section 9(b)(2)(B), such sums as may be necessary to carry out paragraph (4).

''(2) POPULATION BASIS.—From the funds appropriated for this section for a fiscal year and remaining after the reservation required by paragraph (1) has been made, the Secretary shall make a grant to a protection and advocacy system within each State in an amount bearing the same ratio to the remaining funds as the population of the State bears to the population of all States.

''(3) MINIMUMS.—Subject to the availability of appropriations and paragraph (5), the amount of a grant to a protection and advocacy system under paragraph (2) for a fiscal year shall—

''(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, not be less than $30,000; and

''(B) in the case of a protection and advocacy system located in a State not described in subparagraph (A), not be less than $50,000.

''(4) PAYMENT TO THE SYSTEM SERVING THE AMERICAN INDIAN CONSORTIUM.—

''(A) IN GENERAL.—The Secretary shall make grants to the protection and advocacy system serving the American Indian Consortium to provide services in accordance with this section.

''(B) AMOUNT OF GRANTS.—The amount of such grants shall be the same as the amount provided under paragraph (3)(A).

''(5) ADJUSTMENTS.—For each fiscal year in which the total amount appropriated under section 9(b)(2)(B) to carry out this section is $8,000,000 or more and such appropriated amount exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Secretary shall increase each of the minimum grant amounts described in subparagraphs (A) and (B) of paragraph (3) by a percentage equal to the percentage increase in the total amount appropriated under section 9 to carry out this section for the preceding fiscal year and such total amount for the fiscal year for which the determination is being made.

''(c) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Secretary shall pay directly to any protection and advocacy system that complies with this section, the total amount of the grant made for such system under this section, unless the system provides otherwise for payment of the grant amount.

''(d) CARRYOVER; PROGRAM INCOME.—

''(1) CARRYOVER.—Any amount paid to an eligible system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year.

''(2) PROGRAM INCOME.—Program income generated from any amount paid to an eligible system for a fiscal year shall—

''(A) remain available to the eligible system until expended and be considered an addition to the grant; and

''(B) only be used to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

''(e) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

''(1) conducting consumer-responsive activities, including activities that will lead to increased access for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

''(2) engaging in informal advocacy to assist in securing assistive technology devices and assistive technology services for individuals with disabilities;

''(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology devices and assistive technology services for individuals with disabilities;

''(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act;

''(5) coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency; and

''(6) effectively allocating funds made available under this section to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

''(f) REPORTS AND UPDATES TO STATE AGENCIES.—An entity that receives a grant under this section shall prepare and submit to the lead agency of the State designated under section 4(c)(1) the report described in subsection (e) and quarterly updates concerning the activities described in such subsection.

''(g) COORDINATION.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State with respect to efforts at coordination of activities, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

''SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION SUPPORT.

''(a) DEFINITIONS.—In this section:

''(1) QUALIFIED DATA COLLECTION AND REPORTING ENTITY.—The term 'qualified data collection and reporting entity' means an entity with demonstrated expertise in data collection and reporting as described in section 4(f)(2)(B), in order to—

''(A) provide recipients of grants under this Act with training and technical assistance; and

''(B) assist such recipients with data collection and data requirements.

''(2) QUALIFIED PROTECTION AND ADVOCACY SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified protection and advocacy system technical assistance provider' means an entity that has experience in—

''(A) working with protection and advocacy systems established in accordance with section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043); and

''(B) providing technical assistance to protection and advocacy agencies.

''(3) QUALIFIED TRAINING AND TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified training and technical assistance provider' means an entity with demonstrated expertise in assistive technology and that has (directly or through grant or contract)—

''(A) experience and expertise in administering programs, including developing, implementing, and administering all of the activities described in section 4(e); and

''(B) documented experience in and knowledge about—

''(i) assistive technology device loan and demonstration;

''(ii) assistive technology device reuse;

''(iii) financial loans and microlending, including the activities of alternative financing programs for assistive technology; and

''(iv) State leadership activities.

''(b) TECHNICAL ASSISTANCE AND DATA COLLECTION SUPPORT AUTHORIZED.—

''(1) SUPPORT FOR ASSISTIVE TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE.—From amounts made available under section 9(b)(1), the Secretary shall award, on a competitive basis—

''(A) 1 grant, contract, or cooperative agreement to a qualified training and technical assistance provider to support activities described in subsection (d)(1) for States receiving grants under section 4; and

''(B) 1 grant, contract, or cooperative agreement to a qualified protection and advocacy system technical assistance provider to support activities described in subsection (d)(1) for protection and advocacy systems receiving grants under section 5.

''(2) SUPPORT FOR DATA COLLECTION AND REPORTING ASSISTANCE.—From amounts made available under section 9(b)(1), the Secretary shall award, on a competitive basis—

''(A) 1 grant, contract, or cooperative agreement to a qualified data collection and reporting entity, to enable the qualified data collection and reporting entity to carry out the activities described in subsection (d)(2) for States receiving grants under section 4; and

''(B) 1 grant, contract, or cooperative agreement to a qualified protection and advocacy system technical assistance provider, to enable the eligible protection and advocacy system to carry out the activities described in subsection (d)(2) for protection and advocacy systems receiving grants under section 5.

''(c) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) INPUT.—In awarding grants, contracts, or cooperative agreements under this section and in reviewing the activities proposed under the applications described in paragraph (1), the Secretary shall consider the input of the recipients of grants under sections 4 and 5 and other individuals the Secretary determines to be appropriate, especially—

''(A) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

''(B) family members, guardians, advocates, and authorized representatives of such individuals;

''(C) relevant employees from Federal departments and agencies, other than the Department of Health and Human Services;

''(D) representatives of businesses; and

''(E) venders and public and private researchers and developers.

''(d) AUTHORIZED ACTIVITIES.—

''(1) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE.—

''(A) TRAINING AND TECHNICAL ASSISTANCE EFFORTS.—A qualified training and technical assistance provider or qualified protection and advocacy system technical assistance

provider receiving a grant, contract, or cooperative agreement under subsection (b)(1) shall support a training and technical assistance program for States or protection and advocacy systems receiving a grant under section 4 or 5, respectively, that—

''(i) addresses State-specific information requests concerning assistive technology from entities funded under this Act and public entities not funded under this Act, including—

''(I) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

''(II) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

''(III) requests for information on effective approaches to developing, implementing, evaluating, and sustaining activities described in section 4 or 5, as the case may be, and related to improving acquisition and access to assistive technology devices and assistive technology services for individuals with disabilities of all ages, and requests for assistance in developing corrective action plans;

''(IV) requests for examples of policies, practices, procedures, regulations, or judicial decisions that have enhanced or may enhance access to and acquisition of assistive technology devices and assistive technology services for individuals with disabilities;

''(V) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services; and

''(VI) other requests for training and technical assistance from entities funded under this Act;

''(ii) in the case of a program that will serve States receiving grants under section 4—

''(I) assists targeted individuals and entities by disseminating information and responding to requests relating to assistive technology by providing referrals to recipients of grants under section 4 or other public or private resources; and

''(II) provides State-specific, regional, and national training and technical assistance concerning assistive technology to entities funded under this Act, other entities funded under this Act, and public and private entities not funded under this Act, including—

''(aa) annually providing a forum for exchanging information concerning, and promoting program and policy improvements in, required activities of the State assistive technology programs;

''(bb) facilitating onsite and electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio or video broadcasts, on emerging topics that affect State assistive technology programs;

''(cc) convening experts from State assistive technology programs to discuss and make recommendations with regard to national emerging issues of importance to individuals with assistive technology needs;

''(dd) sharing best practice and evidence-based practices among State assistive technology programs;

''(ee) maintaining an accessible website that includes links to State assistive technology programs, appropriate Federal departments and agencies, and private associations;

''(ff) developing a resource that connects individuals from a State with the State assistive technology program in their State;

''(gg) providing access to experts in the areas of assistive technology device loan and demonstration, assistive technology device reuse, State financing, banking, microlending, and finance, for entities funded under this Act, through site visits, teleconferences, and other means, to ensure access to information for entities that are carrying out new programs or programs that are not making progress in achieving the objectives of the programs; and

''(hh) supporting and coordinating activities designed to reduce the financial costs of purchasing assistive technology for the activities described in section 4(e), and reducing duplication of activities among State assistive technology programs; and

''(iii) includes such other activities as the Secretary may require.

''(B) COLLABORATION.—In developing and providing training and technical assistance under this paragraph, a qualified training and technical assistance provider or qualified protection and advocacy system technical assistance provider shall—

''(i) collaborate with—

''(I) organizations representing individuals with disabilities;

''(II) national organizations representing State assistive technology programs;

''(III) organizations representing State officials and agencies engaged in the delivery of assistive technology;

''(IV) other qualified data collection and reporting entities and technical assistance providers;

''(V) providers of State financing activities, including alternative financing programs for assistive technology;

''(VI) providers of device loans, device demonstrations, and device reutilization; and

''(VII) any other organizations determined appropriate by the provider or the Secretary; and

''(ii) in the case of a qualified training and technical assistance provider, include activities identified as priorities by State advisory councils and lead agencies and implementing entities for grants under section 4.

''(2) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY DATA COLLECTION AND REPORTING ASSISTANCE.—A qualified data collection and reporting entity or a qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(2) shall assist States or protection and advocacy systems receiving a grant under section 4 or 5, respectively, to develop and implement effective and accessible data collection and reporting systems that—

''(A) focus on quantitative and qualitative data elements;

''(B) help measure the accrued benefits of the activities to individuals who need assistive technology; and

''(C) in the case of systems that will serve States receiving grants under section 4—

''(i) measure the outcomes of all activities described in section 4(e) and the progress of the States toward achieving the measurable goals described in section 4(d)(3)(C); and

''(ii) provide States with the necessary information required under this Act or by the Secretary for reports described in section 4(f)(2).

''SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) DEFINITION OF PROJECT OF NATIONAL SIGNIFICANCE.—In this section, the term 'project of national significance'—

''(1) means a project that—

''(A) increases access to, and acquisition of, assistive technology; and

''(B) creates opportunities for individuals with disabilities to directly and fully contribute to, and participate in, all facets of education, employment, community living, and recreational activities; and

''(2) may—

''(A) develop and expand partnerships between State Medicaid agencies and recipients of grants under section 4 to reutilize durable medical equipment;

''(B) increase collaboration between the recipients of grants under section 4 and States receiving grants under the Money Follows the Person Rebalancing Demonstration under section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note);

''(C) increase collaboration between recipients of grants under section 4 and area agencies on aging, as such term is defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002), which may include collaboration on emergency preparedness, safety equipment, or assistive technology toolkits;

''(D) provide aid to assist youth with disabilities (including youth with intellectual and developmental disabilities) to transition from school to adult life, especially in—

''(i) finding employment and postsecondary education opportunities; and

''(ii) upgrading and changing any assistive technology devices that may be needed as a youth matures;

''(E) increase access to and acquisition of assistive technology addressing the needs of aging individuals and aging caregivers in the community;

''(F) increase effective and efficient use of assistive technology as part of early intervention for infants and toddlers with disabilities from birth to age 3;

''(G) increase awareness of and access to the Disability Funds-Financial Assistance funding provided by the Community Development Financial Institutions Fund that supports acquisition of assistive technology; and

''(H) increase awareness of and access to other federally funded disability programs or increase knowledge of assistive technology, as determined appropriate by the Secretary.

''(b) PROJECTS AUTHORIZED.—If funds are available pursuant to section 9(c) to carry out this section for a fiscal year, the Secretary may award, on a competitive basis, grants, contracts, and cooperative agreements to public or private nonprofit entities to enable the entities to carry out projects of national significance.

''(c) APPLICATION.—A public or private nonprofit entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) AWARD BASIS.—

''(1) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a public or private nonprofit entity funded under section 4 or 5 for the most recent award period.

''(2) PREFERENCE.—For each grant award period, the Secretary may give preference for 1 or more categories of projects of national significance described in subparagraphs (A) through (H) of subsection (a)(2) or another category identified by the Secretary, if the Secretary determines that there is a reason to prioritize that category of project.

''(e) MINIMUM FUNDING LEVEL REQUIRED.—The Secretary may only award grants, contracts, or cooperative agreements under this section if the amount made available under section 9 to carry out sections 4, 5, and 6 is equal to or greater than $49,000,000.

''SEC. 8. ADMINISTRATIVE PROVISIONS.

''(a) GENERAL ADMINISTRATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Administration for Community Living shall be responsible for the administration of this Act.

''(2) COLLABORATION.—The Administrator of the Administration for Community Living shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the National Institute on Disability, Independent Living, and Rehabilitation Research, and other appropriate Federal entities in the administration of this Act.

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—In administering this Act, the Administrator of the Administration for Community Living shall ensure that programs funded under this Act will address—

''(i) the needs of individuals with all types of disabilities and across the lifespan; and

''(ii) the use of assistive technology in all potential environments, including employment, education, and community living, or for other reasons.

''(B) FUNDING LIMITATIONS.—For each fiscal year, not more than ½ of 1 percent of the total funding appropriated for this Act shall be used by the Administrator of the Administration for Community Living to support the administration of this Act.

''(b) REVIEW OF PARTICIPATING ENTITIES.—

''(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants under this Act are complying with the applicable requirements of this Act and achieving measurable goals that are consistent with the requirements of the grant programs under which the entities received the grants.

''(2) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).

''(c) CORRECTIVE ACTION AND SANCTIONS.—

''(1) CORRECTIVE ACTION.—If the Secretary determines that an entity that receives a grant under this Act fails to substantially comply with the applicable requirements of this Act, or to make substantial progress toward achieving the measurable goals described in subsection (b)(1) with respect to the grant program, the Secretary shall assist the entity, through technical assistance funded under section 6 or other means, within 90 days after such determination, to develop a corrective action plan.

''(2) SANCTIONS.—If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Secretary:

''(A) Partial or complete termination of funding under the grant program, until the entity develops and complies with such a plan.

''(B) Ineligibility to participate in the grant program in the following year.

''(C) Reduction in the amount of funding that may be used for indirect costs under section 4 for the following year.

''(D) Required redesignation of the lead agency designated under section 4(c)(1) or an entity responsible for administering the grant program.

''(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are determined to be in noncompliance with the applicable requirements of this Act, or have not made substantial progress toward achieving the measurable goals described in subsection (b)(1).

''(4) SECRETARIAL ACTION.—As part of the annual report required under subsection (d), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

''(5) PUBLIC NOTIFICATION.—The Secretary shall notify the public, by posting on the internet website of the Department of Health and Human Services, of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

''(d) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives, a report on the activities funded under this Act to improve the access of assistive technology devices and assistive technology services to individuals with disabilities.

''(2) CONTENTS.—Such report shall include—

''(A) a compilation and summary of the information provided by the States in annual progress reports submitted under section 4(f); and

''(B) a summary of the State applications described in section 4(d) and an analysis of the progress of the States in meeting the measurable goals established in State applications under section 4(d)(3)(C).

''(e) CONSTRUCTION.—Nothing in this section shall be construed to affect the enforcement authority of the Secretary, another Federal officer, or a court under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.) or other applicable law.

''(f) EFFECT ON OTHER ASSISTANCE.—This Act may not be construed as authorizing a Federal or State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS AND DISTRIBUTION OF FUNDS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

''(1) $60,000,000 for fiscal year 2023; and

''(2) such sums as may be necessary for each of fiscal years 2024 through 2027.

''(b) RESERVATIONS AND DISTRIBUTION OF FUNDS.—Of the funds made available under subsection (a) to carry out this Act and subject to subsection (c), the Secretary shall—

''(1) reserve an amount equal to 3 percent of such available funds to carry out section 6(b)(1) and section 6(b)(2); and

''(2) of the amounts remaining after the reservation under paragraph (1)—

''(A) use 85.5 percent of such amounts to carry out section 4; and

''(B) use 14.5 percent of such amounts to carry out section 5.

''(c) LIMIT FOR PROJECTS OF NATIONAL SIGNIFICANCE.—In any fiscal year for which the amount made available under subsection (a) exceeds $49,000,000 the Secretary may reserve an amount, which shall not exceed the lesser of the excess amount made available or $2,000,000, for section 7 before carrying out subsection (b).''.

SEC. __03. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the day that is 6 months after the date of enactment of this Act.

SA 5839. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. STUDY ON FEASIBILITY OF GATHERING DEMOGRAPHIC INFORMATION ON MIDDLE EASTERN AND NORTH AFRICAN (MENA) PERSONNEL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report including the findings of a study on the feasibility of gathering more demographic information on Middle Eastern and North African (MENA) members of the Armed Forces and Department of Defense civilian employees.

(b) ELEMENTS.—The study required under subsection (a) shall cover the following topics:

(1) How non-MENA White and MENA members of the Armed Forces and Department of Defense civilian employees perceive the racial status of MENA traits, and how MENA members of the Armed Forces and Department of Defense civilian employees identify themselves (self-identification).

(2) Whether, if given the option, MENA individuals self-identify as MENA or as MENA and White, including by disaggregating the data by first-generation, second-generation, and later generation individuals, and by Muslim population.

(3) Whether inclusion of MENA as a standalone racial category would allow the Armed Forces to gather data more accurately on MENA members of the Armed Forces and Department of Defense civilian employees.

SA 5840. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ADDITIONAL AMOUNT FOR F–35 C2D2.

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

(1) the F–35 Joint Strike Fighter Program Office is investigating the expanded use of commercial digital microelectronics engineering practices to enable affordably sustainable and agilely modernizable systems;

(2) the effort of the recent Joint Strike Fighter Digital Microelectronics Engineering pilot project which showed a significant reduction in risk to flight test while providing 100 percent coverage and requirements traceability within the verification test plan is to be commended;

(3) the move from manual data collection and analysis to 21st century commercial, advanced verification methodologies is long overdue; and

(4) the Joint Strike Fighter Program Office and the Service Joint Strike Fighter Transition Program Offices should apply commercial digital microelectronics engineering best practices, to be executed exclusively by companies accredited by the Department of Defense as trusted suppliers, to all future Joint Strike Fighter acquisition, sustainment, modernization, and diminishing manufacturing sources and materials shortages (DMSMS) efforts to achieve improved life-cycle-costs and capability delivery.

(b) ADDITIONAL AMOUNT.—The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation is hereby increased by $20,000,000, with the amount of the increase to be available for F–35 C2D2 (PE 0604840F).

SA 5841. Mr. GRAHAM (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1239. CONDEMNATION OF RUSSIA'S ATTEMPTS TO CLAIM SOVEREIGNTY OVER ANY PORTION OF UKRAINE.

(a) FINDINGS.—Congress finds the following:

(1) The Russian Federation violated the sovereignty of Ukraine beginning with the illegal annexation of Crimea and its invasion into eastern Ukraine.

(2) Beginning in February 2022, the Russian Federation sought to further violate Ukraine's sovereignty by launching unprovoked military action against Ukraine.

(3) On September 22, 2022, the North Atlantic Treaty Organization condemned the then upcoming referenda stating that the ''[s]ham referenda in the Donetsk, Luhansk, Zaporizhzhia, and Kherson regions of Ukraine have no legitimacy and will be a blatant violation of the UN Charter. NATO Allies will not recognize their illegal and illegitimate annexation. These lands are Ukraine. We call on all states to reject Russia's blatant attempts at territorial conquest''.

(4) On September 23, 2022, President Joseph R. Biden stated, ''The United States will never recognize Ukrainian territory as anything other than part of Ukraine.''.

(5) Beginning on September 23, 2022, Russia conducted sham referenda in 4 Ukrainian regions (Donetsk, Luhansk, Kherson, and Zaporizhzhia) in an attempt to validate Moscow's illegal annexation of the territory.

(6) Published reports indicate that—

(A) Ukrainians have been forced to vote in the sham referenda ''under a gun barrel''; and

(B) Russian officials have visited schools, hospitals, and other workplaces to force Ukrainians to vote in favor of annexation.

(7) The Kremlin has stated that once the sham referenda are concluded, the process of absorbing the annexed areas into Russia will be completed ''promptly''.

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

(1) the United States should refuse to recognize any claim of sovereignty by the Russian Federation over any portion of Ukraine;

(2) the recent sham referenda beginning on September 23, 2022, directed by the Government of the Russian Federation, violates international law; and

(3) President Biden should restrict all economic and military aid and assistance to any nation that recognizes Russian sovereignty over any portion of Ukraine.

SA 5842. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 906. ESTABLISHMENT OF OFFICE OF STRATEGIC CAPITAL.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 148. Office of Strategic Capital

''(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an office to be known as the Office of Strategic Capital (in this section referred to as the 'Office').

''(b) DIRECTOR.—The Office shall be headed by a Director (in this section referred to as the 'Director'), who shall be appointed by the Secretary of Defense from among employees of the Department of Defense in Senior Executive Service positions (as defined in section 3132 of title 5).

''(c) DUTIES.—The Office shall—

''(1) identify, accelerate, and sustain the establishment, research, development, construction, procurement, leasing, consolidation, alteration, improvement, or repair of tangible and intangible assets vital to national security;

''(2) protect vital tangible and intangible assets from theft, acquisition, and transfer by the People's Republic of China, the Russian Federation, and other countries that are adversaries of the United States; and

''(3) provide capital assistance to eligible entities engaged in eligible investments.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—An eligible entity seeking capital assistance for an eligible investment shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

''(2) PRELIMINARY RATING OPINION LETTER.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), an application submitted under paragraph (1) seeking capital assistance for an eligible investment shall include a preliminary rating opinion letter from at least one rating agency indicating that the senior obligations of the investment have the potential to achieve an investment-grade rating.

''(B) EXCEPTIONS.—The Director may waive the requirement under subparagraph (A) with respect to an investment if it is not possible to obtain a preliminary rating opinion letter with respect to the investment.

''(e) SELECTION OF INVESTMENTS.—The Director shall establish criteria for selecting among eligible investments for which applications are submitted under subsection (d). Such criteria shall include—

''(1) the extent to which an investment is significant to the national security of the United States;

''(2) the creditworthiness of an investment; and

''(3) the likelihood that capital assistance provided for an investment would enable the investment to proceed sooner than the investment would otherwise be able to proceed.

''(f) CAPITAL ASSISTANCE.—

''(1) LOANS AND LOAN GUARANTEES.—

''(A) IN GENERAL.—The Office may provide loans or loan guarantees to finance or refinance the costs of an eligible investment selected pursuant to subsection (e).

''(B) INVESTMENT-GRADE RATING REQUIRED.—

''(i) IN GENERAL.—Except as provided by clause (ii), a loan or loan guarantee may be provided under subparagraph (A) only with respect to an investment that receives an investment-grade rating from a rating agency.

''(ii) EXCEPTION.—The Director may waive the requirement under clause (i) with respect to an investment if—

''(I) it is not possible to obtain a preliminary rating opinion letter with respect to the investment; and

''(II) the investment is determined by the Secretary of Defense to be vital to the national security of the United States.

''(C) SECURITY.—A loan provided under subparagraph (A) is required—

''(i) to be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) to include a rate covenant, coverage requirement, or similar security feature supporting investment obligations.

''(D) ADMINISTRATION OF LOANS.—

''(i) INTEREST RATE.—

''(I) IN GENERAL.—Except as provided by subclause (II), the interest rate on a loan provided under subparagraph (A) shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the loan on the date of execution of the loan agreement.

''(II) EXCEPTION.—The Director may waive the requirement under subclause (I) with respect to an investment if the investment is determined by the Secretary of Defense to be vital to the national security of the United States.

''(ii) FINAL MATURITY DATE.—The final maturity date of a loan provided under subparagraph (A) shall be not later than 35 years after the date of substantial completion of the investment for which the loan was provided.

''(iii) PREPAYMENT.—A loan provided under subparagraph (A) may be paid earlier than is provided for under the loan agreement without a penalty.

''(iv) CAPITAL RESERVE SUBSIDY AMOUNT.—The Director of the Office of Management and Budget and the rating agencies shall determine the appropriate capital reserve subsidy amount for each loan provided under subparagraph (A).

''(v) NONSUBORDINATION.—A loan provided under subparagraph (A) shall not be subordinated to the claims of any holder of investment obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(vi) SALE OF LOANS.—After substantial completion of an investment for which a loan is provided under subparagraph (A) and after notifying the obligor, the Director may sell to another entity or reoffer into the capital markets a loan for the investment if the Director determines that the sale or reoffering can be made on favorable terms.

''(vii) LOAN GUARANTEES.—If the Director determines that the holder of a loan guaranteed by the Office defaults on the loan, the Director shall pay the holder as specified in the loan guarantee agreement.

''(viii) TERMS AND CONDITIONS.—Loans and loan guarantees provided under subparagraph (A) shall be subject to such other terms and conditions and contain such other covenants, representations, warranties, and requirements (including requirements for audits) as the Director determines appropriate.

''(ix) APPLICABILITY OF FEDERAL CREDIT REFORM ACT OF 1990.—Loans and loan guarantees provided under subparagraph (A) shall be subject to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(2) EQUITY INVESTMENTS.—

''(A) IN GENERAL.—The Director may, as a minority investor, support an eligible investment selected pursuant to subsection (e) with funds or use other mechanisms for the purpose of purchasing, and may make and fund commitments to purchase, invest in, make pledges in respect of, or otherwise acquire, equity or quasi-equity securities or shares or financial interests of the eligible entity receiving support for the eligible investment, including as a limited partner or other investor in investment funds, upon such terms and conditions as the Director may determine.

''(B) SALES AND LIQUIDATION OF POSITION.—The Office shall seek to sell and liquidate any support for an investment provided under subparagraph (A) as soon as commercially feasible, commensurate with other similar investors in the investment and taking into consideration the national security interests of the United States.

''(3) INSURANCE AND REINSURANCE.—The Director may issue insurance or reinsurance, upon such terms and conditions as the Director may determine, to an eligible entity for an eligible investment selected pursuant to subsection (e) assuring protection of the investments of the entity in whole or in part against any or all political risks such as currency inconvertibility and transfer restrictions, expropriation, war, terrorism, civil disturbance, breach of contract, or nonhonoring of financial obligations.

''(4) TECHNICAL ASSISTANCE.—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities seeking capital assistance for eligible investments and eligible entities receiving capital assistance under this subsection.

''(5) TERMS AND CONDITIONS.—

''(A) FEES.—The Director may charge fees for the provision of capital assistance under this subsection to cover the costs to the Office of providing such assistance.

''(B) AMOUNT OF CAPITAL ASSISTANCE.—The Director shall provide to an eligible investment selected pursuant to subsection (e) the minimum amount of assistance necessary to carry out the investment.

''(C) USE OF UNITED STATES DOLLAR.—All financial transactions conducted under this subsection shall be conducted in United States dollars, unless the Director approves of the use of another currency.

''(g) CORPORATE FUNDS.—

''(1) CORPORATE CAPITAL ACCOUNT.—There is established in the Treasury of the United States a fund to be known as the 'Office of Strategic Capital Capital Account' (in this subsection referred to as the 'Capital Account') to carry out the purposes of the Office.

''(2) FUNDING.—The Capital Account shall consist of—

''(A) fees charged and collected pursuant to paragraph (3);

''(B) any amounts received pursuant to paragraph (6);

''(C) investments and returns on such investments pursuant to paragraph (7);

''(D) amounts appropriated pursuant to the authorization of appropriations under paragraph (8);

''(E) payments received in connection with settlements of all insurance and reinsurance claims of the Office; and

''(F) all other collections transferred to or earned by the Office, excluding the cost, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of loans and loan guaranties.

''(3) FEE AUTHORITY.—Fees may be charged and collected for providing capital assistance in amounts to be determined by the Director. The Director shall establish the amount of such fees at an amount sufficient to cover all or a portion of the costs to the Office of providing capital assistance.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—Subject to appropriations Acts, the Director is authorized to pay, from amounts in the Capital Account—

''(i) the cost, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of loans and loan guarantees and other capital assistance; and

''(ii) administrative expenses of the Office.

''(B) INCOME AND REVENUE.—In order to carry out the purposes of the Office, all collections transferred to or earned by the Office (excluding the cost, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of loans and loan guaranties) shall be deposited into the Capital Account and shall be available to carry out its purpose, including—

''(i) payment of all insurance and reinsurance claims of the Office;

''(ii) repayments to the Treasury of amounts borrowed under paragraph (5); and

''(iii) dividend payments to the Treasury under paragraph (6).

''(5) FULL FAITH AND CREDIT.—

''(A) IN GENERAL.—All capital assistance provided by the Office shall constitute obligations of the United States, and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations.

''(B) AUTHORITY TO BORROW.—The Director is authorized to borrow from the Treasury such sums as may be necessary to fulfill such obligations of the United States and any such borrowing shall be at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States of comparable maturities, for a period jointly determined by the Director and the Secretary of Defense, and subject to such terms and conditions as the Secretary may require.

''(6) DIVIDENDS.—The Director, in consultation with the Director of the Office of Management and Budget, shall annually assess a dividend payment to the Treasury if the Office's insurance portfolio is more than 100 percent reserved.

''(7) INVESTMENT AUTHORITY.—

''(A) IN GENERAL.—The Director may request the Secretary of the Treasury to invest such portion of the Capital Account as is not, in the Director's judgment, required to meet the current needs of the Capital Account.

''(B) FORM OF INVESTMENTS.—Investments described in subparagraph (A) shall be made by the Secretary of the Treasury in public debt obligations, with maturities suitable to the needs of the Capital Account, as determined by the Director, and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

''(8) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to the Capital Account—

''(i) for fiscal year 2023, $20,000,000;

''(ii) for fiscal year 2024, $30,000,000;

''(iii) for fiscal year 2025, $40,000,000; and

''(iv) for fiscal year 2026 and each fiscal year thereafter, $50,000,000.

''(B) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) shall remain available until expended.

''(9) COLLECTIONS SUBJECT TO APPROPRIATIONS ACTS.—Interest earnings made pursuant to paragraph (6), earnings collected related to equity investments, and other amounts (excluding fees related to insurance or reinsurance) collected, may not be collected for any fiscal year except to the extent provided in advance in appropriations Acts.

''(h) REGULATIONS.—The Secretary of Defense shall prescribe such regulations as are necessary to carry out this section.

''(i) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Defense shall submit to the congressional defense committees an annual report describing the activities of the Office in the preceding fiscal year and the goals of the Office for the next fiscal year.

''(j) DEFINITIONS.—In this section:

''(1) CAPITAL ASSISTANCE.—The term 'capital assistance' means loans, loan guarantees, equity investments, insurance and reinsurance, or technical assistance provided under subsection (f).

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

''(A) an individual;

''(B) a corporation;

''(C) a partnership, including a public-private partnership;

''(D) a joint venture;

''(E) a trust;

''(F) a State, including a political subdivision or any other instrumentality of a State;

''(G) a Tribal government or consortium of Tribal governments;

''(H) any other governmental entity or public agency in the United States, including a special purpose district or public authority, including a port authority; or

''(I) a multi-State or multi-jurisdictional group of public entities.

''(3) ELIGIBLE INVESTMENT.—The term 'eligible investment' means an investment that facilitates the efforts of the Office—

''(A) to identify, accelerate, and sustain the establishment, research, development, construction, procurement, leasing, consolidation, alteration, improvement, or repair of tangible and intangible assets vital to national security; or

''(B) to protect vital tangible and intangible assets from theft, acquisition, and transfer by the People's Republic of China, the Russian Federation, and other countries that are adversaries of the United States.

''(4) INVESTMENT-GRADE RATING.—The term 'investment-grade rating' means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to investment obligations.

''(5) OBLIGOR.—The term 'obligor' means a party that is primarily liable for payment of the principal of or interest on a loan.

''(6) RATING AGENCY.—The term 'rating agency' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as that term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

''(7) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a loan—

''(A) calculated on a net present value basis; and

''(B) excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

''148. Office of Strategic Capital.''.

SA 5843. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. PASSPORT AGENCY LOCATION STUDY AND REPORT.

(a) STUDY.—The Secretary of State, in consultation with key government officials, to the extent necessary, shall conduct a study to determine the feasibility of establishing a new physical passport agency to facilitate and process in-person passport appointments in South Carolina.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that contains—

(1) the comprehensive results and conclusions of the study conducted pursuant to subsection (a);

(2) a recommendation regarding whether a physical passport agency should be established in South Carolina;

(3) if the Secretary recommends establishing a physical passport agency in South Carolina—

(A) a detailed plan for such agency;

(B) the costs associated with establishing such agency; and

(C) a timeline outlining the process for establishing such agency, including the estimated date when such agency could become fully operational; and

(4) if the Secretary recommends not establishing a physical passport agency in South Carolina—

(A) a detailed explanation of the factors behind such determination;

(B) a detailed plan addressing how in-person passport appointment backlogs will be prevented; and

(C) an estimate of the number of United States citizens who will be unable to have their passport processed before their scheduled overseas trip due to the failure to establish a physical passport agency in South Carolina.

SA 5844. Mr. GRAHAM (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1550. IRAN NUCLEAR WEAPONS CAPABILITY MONITORING ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the ''Iran Nuclear Weapons Capability Monitoring Act of 2022''.

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

(1) In the late 1980s, the Islamic Republic of Iran established the AMAD Project with the intent to manufacture 5 nuclear weapons and prepare an underground nuclear test site.

(2) Since at least 2002, the Islamic Republic of Iran has advanced its nuclear and ballistic missile programs, posing serious threats to the security interests of the United States, Israel, and other allies and partners.

(3) In 2002, nuclear facilities in Natanz and Arak, Iran, were revealed to the public by the National Council of Resistance of Iran.

(4) On April 11, 2006, the Islamic Republic of Iran announced that it had enriched uranium for the first time to a level close to 3.5 percent at the Natanz Pilot Fuel Enrichment Plant, Natanz, Iran.

(5) On December 23, 2006, the United Nations Security Council adopted Resolution 1737 (2006), which imposed sanctions with respect to the Islamic Republic of Iran for its failure to suspend enrichment activities.

(6) The United Nations Security Council subsequently adopted Resolutions 1747 (2007), 1803 (2008), and 1929 (2010), all of which targeted the nuclear program of and imposed additional sanctions with respect to the Islamic Republic of Iran.

(7) On February 3, 2009, the Islamic Republic of Iran announced that it had launched its first satellite, which raised concern over the applicability of the satellite to the ballistic missile program.

(8) In September 2009, the United States, the United Kingdom, and France revealed the existence of the clandestine Fordow Fuel Enrichment Plant in Iran, years after construction started on the plant.

(9) In 2010, the Islamic Republic of Iran reportedly had enriched uranium to a level of 20 percent.

(10) On March 9, 2016, the Islamic Republic of Iran launched 2 variations of the Qadr medium-range ballistic missile.

(11) On January 28, 2017, the Islamic Republic of Iran conducted a test of a medium-range ballistic missile, which traveled an estimated 600 miles and provides the Islamic Republic of Iran the capability to threaten military installations of the United States in the Middle East.

(12) In 2018, Israel seized a significant portion of the nuclear archive of the Islamic Republic of Iran, which contained tens of thousands of files and compact discs relating to past efforts at nuclear weapon design, development, and manufacturing by the Islamic Republic of Iran, including such efforts occurring after 2003.

(13) On September 27, 2018, Israel revealed the existence of a secret warehouse housing radioactive material in the Turquz Abad district in Tehran, and an inspection of the warehouse by the International Atomic Energy Agency detected radioactive particles, which the Government of the Islamic Republic of Iran failed to adequately explain.

(14) On June 19, 2020, the International Atomic Energy Agency adopted Resolution GOV/2020/34 expressing ''serious concern. . . that Iran has not provided access to the Agency under the Additional Protocol to two locations''.

(15) On January 8, 2020, an Iranian missile struck an Iraqi military base where members of the United States Armed Forces were stationed, resulting in 11 of such members being treated for injuries.

(16) On April 17, 2021, the International Atomic Energy Agency verified that the Islamic Republic of Iran had begun to enrich uranium to 60 percent purity.

(17) On August 14, 2021, President of Iran Hassan Rouhani stated that ''Iran's Atomic Energy Organization can enrich uranium by 20 percent and 60 percent and if one day our reactors need it, it can enrich uranium to 90 percent purity''.

(18) According to the International Institute for Strategic Studies, the Islamic Republic of Iran has ''between six and eight liquid-fuel ballistic missiles and up to 12 solid-fuel systems'' as of 2021.

(19) On November 9, 2021, the Islamic Republic of Iran completed Zolfaghar-1400, a 3-day war game that included conventional navy, army, air force, and air defense forces testing cruise missiles, torpedoes, and suicide drones in the Strait of Hormuz, the Gulf of Oman, the Red Sea, and the Indian Ocean.

(20) On December 20, 2021, the Islamic Republic of Iran commenced a 5-day drill in which it launched a number of short- and long-range ballistic missiles that it claimed could destroy Israel, constituting an escalation in the already genocidal rhetoric of the Islamic Republic of Iran toward Israel.

(21) On January 24, 2022, Houthi rebels, backed by the Islamic Republic of Iran, fired 2 missiles at Al Dhafra Air Base in the United Arab Emirates, which hosts around 2,000 members of the Armed Forces of the United States.

(22) On January 31, 2022, surface-to-air interceptors of the United Arab Emirates shot down a Houthi missile fired at the United Arab Emirates during a visit by President of Israel Isaac Herzog, the first-ever visit of an Israeli President to the United Arab Emirates.

(23) On February 9, 2022, the Islamic Republic of Iran unveiled a new surface-to-surface missile, named ''Kheibar Shekan'', which has a reported range of 900 miles (1450 kilometers) and is capable of penetrating missile shields.

(24) On March 13, 2022, the Islamic Republic of Iran launched 12 missiles into Erbil, Iraq, which struck near a consulate building of the United States.

(25) On April 17, 2022, the Islamic Republic of Iran confirmed the relocation of a production facility for advanced centrifuges from an aboveground facility at Karaj, Iran, to the fortified underground Natanz Enrichment Complex.

(26) On April 19, 2022, the Department of State released a report stating that there are ''serious concerns'' about ''possible undeclared nuclear material and activities in Iran''.

(27) On May 30, 2022, the International Atomic Energy Agency reported that the Islamic Republic of Iran had achieved a stockpile of 43.3 kilograms, equivalent to 95.5 pounds, of 60 percent highly enriched uranium, roughly enough material for a nuclear weapon.

(28) On June 8, 2022, the Islamic Republic of Iran turned off surveillance cameras installed by the International Atomic Energy Agency to monitor uranium enrichment activities at nuclear sites in the country.

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

(1) the Department of State has used evidence of the intent of the Islamic Republic of Iran to advance a nuclear program to secure the support of the international community in passing and implementing United Nations Security Council Resolutions on the Islamic Republic of Iran;

(2) intelligence agencies have compiled evidence of the intent of the Islamic Republic of Iran to advance a nuclear program, with direct evidence of an active nuclear weapons program prior to 2003;

(3) an Islamic Republic of Iran that possesses a nuclear weapons capability would be a serious threat to the national security of the United States, Israel, and other allies and partners;

(4) the Islamic Republic of Iran has been less than cooperative with international inspectors from the International Atomic Energy Agency and has obstructed their ability to inspect numerous nuclear facilities across Iran;

(5) the Islamic Republic of Iran continues to advance its nuclear weapons and missile programs, which are a threat to the national security of the United States, Israel, and other allies and partners; and

(6) all possible action should be taken by the United States—

(A) to ensure that the Islamic Republic of Iran does not develop a nuclear weapons capability; and

(B) to protect against aggression from the Islamic Republic of Iran manifested in its missiles program.

(d) DEFINITIONS.—In this section:

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

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

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COMPREHENSIVE SAFEGUARDS AGREEMENT.—The term ''Comprehensive Safeguards Agreement'' means the Agreement between the Islamic Republic of Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973.

(3) TASK FORCE.—The term ''task force'' means the task force established under subsection (e).

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

(e) ESTABLISHMENT OF INTERAGENCY TASK FORCE ON NUCLEAR ACTIVITY IN THE ISLAMIC REPUBLIC OF IRAN.—

(1) ESTABLISHMENT.—The Secretary of State shall establish a task force to consolidate and synthesize efforts by the United States Government to monitor and assess nuclear weapons activity being carried out by the Islamic Republic of Iran or its proxies.

(2) COMPOSITION.—

(A) CHAIRPERSON.—The Secretary of State shall be the Chairperson of the task force.

(B) MEMBERSHIP.—

(i) IN GENERAL.—The task force shall be composed of individuals, each of whom shall be an employee of and appointed to the task force by the head of one of the following agencies:

(I) The Department of State.

(II) The Office of the Director of National Intelligence.

(III) The Department of Defense.

(IV) The Department of Energy.

(V) The Central Intelligence Agency.

(ii) ADDITIONAL MEMBERS.—The Chairperson may appoint to the task force additional individuals from other Federal agencies, as the Chairperson considers necessary.

(f) REPORTS TO CONGRESS.—

(1) REPORT ON NUCLEAR ACTIVITY.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 120 days thereafter until December 31, 2028, the Secretary of State, in consultation with the task force, shall submit to the appropriate congressional committees a report on nuclear activity in the Islamic Republic of Iran.

(B) CONTENTS.—The report required by subparagraph (A) shall include—

(i) a description and location of current fuel cycle activities for the production of fissile material being undertaken by the Islamic Republic of Iran, including—

(I) research and development activities to procure or construct additional advanced IR-2, IR-6 and other model centrifuges and enrichment cascades, including for stable isotopes;

(II) research and development of reprocessing capabilities, including—

(aa) reprocessing of spent fuel; and

(bb) extraction of medical isotopes from irradiated uranium targets;

(III) activities with respect to designing or constructing reactors, including—

(aa) the construction of heavy water reactors;

(bb) the manufacture or procurement of reactor components, including the intended application of such components; and

(cc) efforts to rebuild the original reactor at Arak;

(IV) uranium mining, concentration, conversion, and fuel fabrication, including—

(aa) estimated uranium ore production capacity and annual recovery;

(bb) recovery processes and ore concentrate production capacity and annual recovery;

(cc) research and development with respect to, and the annual rate of, conversion of uranium; and

(dd) research and development with respect to the fabrication of reactor fuels, including the use of depleted, natural, and enriched uranium; and

(V) activities with respect to—

(aa) producing or acquiring plutonium or uranium (or their alloys);

(bb) conducting research and development on plutonium or uranium (or their alloys);

(cc) uranium metal; or

(dd) casting, forming, or machining plutonium or uranium;

(ii) with respect to any activity described in clause (i), a description, as applicable, of—

(I) the number and type of centrifuges used to enrich uranium and the operating status of such centrifuges;

(II) the number and location of any enrichment or associated research and development facility used to engage in such activity;

(III) the amount of heavy water, in metric tons, produced by such activity and the acquisition or manufacture of major reactor components, including, for the second and subsequent reports, the amount produced since the last report;

(IV) the number and type of fuel assemblies produced by the Islamic Republic of Iran, including failed or rejected assemblies; and

(V) the total amount of—

(aa) uranium–235 enriched to not greater than 5 percent purity;

(bb) uranium–235 enriched to greater than 5 percent purity and not greater than 20 percent purity ;

(cc) uranium–235 enriched to greater than 20 percent purity and not greater than 60 percent purity;

(dd) uranium–235 enriched to greater than 60 percent purity and not greater than 90 percent purity; and

(ee) uranium–235 enriched greater than 90 percent purity;

(iii) a description of weaponization plans and capabilities of the Islamic Republic of Iran, including—

(I) plans and capabilities with respect to—

(aa) weapon design, including fission, warhead miniaturization, and boosted and early thermonuclear weapon design;

(bb) high yield fission development;

(cc) design, development, acquisition, or use of computer models to simulate nuclear explosive devices; and

(dd) design, development, fabricating, acquisition, or use of explosively driven neutron sources or specialized materials for explosively driven neutron sources;

(II) the ability of the Islamic Republic of Iran to deploy a working or reliable delivery vehicle capable of carrying a nuclear warhead;

(III) the estimated breakout time for the Islamic Republic of Iran to develop and deploy a nuclear weapon, including a crude nuclear weapon;

(IV) the status and location of any research and development work site related to the preparation of an underground nuclear test; and

(V) any dual-use item (as defined under section 730.3 of title 15, Code of Federal Regulations or listed on the List of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology issued by the Nuclear Suppliers Group or any successor list) the Islamic Republic of Iran is using to further the nuclear weapon or missile program;

(iv) an identification of clandestine nuclear facilities, including nuclear facilities and activities discovered or reported by Israel or other allies or partners of the United States;

(v) an assessment of whether the Islamic Republic of Iran—

(I) is in compliance with the Comprehensive Safeguards Agreement and modified Code 3.1 of the Subsidiary Arrangements to the Comprehensive Safeguards Agreement; and

(II) has denied access to sites that the International Atomic Energy Agency has sought to inspect during the period covered by the report;

(vi) any diversion by the Islamic Republic of Iran of uranium, carbon-fiber, or other materials for use in an undeclared or clandestine facility;

(vii) an assessment of activities related to nuclear weapons conducted at facilities controlled by the Ministry of Defense and Armed Forces Logistics of Iran, the Islamic Revolutionary Guard Corps, and the Organization of Defensive Innovation and Research, including an analysis of gaps in knowledge due to the lack of inspections and nontransparency of such facilities;

(viii) a description of activities between the Islamic Republic of Iran and other countries, including the Democratic People's Republic of Korea, or persons with respect to sharing information on nuclear weapons or activities related to weaponization;

(ix) with respect to any new ballistic, cruise, or hypersonic missiles being designed and tested by the Islamic Republic of Iran or any of its proxies, a description of—

(I) the type of missile;

(II) the range of such missiles;

(III) the capability of such missiles to deliver a nuclear warhead;

(IV) the number of such missiles; and

(V) any testing of such missiles;

(x) an assessment of whether the Islamic Republic of Iran or any of its proxies possesses an unmanned aircraft system or other military equipment capable of delivering a nuclear weapon;

(xi) an assessment of whether the Islamic Republic of Iran or any of its proxies has engaged in new or evolving nuclear weapons development activities that would pose a threat to the national security of the United States, Israel, or other partners or allies; and

(xii) any other information that the task force determines is necessary to ensure a complete understanding of the nuclear or other weapons activities of the Islamic Republic of Iran.

(C) FORM; PUBLIC AVAILABILITY.—

(i) FORM.—Each report required by subparagraph (A) shall be submitted in unclassified form but may include a classified annex for information that, if released, would be detrimental to the national security of the United States.

(ii) PUBLIC AVAILABILITY.—The unclassified portion of a report required by subparagraph (A) shall be made available to the public on an internet website of the Department of State.

(2) IMMEDIATE REPORT REQUIRED.—If the task force receives credible intelligence of a significant development in the nuclear weapons capabilities or delivery systems capabilities of the Islamic Republic of Iran, which if not reported before the delivery of the next report under paragraph (1)(A) would be detrimental to the national security of the United States, Israel, or other allies or partners, the task force shall, within 72 hours of the receipt of such intelligence, submit to the appropriate congressional committees a report on such development.

(g) DIPLOMATIC STRATEGY TO ADDRESS IDENTIFIED NUCLEAR AND BALLISTIC MISSILE THREATS TO THE UNITED STATES.—

(1) IN GENERAL.—Not later than 30 days after the submission of the initial report under subsection (f)(1), and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a diplomatic strategy that outlines a comprehensive plan for engaging with partners and allies of the United States regarding the nuclear weapons and missile activities of the Islamic Republic of Iran.

(2) CONTENTS.—The diplomatic strategy required by paragraph (1) shall include—

(A) a description of efforts of the United States to counter efforts of the Islamic Republic of Iran to project political and military influence into the Middle East;

(B) a response by the Secretary of State to the increased threat that new or evolving nuclear weapons or missile development activities by the Islamic Republic of Iran pose to United States citizens and the diplomatic presence of the United States in the Middle East;

(C) a description of a coordinated whole-of-government approach to use political, economic, and security related tools to address such activities; and

(D) a comprehensive plan for engaging with allies and regional partners in all relevant multilateral fora to address such activities.

(3) UPDATED STRATEGY RELATED TO IMMEDIATE REPORTS.—Not later than 15 days after the submission of report under subsection (f)(2), the Secretary of State shall submit to the appropriate congressional committees an update to the most recent diplomatic strategy submitted under paragraph (1).

SA 5845. Mr. GRAHAM (for himself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. EXISTING AGREEMENT LIMITS FOR OPERATION WARP SPEED.

(a) IN GENERAL.—Any project to address the COVID–19 pandemic, through vaccines and other therapeutic measures, using funds made available under a covered award that was awarded by the Department of Defense on or after March 1, 2020, under section 4022 of title 10, United States Code, using a transaction described in section 4021(a) of such title that was awarded by the Department of Defense to a consortium prior to March 1, 2020, shall not be counted toward any limit established prior to March 1, 2020, on the total estimated amount of all projects to be issued pursuant to such transaction (except that such funds shall count toward meeting any guaranteed minimum value).

(b) SUCCESSOR CONTRACTS, AGREEMENTS, AND GRANTS.—The Secretary of Defense may not award a successor contract, agreement, or grant for the same scope as any award described in subsection (a)—

(1) until 90 percent of the limit described in subsection (a) has been reached;

(2) until 6 months prior to the term of the award described in subsection (a) being reached; or

(3) unless such follow-on contract, agreement, or grant is made in accordance with the terms and conditions of the award described in subsection (a).

(c) COVERED AWARD DEFINED.—In this section, the term ''covered award'' means an award made by the Department of Defense in support of the Department of Health and Human Services and the Department of Defense effort known as ''Operation Warp Speed'', to accelerate the development, acquisition, and distribution of vaccines and other therapies to address the COVID–19 pandemic, and any successor efforts.

SA 5846. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. TERMINATION OF ALL EFFORTS TO CLAWBACK PAYMENTS OF CERTAIN ANTIDUMPING DUTIES AND COUNTERVAILING DUTIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Secretary of Homeland Security nor any other person may—

(1) require repayment of, or attempt in any other way to recoup, any payment described in subsection (b); or

(2) offset any past, current, or future distributions of antidumping duties or countervailing duties assessed on any imports in an attempt to recoup any payment described in subsection (b).

(b) PAYMENTS DESCRIBED.—Payments described in this subsection are payments of antidumping duties or countervailing duties made pursuant to section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154))) that were—

(1) assessed and paid with respect to imports of goods from any country; and

(2) distributed on or after January 1, 2001.

(c) PAYMENT OF FUNDS COLLECTED OR WITHHELD.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) refund any repayment or other recoupment of any payment described in subsection (b); and

(2) fully distribute any antidumping duties or countervailing duties that the Commissioner of U.S. Customs and Border Protection is withholding as an offset as described in subsection (a)(2).

(d) LIMITATION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security, or any other person, from requiring repayment of, or attempting to otherwise recoup, any payment described in subsection (b) as a result of—

(1) a finding of false statements, other misconduct, or insufficient verification of a certification by a recipient of such a payment; or

(2) the issuance of a refund to an importer or surety pursuant to a settlement, court order, or reliquidation of an entry with respect to which such a payment was made.

SA 5847. Mr. CRUZ (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. MEANINGFUL PARTICIPATION OF TAIWAN IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

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

(1) the International Civil Aviation Organization (ICAO) should allow Taiwan to meaningfully participate in the organization, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms;

(2) Taiwan is a global leader and hub for international aviation, with a range of expertise, information, and resources and the fifth busiest airport in Asia (Taoyuan International Airport), and its meaningful participation in ICAO would significantly enhance the ability of ICAO to ensure the safety and security of global aviation; and

(3) coercion by the Chinese Communist Party and the People's Republic of China has ensured the systematic exclusion of Taiwan from meaningful participation in ICAO, significantly undermining the ability of ICAO

to ensure the safety and security of global aviation.

(b) PLAN FOR TAIWAN'S MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.—The Secretary of State, in coordination with the Secretary of Commerce, is authorized—

(1) to initiate a United States plan to secure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and

(2) to instruct the United States representative to the ICAO to—

(A) use the voice and vote of the United States to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and

(B) seek to secure a vote at the next ICAO triennial assembly session on the question of Taiwan's participation in that session.

(c) REPORT CONCERNING TAIWAN'S MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.—Not later than 90 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter for the following 6 years, the Secretary of State, in coordination with the Secretary of Commerce, shall submit an unclassified report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) describes the United States plan to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms;

(2) includes an account of the efforts made by the Secretary of State and the Secretary of Commerce to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and

(3) identifies the steps the Secretary of State and the Secretary of Commerce will take in the next year to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms.

SA 5848. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X of division A, add the following:

SEC. ___. REPORT ON FEASIBILITY OF ESTABLISHING A TROOPS–TO–SCHOOL RESOURCE OFFICERS PILOT PROGRAM.

(a) IN GENERAL.—

(1) SUBMISSION OF REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the feasibility of establishing a Troops–to–School Resource Officers pilot program that is modeled on the Troops–to–Teachers Program authorized under section 1154 of title 10, United States Code.

(2) CONSULTATION.—The Secretary of Defense may consult with key officials from the Department of Justice and the Department of Education in completing the report described in paragraph (1).

(b) CONTENT OF REPORT.—The report required under subsection (a) shall include—

(1) the feasibility of establishing a 5-year Troops–to–School Resource Officers pilot program;

(2) an outline of the resource requirements to execute the pilot program; and

(3) an identification of possible authorities, if any, that would be needed to establish the pilot program.

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

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

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

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

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

SA 5849. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. ADDITIONAL PROHIBITION ON ACQUISITION OF SENSITIVE MATERIALS.

(a) IN GENERAL.—Section 4872 of title 10, United States Code, is amended—

(1) in subsection (a), by amending paragraph (1) to read as follows:

''(1) procure any covered material melted or produced in any covered nation or by any covered company, or any end item that contains a covered material manufactured in any covered nation or by any covered company; or''; and

(2) in subsection (d)—

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

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

''(1) COVERED COMPANY.—The term 'covered company' means—

''(A) any company or joint venture registered outside the United States—

''(i) that is partially or fully owned by any state-owned entity from a covered nation; or

''(ii) 10 percent of the ownership of which is by 1 or more private investors from any covered nation;

''(B) any company or joint venture registered inside the United States that—

''(i) is partially or fully owned by a state-owned entity from a covered nation; or

''(ii) after the date of the enactment of this Act, has entered into an agreement or a condition with the Committee on Foreign Investment in the United States under subsection (l)(3)(A) of section 4565 of title 50, United States Code, that does not specifically refer to this section and provide that the company shall be eligible to supply covered products under this section; or

''(C) any other company that the President determines to be a threat to the security of supply of any covered material.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate such regulations as may be necessary to carry out this section.

SA 5850. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 706. INCLUSION OF EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS PART OF PERIODIC HEALTH ASSESSMENTS.

(a) PERIODIC HEALTH ASSESSMENT.—The Secretary of Defense shall ensure that any periodic health assessment provided to a member of the Armed Forces includes an evaluation of whether the member has been—

(1) based or stationed at a military installation identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

(2) exposed to such substances, including by evaluating any information in the health record of the member.

(b) SEPARATION HISTORY AND PHYSICAL EXAMINATIONS.—Section 1145(a)(5) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)'';

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) The Secretary concerned shall ensure that each physical examination of a member under subparagraph (A) includes an assessment of whether the member was—

''(i) based or stationed at a military installation identified by the Department as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

''(ii) exposed to such substances, including by assessing any information in the health record of the member.''.

(c) DEPLOYMENT ASSESSMENTS.—Section 1074f(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(E) An assessment of whether the member was—

''(i) based or stationed at a military installation identified by the Department as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

''(ii) exposed to such substances, including by assessing any information in the health record of the member.''.

SEC. 707. PROVISION OF BLOOD TESTING FOR MEMBERS OF THE ARMED FORCES, FORMER MEMBERS OF THE ARMED FORCES, AND THEIR FAMILIES TO DETERMINE EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.

(a) MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—If a covered evaluation of a member of the Armed Forces results in a positive determination of potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances, the Secretary of Defense shall provide to that member, during that covered evaluation, blood testing to determine and document potential exposure to such substances.

(2) INCLUSION IN HEALTH RECORD.—The results of blood testing of a member of the Armed Forces conducted under paragraph (1) shall be included in the health record of the member.

(b) FORMER MEMBERS OF THE ARMED FORCES AND FAMILY MEMBERS.—The Secretary shall pay for blood testing to determine and document potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances for any covered individual, at the election of the individual, either through the TRICARE program for individuals otherwise eligible for such program or through the use of vouchers to obtain such testing.

(c) DEFINITIONS.—In this section:

(1) COVERED EVALUATION.—The term ''covered evaluation'' means—

(A) a periodic health assessment conducted in accordance with section 706(a);

(B) a separation history and physical examination conducted under section 1145(a)(5) of title 10, United States Code, as amended by section 706(b); and

(C) a deployment assessment conducted under section 1074f(b)(2) of such title, as amended by section 706(c).

(2) COVERED INDIVIDUAL.—The term ''covered individual'' means a former member of the Armed Forces or a family member of a member or former member of the Armed Forces who lived at a location (or the surrounding area of such a location) identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the individual lived at that location (or surrounding area).

(3) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SA 5851. Mrs. SHAHEEN (for herself, Mrs. FISCHER, Mr. CORNYN, Mr. CRAMER, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. DEFENSE EXPORTABILITY TRANSFER ACCOUNT (DETA).

(a) ESTABLISHMENT.—There is established in the Department of Defense an account to be known as the ''Defense Exportability Transfer Account'' (in this section referred to as the ''Account'').

(b) AMOUNTS IN ACCOUNT.—The Account shall consist of—

(1) amounts appropriated to the Account;

(2) amounts transferred to the Account under subsection (d); and

(3) amounts credited to the Account under subsection (e).

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds in the Account shall be available to develop program protection strategies for Department of Defense systems identified for possible future export, to design and incorporate exportability features into such systems during the research and development phases of such systems, and to integrate design features that enhance interoperability of such systems with those of friendly foreign countries.

(2) AMOUNTS IN ADDITION.—Amounts in the Account are in addition to any other funds available to the Department of Defense for the purposes specified in paragraph (1).

(d) TRANSFERS.—

(1) TRANSFERS FROM ACCOUNT.—The Secretary of Defense may transfer funds from the Account to appropriations of the Department of Defense available for research, development, test, and evaluation in such amounts as the Secretary determines necessary to carry out the purposes of this section. Funds so transferred shall be available for the same time period and the same purposes as the appropriation to which transferred.

(2) TRANSFERS TO ACCOUNT.—The Secretary may transfer funds from appropriations of the Department of Defense available for research, development, test, and evaluation to the Account in such amounts as the Secretary determines necessary to carry out the purposes of this section. Funds so transferred shall be available for the same time period and the same purposes as the appropriation to which transferred.

(3) NOTICE AND WAIT.—Funds may not be transferred under paragraph (1) or (2) until the expiration of 15 days after the date on which the Secretary notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer.

(4) OTHER AUTHORITIES.—The authority to transfer funds under this subsection is in addition to any other transfer authority available to the Department of Defense.

(e) COSTS.—Costs incurred by the Department of Defense for designing and incorporating exportability features into Department of Defense systems shall be treated as nonrecurring costs under section 21(e)(1) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)). Amounts collected as recoupments by the Department of Defense on foreign military sales, direct commercial sales, and sales of items developed under international cooperative projects that incorporate such exportability features shall be credited to the Account and shall remain available until expended to carry out the purposes of the Account.

(f) ANNUAL REPORT.—No later than January 1, 2025, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report detailing the utilization of this fund, including—

(1) the balance of the Fund, including inlays and outlays;

(2) a list of systems receiving funds under this section;

(3) the projected and actual cost and schedule savings for each system receiving funds under this section; and

(4) any other matters the Secretary determines appropriate.

(g) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than five years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an assessment of the efficacy of this section, including—

(1) an emphasis on cost and schedule savings realized by the Federal Government pertaining to the delivery of articles that receive funding under this section; and

(2) any other matters the Comptroller General deems appropriate.

(h) APPROPRIATIONS.—There is hereby appropriated to the Account $50,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SA 5852. Mrs. SHAHEEN (for herself, Ms. KLOBUCHAR, Mr. CARPER, Mrs. GILLIBRAND, Mr. MARKEY, Mr. DURBIN, Ms. BALDWIN, Mr. MENENDEZ, Mr. SANDERS, Mr. KING, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. HEINRICH, Mrs. FEINSTEIN, Ms. HIRONO, Mr. WYDEN, Ms. HASSAN, Ms. CANTWELL, Mr. MURPHY, Mr. LEAHY, Mr. HICKENLOOPER, Ms. WARREN, Mr. BOOKER, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 624. LEAVE RELATING TO ABORTION CARE AND SERVICES FOR MEMBERS OF ARMED FORCES.

(a) IN GENERAL.—Section 701 of title 10, United States Code, as amended by section 623(a), is further amended by adding at the end the following new subsection:

''(n)(1)(A) Under regulations prescribed by the Secretary of Defense, a member of the armed forces who seeks abortion care and services is allowed convalescent leave.

''(B) Convalescent leave under subparagraph (A) shall, not later than 5 days after receiving a request for such leave, be approved by—

''(i) the military medical health provider of the member; or

''(ii) the commander of the military medical treatment facility or a designee of that commander.

''(C) Convalescent leave of a member under subparagraph (A) shall be approved for a period of—

''(i) 10 days, in the case of a member assigned to a duty location in the continental United States; and

''(ii) 20 days, in the case of a member assigned to a duty location outside the continental United States.

''(D) Under regulations prescribed by the Secretary of Defense, a member taking convalescent leave under subparagraph (A) who is required to travel more than 50 miles from the member's assigned duty location to seek abortion care and services—

''(i) shall be entitled to standard travel and transportation allowances in accordance with chapter 8 of title 37; and

''(ii) may not receive per diem or reimbursement of expenses, to the extent prohibited by Federal law.

''(E) The applicable approval authority under clause (i) or (ii) of subparagraph (B)—

''(i) shall notify the commanding officer of the member taking convalescent leave under subparagraph (A) with respect to—

''(I) expected absences of the member; and

''(II) changes in the physical profile of the member that would impact the member's fitness for duty; and

''(ii) may not be required to disclose the specific medical condition from which the member is convalescing.

''(F) Convalescent leave of a member seeking abortion care and services that is in addition to the convalescent leave provided under subparagraph (A) shall be provided under the procedures established for convalescent leave under subsection (m).

''(2)(A) Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall grant a member of the armed forces leave to provide care to an immediate family member who seeks abortion care and services.

''(B) Not later than 5 days after receiving a request from a member to take leave under subparagraph (A), the appropriate approval authority of the member shall approve the request, consistent with the regulations prescribed under subparagraph (A).

''(C) Leave under subparagraph (A) shall be approved for a period of 10 consecutive days.

''(3) A member taking leave under paragraph (1) or (2) shall not have the member's leave account reduced as a result of taking such leave.

''(4) A member may elect to take fewer days of leave than is provided for under paragraph (1) or (2), as applicable.

''(5) A member taking leave under paragraph (1) or (2) may not be required to disclose specifics relating to the abortion care and services that are the basis for the leave.

''(6) In this subsection, the term 'military medical treatment facility' means a facility described in subsection (b), (c), or (d) of section 1073d.''.

(b) CONFORMING AMENDMENTS.—Subsection (m) of section 701 of title 10, United States Code, as added by section 623(a), is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by or ''or (n)(1)'' after ''subsection (h)(3)'';

(2) in paragraph (2)(B), by striking ''in conjunction with the birth of a child'' and inserting ''or (n)(1)''; and

(3) in paragraph (3)(B)(ii), by inserting ''or (n)(1)'' after ''subsection (h)(3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SA 5853. Mrs. SHAHEEN (for herself and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS ACCORDING TO CERTAIN CRITERIA.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

''SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS.

''(a) DEFINITIONS.—In this section:

''(1) COVERED ITEM.—The term 'covered item' means any of the following:

''(A) Footwear provided as part of a uniform.

''(B) Uniforms.

''(C) Holsters and tactical pouches.

''(D) Patches, insignia, and embellishments.

''(E) Chemical, biological, radiological, and nuclear protective gear.

''(F) Body armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

''(i) Soft ballistic panels.

''(ii) Hard ballistic plates.

''(iii) Concealed armor carriers worn under a uniform.

''(iv) External armor carriers worn over a uniform.

''(G) Any other item as determined appropriate by the Secretary.

''(2) FRONTLINE OPERATIONAL COMPONENT.—The term 'frontline operational component' means any of the following organizations of the Department:

''(A) U.S. Customs and Border Protection.

''(B) U.S. Immigration and Customs Enforcement.

''(C) The United States Secret Service.

''(D) The Transportation Security Administration.

''(E) The Coast Guard.

''(F) The Federal Protective Service.

''(G) The Federal Emergency Management Agency.

''(H) The Federal Law Enforcement Training Centers.

''(I) The Cybersecurity and Infrastructure Security Agency.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall ensure that any procurement of a covered item for a frontline operational component meets the following criteria:

''(A) To the maximum extent possible, not less than one-third of funds obligated in a specific fiscal year for the procurement of such covered items shall be covered items that are manufactured or supplied in the United States by entities that qualify as small business concerns, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

''(B) Each contractor with respect to the procurement of such a covered item—

''(i) is an entity registered with the System for Award Management (or successor system) administered by the General Services Administration; and

''(ii) is in compliance with ISO 9001:2015 of the International Organization for Standardization (or successor standard) or a standard determined appropriate by the Secretary to ensure the quality of products and adherence to applicable statutory and regulatory requirements.

''(C) Each supplier of such a covered item with an insignia (such as any patch, badge, or emblem) and each supplier of such an insignia, if such covered item with such insignia or such insignia, as the case may be, is not produced, applied, or assembled in the United States, shall—

''(i) store such covered item with such insignia or such insignia in a locked area;

''(ii) report any pilferage or theft of such covered item with such insignia or such insignia occurring at any stage before delivery of such covered item with such insignia or such insignia; and

''(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after the creation of such records, of such destruction that include the date of such destruction, a description of the covered item with insignia or insignia destroyed, the quantity of the covered item with insignia or insignia destroyed, and the method of destruction.

''(2) WAIVER.—

''(A) IN GENERAL.—In the case of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) or a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may waive a requirement in subparagraph (A), (B) or (C) of paragraph (1) if the Secretary determines there is an insufficient supply of a covered item that meets the requirement.

''(B) NOTICE.—Not later than 60 days after the date on which the Secretary determines a waiver under subparagraph (A) is necessary, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives notice of such determination, which shall include—

''(i) identification of the national emergency or major disaster declared by the President;

''(ii) identification of the covered item for which the Secretary intends to issue the waiver; and

''(iii) a description of the demand for the covered item and corresponding lack of supply from contractors able to meet the criteria described in subparagraph (B) or (C) of paragraph (1).

''(c) PRICING.—The Secretary shall ensure that covered items are purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall provide to the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response to such instances.

''(e) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.''.

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a study of the adequacy of uniform allowances provided to employees of frontline operational components (as defined in section 836 of the Homeland Security Act of 2002, as added by subsection (a)).

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

(A) be informed by a Department-wide survey of employees from across the Department of Homeland Security who receive uniform allowances that seeks to ascertain what, if any, improvements could be made to the current uniform allowances and what, if

any, impacts current allowances have had on employee morale and retention;

(B) assess the adequacy of the most recent increase made to the uniform allowance for first year employees; and

(C) consider increasing by 50 percent, at minimum, the annual allowance for all other employees.

(c) ADDITIONAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide a report with recommendations on how the Department of Homeland Security could procure additional items from domestic sources and bolster the domestic supply chain for items related to national security to—

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

(B) the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a review of the compliance of the Department of Homeland Security with the requirements under section 604 of title VI of division A of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b) to buy certain items related to national security interests from sources in the United States; and

(B) an assessment of the capacity of the Department of Homeland Security to procure the following items from domestic sources:

(i) Personal protective equipment and other items necessary to respond to a pandemic such as that caused by COVID–19.

(ii) Helmets that provide ballistic protection and other head protection and components.

(iii) Rain gear, cold weather gear, and other environmental and flame resistant clothing.

(d) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

''Sec. 836. Requirements to buy certain items related to national security interests.''.

SA 5854. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. EXTENSION OF AND ADDITIONAL VISAS FOR THE AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in the subparagraph heading, by striking ''2022'' and inserting ''2023''

(2) in the matter preceding clause (i), by striking ''34,500'' and inserting ''54,500'';

(3) in clause (i), by striking ''December 31, 2023'' and inserting ''December 31, 2024'';

(4) in clause (ii), by striking ''December 31, 2023'' and inserting ''December 31, 2024''; and

(5) in paragraph (13), in the matter preceding subparagraph (A), by striking ''January 31, 2024'' and inserting ''January 31, 2025''.

SA 5855. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 753. STUDY AND REPORT ON RATE OF CANCER-RELATED MORBIDITY AND MORTALITY FOR INDIVIDUALS ASSIGNED TO PEASE AIR FORCE BASE AND PEASE AIR NATIONAL GUARD BASE.

(a) STUDY.—The Secretary of Veterans Affairs shall conduct, or enter into a contract with an appropriate federally funded research and development center to conduct, a study to assess whether individuals (including individuals on active duty in the Armed Forces or in a reserve component of the Armed Forces) assigned to Pease Air Force Base or Pease Air National Guard Base for a significant period of time during the period beginning on January 1, 1970, and ending on December 31, 2020, experience a higher-than-expected rate of cancer-related morbidity and mortality as a result of time on base or exposures associated with time on base compared to the rate of cancer-related morbidity and mortality of the general population of the United States, accounting for differences in sex, age, and race.

(b) INCLUSION IN MILITARY EXPOSURE RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, acting through the Office of Research and Development and the Office of Health Outcomes Military Exposures of the Veterans Health Administration, shall include Pease Air Force Base and Pease Air National Guard Base in the Military Exposure Research Program of the Veterans Health Administration and shall request from the Department of Defense and any applicable authorities of the State of New Hampshire access to any necessary data, personnel, and assistance necessary to navigate policies related to conducting research at an installation of the National Guard in New Hampshire.

(2) SATISFACTION OF STUDY REQUIREMENT.—If the Secretary of Veterans Affairs successfully includes Pease Air Force Base and Pease Air National Guard Base in the Military Exposure Research Program under paragraph (1), the inclusion of those installations in that program shall satisfy the requirement to conduct the study under subsection (a).

(c) COMPLETION OF STUDY; REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) complete the study required under subsection (a); and

(2) submit to the appropriate committees of Congress a report on the results of the study.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

(2) SIGNIFICANT PERIOD OF TIME.—The term ''significant period of time'' has the meaning given that term by the Secretary of Veterans Affairs or the entity conducting the study under subsection (a), as the Secretary determines appropriate.

SA 5856. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 552. REVIEW AND REPORT ON THE DEFINITION OF CONSENT FOR PURPOSES OF THE OFFENSES OF RAPE AND SEXUAL ASSAULT UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) EVALUATION AND REVIEW.—Not later than 30 days after the date of the enactment of this Act, the Joint Service Committee on Military Justice shall commission a comprehensive evaluation and review of the definition of consent, as set forth in section 920(g)(7) of title 10, United States Code (article 120(g)(7) of the Uniform Code of Military Justice).

(b) ELEMENTS.—The review and evaluation conducted under subsection (a) shall assess how the definition of consent set forth in section 920(g)(7) of title 10, United States Code (article 120(g)(7) of the Uniform Code of Military Justice) can be—

(1) expanded to require knowledgeable and informed agreement, freely entered into, without any malicious factors or influences such as force, coercion, fear, fraud or false identity, or exploitation of a person's incapacity;

(2) enhanced through consultation with other recognized standards for the definition of such term; and

(3) clarified to state clearly that—

(A) the circumstances surrounding an incident of sexual contact are irrelevant when malicious factors induced compliance;

(B) consent for a sexual act does not constitute consent for all sexual acts; and

(C) consent is revocable by either party during sexual conduct.

(c) REPORT.—Not later than 180 days after the commencement of the evaluation and review under subsection (a), the Joint Service Committee on Military Justice shall submit to the congressional defense committees a report on the results of the evaluation and review.

SA 5857. Mrs. SHAHEEN (for herself, Mr. TILLIS, Mr. CORNYN, Mr. BLUMENTHAL, Mr. WICKER, Mr. KAINE, Mrs. FISCHER, Ms. DUCKWORTH, Ms. KLOBUCHAR, Ms. SINEMA, and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year

2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. CRITICAL MUNITIONS ACQUISITION FUND.

(a) ESTABLISHMENT.—There shall be established in the Treasury of the United States a revolving fund to be known as the ''Critical Munitions Acquisition Fund'' (in this section referred to as the ''Fund'').

(b) PURPOSE.—Amounts in the Fund shall be made available by the Secretary of Defense—

(1) to ensure that adequate stocks of munitions that the Secretary deems critical due to a reduction in stocks or identification as having a high use rate are available for allies and partners of the United States during the war in Ukraine and future conflicts; and

(2) to finance the acquisition of critical munitions in advance of the transfer of such munitions to foreign countries during the war in Ukraine and future conflicts.

(c) ADDITIONAL AUTHORITY.—The Secretary may also use amounts made available to the Fund to keep on continuous order munitions that the Secretary deems as critical due to a reduction in current stocks or identification as having a high-use rate during the war in Ukraine or a potential high-use rate during a future conflict.

(d) DEPOSITS.—

(1) IN GENERAL.—The Fund shall consist of each of the following:

(A) Collections from sales made under letters of offer (or transfers made under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)) of munitions acquired using amounts made available from the Fund pursuant to this section, representing the value of such items calculated, as applicable, in accordance with—

(i) subparagraph (B) or (C) of section 21(a)(1) of the Arms Export Control Act (22 U.S.C. 2761(a)(1);

(ii) section 22 of the Arms Export Control Act (22 U.S.C. 2762); or

(iii) section 644(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(m)).

(B) Such amounts as may be appropriated pursuant to the authorization under this section or otherwise made available for the purposes of the Fund.

(C) Not more than $500,000,000 may be transferred to the Fund for any fiscal year, in accordance with subsection (e), from amounts authorized to be appropriated for the Department in such amounts as the Secretary determines necessary to carry out the purposes of this section, which shall remain available until expended. The transfer authority provided under this subparagraph is in addition to any other transfer authority available to the Secretary.

(2) CONTRIBUTIONS FROM FOREIGN GOVERNMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Defense may accept contributions of amounts to the Fund from any foreign entity, foreign government, or international organization. Any amounts so accepted shall be credited to the Critical Munitions Acquisition Fund and shall be available for use as authorized under subsection (b).

(B) LIMITATION.—The Secretary may not accept a contribution under this paragraph if the acceptance of the contribution would compromise, or appear to compromise, the integrity of any program of the Department of Defense.

(C) NOTIFICATION.—If the Secretary accepts any contribution under this paragraph, the Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives. The notice shall specify the source and amount of any contribution so accepted and the use of any amount so accepted.

(e) NOTICE AND WAIT REQUIREMENTS.—

(1) IN GENERAL.—No amount may be transferred pursuant to subsection (d)(1)(C) until the date that is 15 days after the date on which the Secretary notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer.

(2) AMMUNITION PURCHASES.—No amounts in the Fund may be used to purchase ammunition, as authorized by this section, until the date that is 15 days after the date on which the Secretary notifies the congressional defense committees in writing of the amount and purpose of the proposed purchase.

(3) FOREIGN TRANSFERS.—No munition purchased using amounts in the Fund may be transferred to a foreign country until the date that is 15 days after the date on which the Secretary notifies the congressional defense committees in writing of the proposed transfer.

(f) LIMITATION.—No munition acquired by the Secretary of Defense using amounts made available from the Fund pursuant to this section may be transferred to any foreign country unless such transfer is authorized by the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or other applicable law, except as follows:

(1) The Secretary of Defense may authorize the use by the Department of Defense of munitions acquired under this section prior to transfer to a foreign country, if such use is necessary to meet national defense requirements and the Department bear the costs of replacement and transport, maintenance, storage, and other such associated costs of such munitions.

(2) Except as required by paragraph (1), amounts made available to the Fund may be used to pay for storage, maintenance, and other costs related to the storage, preservation, and preparation for transfer of munitions acquired under this section prior to their transfer, and the administrative costs of the Department of Defense incurred in the acquisition of such items, to the extent such costs are not eligible for reimbursement pursuant to section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)).

(g) TERMINATION.—The authority for the Fund under this section shall expire on December 31, 2024.

(h) SEMIANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the use of the Fund.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) an accounting of all inlays and outflows in the Fund;

(B) a list of munitions procured by type, make, model, and quantity, together with a justification for the procurement;

(C) an assessment of the status of munitions procured to include munitions in production, those placed in stockpile, and those set aside or transferred to a non-Federal government entity;

(D) an updated list of munitions designated consistent with subsection (b), along with a justifications for munitions designated and estimated procurement quantity objectives; and

(E) any other matters the Secretary determines appropriate.

(3) FORM.—The report required under paragraph (1) shall be submitted to Congress in an unclassified form without any additional disseminations controls, but may include a classified or otherwise restricted annex as necessary.

SA 5858. Mrs. SHAHEEN (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1226. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT POPULATIONS IN SYRIA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) ISIS MEMBER.—The term ''ISIS member'' means a person who was part of, or substantially supported, the Islamic State in Iraq and Syria.

(3) SENIOR COORDINATOR.—The term ''Senior Coordinator'' means the coordinator for detained ISIS members and relevant displaced populations in Syria designated under subsection (a) of section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1642), as amended by subsection (d).

(b) SENSE OF CONGRESS.—

It is the sense of Congress that—

(A) ISIS detainees held by the Syrian Democratic Forces and ISIS-affiliated individuals located within displaced persons camps in Syria pose a significant and growing humanitarian challenge and security threat to the region;

(B) there is an urgent need to seek a sustainable solution to such camps through repatriation and reintegration of the inhabitants;

(C) the United States should work closely with international allies and partners to facilitate the repatriation and reintegration efforts required to provide a long-term solution for such camps and prevent the resurgence of ISIS; and

(D) if left unaddressed, such camps will continue to be drivers of instability that jeopardize the long-term prospects for peace and stability in the region.

(c) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) ISIS-affiliated individuals located within displacement camps in Syria, and other inhabitants of displacement camps in Syria, be repatriated or, where appropriate, prosecuted, and where possible, reintegrated into their country of origin, consistent with all applicable international laws prohibiting refoulement; and

(2) the camps will be closed as soon as is practicable.

(d) MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DISPLACED POPULATIONS IN SYRIA.—Section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1642) is amended—

(1) by striking subsection (a);

(2) by amending subsection (b) to read as follows:

''(a) DESIGNATION.—

''(1) IN GENERAL.—The President, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall designate an existing official to serve within the executive branch as senior-level coordinator to coordinate, in conjunction with other relevant agencies, all matters related to ISIS members who are in the custody of the Syrian Democratic Forces and other relevant displaced populations in Syria, including—

''(A) the disposition of such individuals, including in all matters related to—

''(i) repatriation, transfer, prosecution, and intelligence gathering;

''(ii) all multilateral and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of such ISIS members, including such engagements with the International Criminal Police Organization; and

''(iii) the coordination of the provision of technical and evidentiary assistance to foreign countries to aid in the successful prosecution of such ISIS members, as appropriate, in accordance with international humanitarian law and other internationally recognized human rights and rule of law standards;

''(B) all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, displaced persons at camps or facilities in Syria that hold family members of such ISIS members;

''(C) coordination with relevant agencies on matters described in this section; and

''(D) any other matter the Secretary of State considers relevant.

''(2) RULE OF CONSTRUCTION.—If, on the date of the enactment of the the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, an individual has already been designated, consistent with the requirements and responsibilities described in paragraph (1), the requirements under that paragraph shall be considered to be satisfied with respect to such individual until the date on which such individual no longer serves as the Senior Coordinator.'';

(3) in subsection (c), by striking ''subsection (b)'' and inserting ''subsection (a)'';

(4) in subsection (e), by striking ''January 31, 2021'' and inserting ''January 31, 2025'';

(5) in subsection (f)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) SENIOR COORDINATOR.—The term 'Senior Coordinator' means the individual designated under subsection (a).''; and

(C) by adding at the end the following new paragraph:

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

''(A) the Department of State;

''(B) the Department of Defense;

''(C) the Department of the Treasury;

''(D) the Department of Justice;

''(E) the United States Agency for International Development;

''(F) the Office of the Director of National Intelligence; and

''(G) any other agency the President considers relevant.''; and

(6) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(e) STRATEGY ON ISIS-RELATED DETAINEE AND DISPLACEMENT CAMPS IN SYRIA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall submit to the appropriate committees of Congress an interagency strategy with respect to ISIS-affiliated individuals and ISIS-related detainee and other displaced persons camps in Syria.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include—

(A) methods to address—

(i) disengagement from and prevention of recruitment into violence, violent extremism, and other illicit activity in such camps;

(ii) repatriation and, where appropriate, prosecution of foreign nationals from such camps, consistent with all applicable international laws;

(iii) the return and reintegration of displaced Syrian and Iraqi women and children into their communities of origin;

(iv) international engagement to develop processes for repatriation and reintegration of foreign nationals from such camps;

(v) contingency plans for the relocation of detained and displaced persons who are not able to be repatriated from such camps;

(vi) efforts to improve the humanitarian conditions in such camps, including through the delivery of medicine, psychosocial support, clothing, education, and improved housing; and

(vii) assessed humanitarian and security needs of all camps and detainment facilities based on prioritization of such camps and facilities most at risk of humanitarian crises, external attacks, or internal violence; and

(B) a plan to improve, in such camps—

(i) security conditions, including by training of personnel and through construction; and

(ii) humanitarian conditions;

(C) a framework for measuring progress of humanitarian, security, and repatriation efforts with the goal of closing such camps; and

(D) any other matter the Secretary of State considers appropriate.

(f) ANNUAL INTERAGENCY REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter through January 31, 2025, the Senior Coordinator, in coordination with the relevant agencies, shall submit to the appropriate committees of Congress a detailed report that includes the following:

(A) A detailed description of the facilities and camps where detained ISIS members, and families with perceived ISIS affiliation, are being held and housed, including—

(i) a description of the security and management of such facilities and camps

(ii) an assessment of resources required for the security of such facilities and camps; and

(iii) an assessment of the adherence by the operators of such facilities and camps to international humanitarian law standards.

(B) A description of all efforts undertaken by the United States Government to address deficits in the humanitarian environment and security of such facilities and camps.

(C) A description of all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, displaced persons at camps or facilities in Iraq, Syria, and any other area affected by ISIS activity, including a description of—

(i) support for efforts by the Syrian Democratic Forces to facilitate the return and reintegration of displaced people from Iraq and Syria;

(ii) repatriation efforts with respect to displaced women and children;

(iii) any current or future potential threat to United States national security interests posed by detained ISIS members or displaced families, including an analysis of the al-Hol camp and annexes; and

(iv) United States Government plans and strategies to respond to any threat identified under clause (iii).

(D) To the greatest extent practicable under the law and consistent with Department of Justice policy, an analysis of—

(i) United States efforts to prosecute detained or displaced ISIS members; and

(ii) the outcomes of such efforts.

(E) A detailed description of any option to expedite prosecution of any detained ISIS member, including in a court of competent jurisdiction outside of the United States.

(F) An analysis of factors on the ground in Syria and Iraq that may result in the unintended release of detained or displaced ISIS members, and an assessment of any measures available to mitigate such releases.

(G) A detailed description of efforts to coordinate the disposition and security of detained or displaced ISIS members with other countries and international organizations, including the International Criminal Police Organization, to ensure secure chains of custody and locations of such ISIS members.

(H) An analysis of the manner in which the United States Government communicates on such proposals and efforts with the families of United States citizens believed to have been victims of a criminal act by a detained or displaced ISIS member.

(I) An analysis of all efforts between the United States and partner countries within the Global Coalition to Defeat ISIS or other countries to share intelligence or evidence that may aid in the prosecution of ISIS members, and any legal obstacles that may hinder such efforts.

(J) Any other matter the Coordinator considers appropriate.

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

SA 5859. Mr. DURBIN (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

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

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

SEC. 1239. PROHIBITION AGAINST UNITED STATES RECOGNITION OF THE RUSSIAN FEDERATION'S CLAIM OF SOVEREIGNTY OVER ANY PORTION OF UKRAINE.

(a) STATEMENT OF POLICY.—It is the policy of the United States not to recognize the Russian Federation's claim of sovereignty over any portion of the internationally-recognized territory of Ukraine, including its airspace and its territorial waters.

(b) PROHIBITION.—In accordance with subsection (a), no Federal department or agency may take any action or extend any assistance that implies recognition of the Russian Federation's claim of sovereignty over any portion of the internationally-recognized territory of Ukraine, including its airspace and its territorial waters.

SA 5860. Ms. SINEMA (for herself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. OLD PASCUA COMMUNITY LAND ACQUISITION.

(a) DEFINITIONS.—In this section:

(1) COMPACT-DESIGNATED AREA.—The term ''Compact Designated Area'' means the area south of West Grant Road, east of Interstate 10, north of West Calle Adelanto, and west of North 15th Avenue in the City of Tucson, Arizona, as provided specifically in the Pascua Yaqui Tribe—State of Arizona Amended and Restated Gaming Compact signed in 2021.

(2) TRIBE.—The term ''Tribe'' means the Pascua Yaqui Tribe of Arizona, a federally recognized Indian tribe.

(3) INDIAN TRIBE.—The term ''Indian Tribe''—

(A) means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) does not include any Alaska Native regional or village corporation.

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

(b) LAND TO BE HELD IN TRUST.—Upon the request of the Tribe, the Secretary shall accept and take into trust for the benefit of the Tribe, subject to all valid existing rights, any land within the Compact-Designated Area that is owned by the Tribe.

(c) APPLICATION OF CURRENT LAW.—Gaming conducted by the Tribe in the Compact-Designated Area shall be subject to—

(1) the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.); and

(2) sections 1166 through 1168 of title 18, United States Code.

(d) REAFFIRMATION OF STATUS AND ACTIONS.—

(1) ADMINISTRATION.—Land placed into trust pursuant to this section shall—

(A) be a part of the Pascua Yaqui Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for an Indian Tribe; and

(B) be deemed to have been acquired and taken into trust on September 18, 1978.

(2) RULES OF CONSTRUCTION.—Nothing in this section shall—

(A) enlarge, impair, or otherwise affect any right or claim of the Tribe to any land or interest in land in existence before the date of the enactment of this Act;

(B) affect any water right of the Tribe in existence before the date of the enactment of this Act;

(C) terminate or limit any access in any way to any right-of-way or right-of-use issued, granted, or permitted before the date of the enactment of this Act; or

(D) alter or diminish the right of the Tribe to seek to have additional land taken into trust by the United States for the benefit of the Tribe.

SA 5861. Ms. SINEMA (for herself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. NOGALES WASTEWATER IMPROVEMENT.

(a) AMENDMENT TO THE ACT OF JULY 27, 1953.—The first section of the Act of July 27, 1953 (67 Stat. 195, chapter 242; 22 U.S.C. 277d–10), is amended by striking the period at the end and inserting '': *Provided further*, That the equitable portion of the Nogales sanitation project for the city of Nogales, Arizona, shall be limited to the costs directly associated with the treatment and conveyance of the wastewater of the city and, to the extent practicable, shall not include any costs directly associated with the quality or quantity of wastewater originating in Mexico.''.

(b) NOGALES SANITATION PROJECT.—

(1) DEFINITIONS.—In this subsection:

(A) CITY.—The term ''City'' means the City of Nogales, Arizona.

(B) COMMISSION.—The term ''Commission'' means the United States Section of the International Border and Water Commission.

(C) INTERNATIONAL OUTFALL INTERCEPTOR.—The term ''International Outfall Interceptor'' means the pipeline that conveys wastewater from the United States-Mexico border to the Nogales International Wastewater Treatment Plant.

(D) NOGALES INTERNATIONAL WASTEWATER TREATMENT PLANT.—The term ''Nogales International Wastewater Treatment Plant'' means the wastewater treatment plant that—

(i) is operated by the Commission;

(ii) is located in Rio Rico, Santa Cruz County, Arizona, after manhole 99; and

(iii) treats sewage and wastewater originating from—

(I) Nogales, Sonora, Mexico; and

(II) Nogales, Arizona.

(2) OWNERSHIP AND CONTROL.—

(A) IN GENERAL.—Subject to subparagraph (B) and in accordance with authority under the Act of July 27, 1953 (67 Stat. 195, chapter 242; 22 U.S.C. 277d–10 et seq.), on transfer by donation from the City of the current stake of the City in the International Outfall Interceptor to the Commission, the Commission shall enter into such agreements as are necessary to assume full ownership and control over the International Outfall Interceptor.

(B) AGREEMENTS REQUIRED.—The Commission shall assume full ownership and control over the International Outfall Interceptor under subparagraph (A) after all applicable governing bodies in the State of Arizona, including the City, have—

(i) signed memoranda of understanding granting to the Commission access to existing easements for a right of entry to the International Outfall Interceptor for the life of the International Outfall Interceptor;

(ii) entered into an agreement with respect to the flows entering the International Outfall Interceptor that are controlled by the City; and

(iii) agreed to work in good faith to expeditiously enter into such other agreements as are necessary for the Commission to operate and maintain the International Outfall Interceptor.

(3) OPERATIONS AND MAINTENANCE.—

(A) IN GENERAL.—Beginning on the date on which the Commission assumes full ownership and control of the International Outfall Interceptor under paragraph (2)(A), but subject to paragraph (5), the Commission shall be responsible for the operations and maintenance of the International Outfall Interceptor.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this paragraph, to remain available until expended—

(i) $4,400,000 for fiscal year 2023; and

(ii) not less than $2,500,000 for fiscal year 2024 and each fiscal year thereafter.

(4) DEBRIS SCREEN.—

(A) DEBRIS SCREEN REQUIRED.—

(i) IN GENERAL.—The Commission shall construct, operate, and maintain a debris screen at Manhole One of the International Outfall Interceptor for intercepting debris and drug bundles coming to the United States from Nogales, Sonora, Mexico.

(ii) REQUIREMENT.—In constructing and operating the debris screen under clause (i), the Commission and the Commissioner of U.S. Customs and Border Protection shall coordinate—

(I) the removal of drug bundles and other illicit goods caught in the debris screen; and

(II) other operations at the International Outfall Interceptor that require coordination.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission, to remain available until expended—

(i) $11,900,000 for fiscal year 2023 for construction of the debris screen described in subparagraph (A)(i); and

(ii) $2,200,000 for fiscal year 2024 and each fiscal year thereafter for the operations and maintenance of the debris screen described in subparagraph (A)(i).

(5) LIMITATION OF CLAIMS.—Chapter 171 and section 1346(b) of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), shall not apply to any claim arising from the activities of the Commission in carrying out this subsection, including any claim arising from damages that result from overflow of the International Outfall Interceptor due to excess inflow to the International Outfall Interceptor originating from Nogales, Sonora, Mexico.

SA 5862. Ms. SINEMA submitted an amendment intended to be proposed to

amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. URBAN WATERS FEDERAL PARTNERSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) MEMBER AGENCIES.—The term ''member agencies'' means each of—

(A) the Environmental Protection Agency;

(B) the Department of the Interior;

(C) the Department of Agriculture;

(D) the Corps of Engineers;

(E) the National Oceanic and Atmospheric Administration;

(F) the Economic Development Administration;

(G) the Department of Housing and Urban Development;

(H) the Department of Transportation;

(I) the Department of Energy;

(J) the Department of Education;

(K) the National Institute for Environmental Health Sciences;

(L) the Community Development Financial Institutions Fund;

(M) the Federal Emergency Management Agency;

(N) the Corporation for National and Community Service; and

(O) such other agencies, departments, and bureaus that elect to participate in the Urban Waters program as the missions, authorities, and appropriated funding of those agencies, departments, and bureaus allow.

(3) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture.

(4) URBAN WATERS AMBASSADOR.—The term ''Urban Waters ambassador'' means a person who—

(A) is locally based near the applicable Urban Waters partnership location; and

(B) serves in a central coordinating role for the work carried out in the applicable Urban Waters partnership location with respect to the Urban Waters program.

(5) URBAN WATERS NONPARTNERSHIP LOCATION.—The term ''Urban Waters nonpartnership location'' means an urban or municipal site and the associated watershed or waterbody of the site—

(A) that receives Federal support for activities that advance the purpose of the Urban Waters program; but

(B)(i) that is not formally designated as an Urban Waters partnership location; and

(ii) for which is not maintained—

(I) an active partnership with an Urban Waters ambassador; or

(II) an Urban Waters partnership location workplan.

(6) URBAN WATERS PARTNERSHIP LOCATION.—The term ''Urban Waters partnership location'' means an urban or municipal site and the associated watershed or waterbody of the site for which—

(A) the Administrator, in collaboration with the heads of the other member agencies, has formally designated as a partnership location under the Urban Waters program; and

(B) an active partnership with an Urban Waters ambassador is maintained.

(7) URBAN WATERS PARTNERSHIP LOCATION WORKPLAN.—The term ''Urban Waters partnership location workplan'' means the plan for projects and actions that is coordinated across an Urban Waters partnership location.

(8) URBAN WATERS PROGRAM.—The term ''Urban Waters program'' means the program authorized under subsection (b).

(b) AUTHORIZATION.—There is authorized a program, to be known as the ''Urban Waters Federal Partnership Program'', administered by the partnership of the member agencies—

(1) to jointly support and execute the goals of the Urban Waters program through the independent authorities and appropriated funding of the member agencies; and

(2) to advance the purpose described in subsection (c) within designated Urban Waters partnership locations and other urban and suburban communities in the United States.

(c) PROGRAM PURPOSE.—The purpose of the Urban Waters program is to reconnect urban communities, particularly urban communities that are overburdened or economically distressed, with associated waterways by improving coordination among Federal agencies.

(d) PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Administrator, in coordination with the Secretaries and, as appropriate, the heads of the other member agencies, shall maintain the Urban Waters program in accordance with this subsection.

(2) URBAN WATERS FEDERAL PARTNERSHIP STEERING COMMITTEE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—The Administrator shall establish a steering committee for the Urban Waters program (referred to in this paragraph as the ''steering committee'').

(ii) CHAIR.—The Administrator shall serve as chairperson of the steering committee.

(iii) VICE-CHAIRS.—The Secretaries shall serve as vice-chairpersons of the steering committee.

(iv) MEMBERSHIP.—In addition to the Administrator and the Secretaries, the members of the steering committee shall be the senior officials (or their designees) from such member agencies as the Administrator shall designate.

(B) DUTIES.—The steering committee shall provide general guidance to the member agencies with respect to the Urban Waters program, including guidance with respect to—

(i) the identification of annual priority issues for special emphasis within Urban Waters partnership locations; and

(ii) the identification of funding opportunities, which shall be communicated to all Urban Waters partnership locations.

(C) INTERAGENCY FINANCING.—Notwithstanding section 1346 of title 31, United States Code, section 708 of division E of the Consolidated Appropriations Act, 2022 (Public Law 117–103; 136 Stat. 295), or any other similar provision of law, member agencies may—

(i) provide interagency financing to the steering committee; and

(ii) directly transfer such amounts as are necessary to support the activities of the steering committee.

(3) AUTHORITY.—

(A) PARTNERSHIP LOCATIONS.—

(i) PARTNERSHIP LOCATIONS.—The Administrator and the Secretaries shall maintain an active partnership program under the Urban Waters program at each Urban Waters partnership location, including each Urban Waters partnership location in existence on the date of enactment of this Act, by providing—

(I) technical assistance for projects to be carried out within the Urban Waters partnership location;

(II) funding for projects to be carried out within the Urban Waters partnership location;

(III) funding for an Urban Waters ambassador for the Urban Waters partnership location; and

(IV) coordination support with other member agencies with respect to activities carried out at the Urban Waters partnership location.

(ii) NEW PARTNERSHIP LOCATIONS.—

(I) IN GENERAL.—The Administrator and the Secretaries may, in consultation with the heads of other member agencies, establish new Urban Waters partnership locations.

(II) NONPARTNERSHIP LOCATIONS.—A community with an Urban Waters nonpartnership location may, at the discretion of the community, seek to have the Urban Waters nonpartnership location designated as an Urban Waters partnership location.

(B) AUTHORIZED ACTIVITIES.—

(i) DEFINITION OF ELIGIBLE ENTITY.—In this subparagraph, the term ''eligible entity'' means—

(I) a State;

(II) a territory or possession of the United States;

(III) the District of Columbia;

(IV) an Indian Tribe;

(V) a unit of local government;

(VI) a public or private institution of higher education;

(VII) a public or private nonprofit institution;

(VIII) an intertribal consortium;

(IX) an interstate agency; and

(X) any other entity determined to be appropriate by the Administrator.

(ii) ACTIVITIES.—In carrying out the Urban Waters program, a member agency may—

(I) encourage, cooperate with, and render technical services to and provide financial assistance to support—

(aa) Urban Water ambassadors to conduct activities with respect to the applicable Urban Waters partnership location, including—

(AA) convening the appropriate Federal and non-Federal partners for the Urban Waters partnership location;

(BB) developing and carrying out an Urban Waters partnership location workplan;

(CC) leveraging available Federal and non-Federal resources for projects within the Urban Waters partnership location; and

(DD) sharing information and best practices with the Urban Waters Learning Network established under subparagraph (C); and

(bb) an eligible entity in carrying out—

(AA) projects at Urban Water partnership locations that provide habitat or water quality improvements, increase river recreation, enhance community resiliency, install infrastructure, strengthen community engagement with and education with respect to water resources, or support planning, coordination, and execution of projects identified in the applicable Urban Waters partnership location workplan; and

(BB) planning, research, experiments, demonstrations, surveys, studies, monitoring, training, and outreach to advance the purpose described in subsection (c) within Urban Waters partnership locations and in Urban Waters nonpartnership locations; and

(II) transfer funds to or enter into interagency agreements with other member agencies as necessary to carry out the Urban Waters program.

(C) URBAN WATERS LEARNING NETWORK.—The Administrator and the Secretaries shall maintain an Urban Waters Learning Network—

(i) to share information, resources, and tools between Urban Waters partnership locations and with other interested communities; and

(ii) to carry out community-based capacity building that advances the goals of the Urban Waters program.

(D) WORKPLAN PROGRESS.—Progress in addressing the goals of the Urban Waters partnership location workplan of an Urban Waters partnership location shall be shared with the Urban Waters program at regular intervals, as determined by the Administrator and the Secretaries.

(e) REPORTS TO CONGRESS.—The Administrator and the Secretaries shall annually submit to the appropriate committees of Congress a report describing the progress in carrying out the Urban Waters program, which shall include—

(1) a description of the use of funds under the Urban Waters program;

(2) a description of the progress made in carrying out Urban Waters partnership location workplans; and

(3) any additional information that the Administrator and the Secretaries determine to be appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out the Urban Waters program $10,000,000 for each of fiscal years 2023 through 2027.

(2) USE OF FUNDS.—Notwithstanding any other provision of law, activities carried out using amounts made available to the Administrator under paragraph (1) may be used in conjunction with amounts made available from—

(A) other member agencies; and

(B) non-Federal entities that participate in the Urban Waters program.

SA 5863. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

In division A, after section 157, insert the following:

SEC. 158. None of the amounts made available by section 101 may be used to transport aliens who are unlawfully present in the United States to any place in the United States that is more than 100 miles from the nearest international border.

SA 5864. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division C, add the following:

SEC. 105. INVALIDATION OF CERTAIN REGULATIONS REGARDING RESTRICTIONS FOR NONCITIZENS AT LAND PORTS OF ENTRY AND FERRIES SERVICE BETWEEN CANADA AND THE UNITED STATES.

Beginning on the date of the enactment of this Act, the ''Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada'' (87 Fed. Reg. 24048 (April 22, 2022)), which announced the decision of the Secretary of Homeland Security to restrict the travel of noncitizens into the United States from Canada to those who are fully vaccinated against COVID–19, shall have no force or effect.

SA 5865. Mr. MORAN (for himself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 706. EXPANSION OF ELIGIBILITY FOR HEARING AIDS TO INCLUDE CHILDREN OF CERTAIN RETIRED MEMBERS OF THE UNIFORMED SERVICES.

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

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

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

''(B) A dependent under subparagraph (D) or (I) of section 1072(2) of this title of a former member of the uniformed services who—

''(i) is entitled to retired or retainer pay, or equivalent pay; and

''(ii) is enrolled in family coverage under TRICARE Prime.''.

SA 5866. Mr. MORAN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 322. USE OF ALTERNATIVES TO OPEN-AIR BURN PITS IN DISPOSING WASTE.

Section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2701 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''Committees on Armed Services of the Senate and House of Representatives'' each place it appears and inserting ''appropriate congressional committees'';

(B) in paragraph (4)(A), in the matter preceding clause (i), by striking ''Committees on Armed Services of the Senate and the House of Representatives'' and inserting ''appropriate congressional committees''; and

(C) by adding at the end the following new paragraphs:

''(5) REPLACEMENT OF OPEN-AIR BURN PITS.—Not later than 90 days after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary shall begin executing a plan to replace any open-air burn pits operated by partners or contracted vendors of the Department of Defense that dispose of waste and are in proximity to members of the Armed Forces with alternative disposal methods.

''(6) DETERMINATION OF ALTERNATIVE METHODS OF DISPOSAL.—Not later than one year after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary shall—

''(A) enter into an agreement with a nongovernmental research organization to determine alternative methods of deployable solid waste disposal that meet the needs of world-wide contingency operations; and

''(B) submit to the appropriate congressional committees a report on the alternative methods determined under subparagraph (A).

''(7) NOTIFICATION OF USE OF OPEN-AIR BURN PIT.—If members of the Armed Forces are in proximity to an open-air burn pit used by the Department of Defense or any partner or contracted vendor of the Department, the Secretary shall notify such members and the appropriate congressional committees of—

''(A) the use of an open-air burn pit in that location; and

''(B) a description of—

''(i) the material burned in the open-air burn pit; and

''(ii) the substances emitted from the open-air burn pit.'';

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''Committees on Armed Services of the Senate and House of Representatives'' and inserting ''appropriate congressional committees''; and

(3) in subsection (d)—

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

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following new paragraph (1):

''(1) The term 'appropriate congressional committees' means—

''(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

''(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.''.

SA 5867. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 517. DIVESTITURE OF TACTICAL CONTROL PARTY.

No divestiture of any Tactical Control Party specialist force structure from the Air National Guard may occur until the Chief of the National Guard Bureau, in consultation with the Chief of Staff of the Army and the Commandant of the Marine Corps, provides a

report to the congressional defense committees describing—

(1) the capability gaps caused by divestiture of Tactical Control Party force structure from the Air National Guard and its impact on the Department of Defense to execute the National Defense Strategy;

(2) the impacts of such divestiture to the operational capabilities of the Army National Guard.

SA 5868. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 706. EXPANSION OF ELIGIBILITY FOR HEARING AIDS TO INCLUDE CHILDREN OF CERTAIN RETIRED MEMBERS OF THE UNIFORMED SERVICES.

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

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

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

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

SA 5869. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1262. REPORT ON ARMS TRAFFICKING IN HAITI.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce and the Attorney General, shall submit to the appropriate congressional committees a report on arms trafficking in Haiti.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) The number and category of United States-origin weapons in Haiti, including those in possession of the Haitian National Police or other state authorities and diverted outside of their control and the number of United States-origin weapons believed to be illegally trafficked from the United States since 1991.

(2) The major routes by which illegal arms are trafficked into Haiti.

(3) The major Haitian seaports, airports, and other border crossings where illegal arms are trafficked.

(4) An accounting of the ways individuals trafficking arms to Haiti evade Haitian and United States law enforcement and customs officials.

(5) A description of networks among Haitian government officials, Haitian customs officials, and gangs and others illegally involved in arms trafficking.

(6) Whether any end-use agreements between the United States and Haiti in the issuance of United States-origin weapons have been violated.

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

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

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

SA 5870. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. LIU XIAOBO FUND FOR STUDY OF THE CHINESE LANGUAGE.

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

(1) the United States Government, as an alternative to Confucius Institutes, should invest heavily into programs and institutions that contribute to a robust pipeline of United States persons learning China's many languages; and

(2) it is in the national security interests of the United States to ensure that United States persons continue to invest in Chinese language skills and the Tibetan, Uyghur, and Mongolian languages, in an environment that is free of malign political influence from foreign state actors.

(b) DEFINITIONS.—In this section:

(1) ALASKA NATIVE-SERVING INSTITUTION.—The term ''Alaska Native-serving institution'' has the meaning given such term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b))

(2) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term ''Asian American and Native American Pacific Islander-serving institution'' has the meaning given such term in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)).

(3) HISPANIC-SERVING INSTITUTION.—The term ''Hispanic-serving institution'' has the meaning given such term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

(4) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' means a part B institution described in section 322(2) of the Higher Education Act of 1965 (22 U.S.C. 1061(2)).

(5) NATIVE AMERICAN-SERVING NONTRIBAL INSTITUTION.—The term ''Native American-serving nontribal institution'' has the meaning given such term in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)).

(6) NATIVE HAWAIIAN-SERVING INSTITUTION.—The term ''Native Hawaiian-serving institution'' has the meaning given such term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

(7) PREDOMINANTLY BLACK INSTITUTION.—The term ''Predominantly Black institution'' has the meaning given such term in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)).

(8) TRIBAL COLLEGE OR UNIVERSITY.—The term ''Tribal College or University'' has the meaning given such term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

(c) ESTABLISHMENT OF THE LIU XIAOBO FUND FOR STUDY OF THE CHINESE LANGUAGE.—

(1) IN GENERAL.—The Secretary of State shall establish, in the Department of State, the ''Liu Xiaobo Fund for Study of the Chinese Language'' (referred to in this section as the ''Fund''), which shall be used to fund study by United States persons of Mandarin and Cantonese Chinese, Tibetan, Uyghur, Mongolian, and other contemporary spoken languages of China. Such study may take place in the United States or outside of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Liu Xiaobo Fund for Study of the Chinese Language for fiscal year 2023, and for each subsequent fiscal year, $10,000,000, which shall be used to carry out the activities described in subsection (d).

(3) INTERAGENCY FUNDS TRANSFERS.—The Secretary of State, after notifying the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, may transfer amounts appropriated to the Fund pursuant to paragraph (2) to carry out this section to other appropriate Federal departments and agencies for similar purposes. The heads of each Federal department or agency receiving a transfer pursuant to this subsection shall consult with the Secretary of State regarding the preparation of the report required under subsection (e).

(4) LIMITATIONS.—Amounts deposited into the Fund pursuant to paragraph (2) may only be made available for—

(A) the costs of language study programs carried out or approved by the Department of State, including related administrative costs incurred by the Department; and

(B) programs carried out by other Federal departments and agencies pursuant to a transfer authorized under paragraph (3).

(5) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated for Operations and Maintenance, Defense-Wide, as specified in the corresponding funding table in section 4301, is hereby reduced by $10,000,000.

(d) REQUIRED ACTIVITIES.—Amounts appropriated pursuant to subsection (c)(2)—

(1) shall be expended for the advancement of the national security and foreign policy interests of the United States, as determined by the Secretary of State;

(2) shall favor funding mechanisms that—

(A) maximize the total number of United States persons given the opportunity to acquire full conversational linguistic proficiency in Mandarin and Cantonese Chinese, Tibetan, Uyghur, Mongolian, and other contemporary spoken languages of China; and

(B) provide opportunities for such language study to areas traditionally under-served by such opportunities;

(3) shall be shaped by an ongoing consultative process taking into account design inputs of—

(A) civil society institutions, including Chinese diaspora community organizations;

(B) language experts in Mandarin and Cantonese Chinese, Tibetan, Uyghur, Mongolian, and other contemporary spoken languages of China;

(C) organizations representing historically disadvantaged socioeconomic groups in the United States; and

(D) human rights organizations; and

(4) shall favor opportunities to fund the study of Mandarin and Cantonese Chinese, Tibetan, Uyghur, Mongolian, and other contemporary spoken languages of China at Alaska Native-serving institutions, Asian American and Native American Pacific Islander-serving institutions, Hispanic-serving institutions, historically Black college or universities, Native American-serving nontribal institutions, Native Hawaiian-serving institutions, Predominantly Black institutions, and Tribal Colleges or Universities.

(e) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act and annually thereafter for the following 5 years, the Secretary of State, in consultation with the heads of appropriate Federal departments and agencies, shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that details the disbursements made by the Fund and the activities carried out during the immediately preceding academic year in support of the goals of the Fund.

(2) CONTENTS.—Each report required under paragraph (1) shall contain, with respect to the reporting period—

(A) a detailed description of the institutions, programs, and entities that received funds through the Liu Xiaobo Fund for Study of the Chinese Language;

(B) the amounts that were distributed by the Fund, disaggregated by institution, program, or entity, including identification of the State or country in which such institution, program, or entity is located;

(C) the number of United States persons whose language study was subsidized by the Fund and the average amount per person disbursed from the Fund for such study;

(D) a comparative analysis of per dollar program effectiveness and efficiency in allowing United States persons to reach conversational proficiency Mandarin or Cantonese Chinese, Tibetan, Uyghur, Mongolian, or other contemporary spoken languages of China;

(E) an analysis of which of the languages referred to in subparagraph (D) were studied through the funding from the Fund; and

(F) any recommendations of the Secretary of State for improvements to the authorities, priorities, or management of the Fund.

SA 5871. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. EXTENSION AND MODIFICATION OF THE ASIA REASSURANCE INITIATIVE ACT OF 2018.

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

(1) the Indo-Pacific region is home to many of the world's most dynamic democracies, economic opportunities, as well as many challenges to United States interests and values as a result of the growth in authoritarian governance in the region and by broad challenges posed by nuclear proliferation, the changing environment, and deteriorating adherence to human rights principles and obligations;

(2) the People's Republic of China poses a particular threat as it repeatedly violates internationally recognized human rights, engages in unfair economic and trade practices, disregards international laws and norms, coerces its neighbors, engages in malign influence operations, and enables global digital authoritarianism;

(3) the Asia Reassurance Initiative Act of 2018 (Public Law 115–409; 132 Stat 5387) (referred to in this section as ''ARIA'') enhances the United States' commitment in the Indo-Pacific region by—

(A) expanding its defense cooperation with its allies and partners;

(B) investing in democracy and the protection of human rights;

(C) engaging in cybersecurity initiatives; and

(D) supporting people-to-people engagement and other shared priorities; and

(4) the 2019 Department of Defense Indo-Pacific Strategy Report concludes that ARIA ''enshrines a generational whole-of-government policy framework that demonstrates U.S. commitment to a free and open Indo-Pacific region''.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Asia Reassurance Initiative Act of 2018 (Public Law 115–409) is amended—

(1) in section 201(b), by striking ''$1,500,000,000 for each of the fiscal years 2019 through 2023'' and inserting ''$2,000,000,000 for each of the fiscal years 2023 through 2027'';

(2) in section 215(b), by striking ''2023'' and inserting ''2027'';

(3) in section 306(a)—

(A) in paragraph (1), by striking ''5 years'' and inserting ''8 years''; and

(B) in paragraph (2), by striking ''2023'' and inserting ''2027'';

(4) in section 409(a)(1), by striking ''2023'' and inserting ''2027'';

(5) in section 410—

(A) in subsection (c), by striking ''2023'' and inserting ''2027''; and

(B) in subsection (d), in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2027''; and

(6) in section 411, by striking ''2023'' and inserting ''2027''.

SA 5872. Mr. MARKEY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Cambodia Democracy and Human Rights

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Cambodia Democracy and Human Rights Act of 2022''.

SEC. 1282. FINDINGS.

Congress finds the following:

(1) On October 23, 1991, Cambodia and 18 other countries signed the Comprehensive Cambodian Peace Agreement (commonly referred to as the ''Paris Peace Agreements''), which committed Cambodia to a democratic system of governance protected by a constitution and free and fair elections and stated that the people of Cambodia ''shall enjoy the rights and freedoms embodied in the Universal Declaration of Human Rights and other relevant international human rights instruments''.

(2) Prime Minister Hun Sen has been in power in Cambodia since 1984 and is the longest-serving leader in Southeast Asia. Despite decades of international attention and assistance to promote a pluralistic, multiparty democratic system in Cambodia, the Government of Cambodia continues to be undemocratically dominated by the ruling Cambodian People's Party.

(3) In 2015, the Cambodian People's Party-controlled National Assembly adopted the Law on Associations and Non-Governmental Organizations, which gave the Government of Cambodia sweeping powers to revoke the registration of nongovernmental organizations in the name of ''national unity'', and which the government has used to restrict the legitimate work of civil society.

(4) On August 23, 2017, Cambodia's Ministry of Foreign Affairs ordered the closure of the National Democratic Institute office in Cambodia and the expulsion of its foreign staff. On September 15, 2017, Prime Minister Hun Sen called for the withdrawal of all volunteers from the United States Peace Corps, which has operated in Cambodia since 2006 with approximately 500 United States volunteers providing English language and healthcare training.

(5) The Government of Cambodia has taken several measures to restrict its media environment, especially through politicized tax investigations against independent media outlets that resulted in the closure of The Cambodia Daily and Radio Free Asia in early September 2017. Additionally, the Government of Cambodia has ordered several radio stations to stop the broadcasting of Radio Free Asia and Voice of America programming.

(6) Cambodia's small number of independent trade unions and workers have the right to strike, but many face retribution for doing so, according to Freedom House.

(7) Each of the 6 elections that have taken place in Cambodia since 1991 was conducted in circumstances that were not free and fair, and were marked, to varying degrees, by fraud, intimidation, violence, and the misuse by the Government of Cambodia of legal mechanisms to weaken opposition candidates and parties. The 2017 local elections were marked by fewer reported irregularities, however, which helped the opposition Cambodia National Rescue Party (in this section referred to as the ''CNRP''). Hun Sen responded to those improvements in elections, resulting in part from international assistance and observers, by banning the CNRP, the primary opposition party, on November 16, 2017.

(8) On September 3, 2017, Kem Sokha, the President of the CNRP, was arrested on politically motivated charges, including treason and conspiring to overthrow the Government of Cambodia. While he was released on bail, he faces up to 30 years in prison.

(9) In the most recent general election in July 2018, following the dissolution of the CNRP, the Cambodian People's Party secured every parliamentary seat, an electoral victory that the White House Press Secretary stated was ''neither free nor fair and failed to represent the will of the Cambodian people''.

(10) The widespread crackdown by the Government of Cambodia on the political opposition and other independent voices has caused many CNRP leaders to flee abroad. On March 12, 2019, a court criminally charged and issued arrest warrants for 8 leading members of the CNRP, including former CNRP leader Sam Rainsy, who had left Cambodia ahead of the July 2018 election, as well as Mu Sochua, Ou Chanrith, Eng Chhai Eang, Men Sothavarin, Long Ry, Tob Van Chan, and Ho Vann.

(11) The Government of Cambodia has arrested many opposition party members and democracy activists who remained in Cambodia. More than 80 opposition party supporters and activists were arrested in 2019 and were released on bail with charges still pending and could face re-arrest any time.

(12) In November 2019, Sam Rainsy made a failed attempt to return to Cambodia to partake in mass pro-democracy protests. Approximately 150 CNRP activists were put on trial in 2020 and 2021 for treason for calling for his return.

(13) In March 2021, a Cambodian court convicted and sentenced Sam Rainsy in absentia to 25 years in prison and 8 other opposition figures living in exile, including Rainsy's wife Tioulong Saumura, as well as Mu Sochua, Eng Chhay Eang, Men Sothavarin, Ou Chanrith, Ho Vann, Long Ry, and Nuth Romduol, to between 20 and 22 years.

(14) On June 14, 2022, the Government of Cambodia convicted 51 opposition politicians and activists in a mass trial, many of whom were convicted in abstentia on charges of ''incitement'' and ''conspiracy'' for supporting the development of democracy in Cambodia. Sentences ranged from 5-year suspended jail terms to 8 years in prison and serve to further intimidate potential political opponents of the regime of Prime Minister Hun Sen.

(15) Prime Minister Hun Sen has used the coronavirus disease 2019 (commonly known as ''COVID–19'') pandemic as justification to further consolidate power and the Cambodia People's Party-controlled National Assembly passed new laws to further curtail the rights to freedom of expression, peaceful assembly, and association.

(16) According to Human Rights Watch, under the guise of the pandemic, authorities—

(A) banned protests organized by youth and environmental activists;

(B) detained and interrogated at least 30 people for Facebook posts related to the pandemic; and

(C) charged one journalist for pandemic-related reporting.

(17) According to Freedom House, Hun Sen uses the police and armed forces as instruments of repression. The military has stood firmly behind Hun Sen and his crackdown on opposition groups and Hun Sen has built a personal bodyguard unit in the armed forces that he reportedly uses to harass and abuse Cambodian People's Party opponents.

(18) In August 2020, 14 youth and environmental activists were detained by Cambodian authorities. In May 2021, 3 environmental activists were convicted on charges of ''incitement to commit a felony or disturb social order'', related to peaceful protests against authorities. In June 2021, a Cambodian court charged 3 environmental activists with ''plotting against the government and insulting the king''. The 2020 Country Reports on Human Rights Practices of the Department of State reported ''at least 40 political prisoners or detainees'' in Cambodia.

(19) Beginning in December 2021, the Government of Cambodia has restricted the labor rights of workers protesting working conditions and illegal dismissals at the NagaWorld Casino, including using the COVID–19 pandemic as an excuse to limit the ability of workers to protest. In February 2022, officials of the Government of Cambodia arrested 6 workers of the casino after leaving a COVID–19 testing center, claiming that they had obstructed testing.

(20) In 2019, the Wall Street Journal reported that Cambodia had signed a deal with the Government of the People's Republic of China to allow that Government access to and use of the Ream Naval Base on the Gulf of Thailand, even though the Constitution of Cambodia prohibits the establishment of foreign military bases.

(21) In 2019, the New York Times reported that a company described by the Department of the Treasury as being a state-owned company of the People's Republic of China had secured a 99-year lease to build an airport capable of supporting military aircraft at Dara Sakor, raising concerns that Beijing intends to use this dual-use facility for its military, despite the prohibition against the establishment of foreign military bases in the Constitution of Cambodia.

(22) In section 401 of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409; 132 Stat. 5407), Congress expressed serious concerns with the rule of law and civil liberties in Cambodia and made the finding that the promotion of human rights and respect for democratic values in the Indo-Pacific region is in the United States national security interest.

(23) The 2020 Country Reports on Human Rights Practices of the Department of State stated, of Cambodia, ''Corruption was endemic throughout society and government. There were reports police, prosecutors, investigating judges, and presiding judges took bribes from owners of both legal and illegal businesses. Citizens frequently and publicly complained about corruption. Meager salaries contributed to 'survival corruption' among low-level public servants, while a culture of impunity enabled corruption to flourish among senior officials.''.

(24) Section 7043(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117–103; 136 Stat. 645) restricts assistance to the Government of Cambodia until ''the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective steps to—

''(i) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea;

''(ii) assert its sovereignty against interference by the People's Republic of China, including by verifiably maintaining the neutrality of Ream Naval Base, other military installations in Cambodia, and dual use facilities such as the Dara Sakor development project;

''(iii) cease violence, threats, and harassment against civil society and the political opposition in Cambodia, and dismiss any politically motivated criminal charges against critics of the government; and

''(iv) respect the rights, freedoms, and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993.''.

(25) Section 201(f) of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409; 132 Stat. 5392) restricts assistance to Cambodia until the Government of Cambodia takes effective steps to—

(A) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea; and

(B) respect the rights and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993, including through the—

(i) restoration of the civil and political rights of the opposition Cambodia National Rescue Party, media, and civil society organizations;

(ii) restoration of all elected officials to their elected offices; and

(iii) release of all political prisoners, including journalists, civil society activists, and members of the opposition political party.

(26) On December 9, 2019, the Department of the Treasury imposed sanctions under the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) with respect to certain corrupt Cambodian actors and their networks.

(27) In February 2019, the European Union began intense scrutiny of Cambodia's eligibility to for preferential trade access in light of the deterioration of democracy, the rule of law, and the protection of human rights in Cambodia. In February 2020, the European Union, Cambodia's largest export market, partially suspended trade preferences for Cambodia under its ''Everything but Arms'' trade program, in response to Cambodia's violations of civil and political rights.

(28) In 2021, the Joint Vietnamese Friendship building, a facility built by the Government of Vietnam, was relocated off the Ream Naval Base, reportedly to avert conflicts with military personnel of the People's Republic of China.

(29) In 2022, the governments of the People's Republic of China and Cambodia held a groundbreaking ceremony for a new upgrade to the Ream Naval Base, which, according to the Washington Post, would allow the People's Liberation Army to have ''exclusive use of the northern portion of the base, while their presence would remain concealed''.

(30) On June 8, 2022, in the groundbreaking ceremony for constructing new facilities of the Ream Naval Base, the Ambassador of the People's Republic of China to Cambodia, Wang Wentian, declared that the base would be a monument to ''the ironclad friendship and cooperation between the two militaries'' of the People's Republic of China and Cambodia.

SEC. 1283. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States is committed to promoting democracy, human rights, and the rule of law in Cambodia, as laid out in the 1991 Paris Peace Agreements;

(2) the United States Government, through diplomacy and assistance, should urge the Government of Cambodia to—

(A) release all political prisoners;

(B) drop all politically motivated charges and vacate convictions against members of the Cambodia National Rescue Party, journalists, and civil society activists; and

(C) restore full political rights to the Cambodia National Rescue Party and other political parties;

(3) the United States Government should urge the Government of Cambodia—

(A) to reverse the policies and actions that have resulted in the dismantling of democracy, the blatant disregard of fundamental human rights, and the breakdown of rule of law in Cambodia;

(B) to immediately discontinue the imprisonment and judicial harassment of journalists, political dissidents, and activists, and drop politically motivated charges;

(C) to stop arrests and intimidation of civil society members, including human rights activists, environmental defenders, and labor leaders, and promote a flourishing civil society that supports the political and economic development of Cambodia;

(D) to halt the threat of mass arrests and violence if and when Cambodia National Rescue Party members currently overseas return to Cambodia;

(E) to reinstate the political status of the Cambodia National Rescue Party and other opposition parties, restore the Cambodia National Rescue Party's elected seats in the National Assembly, and support electoral reform efforts in Cambodia with free and fair elections monitored by international observers;

(F) to ensure that media outlets are able to operate freely and without interference, including having the ability to apply for and receive licenses to operate within Cambodia;

(G) to consider how allowing the People's Liberation Army to conduct activities, gain access, or establish a presence in Cambodia would harm Cambodia's relationships with its neighbors, partners, and allies, and could violate the Constitution of Cambodia; and

(H) to cease providing support to authoritarian regimes and undermining democratic activists in the region, especially through its ties to the Burmese military that seized power in a coup d'état on February 1, 2021, and instead play a constructive role in multilateral organizations like the Association of Southeast Asian Nations to promote peace and democracy in the region;

(4) Prime Minister Hun Sen is directly responsible, and should be held accountable, for the safety, health, and welfare of exiled Cambodia National Rescue Party leaders and their supporters upon their return to Cambodia;

(5) other governments throughout the Indo-Pacific region should—

(A) urge the Government of Cambodia to allow the peaceful return of exiled Cambodia National Rescue Party leaders and their supporters;

(B) refrain from illegally restricting the rights of Cambodia National Rescue Party members to travel to and through their countries as they return; and

(C) press the Government of Cambodia not to allow the People's Liberation Army to use Cambodia's military facilities or establish a presence within Cambodia;

(6) in the absence of systemic democratic reforms on the part of the Government of Cambodia, there is need for additional measures by the United States Government, including through the enactment of legislation and executive action; and

(7) the presence of the People's Liberation Army will further enable Prime Minister Hun Sen's authoritarian crackdown, including oppression of opposition parties, independent civil society, and free media in Cambodia.

SEC. 1284. SANCTIONS RELATING TO UNDERMINING DEMOCRACY IN CAMBODIA.

(a) IDENTIFICATION OF PERSONS RESPONSIBLE FOR UNDERMINING DEMOCRACY IN CAMBODIA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of—

(A) any current or former official of the Government of Cambodia or the military or security forces of Cambodian, or any other foreign person, that the President determines knowingly—

(i) directly and substantially undermines democracy in Cambodia;

(ii) engages in or is responsible for serious human rights abuses;

(iii) engages in or is responsible for significant corruption associated with undermining democracy in Cambodia; or

(iv) engages in or supports the establishment of installations or facilities that could be used by the People's Liberation Army or entities tied to the People's Liberation Army in Cambodia, which could include persons identified under paragraph (1) of section 1285(a) in the report required by that section;

(B) any person that the President determines is acting for or on behalf of a person described in subparagraph (A) related to conduct described in that subparagraph; and

(C) any person that the President determines is owned or controlled by a person described in subparagraph (A) and is involved in conduct described in that subparagraph.

(2) UPDATES.—The President shall submit to the appropriate congressional committees updated lists under paragraph (1) as new information becomes available.

(b) IMPOSITION OF SANCTIONS.—The President shall impose the following sanctions with respect to each foreign person on the list required by subsection (a):

(1) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—In the case of an individual, that individual 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 the individual shall be revoked in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), 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 individual's possession.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE AND LAW ENFORCEMENT ACTIVITIES.—Sanctions under this section shall not apply with respect to—

(A) any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.); or

(B) any authorized intelligence or law enforcement activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under subsection (b)(2) shall not apply with respect to the admission or parole of an individual if admitting or paroling the individual into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21,1947, between the United Nations and the United States, or other applicable international obligations.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under subsection (b)(1) shall not include the authority or requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(e) WAIVER.—The President may waive the application of sanctions under subsection (b) with respect to a foreign person on the list required by subsection (a) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

(f) SUSPENSION OF SANCTIONS.—

(1) SUSPENSION.—The requirement to impose sanctions under this section may be suspended for an initial period of not more than one year if the President determines and certifies to the appropriate congressional committees that Cambodia is making meaningful progress toward the following:

(A) Ending government efforts to undermine democracy.

(B) Ending human rights violations associated with undermining democracy.

(C) Releasing all political prisoners.

(D) Dropping all politically motivated charges and vacating convictions from any such charges against members of the Cambodia National Rescue Party, journalists, and civil society activists.

(E) Conducting free and fair elections that allow for the active participation of credible opposition candidates.

(2) RENEWAL OF SUSPENSION.—The suspension of sanctions under paragraph (1) may be renewed for additional, consecutive one-year periods if the President determines and certifies to the appropriate congressional committees that Cambodia continued to make meaningful progress toward satisfying the conditions described in that paragraph during the year preceding the certification.

(g) SUNSET.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 1285. REPORT ON ACTIVITY OF THE PEOPLE'S LIBERATION ARMY AND GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA IN CAMBODIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the committees specified in subsection (c) a report assessing—

(1) the involvement of the Government of the People's Republic of China or the People's Liberation Army in upgrading existing facilities or constructing new facilities at Ream Naval Base and Dara Sakor Airport in Cambodia;

(2) any actual or projected benefits, including any enhancement of the power projection capabilities of the People's Liberation Army, that the Government of the People's Republic of China or the People's Liberation Army may accrue as a result of such upgrades or construction;

(3) the impact that the presence of the People's Liberation Army in Cambodia may have on the interests, allies, and partners of the United States in the region;

(4) any efforts undertaken by the United States Government to convey to the Government of Cambodia the concerns relating to the presence of the People's Liberation Army and the Government of the People's Republic of China in Cambodia and the impact that presence could have on security in the South China Sea and the Indo-Pacific region more broadly and on adherence to the Constitution of Cambodia;

(5) the impact the presence of the People's Liberation Army in Cambodia, as well as closer government-to-government ties between Cambodia and the Government of the People's Republic of China, including through investments under the Belt and Road Initiative, has had on the deterioration of democracy and human rights inside Cambodia; and

(6) any other ongoing activities by the People's Liberation Army or any other security services of the Government of the People's Republic of China in Cambodia.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(c) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

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

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

SEC. 1286. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed to limit the authority of the President to designate persons for the imposition of sanctions pursuant to an Executive order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or otherwise pursuant to that Act.

SEC. 1287. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

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

(2) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(3) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) PEOPLE'S LIBERATION ARMY.—The term ''People's Liberation Army'' means the armed forces of the People's Republic of China.

(5) PERSON.—The term ''person'' means an individual or entity.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction of the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SA 5873. Mr. MARKEY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. COOPERATION WITH THE QUAD.

(a) SENSE OF CONGRESS ON COOPERATION WITH THE QUAD.—It is the sense of Congress that—

(1) the United States should reaffirm our commitment to quadrilateral cooperation among Australia, India, Japan, and the United States (the ''Quad'') to enhance and implement a shared vision to meet shared regional challenges and to promote a free, open, inclusive, resilient, and healthy Indo-Pacific that is characterized by democracy, rule of law, and market-driven economic growth, and is free from undue influence and coercion;

(2) the United States should seek to expand sustained dialogue and cooperation through the Quad with a range of partners to support the rule of law, freedom of navigation and overflight, peaceful resolution of disputes, democratic values, and territorial integrity, and to uphold peace and prosperity and strengthen democratic resilience;

(3) the United States should seek to expand avenues of cooperation with the Quad, including more regular military-to-military dialogues, joint exercises, and coordinated policies related to shared interests such as protecting cyberspace and advancing maritime security;

(4) the pledge from the first-ever Quad leaders meeting on March 12, 2021, to respond to the economic and health impacts of COVID–19, including expanding safe, affordable, and effective vaccine production and equitable access, and to address shared challenges, including in cyberspace, critical technologies, counterterrorism, quality infrastructure investment, and humanitarian assistance and disaster relief, as well as maritime domains, further advances the important cooperation among Quad nations that is so critical to the Indo-Pacific region;

(5) building upon their partnership to help finance 1,000,000,000 or more COVID–19 vaccines by the end of 2022 for use in the Indo-Pacific region, the United States International Development Finance Corporation, the Japan International Cooperation Agency, and the Japan Bank for International Cooperation, including through partnerships with other multilateral development banks, should also venture to finance development and infrastructure projects in the Indo-Pacific region that are sustainable and offer a viable alternative to the investments of the People's Republic of China in that region under the Belt and Road Initiative;

(6) in consultation with other Quad countries, the President should establish clear deliverables for the 3 new Quad Working Groups established on March 12, 2021, which are—

(A) the Quad Vaccine Experts Working Group;

(B) the Quad Climate Working Group; and

(C) the Quad Critical and Emerging Technology Working Group; and

(7) the formation of a Quad Intra-Parliamentary Working Group could—

(A) sustain and deepen engagement between senior officials of the Quad countries on a full spectrum of issues; and

(B) be modeled on the successful and longstanding bilateral intra-parliamentary groups between the United States and Mexico, Canada, and the United Kingdom, as well as other formal and informal parliamentary exchanges.

(b) ESTABLISHMENT OF QUAD INTRA-PARLIAMENTARY WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall seek to enter into negotiations with the Governments of Japan, Australia, and India (collectively, with the United States, known as the ''Quad'') with the goal of reaching a written agreement to establish a Quad Intra-Parliamentary Working Group for the purpose of acting on the recommendations of the Quad Working Groups described in section subsection (a)(6) and to facilitate closer cooperation on shared interests and values.

(2) UNITED STATES GROUP.—

(A) IN GENERAL.—At such time as the governments of the Quad countries enter into a written agreement described in paragraph (1), there shall be established a United States Group, which shall represent the United States at the Quad Intra-Parliamentary Working Group.

(B) MEMBERSHIP.—

(i) IN GENERAL.—The United States Group shall be comprised of not more than 24 Members of Congress.

(ii) APPOINTMENT.—Of the Members of Congress appointed to the United States Group under clause (i)—

(I) half shall be appointed by the President Pro Tempore of the Senate, based on recommendations of the majority leader and minority leader of the Senate, from among Members of the Senate, not less than 4 of whom shall be members of the Committee on Foreign Relations of the Senate (unless the majority leader and minority leader determine otherwise); and

(II) half shall be appointed by the Speaker of the House of Representatives from among Members of the House of Representatives, not less than 4 of whom shall be members of the Committee on Foreign Affairs of the House of Representatives.

(C) MEETINGS.—

(i) IN GENERAL.—The United States Group shall seek to meet not less frequently than annually with representatives and appropriate staff of the legislatures of Japan, Australia, and India, and any other country invited by mutual agreement of the Quad countries.

(ii) LIMITATION.—A meeting described in clause (i) may be held—

(I) in the United States;

(II) in another Quad country during periods when Congress is not in session; or

(III) virtually.

(D) CHAIRPERSON AND VICE CHAIRPERSON.—

(i) SENATE DELEGATION.—The President Pro Tempore of the Senate shall designate the chairperson or vice chairperson of the delegation of the United States Group from the Senate from among members of the Committee on Foreign Relations of the Senate.

(ii) HOUSE DELEGATION.—The Speaker of the House of Representatives shall designate the chairperson or vice chairperson of the delegation of the United States Group from the House of Representatives from among members of the Committee on Foreign Affairs of the House of Representatives.

(E) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 2023 through 2026 for the United States Group.

(ii) DISTRIBUTION OF APPROPRIATIONS.—

(I) IN GENERAL.—For each fiscal year for which an appropriation is made for the United States Group, half of the amount appropriated shall be available to the delegation from the Senate and half of the amount shall be available to the delegation from the House of Representatives.

(II) METHOD OF DISTRIBUTION.—The amounts available to the delegations of the Senate and the House of Representatives under subclause (I) shall be disbursed on vouchers to be approved by the chairperson of the delegation from the Senate and the chairperson of the delegation from the House of Representatives, respectively.

(F) PRIVATE SOURCES.—The United States Group may accept gifts or donations of services or property, subject to the review and approval, as appropriate, of the Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives.

(G) CERTIFICATION OF EXPENDITURES.—The certificate of the chairperson of the delegation from the Senate or the chairperson of the delegation from the House of Representatives of the United States Group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Group.

(H) ANNUAL REPORT.—The United States Group shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report for each fiscal year for which an appropriation is made for the United States Group, which shall include a description of its expenditures under such appropriation.

SA 5874. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON DANGERS POSED BY NUCLEAR REACTORS IN AREAS THAT MIGHT EXPERIENCE ARMED CONFLICT.

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

(1) since the earliest days of its illegal invasion of Ukraine, the Russian Federation has cavalierly endangered the safety of nuclear power plants, including the Zaporizhzhia Nuclear Power Plant and the Southern Ukraine Nuclear Power Plant; and

(2) that recklessness demonstrates the danger posed by nuclear reactors and power plants in places that may experience armed conflict during the life span of those nuclear reactors and plants.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report assessing—

(A) the dangers posed to the national security of the United States, to the interests of allies and partners of the United States, and to the safety and security of civilian populations by existing or new nuclear reactors or power plants located in areas that—

(i) have experienced armed conflict in the 25 years preceding the date of the enactment of this Act; or

(ii) are contested or likely to experience armed conflict during the life span of those reactors and plants; and

(B) steps the United States or allies and partners of the United States can take to mitigate the risks to the national security of the United States, to the interests of allies and partners of the United States, and to the safety and security of civilian populations posed by nuclear reactors and power plants in places that may experience armed conflict.

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

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

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

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

SA 5875. Mr. MARKEY (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 683, line 9, strike ''75'' and insert ''10''.

SA 5876. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1531. REDUCTION OF THREATS POSED BY NUCLEAR WEAPONS TO THE UNITED STATES.

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

(1) The use of nuclear weapons poses an existential threat to humanity, a fact that led President Ronald Reagan and Soviet Premier Mikhail Gorbachev to declare in a joint statement in 1987 that a ''nuclear war cannot be won and must never be fought''. The leaders of the 5 nuclear weapons states (the People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America) reaffirmed that statement in January 2022.

(2) On June 12, 1982, an estimated 1,000,000 people attended the largest peace rally in United States history, in support of a movement to freeze and reverse the nuclear arms race, a movement that helped to create the political will necessary for the negotiation of several bilateral arms control treaties between the United States and former Soviet Union, and then the Russian Federation. Those treaties contributed to strategic stability through mutual and verifiable reciprocal nuclear weapons reductions.

(3) Since the advent of nuclear weapons in 1945, millions of people around the world have stood up to demand meaningful, immediate international action to halt, reduce, and eliminate the threats posed by nuclear weapons, nuclear weapons testing, and nuclear war, to humankind and the planet.

(4) In 1970, the Treaty on the Non-Proliferation of Nuclear Weapons done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (commonly referred to as the ''Nuclear Non-Proliferation Treaty'' or the ''NPT'') entered into force, which includes a binding obligation on the 5 nuclear-weapon states (commonly referred to as the ''P5''), among other things, ''to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race . . . and to nuclear disarmament''.

(5) Bipartisan United States global leadership has curbed the growth in the number of countries possessing nuclear weapons and has slowed overall vertical proliferation among countries already possessing nuclear weapons, as is highlighted by a more than 85-percent reduction in the United States nuclear weapons stockpile from its Cold War height of 31,255 in 1967.

(6) The United States testing of nuclear weapons is no longer necessary as a result of the following major technical developments since the Senate's consideration of the Comprehensive Nuclear-Test-Ban Treaty (commonly referred to as the ''CTBT'') in 1999:

(A) The verification architecture of the Comprehensive Nuclear Test-Ban-Treaty Organization (commonly referred to as the ''CTBTO'')—

(i) has made significant advancements, as seen through its network of 300 International Monitoring Stations and its International Data Centre, which together provide for the near instantaneous detection of nuclear explosives tests, including all 6 such tests conducted by North Korea between 2006 and 2017; and

(ii) is operational 24 hours a day, 7 days a week.

(B) Since the United States signed the CTBT, confidence has grown in the science-based Stockpile Stewardship and Management Plan of the Department of Energy, which forms the basis of annual certifications to the President regarding the continual safety, security, and effectiveness of the United States nuclear deterrent in the absence of nuclear testing, leading former Secretary of Energy Ernest Moniz to remark in 2015 that ''lab directors today now state that they certainly understand much more about how nuclear weapons work than during the period of nuclear testing''.

(7) Despite the progress made to reduce the number and role of, and risks posed by, nuclear weapons, and to halt the Cold War-era nuclear arms race, tensions between countries that possess nuclear weapons are on the rise, key nuclear risk reduction treaties are under threat, significant stockpiles of weapons-usable fissile material remain, and a qualitative global nuclear arms race is now underway with each of the countries that possess nuclear weapons spending tens of billions of dollars each year to maintain and improve their arsenals.

(8) The Russian Federation is pursuing the development of destabilizing types of nuclear weapons that are not presently covered

under any existing arms control treaty or agreement and the People's Republic of China, India, Pakistan, and North Korea have each taken concerning steps to diversify their more modest sized, but nonetheless very deadly, nuclear arsenals.

(9) Former President Donald J. Trump's 2018 Nuclear Posture Review called for the development two new nuclear weapons capabilities, which have the effect of lowering the threshold for nuclear weapons use:

(A) A low-yield warhead on a submarine-launched ballistic missile, which was deployed before the date of the enactment of this Act.

(B) A sea-launched cruise missile, still under development on the date of the enactment of this Act.

(10) On February 3, 2021, President Joseph R. Biden preserved binding and verifiable limits on the deployed and non-deployed strategic forces of the largest two nuclear weapons powers through the five-year extension of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed April 8, 2010, and entered into force February 5, 2011 (commonly referred to as the ''New START Treaty'').

(11) In 2013, the report on a nuclear weapons employment strategy of the United States submitted under section 492 of title 10, United States Code, determined that it is possible to ensure the security of the United States and allies and partners of the United States and maintain a strong and credible strategic deterrent while safely pursuing up to a ⅓ reduction in deployed nuclear weapons from the level established in the New START Treaty.

(12) On January 12, 2017, then-Vice President Biden stated, ''[G]iven our non-nuclear capabilities and the nature of today's threats—it's hard to envision a plausible scenario in which the first use of nuclear weapons by the United States would be necessary. Or make sense.''.

(13) In light of moves by the United States and other countries to increase their reliance on nuclear weapons, a global nuclear freeze would seek to halt the new nuclear arms race by seeking conclusion of a comprehensive and verifiable freeze on the testing, deployment, and production of nuclear weapons and delivery vehicles for such weapons.

(b) STATEMENT OF POLICY.—The following is the policy of the United States:

(1) The United States should build upon its decades long, bipartisan efforts to reduce the number and salience of nuclear weapons by leading international negotiations on specific arms-reduction measures as part of a 21st century global nuclear freeze movement.

(2) Building on the successful extension of the New START Treaty, the United States should engage with all other countries that possess nuclear weapons to seek to negotiate and conclude future multilateral arms control, disarmament, and risk reduction agreements, which should contain some or all of the following provisions:

(A) An agreement by the United States and the Russian Federation on a follow-on treaty or agreement to the New START Treaty that may lower the central limits of the Treaty and cover new kinds of strategic delivery vehicles or non-strategic nuclear weapons.

(B) An agreement on a verifiable freeze on the testing, production, and further deployment of all nuclear weapons and delivery vehicles for such weapons.

(C) An agreement that establishes a verifiable numerical ceiling on the deployed shorter-range and intermediate-range and strategic delivery systems (as defined by the INF Treaty and the New START Treaty, respectively) and the nuclear warheads associated with such systems belonging to the P5, and to the extent possible, all countries that possess nuclear weapons, at August 2, 2019, levels.

(D) An agreement by each country to adopt a policy of no first use of nuclear weapons or provide transparency into its nuclear declaratory policy.

(E) An agreement on a proactive United Nations Security Council resolution that expands access by the International Atomic Energy Agency to any country found by the Board of Governors of that Agency to be noncompliant with its obligations under the NPT.

(F) An agreement to refrain from configuring nuclear forces in a ''launch on warning'' or ''launch under warning'' nuclear posture, which may prompt a nuclear armed country to launch a ballistic missile attack in response to detection by an early-warning satellite or sensor of a suspected incoming ballistic missile.

(G) An agreement not to target or interfere in the nuclear command, control, and communications (commonly referred to as ''NC3'') infrastructure of another country through a kinetic attack or a cyberattack.

(H) An agreement on transparency measures or verifiable limits, or both, on hypersonic cruise missiles and glide vehicles that are fired from sea-based, ground, and air platforms.

(I) An agreement to provide a baseline and continuous exchanges detailing the aggregate number of active nuclear weapons and associated systems possessed by each country.

(3) The United States should rejuvenate efforts in the United Nations Conference on Disarmament toward the negotiation of a verifiable Fissile Material Treaty or Fissile Material Cutoff Treaty, or move negotiations to another international body or fora, such as a meeting of the P5. Successful conclusion of such a treaty would verifiably prevent any country's production of highly enriched uranium and plutonium for use in nuclear weapons.

(4) The United States should convene a series of head-of-state level summits on nuclear disarmament modeled on the Nuclear Security Summits process, which saw the elimination of the equivalent of 3,000 nuclear weapons.

(5) The President should seek ratification by the Senate of the CTBT and mobilize all countries covered by Annex 2 of the CTBT to pursue similar action to hasten entry into force of the CTBT. The entry into force of the CTBT, for which ratification by the United States will provide critical momentum, will activate the CTBT's onsite inspection provision to investigate allegations that any country that is a party to the CTBT has conducted a nuclear test of any yield.

(6) The President should make the accession of North Korea to the CTBT a component of any final agreement in fulfilling the pledges the Government of North Korea made in Singapore, as North Korea is reportedly the only country to have conducted a nuclear explosive test since 1998.

(7) The United States should—

(A) refrain from developing any new designs for nuclear warheads or bombs, but especially designs that could add a level of technical uncertainty into the United States stockpile and thus renew calls to resume nuclear explosive testing in order to test that new design; and

(B) seek reciprocal commitments from other countries that possess nuclear weapons.

(c) PROHIBITION ON USE OF FUNDS FOR NUCLEAR TEST EXPLOSIONS.—

(1) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter, or authorized to be appropriated or otherwise made available for any fiscal year before fiscal year 2023 and available for obligation as of the date of the enactment of this Act, may be obligated or expended to conduct or make preparations for any explosive nuclear weapons test that produces any yield until such time as—

(A) the President submits to Congress an addendum to the report required by section 4205 of the Atomic Energy Defense Act (50 U.S.C. 2525) that details any change to the condition of the United States nuclear weapons stockpile from the report submitted under that section in the preceding year; and

(B) there is enacted into law a joint resolution of Congress that approves the test.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not limit nuclear stockpile stewardship activities that are consistent with the zero-yield standard and other requirements under law.

SA 5877. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1531. REDUCTIONS IN SPENDING ON NUCLEAR WEAPONS; PROHIBITION ON PROCUREMENT AND DEPLOYMENT OF LOW-YIELD NUCLEAR WARHEADS.

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

(1) The United States continues to maintain an excessively large and costly arsenal of nuclear delivery systems and warheads that are a holdover from the Cold War.

(2) The current nuclear arsenal of the United States includes approximately 3,800 total nuclear warheads in its military stockpile, of which approximately 1,750 are deployed with five delivery components: land-based intercontinental ballistic missiles, submarine-launched ballistic missiles, long-range strategic bomber aircraft armed with nuclear gravity bombs, long-range strategic bomber aircraft armed with nuclear-armed air-launched cruise missiles, and short-range fighter aircraft that can deliver nuclear gravity bombs. The strategic bomber fleet of the United States comprises 87 B–52 and 20 B–2 aircraft, over 60 of which contribute to the nuclear mission. The United States also maintains 400 intercontinental ballistic missiles and 14 Ohio-class submarines, up to 12 of which are deployed. Each of those submarines is armed with approximately 90 nuclear warheads.

(3) Between fiscal years 2021 and 2030, the United States will spend an estimated $634,000,000,000 to maintain and recapitalize its nuclear force, according to a January 2019 estimate from the Congressional Budget Office, an increase of $140,000,000,000 from the Congressional Budget Office's 2019 estimate, with 36 percent of that additional cost stemming ''mainly from new plans for modernizing [the Department of Energy's] production facilities and from [the Department of Defense's] modernization programs moving more fully into production''.

(4) Adjusted for inflation, the Congressional Budget Office estimates that the United States will spend $1,700,000,000,000 through fiscal year 2046 on new nuclear weapons and modernization and infrastructure programs.

(5) Inaccurate budget forecasting is likely to continue to plague the Department of Defense and the Department of Energy, as evidenced by the fiscal year 2021 budget request of the President for the National Nuclear Security Administration ''Weapon Activities'' account, which far exceeded what the National Nuclear Security Administration had projected in its fiscal year 2020 request and what it had projected in previous years.

(6) The projected growth in nuclear weapons spending is coming due as the Department of Defense is seeking to replace large portions of its conventional forces to better compete with the Russian Federation and the People's Republic of China and as internal and external fiscal pressures are likely to limit the growth of, and perhaps reduce, military spending. As then-Air Force Chief of Staff General Dave Goldfein said in 2020, ''I think a debate is that this will be the first time that the nation has tried to simultaneously modernize the nuclear enterprise while it's trying to modernize an aging conventional enterprise. The current budget does not allow you to do both.''.

(7) In 2017, the Government Accountability Office concluded that National Nuclear Security Administration's budget forecasts for out-year spending downplayed the fact that the agency lacked the resources to complete multiple, simultaneous billion dollar modernization projects and recommended that the National Nuclear Security Administration consider ''deferring the start of or cancelling specific modernization programs''.

(8) According to the Government Accountability Office, the National Nuclear Security Administration has still not factored affordability concerns into its planning as was recommended by the Government Accountability Office in 2017, with the warning that ''it is essential for NNSA to present information to Congress and other key decision maker indicating whether the agency has prioritized certain modernization programs or considered trade-offs (such as deferring or cancelling specific modernization programs)''.

(9) A December 2020 Congressional Budget Office analysis showed that the projected costs of nuclear forces over the next decade can be reduced by $12,400,000,000 to $13,600,000,000 by trimming back current plans, while still maintaining a triad of delivery systems. Even larger savings would accrue over the subsequent decade.

(10) The Department of Defense's June 2013 nuclear policy guidance entitled ''Report on Nuclear Employment Strategy of the United States'' found that force levels under the April 2010 Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms between the United States and the Russian Federation (commonly known as the ''New START Treaty'') ''are more than adequate for what the United States needs to fulfill its national security objectives'' and can be reduced by up to ⅓ below levels under the New START Treaty to 1,000 to 1,100 warheads.

(11) Former President Trump expanded the role of, and spending on, nuclear weapons in United States policy at the same time that he withdrew from, unsigned, or otherwise terminated a series of important arms control and nonproliferation agreements.

(b) REDUCTIONS IN NUCLEAR FORCES.—

(1) REDUCTION OF NUCLEAR-ARMED SUBMARINES.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense may be obligated or expended for purchasing more than eight Columbia-class submarines.

(2) REDUCTION OF GROUND-BASED MISSILES.—Notwithstanding any other provision of law, beginning in fiscal year 2023, the forces of the Air Force shall include not more than 150 intercontinental ballistic missiles.

(3) REDUCTION OF DEPLOYED STRATEGIC WARHEADS.—Notwithstanding any other provision of law, beginning in fiscal year 2023, the forces of the United States Military shall include not more than 1,000 deployed strategic warheads, as that term is defined in the New START Treaty.

(4) LIMITATION ON NEW LONG-RANGE PENETRATING BOMBER AIRCRAFT.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for any of fiscal years 2023 through 2028 for the Department of Defense may be obligated or expended for purchasing more than 80 B–21 long-range penetrating bomber aircraft.

(5) PROHIBITION ON F–35 NUCLEAR MISSION.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be used to make the F–35 Joint Strike Fighter aircraft capable of carrying nuclear weapons.

(6) PROHIBITION ON NEW AIR-LAUNCHED CRUISE MISSILE.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of the long-range stand-off weapon or any other new air-launched cruise missile or for the W80 warhead life extension program.

(7) PROHIBITION ON NEW INTERCONTINENTAL BALLISTIC MISSILE.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense may be obligated or expended for the research, development, test, and evaluation or procurement of the LGM–35A Sentinel weapon system, previously known as the ground-based strategic deterrent, or any new intercontinental ballistic missile.

(8) TERMINATION OF URANIUM PROCESSING FACILITY.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the Uranium Processing Facility located at the Y–12 National Security Complex, Oak Ridge, Tennessee.

(9) PROHIBITION ON PROCUREMENT AND DEPLOYMENT OF NEW LOW-YIELD WARHEAD.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended to deploy the W76–2 low-yield nuclear warhead or any other low-yield or nonstrategic nuclear warhead.

(10) PROHIBITION ON NEW SUBMARINE-LAUNCHED CRUISE MISSILE.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of a new submarine-launched cruise missile capable of carrying a low-yield or nonstrategic nuclear warhead.

(11) LIMITATION ON PLUTONIUM PIT PRODUCTION.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for achieving production of more than 30 plutonium pits per year at Los Alamos National Laboratory, Los Alamos, New Mexico.

(12) LIMITATION ON W87–1 WARHEAD PROCUREMENT AND DEPLOYMENT.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the procurement or deployment of the W87–1 warhead for use on any missile that can feasibly employ a W87 warhead.

(13) LIMITATION ON SUSTAINMENT OF B83–1 BOMB.—Notwithstanding other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the sustainment of the B83–1 bomb beyond the time at which confidence in the B61–12 stockpile is gained.

(14) PROHIBITION ON SPACE-BASED MISSILE DEFENSE.—Notwithstanding other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of a space-based missile defense system.

(15) PROHIBITION ON THE W–93 WARHEAD.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the procurement and deployment of a W–93 warhead on a submarine launched ballistic missile.

(c) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out subsection (b).

(2) ANNUAL REPORT.—Not later than March 1, 2023, and annually thereafter, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out subsection (b), including any updates to previously submitted reports.

(3) ANNUAL NUCLEAR WEAPONS ACCOUNTING.—Not later than September 30, 2023, and annually thereafter, the President shall transmit to the appropriate committees of Congress a report containing a comprehensive accounting by the Director of the Office of Management and Budget of the amounts obligated and expended by the Federal Government for each nuclear weapon and related nuclear program during—

(A) the fiscal year covered by the report; and

(B) the life cycle of such weapon or program.

(4) COST ESTIMATE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the

Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the estimated cost savings that result from carrying out subsection (b).

(5) REPORT ON FUNDING NATIONAL DEFENSE STRATEGY.—Not later than 180 days after the publication of the unclassified National Defense Strategy under section 113(g) of title 10, United States Code, the Secretary of Defense shall submit to the appropriate committees of Congress a report explaining how the Secretary proposes to fund the National Defense Strategy under different levels of projected defense spending, including scenarios in which—

(A) anticipated cost savings from reform do not materialize; or

(B) defense spending decreases to the levels specified by the Budget Control Act of 2011 (Public Law 112–25; 125 Stat. 240).

(6) MODIFICATION OF PERIOD TO BE COVERED BY ESTIMATES OF COSTS RELATING TO NUCLEAR WEAPONS.—Section 492a of title 10, United States Code, is amended in subsections (a)(2)(F) and (b)(1)(A) by striking ''10-year period'' each place it appears and inserting ''25-year period''.

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

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.

SA 5878. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1531. RESTRICTION ON FIRST-USE STRIKE OF NUCLEAR WEAPONS.

(a) FINDINGS AND DECLARATION OF POLICY.—

(1) FINDINGS.—Congress finds the following:

(A) The Constitution gives Congress the sole power to declare war.

(B) The framers of the Constitution understood that the monumental decision to go to war, which can result in massive death and the destruction of civilized society, must be made by the congressional representatives of the people and not by a single person.

(C) As stated by section 2(c) of the War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541), ''the constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces''.

(D) Nuclear weapons are uniquely powerful weapons that have the capability to instantly kill millions of people, create long-term health and environmental consequences throughout the world, directly undermine global peace, and put the United States at existential risk from retaliatory nuclear strikes.

(E) A first-use nuclear strike carried out by the United States would constitute a major act of war.

(F) A first-use nuclear strike conducted absent a declaration of war by Congress would violate the Constitution.

(G) The President has the sole authority to authorize the use of nuclear weapons, an order which military officers of the United States must carry out in accordance with their obligations under the Uniform Code of Military Justice.

(H) Given its exclusive power under the Constitution to declare war, Congress must provide meaningful checks and balances to the President's sole authority to authorize the use of a nuclear weapon.

(2) DECLARATION OF POLICY.—It is the policy of the United States that no first-use nuclear strike should be conducted absent a declaration of war by Congress.

(b) PROHIBITION ON CONDUCT OF FIRST-USE NUCLEAR STRIKES.—

(1) PROHIBITION.—No Federal funds may be obligated or expended to conduct a first-use nuclear strike unless such strike is conducted pursuant to a war declared by Congress that expressly authorizes such strike.

(2) FIRST-USE NUCLEAR STRIKE DEFINED.—In this subsection, the term ''first-use nuclear strike'' means an attack using nuclear weapons against an enemy that is conducted without the Secretary of Defense and the Chairman of the Joint Chiefs of Staff first confirming to the President that there has been a nuclear strike against the United States, its territories, or its allies (as specified in section 3(b)(2) of the Arms Export Control Act (22 U.S.C. 2753(b)(2))).

SA 5879. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1531. LIMITATION ON USE OF FUNDS FOR NEW SENTINEL INTERCONTINENTAL BALLISTIC MISSILE AND W87–1 WARHEAD MODIFICATION PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) According to the Congressional Budget Office, the projected cost to sustain and modernize the United States nuclear arsenal, as of 2017, ''is $1.2 trillion in 2017 dollars over the 2017–2046 period: more than $800 billion to operate and sustain (that is, incrementally upgrade) nuclear forces and about $400 billion to modernize them''. With inflation, the cost rises to $1,700,000,000,000 and does not include the cost of the additional nuclear capabilities proposed in the 2018 Nuclear Posture Review.

(2) Maintaining and updating the current Minuteman III intercontinental ballistic missiles is possible for multiple decades and, according to the Congressional Budget Office, through 2036, this would cost $37,000,000,000 less in 2017 dollars than developing and deploying the Sentinel intercontinental ballistic missile program (previously known as the ground-based strategic deterrent program).

(3) A public opinion poll conducted from October 12 to 28, 2020, by ReThink Media and the Federation of American Scientists found that only 26 percent of registered voters in the United States preferred replacing the Minuteman III intercontinental ballistic missile with the Sentinel intercontinental ballistic missile, as compared to 60 percent of registered voters who opposed replacing the Minuteman III missile.

(b) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 may be obligated or expended for the Sentinel intercontinental ballistic missile program) or the W87–1 warhead modification program until the later of—

(1) the date on which the Secretary of Defense submits to the appropriate congressional committees a certification that the operational life of Minuteman III intercontinental ballistic missiles cannot be safely extended through at least 2050; and

(2) the date on which the Secretary transmits to the appropriate congressional committees the report required by paragraph (3) of subsection (c), as required by paragraph (4) of that subsection.

(c) INDEPENDENT STUDY ON EXTENSION OF MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.—

(1) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with the National Academy of Sciences to conduct a study on extending the life of Minuteman III intercontinental ballistic missiles to 2050.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include the following:

(A) A comparison of the costs through 2050 of—

(i) extending the life of Minuteman III intercontinental ballistic missiles; and

(ii) deploying the Sentinel intercontinental ballistic missile.

(B) An analysis of opportunities to incorporate technologies into the Minuteman III intercontinental ballistic missile program as part of a service life extension program that could also be incorporated in the Sentinel intercontinental ballistic missile program, including, at a minimum, opportunities to increase the resilience against adversary missile defenses.

(C) An analysis of the benefits and risks of incorporating sensors and nondestructive testing methods and technologies to reduce destructive testing requirements and increase the service life and number of Minuteman III missiles through 2050.

(D) An analysis and validation of the methods used to estimate the operational service life of Minuteman II and Minuteman III motors, taking into account the test and launch experience of motors retired after the operational service life of such motors in the rocket systems launch program.

(E) An analysis of the risks and benefits of alternative methods of estimating the operational service life of Minuteman III motors, such as those methods based on fundamental physical and chemical processes and nondestructive measurements of individual motor properties.

(F) An analysis of risks, benefits, and costs of configuring a Trident II D5 submarine launched ballistic missile for deployment in a Minuteman III silo.

(G) An analysis of the impacts of the estimated service life of the Minuteman III force associated with decreasing the deployed intercontinental ballistic missiles delivery vehicle force from 400 to 300.

(H) An assessment on the degree to which the Columbia class ballistic missile submarines will possess features that will enhance the current invulnerability of ballistic missile submarines of the United States to future antisubmarine warfare threats.

(I) An analysis of the degree to which an extension of the Minuteman III would impact the decision of Russian Federation to target intercontinental ballistic missiles of the United States in a crisis, as compared to proceeding with the Sentinel intercontinental ballistic missile program .

(J) A best case estimate of what percentage of the strategic forces of the United States would survive a counterforce strike from the Russian Federation, broken down by intercontinental ballistic missiles, ballistic missile submarines, and heavy bomber aircraft.

(K) The benefits, risks, and costs of relying on the W–78 warhead for either the Minuteman III or the Sentinel intercontinental ballistic missile as compared to proceeding with the W–87 life extension.

(L) The benefits, risks, and costs of adding additional launchers or uploading submarine-launched ballistic missiles with additional warheads to compensate for a reduced deployment of intercontinental ballistic missiles of the United States.

(M) An analysis of whether designing and fielding a new intercontinental ballistic missile through at least 2070 is consistent with the obligation of the United States under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (commonly referred to as the ''Nuclear Non-Proliferation Treaty'') to ''pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament''.

(3) SUBMISSION TO DEPARTMENT OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Secretary a report containing the findings of the study conducted under paragraph (1).

(4) SUBMISSION TO CONGRESS.—Not later than 210 days after the date of the enactment of this Act, the Secretary shall transmit to the appropriate congressional committees the report required by paragraph (3), without change.

(5) FORM.—The report required by paragraph (3) shall be submitted in unclassified form, but may include a classified annex.

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

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

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

SA 5880. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. DISCLOSURE TO CONGRESS OF PRESIDENTIAL EMERGENCY ACTION DOCUMENTS.

(a) IN GENERAL.—Not later than 30 days after the conclusion of the process for approval, adoption, or revision of any presidential emergency action document, the President shall submit that document to the appropriate congressional committees.

(b) DOCUMENTS IN EXISTENCE BEFORE DATE OF ENACTMENT.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees all presidential emergency action documents in existence before such date of enactment.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'', with respect to a presidential emergency action document submitted under subsection (a) or (b), means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate;

(B) the Committee on Oversight and Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) any other committee of the Senate or the House of Representatives with jurisdiction over the subject matter addressed in the presidential emergency action document.

(2) PRESIDENTIAL EMERGENCY ACTION DOCUMENT.—The term ''presidential emergency action document'' refers to—

(A) each of the approximately 56 documents described as presidential emergency action documents in the budget justification materials for the Office of Legal Counsel of the Department of Justice submitted to Congress in support of the budget of the President for fiscal year 2018; and

(B) any other pre-coordinated legal document in existence before, on, or after the date of the enactment of this Act, that—

(i) is designated as a presidential emergency action document; or

(ii) is designed to implement a presidential decision or transmit a presidential request when an emergency disrupts normal governmental or legislative processes.

SA 5881. Mr. MARKEY (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Supporting SAUDI WMD Act

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Stopping Activities Underpinning Development In Weapons of Mass Destruction Act'' or the ''SAUDI WMD Act''.

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) The People's Republic of China (in this subtitle referred to as ''China''), became a full-participant of the Nuclear Suppliers Group in 2004, committing it to apply a strong presumption of denial in exporting nuclear-related items that a foreign country could divert to a nuclear weapons program.

(2) China also committed to the United States, in November 2000, to abide by the foundational principles of the 1987 Missile Technology Control Regime (MTCR) to not ''assist, in any way, any country in the development of ballistic missiles that can be used to deliver nuclear weapons (i.e., missiles capable of delivering a payload of at least 500 kilograms to a distance of at least 300 kilometers)''.

(3) In the 1980s, China secretly sold the Kingdom of Saudi Arabia (in this subtitle referred to as ''Saudi Arabia'') conventionally armed DF–3A ballistic missiles, and in 2007, reportedly sold Saudi Arabia dual-use capable DF–21 medium-range ballistic missiles of a 300 kilometer, 500 kilogram range and payload threshold which should have triggered a denial of sale under the MTCR.

(4) The 2020 Department of State Report on the Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments found that China ''continued to supply MTCR-controlled goods to missile programs of proliferation concern in 2019'' and that the United States imposed sanctions on nine Chinese entities for covered missile transfers to Iran.

(5) A June 5, 2019, press report indicated that China allegedly provided assistance to Saudi Arabia in the development of a ballistic missile facility, which if confirmed, would violate the purpose of the MTCR and run contrary to the longstanding United States policy priority to prevent weapons of mass destruction proliferation in the Middle East.

(6) The Arms Export and Control Act of 1976 (Public Law 93–329) requires the President to sanction any foreign person or government who knowingly ''exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology'' to a country that does not adhere to the MTCR.

(7) China concluded two nuclear cooperation agreements with Saudi Arabia in 2012 and 2017, respectively, which may facilitate China's bid to build two reactors in Saudi Arabia to generate 2.9 Gigawatt-electric (GWe) of electricity.

(8) On August 4, 2020, a press report revealed the alleged existence of a previously undisclosed uranium yellowcake extraction facility in Saudi Arabia allegedly constructed with the assistance of China, which if confirmed, would indicate significant progress by Saudi Arabia in developing the early stages of the nuclear fuel cycle that precede uranium enrichment.

(9) Saudi Arabia's outdated Small Quantities Protocol and its lack of an in force Additional Protocol to its International Atomic Energy Agency (IAEA) Comprehensive Safeguards Agreement severely curtails IAEA inspections, which has led the Agency to call upon Saudi Arabia to either rescind or update its Small Quantities Protocol.

(10) On January 19, 2021, in response to a question about Saudi Arabia's reported ballistic missile cooperation with China, incoming Secretary of State Antony J. Blinken stated that ''we want to make sure that to the best of our ability all of our partners and allies are living up to their obligations under various nonproliferation and arms control agreements and, certainly, in the case of Saudi Arabia that is something we will want to look at''.

(11) On March 15, 2018, the Crown Prince of Saudi Arabia, Mohammad bin-Salman, stated that ''if Iran developed a nuclear bomb, we would follow suit as soon as possible,''

raising questions about whether a Saudi Arabian nuclear program would remain exclusively peaceful, particularly in the absence of robust international IAEA safeguards.

(12) An August 9, 2019, study by the United Nations High Commissioner for Human Rights found that the Saudi Arabia-led military coalition airstrikes in Yemen and its restrictions on the flow of humanitarian assistance to the country, both of which have disproportionately impacted civilians, may be violations of international humanitarian law.

SEC. 1283. DETERMINATION OF POSSIBLE MTCR TRANSFERS TO SAUDI ARABIA.

(a) MTCR TRANSFERS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a written determination, and any documentation to support that determination detailing—

(1) whether any foreign person knowingly exported, transferred, or engaged in trade of any item designated under Category I of the MTCR Annex item with Saudi Arabia in the previous three fiscal years; and

(2) the sanctions the President has imposed or intends to impose pursuant to section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)) against any foreign person who knowingly engaged in the export, transfer, or trade of that item or items.

(b) WAIVER.—Notwithstanding any provision of paragraphs (3) through (7) of section 11(B)(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)), the President may only waive the application of sanctions under such section with respect to Saudi Arabia if that country is verifiably determined to no longer possess an item designated under Category I of the MTCR Annex received in the previous three fiscal years.

(c) FORM OF REPORT.—The determination required under subsection (a) shall be unclassified with a classified annex.

SEC. 1284. PROHIBITION ON UNITED STATES ARMS SALES TO SAUDI ARABIA IF IT IMPORTS NUCLEAR TECHNOLOGY WITHOUT SAFEGUARDS.

(a) IN GENERAL.—The United States shall not sell, transfer, or authorize licenses for export of any item designated under Category III, IV, VII, or VIII on the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) to Saudi Arabia, other than ground-based missile defense systems, if Saudi Arabia has, in the previous 3 fiscal years—

(1) knowingly imported any item classified as ''plants for the separation of isotopes of uranium'' or ''plants for the reprocessing of irradiated nuclear reactor fuel elements'' under Part 110 of the Nuclear Regulatory Commission export licensing authority; or

(2) engaged in nuclear cooperation related to the construction of any nuclear-related fuel cycle facility or activity that has not been notified to the IAEA and would be subject to complementary access if an Additional Protocol was in force.

(b) WAIVER.—The Secretary of State may waive the prohibition under subsection (a) with respect to a foreign country if the Secretary submits to the appropriate committees of Congress a written certification that contains a determination, and any relevant documentation on which the determination is based, that Saudi Arabia—

(1) has brought into force an Additional Protocol to the IAEA Comprehensive Safeguards Agreement based on the model described in IAEA INFCIRC/540;

(2) has concluded a civilian nuclear cooperation agreement with the United States under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or another supplier that prohibits the enrichment of uranium or separation of plutonium on its own territory; and

(3) has rescinded its Small Quantities Protocol and is not found by the IAEA Board of Governors to be in noncompliance with its Comprehensive Safeguards Agreement.

(c) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed as superseding the obligation of the President under section 502B(a)(2) or section 620I(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 22 U.S.C. 2378–1(a)), respectively, to not furnish security assistance to Saudi Arabia or any country if it—

(1) engages in a consistent pattern of gross violations of internationally recognized human rights; or

(2) prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

SEC. 1285. MIDDLE EAST NONPROLIFERATION STRATEGY.

(a) IN GENERAL.—Starting with the first report after the date of the enactment of this Act, the Secretary of State and the Secretary of Energy, in consultation with the Director of National Intelligence, shall provide the appropriate committees of Congress, as an appendix to the Report on the Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments, a report on MTCR compliance and a United States strategy to prevent the spread of nuclear weapons and missiles in the Middle East.

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

(1) An assessment of China's compliance, in the previous fiscal year, with its November 2000 commitment to abide by the MTCR and United States diplomatic efforts to address non-compliance.

(2) A description of every foreign person that, in the previous fiscal year, engaged in the export, transfer, or trade of MTCR items to a country that is a non-MTCR adherent, and a description of the sanctions the President imposed pursuant to section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)).

(3) A detailed strategy to prevent the proliferation of ballistic missile and sensitive nuclear technology in the Middle East and North Africa from China and other foreign countries, including the following elements:

(A) An assessment of the proliferation risks associated with concluding or renewing a civilian nuclear cooperation ''123'' agreement with any country in the Middle-East and North Africa and the risks of such if that same equipment and technology is sourced from a foreign state.

(B) An update on United States bilateral and multilateral diplomatic actions to commence negotiations on a Weapons of Mass Destruction Free Zone (WMDFZ) since the 2015 Nuclear Nonproliferation Treaty Review Conference.

(C) A description of United States Government efforts to achieve global adherence and compliance with the Nuclear Suppliers Group, MTCR, and the 2002 International Code of Conduct against Ballistic Missile Proliferation guidelines.

(4) An account of the briefings to the appropriate committees of Congress in the reporting period detailing negotiations on any new or renewed civilian nuclear cooperation ''123'' agreement with any country consistent with the intent of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(c) FORM OF REPORT.—The report required under subsection (a) shall be unclassified with a classified annex.

SEC. 1286. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence of the Senate;

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

(C) the Select Committee on Intelligence of the House of Representative; and

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

(2) FOREIGN PERSON; PERSON.—The terms ''foreign person'' and '' 'person' '' mean—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(3) MIDDLE EAST AND NORTH AFRICA.—The term ''Middle East and North Africa'' means those countries that are included in the Area of Responsibility of the Assistant Secretary of State for Near Eastern Affairs.

SA 5882. Mr. MARKEY (for himself, Ms. WARREN, Mr. SANDERS, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. GLOBAL CLIMATE ASSISTANCE FUNDS.

(a) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2023 by this Act is the aggregate amount authorized to be appropriated for fiscal year 2023 by this Act minus one percent.

(b) ALLOCATION.—The allocation of the reduction under subsection (a) shall be derived from the additional $44,916,434,000 above the President's fiscal year 2023 budget request provided by the Senate to the discretionary authorizations within the jurisdiction of the Committee on Armed Services of the Senate, as set forth on page 383 of the report of the Committee on Armed Services of the Senate accompanying S. 4543 of the 117th Congress (S. Rept. 117–130).

(c) USE OF FUNDS.—Amounts from the reduction under subsection (a) shall be used by the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, as appropriate, to increase the authorization of appropriations for funds to global climate assistance accounts, programs, organizations, and international financial institutions described in subsection (d) for the following purposes:

(1) To reduce the risks to United States national security due to climate change, as set forth in the national intelligence estimate of the National Intelligence Council entitled ''Climate Change and International Responses Increasing Challenges to US National Security Through 2040'' (NIC–NIE–2021–10030–A).

(2) To provide public climate financing to developing countries, with the objective of limiting the increase in global temperature at or below 1.5 degrees Celsius above pre-industrial levels.

(d) GLOBAL CLIMATE ASSISTANCE ACCOUNTS, PROGRAMS, ORGANIZATIONS, AND INTERNATIONAL FINANCIAL INSTITUTIONS DESCRIBED.—The global climate assistance accounts, programs, organizations, and international financial institutions described in this subsection are the following:

(1) The Green Climate Fund.
(2) Global Environment Facility.
(3) Adaptation Programs.
(4) Sustainable Landscapes.
(5) Clean Energy Programs.
(6) Biodiversity Programs.
(7) The Clean Technology Fund.
(8) Migration and Refugee Assistance.
(9) International Disaster Assistance.
(10) Montreal Protocol Multilateral Fund (MLF).
(11) The United Nations Framework Convention on Climate Change.
(12) The Adaptation Fund.

SA 5883. Ms. KLOBUCHAR (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CERTAIN ACTIVITIES RELATING TO INTIMATE VISUAL DEPICTIONS.

(a) IN GENERAL.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

''§ 1802. Certain activities relating to intimate visual depictions

''(a) DEFINITIONS.—In this section:

''(1) COMMUNICATIONS SERVICE.—The term 'communications service' means—

''(A) a service provided by a person that is a common carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153), insofar as the person is acting as a common carrier;

''(B) an electronic communication service, as that term is defined in section 2510;

''(C) an information service, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153); and

''(D) an interactive computer service, as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

''(2) INFORMATION CONTENT PROVIDER.—The term 'information content provider' has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

''(3) INTIMATE VISUAL DEPICTION.—The term 'intimate visual depiction' means any visual depiction (as that term is defined in section 2256(5)) of an individual who is recognizable by an individual other than the depicted individual from the intimate image itself or information or text displayed in connection with the intimate image itself or information or text displayed in connection with the intimate image who has attained 18 years of age at the time the intimate visual depiction is created and—

''(A) who is depicted engaging in sexually explicit conduct; or

''(B) whose genitals, anus, pubic area, or female nipple are unclothed and visible.

''(4) VISUAL DEPICTION OF A NUDE MINOR.—The term 'visual depiction of a nude minor' means any visual depiction (as that term is defined in section 2256(5)) of an individual who is recognizable by an individual other than the depicted individual from the intimate image itself or information or text displayed in connection with the intimate image who was under 18 years of age at the time the visual depiction was created in which the actual anus, genitals, or pubic area, or post-pubescent female nipple, of the minor are unclothed, visible, and displayed in a manner that does not constitute sexually explicit conduct.

''(5) SEXUALLY EXPLICIT CONDUCT.—The term 'sexually explicit conduct' has the meaning given that term in section 2256(2)(A).

''(b) OFFENSE.—

''(1) IN GENERAL.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, an intimate visual depiction of an individual—

''(A) with knowledge of or reckless disregard for the lack of consent of the individual to the distribution;

''(B) where what is depicted was not voluntarily exposed by the individual in a public or commercial setting; and

''(C) where what is depicted is not a matter of public concern.

For purposes of this paragraph, the fact that the subject of the depiction consented to the creation of the depiction shall not establish that that person consented to its distribution.

''(2) MINORS.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, a visual depiction of a nude minor with intent to abuse, humiliate, harass, or degrade the minor, or to arouse or gratify the sexual desire of any person.

''(c) PENALTY.—

''(1) IN GENERAL.—Any person who violates subsection (b), or attempts or conspires to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

''(2) FORFEITURE.—

''(A) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, or convicted of a conspiracy of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(i) any material distributed in violation of this section;

''(ii) such person's interest in property, real or personal, constituting or derived from any gross proceeds of such violation, or any property traceable to such property, obtained or retained directly or indirectly as a result of such violation; and

''(iii) any property, real or personal, used or intended to be used to commit or to facilitate the commission of such offense.

''(B) PROCEDURES.—Section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subparagraph (A).

''(3) RESTITUTION.—Restitution shall be available as provided in section 2264 of title 18, United States Code.

''(d) EXCEPTIONS.—

''(1) LAW ENFORCEMENT, LAWFUL REPORTING, AND OTHER LEGAL PROCEEDINGS.—This section—

''(A) does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States;

''(B) shall not apply in the case of an individual acting in good faith to report unlawful activity or in pursuance of a legal or professional or other lawful obligation; and

''(C) shall not apply in the case of a document production or filing associated with a legal proceeding.

''(2) SERVICE PROVIDERS.—This section shall not apply to any provider of a communications service with regard to content provided by another information content provider unless the provider of the communications service intentionally solicits, or knowingly and predominantly distributes, such content.

''(e) THREATS.—Any person who threatens to commit an offense under subsection (b) shall be punished as provided in subsection (c).

''(f) EXTRATERRITORIALITY.—There is extraterritorial Federal jurisdiction over an offense under this section if the defendant or the depicted individual is a citizen or permanent resident of the United States.

''(g) CIVIL FORFEITURE.—The following shall be subject to forfeiture to the United States in accordance with provisions of chapter 46 and no property right shall exist in them:

''(1) Any material distributed in violation of this chapter.

''(2) Any property, real or personal, that was used, in any manner, to commit or to facilitate the commission of a violation involving intimate visual depictions or visual depictions of a nude minor under this section or a conspiracy of a violation involving intimate visual depictions or visual depictions of a nude minor under this section.

''(3) Any property, real or personal, constituting, or traceable to the gross proceeds obtained or retained in connection with or as a result of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, a conspiracy of a violation involving intimate visual depictions or visual depictions of a nude minor under this section.

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the application of any other relevant law, including section 2252 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 88 of title 18, United States Code, is amended by inserting after the item relating to section 1801 the following:

''1802. Certain activities relating to intimate visual depictions.''.

SA 5884. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. ASSISTANCE TO LEBANESE INSTITUTIONS OF HIGHER LEARNING.

There are authorized to be appropriated $40,000,000 from the Economic Support Fund authorized under section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346) for fiscal year 2023, which may be expended to support scholarships at not-for profit institutions of higher learning in Lebanon that are accredited by an agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b et seq.).

SA 5885. Mr. MENENDEZ (for himself, Mr. KAINE, Mr. CARDIN, Ms. COLLINS, Mr. LUJAN, and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—United States-Colombia Bicentennial Alliance Act

SEC. 1281. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the ''United States-Colombia Bicentennial Alliance Act''.

(b) TABLE OF CONTENTS.—The table of contents for this subtitle is as follows:

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) On June 19, 2022, the United States and Colombia will celebrate 200 years of formal diplomatic relations, commemorating the United States Congress' recognition of the independence of Colombia.

(2) On May 15, 2022, the United States and Colombia will celebrate 10 years since the entry into force of the United States-Colombia Trade Promotion Agreement, which has contributed to economic growth in both the United States and Colombia.

(3) On July 13, 2000, the United States and Colombia launched Plan Colombia, an ambitious bilateral strategy that strengthened Colombia's institutions and capacity to combat drug trafficking, organized crime, and violence, and promote rule of law.

(4) On February 4, 2016, the United States and Colombia launched a new chapter in bilateral security cooperation between the two countries through the announcement of Peace Colombia, the successor strategy to Plan Colombia aimed at supporting Colombia's consolidation of peace, democratic governance, and security.

(5) To implement Plan Colombia and its successor strategies, the United States Congress has appropriated more than $12,000,000,000 since 2000. The Government of Colombia has contributed more than 90 percent of the total costs of the implementation of Plan Colombia.

(6) Increased military and security cooperation through Plan Colombia and Peace Colombia has helped Colombia expand and professionalize its police and armed forces.

(7) The United States and Colombia have entered into formal partnerships with governments throughout Latin America and the Caribbean to bolster hemispheric security cooperation through the United States-Colombia Action Plan on Regional Security Cooperation (USCAP).

(8) In May 2017, Colombia became the first Latin American partner of the North Atlantic Treaty Organization.

(9) Colombia is the second most biodiverse country on Earth and is home to 10 percent of the world's flora and fauna.

(10) Colombia hosts more than 1,800,000 refugees from Venezuela. In addition, Colombia has a population of 8,100,000 registered victims of internal displacement since 1985.

(11) Colombia is the United States' third largest trade partner in Latin America, with United States goods and services trade with Colombia totaling an estimated $40,700,000,000 in 2019.

(12) The Government of Colombia is a strong advocate for democratic governance in Latin America and the Caribbean, publicly condemning ongoing violations of civil liberties and human rights in Cuba, Nicaragua, and Venezuela.

(13) The Government of Colombia has been an active participant in global peacekeeping and peacebuilding missions, including the United Nations Stabilization Mission in Haiti (MINUSTAH), the United Nations Integrated Peacebuilding Office in Sierra Leone (UNOSIL), and the Multinational Force and Observers in the Sinai, since 1979.

(14) In February 2021, Colombian President Ivan Duque announced he would grant temporary protected status to nearly 1,800,000 Venezuelan refugees in the country.

SEC. 1283. DESIGNATION OF COLOMBIA AS A MAJOR NON-NATO ALLY.

Section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) is amended by adding at the end the following new subsection:

''(c) ADDITIONAL DESIGNATIONS.—

''(1) IN GENERAL.—Effective on the date of the enactment of the United States-Colombia Bicentennial Alliance Act, Colombia is designated as a major non-NATO ally for purposes of this Act, the Arms Export Control Act (22 U.S.C. 2751 et seq.), and section 2350a of title 10, United States Code.

''(2) NOTICE OF TERMINATION OF DESIGNATION.—The President shall notify Congress in accordance with subsection (a)(2) before terminating the designation of a country specified in paragraph (1).''.

Subtitle A—Supporting Inclusive Economic Growth

SEC. 1285. COLOMBIAN-AMERICAN ENTERPRISE FUND.

(a) DESIGNATION.—The President shall designate a private, nonprofit organization (to be known as the ''Colombian-American Enterprise Fund'') to receive funds and support made available under this section after determining that such organization has been designated for the purposes specified in subsection (b). The President shall make such designation only after consultation with the leadership of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) PURPOSES.—The purposes are this section are the purposes described in section 1421(g)(3) of the BUILD Act of 2018 (22 U.S.C. 9621(g)(3)).

(c) BOARD OF DIRECTORS.—

(1) APPOINTMENT.—The Colombian-American Enterprise Fund shall be governed by a Board of Directors pursuant to paragraphs (5) and (6) of section 1421(g) of the BUILD Act of 2018 (22 U.S.C. 9621(g)).

(2) UNITED STATES GOVERNMENT LIAISON TO THE BOARD.—The President shall appoint the United States Ambassador to Colombia, or the Ambassador's designee, as a liaison to the Board. The liaison appointed under this paragraph shall not have any voting authority.

(3) NONGOVERNMENT LIAISONS TO THE BOARD.—

(A) IN GENERAL.—Upon the recommendation of the Board of Directors, the President may appoint up to 2 additional liaisons to the Board of Directors in addition to the liaison specified in paragraph (2), of which not more than 1 may be a noncitizen of the United States. A liaison appointed under this subparagraph shall not have any voting authority.

(B) NGO COMMUNITY.—One of the additional liaisons to the Board should be from the nongovernmental organization community, with significant prior experience in development financing and an understanding of development policy priorities for Colombia.

(C) TECHNICAL EXPERTISE.—One of the additional liaisons to the Board should have extensive demonstrated industry, sector, or technical experience and expertise in a priority investment sector described in subsection (e) for the Colombia-American Enterprise Fund.

(d) GRANTS.—The President is authorized to use $200,000,000 in funds appropriated by any Act, in this fiscal year or prior fiscal years, making appropriations for the Department of State, foreign operations, and related programs, including funds previously

obligated, that are otherwise available for such purposes, notwithstanding any other provision of law—

(1) to carry out the purposes set forth in subsection (b) through the Colombian-American Enterprise Fund in accordance with section 1421(g)(4)(A) of the BUILD Act of 2018 (22 U.S.C. 9621(g)(4)(A)); and

(2) to pay for the administrative expenses of the Colombian-American Enterprise Fund, in accordance with the limitation under section 1421(g)(4)(B) of the BUILD Act of 2018 (22 U.S.C. 9621(g)(4)(B)).

(e) PRIORITIZATION.—In carrying out the purposes of the Colombian-American Enterprise Fund described in subsection (b), the Board of Directors shall not be prohibited from making investments, grants, and expenditures in any economic sector, but shall prioritize such activities in the following sectors:

(1) Not less than 35 percent of the investments, grants, and expenditures of the Colombian-American Enterprise Fund shall go to projects and activities of small- and medium-sized businesses in Colombia working to close the digital divide, enabling digital transformation, and developing and applying advanced digital technologies, including big data, artificial intelligence, and the Internet of things.

(2) Not less than 50 percent of the investments, grants, and expenditures, of the Colombian-American Enterprise Fund shall go to small- and medium-sized businesses owned by women.

(3) Small- and medium-sized businesses dedicated to advancing the growth, sustainability, modernization, and formalization of Colombia's agriculture sector.

(f) NOTIFICATION.—Not later than 15 days before designating an organization to operate as the Colombia-American Enterprise Fund pursuant to subsection (a), the President shall notify the Chairmen and Ranking Members of the appropriate congressional committees of—

(1) the identity of the organization to be designated to operate as the Colombian-American Enterprise Fund;

(2) the names and qualifications of the individuals who will comprise the initial Board of Directors; and

(3) the amount of the grant intended to fund the Colombian-American Enterprise Fund.

(g) BRIEFING.—Not later than one year after the designation of the Fund, and annually thereafter, the President shall brief the appropriate congressional committees on—

(1) a summary of the Fund's beneficiaries;

(2) progress by the Fund in achieving the purposes set forth in subsection (b);

(3) recommendations on how the Fund can better achieve the purposes set forth in subsection (b); and

(4) the reporting requirements described in subsection (h).

(h) COMPLIANCE.—The Colombian-American Enterprise Fund shall be subject to the reporting and oversight requirements described in paragraphs (7) and (8) of section 1421(g) of the BUILD Act of 2018 (22 U.S.C. 9621(g)), respectively.

(i) BEST PRACTICES.—

(1) IN GENERAL.—To the maximum extent practicable, the Board of Directors of the Colombian-American Enterprise Fund should adopt the best practices and procedures used by other American Enterprise Funds, including those for which funding has been made available pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

(2) IMPLEMENTATION.—In implementing this section, the President shall ensure that the articles of incorporation of the Colombia-American Enterprise Fund (including provisions specifying the responsibilities of the Board of Directors of the Fund) and the terms of United States Government grant agreements with the Fund are, to the maximum extent practicable, consistent with the articles of incorporation and the terms of grant agreements established for other American Enterprise Funds, including those established pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) and comparable provisions of law.

(j) RETURN OF FUNDS TO TREASURY.—Any funds resulting from the liquidation, dissolution, or winding up of the Colombian-American Enterprise Fund, in whole or in part, shall be returned to the Treasury of the United States.

(k) TERMINATION.—The Colombian-American Enterprise Fund shall terminate on—

(1) the date that is 10 years after the date of the first expenditure of amounts from the fund; or

(2) the date on which the fund is liquidated.

SEC. 1286. STRATEGY FOR PROMOTING AND STRENGTHENING NEARSHORING IN THE WESTERN HEMISPHERE.

(a) STRATEGY.—The Secretary of State, in coordination with the United States Agency for International Development and the United States International Development Finance Corporation, and the heads of all other relevant Federal departments and agencies, shall develop and implement a strategy to increase supply chain resiliency and security by promoting and strengthening nearshoring efforts to foster economic growth in the Americas and relocate supply chains from the People's Republic of China to the Western Hemisphere.

(b) ELEMENTS.—The strategy required under subsection (a) shall—

(1) be informed by consultations with—

(A) the governments of allies and partners in the Western Hemisphere; and

(B) labor organizations, trade unions, and companies and other private sector enterprises in the United States;

(2) provide a description of how reshoring and nearshoring initiatives can be pursued in a complementary fashion to strengthen United States national interests, including an assessment of how nearshoring initiatives can expand opportunities for coproduction and other cooperative business ventures between United States and regional entities;

(3) include an assessment of the status and effectiveness of current efforts by regional governments, multilateral development banks, and the private sector to promote nearshoring to the Western Hemisphere, major challenges hindering such efforts, and how the United States can strengthen the effectiveness of such efforts;

(4) identify countries and sectors within Latin America and the Caribbean with comparative advantages for sourcing and manufacturing critical goods and countries with the greatest nearshoring opportunities;

(5) identify how activities by the United States Agency for International Development and the United States International Development Finance Corporation can effectively be leveraged to strengthen and promote nearshoring to Latin America and the Caribbean;

(6) require that the Department of the Treasury and the United States Trade and Development Agency work with United States firms to identify barriers that inhibit them from committing capital or financing projects and provide a description for how the United States Government can work with Latin American and Caribbean countries to address these barriers;

(7) advance diplomatic initiatives to secure specific national commitments by governments in Latin America and the Caribbean to undertake efforts to create favorable conditions for nearshoring in the region, including commitments to develop formalized national nearshoring strategies, address corruption and rule of law concerns, modernize digital and physical infrastructure, lower trade barriers, raise labor and environmental standards, improve ease of doing business, and finance and incentivize nearshoring initiatives;

(8) advance diplomatic initiatives to harmonize standards and regulations, especially among existing United States free trade partners, expedite customs operations, facilitate economic integration in the region, strengthen legal regimes and monitoring and enforcement measures relating to labor standards, and ensure that nearshoring initiatives are consistent with efforts to improve supply chain energy efficiency, reduce the energy used to transport global goods, and advance environmental sustainability; and

(9) develop and implement programs to finance, incentivize, or otherwise promote nearshoring to the Western Hemisphere in accordance with the findings made pursuant to paragraphs (3), (4), and (5), including, at minimum, programs to develop physical and digital infrastructure, promote transparency in procurement processes, provide technical assistance in implementing national nearshoring strategies, support capacity building to strengthen labor and environmental standards, mobilize private investment, and secure commitments by private entities to relocate supply chains from the People's Republic of China to the Western Hemisphere.

(c) COORDINATION WITH MULTILATERAL DEVELOPMENT BANKS.—In implementing the strategy required under subsection (a), the Secretary of State and the heads of all other relevant Federal departments and agencies shall coordinate with the United States Executive Directors of the Inter-American Development Bank and the World Bank.

(d) PRIORITIZATION.—As part of the effort described in this section, the Secretary of State shall prioritize Colombia.

(e) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for a period of 5 years, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the strategy required under subsection (a) and progress made in its implementation.

SEC. 1287. UNITED STATES-COLOMBIA LABOR COMPACT.

(a) COMPACT AUTHORITY.—The Secretary of State, in coordination with the Secretary of Labor and the United States Trade Representative, is authorized to enter into a bilateral agreement of not less than 7 years in duration with the Government of Colombia to continue strengthening labor rights, labor policies, and labor competitiveness in the country. The agreement shall be known as the ''United States-Colombia Labor Compact'' (referred to in this section as the ''Compact'').

(b) COMPACT ELEMENTS.—The Compact shall establish a multi-year strategy to—

(1) address the findings in the 2021 Executive Report of the Misión de Empleo de Colombia;

(2) further advance the objectives set forth under the related goals of the 2016 peace accord and the Colombian Action Plan Related to Labor Rights of April 7, 2011 (referred to in this section as the ''Labor Action Plan'');

(3) promote labor formalization in Colombia;

(4) protect internationally recognized labor rights, including with respect to freedom of

association, elimination of all forms of forced or compulsory labor, prohibitions on child labor, and acceptable work conditions;

(5) address and prevent violence against labor organizations and trade unions and prosecute the perpetrators of such violence; and

(6) promote competitive labor for Colombia at the level of other international markets, allowing increased job opportunities.

(c) STRATEGY REQUIREMENTS.—The strategy required under subsection (c) shall—

(1) be informed by consultations with labor organizations, trade unions, and companies and other private sector enterprises in the United States and Colombia;

(2) be informed by assessments, including assessments by the Department of Labor's International Labor Affairs Bureau, of the areas in Colombia experiencing the highest incidence of labor rights violations and violence against labor organizations and trade unions;

(3) identify clear and measurable goals, objectives, and benchmarks under the Compact to detect, deter, and respond to labor rights violations and violence against labor leaders;

(4) set out clear roles, responsibilities, and objectives under the Compact, which shall include a description of policies and financial commitments of the United States Government and the Government of Colombia;

(5) provide for the conduct of an impact evaluation not later than 1 year after the conclusion of the negotiations of the Compact and biannually thereafter;

(6) provide for a full accounting of all United States funds expended under the Compact, which shall include full audit authority for the Office of the Inspector General of the Department of State, the Office of the Inspector General of the United States Agency for International Development, and the Government Accountability Office, as appropriate; and

(7) enhance the bilateral coordination through the relevant agencies and the United States labor attaché in Bogota, to facilitate progress in the implementation of the strategy.

(d) ESTABLISHMENT OF TASK FORCE.—The President shall establish an interagency task force to advance, monitor, enforce, and evaluate the negotiation and signing of the Compact (referred to in this section as the ''Labor Task Force''), which shall consist of—

(1) the Secretary of State, who shall serve as the Chair;

(2) the Administrator of the United States Agency for International Development;

(3) the Secretary of Labor;

(4) the United States Trade Representative; and

(5) any other Federal officials as may be designated by the President.

(e) ACTIVITIES OF THE LABOR TASK FORCE.—The Labor Task Force shall—

(1) engage with the Government of Colombia to design and implement the Compact;

(2) engage in consultation and advocacy with nongovernmental organizations, including labor organizations and trade unions in the United States and Colombia, to advance the purposes of this section;

(3) assess efforts by the United States Government and the Government of Colombia to implement the Compact; and

(4) establish regular meetings of the Labor Task Force to ensure closer coordination across departments and agencies in the development of policies regarding the Compact.

(f) SPECIFIC FOCUS.—The activities described in subsection (f) shall include an in-depth analysis of the impact of the United States-Colombia Trade Promotion Agreement on vulnerable populations, including women and Afro-Colombian, Indigenous, and migrant communities, and recommendations on ways to ensure that those communities are better assisted and protected.

(g) CONGRESSIONAL NOTIFICATION.—Not later than 15 days after entering into a Compact with the Government of Colombia, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of Labor, shall submit to the Committee on Foreign Relations of the Senate, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives—

(1) a copy of the proposed Compact; and

(2) a copy of any annexes, appendices, or implementation plans related to the Compact.

(h) REPORTS.—Not later than 1 year after entering into a Compact, and annually during the period in which the Compact is in effect, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes the progress made under the Compact and includes recommendations for strengthening United States implementation of the Compact.

SEC. 1288. SUPPORTING EFFORTS TO COMBAT CORRUPTION.

(a) TECHNICAL ASSISTANCE.—The Secretary of State shall engage with the Government of Colombia for the purpose of developing and implementing a multi-year strategy, including through the provision of technical assistance, to combat corruption and address the misuse of public resources. The Secretary of State shall consult with the Administrator of the United States Agency for International Development and the Secretary of the Treasury in the development of the strategy.

(b) ELEMENTS.—The strategy required under subsection (a) shall—

(1) assess the scope of public and private sector corruption in Colombia, including specific cases of significant corruption;

(2) provide technical assistance for the purposes of combating corruption and increasing transparency in Colombia;

(3) develop and implement programming at the national and local levels to support investigative journalism, protection of journalists reporting on public and private sector corruption, civil society anti-corruption initiatives;

(4) consult and advocate with nongovernmental organizations and the private sector to advance the purposes of this section; and

(5) establish regular United States interagency meetings to ensure closer coordination across United States departments and agencies in the development of policies regarding transparency and corruption in Colombia.

(c) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the strategy required under subsection (a). Not later than 1 year after the briefing on the strategy, and annually thereafter, the Secretary of State shall brief the committees on the implementation of the strategy.

SEC. 1289. INCREASING ENGLISH LANGUAGE PROFICIENCY.

(a) PARTNERSHIP AUTHORIZED.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to establish a 5-year public-private partnership to support—

(1) innovative in-country solutions for improving English language proficiency among primary and secondary school teachers in Colombia;

(2) the creation of English language accelerator courses, including specialized courses in business and technology; and

(3) increased educational exchanges between universities in the United States and Colombia.

(b) ELEMENTS.—In designing and implementing the partnership authorized under subsection (a), the Secretary of the State and the Administrator of the United States Agency for International Development shall—

(1) complement ongoing efforts by the Ministry of Education of Colombia and other relevant institutions;

(2) target teachers from schools in low-income communities and underrepresented communities, including Afro-Colombian and Indigenous communities; and

(3) consult with the Government of Colombia, civil society, and academia.

(c) PURPOSE.—The purpose of the partnership authorized under subsection (a) is to increase English language proficiency among primary and secondary school teachers, enhance teachers' use of emerging digital technologies for English language learning, and ensure continuity of teacher development, thereby increasing student outcomes and the ability of Colombian youth to access higher education and higher quality livelihoods.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the United States Agency for International Development $12,000,000 for each of fiscal years 2023 through 2027 for the creation of the partnership authorized under subsection (a).

(e) MONITORING AND EVALUATION FRAMEWORK.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a monitoring and evaluation framework that includes objectives and indicators related to the partnership authorized under subsection (a).

(f) ASSESSMENTS OF PARTNERSHIP IMPACT.—Not later than 2 years and 5 years after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a comprehensive assessment on the impact of the partnership authorized under subsection (a) that uses the monitoring and evaluation framework submitted pursuant to subsection (e).

(g) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the progress achieved in advancing the partnership authorized under subsection (a).

SEC. 1289A. PARTNERSHIP FOR STEM EDUCATION.

(a) IN GENERAL.—The United States Administrator of the United States Agency for International Development shall support Colombia's Ministry of Education in the development of K–12 STEM curricula, the development of a STEM teacher education and degree program at public schools, and the training of 10,000 new K–12 public school educators, including in underrepresented and

Afro-Colombian and Indigenous communities.

(b) COORDINATION.—In designing and implementing the program required under subsection (a), the Administrator of the United States Agency for International Development shall coordinate with the Chief Executive Officer of the Millennium Challenge Corporation and the Chief Executive Officer of the Peace Corps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the United States Agency for International Development $10,000,000 for each of fiscal years 2023 through 2027 for the creation of the program authorized under subsection (a).

(d) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Administrator of the United States Agency for International Development shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the results of the program required under subsection (a).

SEC. 1289B. SUPPORTING WOMEN AND GIRLS IN SCIENCE AND TECHNOLOGY.

(a) IN GENERAL.—The Secretary of State shall establish TechWomen and TechGirls programs designed to empower and inspire women and girls from Latin America and the Caribbean to advance careers in science and technology.

(b) PARTICIPATION.—In carrying out subsection (a), the Secretary of State shall—

(1) during the first 5 years of the programs, prioritize the participation of Colombian women and girls; and

(2) take steps to include underrepresented women and girls from across Latin America and the Caribbean, including women from low income and underrepresented communities, including Afro-Colombian and Indigenous communities, in the programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for fiscal year 2023 to carry out this section.

Subtitle B—Advancing Peace and Democratic Governance in Colombia

SEC. 1291. SUPPORTING PEACE AND JUSTICE.

(a) POLICY.—It is the policy of the United States to support peace, justice, and democratic governance in Colombia, including the full and timely implementation of the 2016 peace accord.

(b) EVALUATION FRAMEWORK.—

(1) IN GENERAL.—Not later than 180 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, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an evaluation framework that assesses the impact of United States diplomatic engagement and foreign assistance programming in support of the peace process in Colombia.

(2) CONSULTATION.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the development of the evaluation framework required under paragraph (1).

SEC. 1292. ADVANCING INTEGRATED RURAL DEVELOPMENT.

(a) SUPPORTING AGRICULTURAL COOPERATIVES.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the Chief Executive Officer of the United States International Development Finance Corporation, and the Secretary of Commerce, and in consultation with the Chief Executive Officer of the Inter-American Foundation, shall develop and implement programs to support the ability of rural cooperatives in conflict-affected areas of Colombia to bring products into national and international markets by—

(1) supporting research;

(2) developing new skills;

(3) building resilience capacities, including capacity to adapt to the effects of climate change;

(4) integrating best practices in sustainable agriculture;

(5) promoting standardization and quality control;

(6) supporting commercialization;

(7) enabling access to financing; and

(8) promoting access to markets.

(b) PRIORITIZATION.—Programs required under subsection (a) shall prioritize communities seeking to shift away from illicit economies, including such economies related to the trafficking of narcotics, wildlife, minerals and other natural resources, and other goods.

(c) CONSULTATION.—In developing the programs required under subsection (a), the Secretary of State shall consult with representatives of the Government of Colombia, the private sector, human rights, labor, and humanitarian organizations, and underrepresented populations including women, Indigenous populations, and Afro-Colombians.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Administrator of the United States Agency for International Development $10,000,000 for each of fiscal years 2023 and 2024 to carry out the programs required under subsection (a).

(e) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State, the Administrator of the United States Agency for International Development, and the Chief Executive Officer of the United States International Development Finance Corporation shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the progress achieved in advancing the programs required under subsection (a).

SEC. 1293. EMPOWERING AFRO-COLOMBIAN AND INDIGENOUS COMMUNITIES IN COLOMBIA.

(a) IN GENERAL.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Chief Executive Officer of the United States International Development Finance Corporation, and in consultation with the Chief Executive Officer of the Inter-American Foundation, shall develop and implement initiatives to—

(1) support the implementation of the ethnic chapter of Colombia's 2016 peace accord, which safeguards the rights of the Indigenous and Black populations of Colombia;

(2) provide technical assistance and capacity-building support to Afro-Colombian community councils in Colombia;

(3) increase the participation of individuals from Afro-Colombian and Indigenous communities in existing bilateral initiatives and in educational and cultural exchange programs of the Department of State and the United States Agency for International Development; and

(4) increase access to finance and credit for small- and medium-sized businesses owned by Afro-Colombian and Indigenous entrepreneurs, particularly those in communities historically prone to violence and insecurity.

(b) PRIORITIZATION.—During the 5-year period beginning on the date of the enactment of this Act—

(1) the Administrator of the United States Agency for International Development shall dedicate not less than 10 percent of the amounts appropriated to the United States Agency for International Development and allocated for Colombia to programs that empower and support Afro-Colombian and Indigenous communities in Colombia; and

(2) not less than 50 percent of the funding dedicated under paragraph (1) shall be directly provided to Afro-Colombian and Indigenous-led organizations to implement the programs described in that paragraph.

SEC. 1294. PROTECTING HUMAN RIGHTS DEFENDERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for each of fiscal years 2022 through 2026 to provide critical assistance to human rights defenders and anti-corruption activists in Colombia through the Department of State Human Rights Defenders Fund.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through the end of 2024, the Secretary of State, in cooperation with the Administrator of the United States Agency for International Development, shall submit a report to Congress that includes—

(1) details regarding Department of State and United States Agency for International Development programs to—

(A) support the work of human rights defenders, anti-corruption activists, and other civil society actors in Colombia; and

(B) provide assistance when such individuals are under threat, including specific processes by which such individuals can request assistance from United States embassies;

(2) detailed information contained in the Country Reports on Human Rights Practices regarding the intimidation of, and attacks against, such individuals and the response of the foreign government;

(3) a strategy for any increased engagement and measures of success toward defending human rights defenders and anti-corruption activists; and

(4) an accounting of funds used to execute the Human Rights Defender Fund.

Subtitle C—Strengthening Security Cooperation

SEC. 1295. ESTABLISHMENT OF UNITED STATES-COLOMBIA SECURITY CONSULTATIVE COMMITTEE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall establish a consultative committee to include the Government of Colombia to develop a strategy for jointly strengthening Colombia's national security and defense institutions, and capacity to carry out operations across the territory of Colombia, including in rural and urban areas, related to—

(1) counterterrorism and counterinsurgency;

(2) counternarcotics and countering other forms of illicit trafficking;

(3) cyberdefense and cybercrimes;

(4) border and maritime security and air defense; and

(5) stabilization.

(b) ADDITIONAL ELEMENTS.—The consultative committee shall evaluate existing technologies, equipment, and weapons systems, as well as necessary upgrades to such technologies, equipment, and systems of Colombia's national security and defense institutions in order to ensure the continued defense of the national sovereignty and national territory of Colombia.

(c) BILATERAL SECURITY AND DEFENSE COOPERATION.—Not later than 180 days after the

establishment of the consultative committee required under subsection (a), the Secretary of State, in coordination with the Secretary of Defense, is authorized to enter into consultations with the Government of Colombia to strengthen existing, or establish new, bilateral security and defense cooperation or lines of effort to address capacity-building and resource needs identified by the consultative committee.

(d) BRIEFINGS.—

(1) CONSULTATIVE COMMITTEE.—Not later than 30 days after the establishment of the United States-Colombia Security Consultative Committee required under subsection (a), and not later than 15 days after any meeting of the Consultative Committee thereafter, the Secretary of State and the Secretary of Defense shall jointly brief any of the appropriate congressional committees on progress made under the committee, pursuant to a request by any one of the appropriate congressional committees.

(2) BILATERAL SECURITY AND DEFENSE COOPERATION.—Not later than 30 days after the completion of any consultations with the Government of Colombia pursuant to subsection (c), the Secretary of State and the Secretary of Defense shall brief the appropriate congressional committees on the implementation of the agreed upon areas of cooperation or lines of effort.

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

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

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

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Armed Services of the House of Representatives.

SEC. 1296. COOPERATION ON CYBER DEFENSE AND COMBATING CYBER CRIMES.

(a) DIPLOMATIC ENGAGEMENT.—The Secretary of State, in coordination with the Attorney General of the United States, shall engage with the Government of Colombia to support and facilitate Colombia's adoption of improved standards to address cyber crimes, especially such crimes that are state-directed, including—

(1) supporting the development of Colombia's strategies to deter, investigate, and prosecute cybercrime, to protect critical infrastructure, and to promote the use of new technologies, as part of a broader and more coordinated effort to protect the information technology systems and networks of citizens, businesses, and governments;

(2) supporting the development of protocols that allow cyber preparedness and ensure protection and resilience to critical infrastructure;

(3) supporting the Government of Colombia in the implementation of relevant international conventions, such as the Budapest Convention on Cybercrime, of which Colombia is a party;

(4) continuing to develop partnerships among foreign partners, including in Latin America and the Caribbean, responsible for preventing, investigating, and prosecuting such crimes, and the private sector, in order to streamline and improve the procurement of timely information in the context of mutual assistance proceedings;

(5) working, in cooperation with like-minded democracies in international organizations, to advance standards for digital governance and promote a secure, reliable, free, and open internet;

(6) supporting the adoption of new technologies to enhance the technical capabilities of cybersecurity agencies in Colombia; and

(7) supporting the efforts of the Government of Colombia and Colombian civil society to build national resilience against foreign disinformation efforts.

(b) DIGITAL INFRASTRUCTURE ACCESS AND SECURITY STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with relevant Federal agencies, shall develop and implement a strategy for leveraging United States expertise to share best practices and lessons learned and assist the Government of Colombia. The strategy shall—

(1) improve and secure its digital infrastructure, including critical infrastructure;

(2) protect technological assets, including data privacy, digital evidence, and electronically store information;

(3) advance cybersecurity to protect against cybercrime and cyberespionage;

(4) promote exchanges and technical training programs, including know-how transfer in cybersecurity and disinformation and misinformation;

(5) promote the adoption or development of new technologies to enhance protection against cybercrime and cyberespionage;

(6) promote digital hygiene programs; and

(7) build capacity to identify and expose foreign disinformation and misinformation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State for the development and implementation of the strategy required under subsection (b) $3,000,000 for each of fiscal years 2023 through 2025.

(d) SEMIANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the implementation of the diplomatic engagement described in subsection (a) and the implementation of the strategy described in subsection (b).

SEC. 1297. CLASSIFIED REPORT ON THE ACTIVITIES OF CERTAIN TERRORIST AND CRIMINAL GROUPS.

(a) FINDING.—On November 30, 2021, the United States designated the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) and Segunda Marquetalia as foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(b) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State, acting through the Assistant Secretary of State for the Bureau of Intelligence and Research of the Department of State, and in coordination with the Secretary of Defense, the Director of National Intelligence, and the Director of the Central Intelligence Agency, shall submit to the appropriate congressional committees a classified report detailing the activities of the Revolutionary Armed Forces of Colombia-EP, Segunda Marquetalia, the Ejército de Liberación Nacional, Clan del Golfo, and other Colombian organized criminal groups .

(c) ELEMENTS.—Each report required by subsection (b) shall include—

(1) the name or names of each group covered by the report;

(2) a description of each group and the geographic presence of the group;

(3) a description of the leadership and structure of each group;

(4) the operating modalities and capabilities of each group;

(5) the rate of growth and recruitment strategies of each group; and

(6) any linkages between such groups and any other countries, including the regime of Nicolás Maduro in Venezuela.

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

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

(2) the Select Committee on Intelligence of the Senate;

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

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

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

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

SEC. 1298. COUNTERNARCOTICS AND RURAL SECURITY STRATEGY.

(a) IN GENERAL.—The Secretary of State shall develop and implement a strategy and related programs to support the Government of Colombia's efforts to counter narcotics trafficking and transnational organized crime, including human trafficking, illicit trafficking in arms, wildlife, and cultural property, environmental crimes, migrant smuggling, corruption, money laundering, the illicit smuggling of bulk cash, the licit use of financial systems for malign purposes, and other new and emerging forms of crime, by supporting—

(1) the eradication of illicit coca crops and the destruction of laboratories used to produce illicit narcotics;

(2) the interdiction of illicit narcotics and other forms contraband;

(3) efforts to disrupt illicit financial networks, including through technical assistance to financial intelligence units, including the enhancement of anti-money laundering and asset forfeiture programs;

(4) civilian law enforcement agencies, including support for—

(A) the enhancement of management of complex, multi-actor criminal cases;

(B) the enhancement of intelligence collection capacity and training on civilian intelligence collection (including safeguards for privacy and basic civil liberties), investigative techniques, forensic analysis, and evidence preservation; and

(C) port, airport, and border security officials, agencies, and systems, including—

(i) improvements to computer infrastructure and data management systems, secure communications technologies, nonintrusive inspection equipment, and radar and aerial surveillance equipment; and

(ii) assistance to canine units;

(5) justice sector institutions to enhance efforts to successfully prosecute drug trafficking organizations, transnational criminal organizations, and individuals and entities involved in money laundering and financial crimes related to narcotics trafficking and other illicit economies;

(6) the inclusion of human rights in law enforcement training programs; and

(7) advancing rural security initiatives, including the protection of community leaders and members of organized civil society who promote the rule of law and democratic governance.

(b) PRIORITIZATION.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of State shall dedicate—

(1) not less than 10 percent of the amounts appropriated to the International Narcotics Control and Law Enforcement account for Colombia to combating money laundering and financial crimes; and

(2) not less than 10 percent of the amounts appropriated to the International Narcotics Control and Law Enforcement account for Colombia to research, innovation initiatives, and new technologies that can be utilized to

combat illicit trafficking and all forms of transnational organized crime, as described in subsection (a).

(c) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the progress achieved in advancing the programs required under subsection (a).

SEC. 1299. CLASSIFIED REPORT ON THE MALICIOUS ACTIVITIES OF STATE ACTORS IN THE ANDEAN REGION.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State, acting through the Assistant Secretary of State for the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence, the Director of the Central Intelligence Agency, and the Director of the Defense Intelligence Agency, shall submit a classified report to the appropriate congressional committees detailing the malicious activities of state actors in the Andean region, including—

(1) disinformation, misinformation, and all other information operations;

(2) election interference;

(3) cyberattacks and aggressions;

(4) sales or donations of weapons or military equipment;

(5) security cooperation;

(6) the direct and indirect supply of technologies, equipment, and weapons to irregular armed actors operating in the Andean region;

(7) the provision of technologies, equipment, and weapons systems to the regime of Nicolas Maduro in Venezuela and the implications for the security of countries in the Andean region; and

(8) other threats to United States national interests and national security.

(b) ESTABLISHMENT OF POSITION.—The Secretary of State shall establish a ''watcher'' position in the Andean region as necessary to fulfill the requirements detailed under subsection (a).

(c) ANNUAL BRIEFING REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the official designated for the ''watcher'' position established pursuant to subsection (b) shall brief the appropriate congressional committees on—

(1) the steps that United States embassies in the Andean region have taken to advance the issues described in subsection (a); and

(2) the nature and extent of the extra-regional diplomatic, economic, security, defense, and intelligence presence and influence in the Andean region.

SEC. 1299A. PROTECTING AND COUNTERING ILLICIT ACTIVITIES IN TROPICAL FORESTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development, in consultation with the Chief of the Forest Service of the Department of Agriculture, shall develop and implement a joint 3-year strategy, in coordination with the Government of Colombia, which shall be known as the ''Strategy for Protecting Colombia's Tropical Forests'' (referred to in this section as the ''strategy''), to protect the biodiversity of Colombia and address deforestation.

(b) ELEMENTS.—The strategy shall describe how the United States will—

(1) empower and fund local communities, especially Indigenous and Afro-Colombian communities, to manage natural resources, address deforestation and forest degradation, and combat illegal activities causing environmental harm in their communities, including drug-trafficking activities and illegal logging, mining, fishing, and wildlife trade;

(2) protect social and environmental activists and whistleblowers;

(3) strengthen community-based prevention mechanisms and support community-led efforts to address illegal activities related to natural resources, including those activities described in paragraph (1);

(4) advance the development of markets to promote alternatives to activities related to drug trafficking and illegally obtained wood, fish, wildlife, or minerals, as appropriate;

(5) promote transparency in product sourcing and responsible supply chains;

(6) prevent, detect, investigate, and prosecute crimes related to natural resources;

(7) promote partnerships with nongovernmental organizations, international organizations, and the private sector;

(8) work within the United States interagency process to end the import of illegally or unsustainably sourced wildlife, timber, agricultural commodities, or fish, or illegally sourced gold or other minerals into the United States from Colombia; and

(9) consult with civil society to address the drivers of deforestation and forest degradation, and promote the conservation of intact forests.

(c) REGIONAL DIPLOMATIC COORDINATION.—The United States shall work with the Government of Colombia, and in cooperation with international organizations, to support the development of partnerships among Latin American and Caribbean officials responsible for preventing, investigating, and prosecuting environmental crimes, and in cooperation with the private sector, to protect the region's biodiversity and address deforestation and forest degradation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the United States Agency for International Development for the development and implementation of the strategy—

(1) $5,000,000 for fiscal year 2023;

(2) $7,000,000 for fiscal year 2024; and

(3) $8,000,000 for fiscal year 2025.

(e) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the strategy. Not later than one year after the briefing on the strategy, and annually thereafter, the Secretary of State shall brief the committees on the implementation of the strategy.

SEC. 1299B. PUBLIC-PRIVATE PARTNERSHIP TO BUILD RESPONSIBLE GOLD VALUE CHAINS.

(a) BEST PRACTICES.—The Administrator of the United States Agency for International Development, in coordination with the Government of Colombia, shall consult with the Government of Switzerland regarding best practices developed through their public-private partnership, the Swiss Better Gold Initiative, which aims to improve transparency and traceability in the international gold trade.

(b) IN GENERAL.—The Administrator of the United States Agency for International Development shall coordinate with the Government of Colombia to establish a public-private partnership to advance the best practices described in subsection (a), including supporting programming in Colombia that will—

(1) support formalization and compliance with appropriate environmental and labor standards in artisanal and small-scale gold mining (ASGM);

(2) increase access to financing for ASGM miners committed to taking significant steps to formalize their operations and comply with labor and environmental standards;

(3) enhance the traceability and support the establishment of a certification process for ASGM gold;

(4) support a public relations campaign to promote responsibly sourced gold;

(5) facilitate contact between Colombian vendors of responsibly sourced gold and United States companies; and

(6) promote policies and practices in Colombia that are conducive to the formalization of ASGM and improvement of environmental and labor standards in ASGM.

(c) MEETING.—The Secretary of State, the Administrator of the United States Agency for International Development, or the President's Special Envoy for Climate Change should, without delegation and in coordination with the Government of Colombia, host a meeting with senior representatives of the private sector and international governmental and nongovernmental partners and make commitments to improve due diligence and increase the responsible sourcing of gold.

Subtitle D—Addressing Humanitarian Needs

SEC. 1299E. COLOMBIA RELIEF AND DEVELOPMENT COHERENCE STRATEGY.

(a) STRATEGY REQUIRED.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall develop and implement a strategy, to be known as the ''Colombia Relief and Development Coherence Strategy'', to support Colombia's responses to the separate but related challenges of assisting internally displaced persons, refugees, vulnerable migrants, and people affected by natural disasters. The strategy shall—

(1) be publicly available in English and Spanish;

(2) describe concurrent efforts and clarify United States agency responsibilities in Colombia for assisting—

(A) asylum seekers;

(B) refugees;

(C) internally displaced persons; and

(D) vulnerable migrants;

(3) include a description of the assistance that shall be provided for the populations described in paragraph (2), including—

(A) emergency assistance, protection, water, sanitation, hygiene, food, shelter, emergency education, and psychosocial assistance; and

(B) integration programs in the education, health, livelihoods, shelter, and social protection sectors;

(4) include a description of the technical assistance and capacity-building efforts to be provided for civil society organizations and relevant institutions in Colombia, such as the Victims Unit of the Government of Colombia and relevant government ministries;

(5) describe outreach, coordination, and programming with the private sector to support the populations described in paragraph (2); and

(6) describe how the Department of State and the United States Agency for International Development will mobilize additional donor contributions towards humanitarian appeals.

(b) DESCRIPTION OF INTERAGENCY COORDINATION EFFORTS.—The strategy developed under subsection (a) shall include a description of how the Department of State will lead interagency coordination efforts in implementing the strategy, including a description of mechanisms to coordinate programming, advocacy, monitoring and evaluation,

communications, participation in international fora, and funding announcements.

SEC. 1299F. ASSESSMENT OF HEALTHCARE INFRASTRUCTURE NEEDS IN RURAL AREAS.

(a) ASSESSMENT.—The Director of the Centers for Disease Control and Prevention, in coordination with the Department of State, shall conduct an assessment with the Government of Colombia to identify initiatives to strengthen public health infrastructure and increase access to health services in conflict-affected communities in Colombia. The assessment shall include specific recommendations on ways to increase access to healthcare services for survivors of gender-based violence and Afro-Colombian and Indigenous populations.

(b) SUBMISSION.—The Director of the Centers for Disease Control and Prevention shall submit the assessment conducted under subsection (a) to the Committee on Foreign Relations and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

SA 5886. Mrs. FEINSTEIN (for herself, Mr. KAINE, Mr. VAN HOLLEN, Mr. WARNER, Mr. PADILLA, Mr. KING, Ms. WARREN, Mr. SCHATZ, and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATIONS ON EXCEPTION OF COMPETITIVE SERVICE POSITIONS.

(a) IN GENERAL.—Notwithstanding section 3302 of title 5, United States Code, no position in the competitive service (as defined in section 2102 of that title) may be excepted from the competitive service unless that position is placed—

(1) in any of schedules A through E, as described in section 6.2 of title 5, Code of Federal Regulations, as in effect on September 30, 2020; and

(2) under the terms and conditions under part 6 of title 5, Code of Federal Regulations, as in effect on September 30, 2020.

(b) SUBSEQUENT TRANSFERS.—Notwithstanding section 3302 of title 5, United States Code, no position in the excepted service (as defined in section 2103 of that title) may be placed in any schedule other than a schedule described in subsection (a)(1).

SA 5887. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. EXONERATION AND LIMITATION OF LIABILITY FOR SMALL PASSENGERS VESSELS.

(a) RESTRUCTURING.—Chapter 305 of title 46, United States Code, is amended—

(1) by inserting the following before section 30501:

"Subchapter I—General Provisions";

(2) by inserting the following before section 30503:

"Subchapter II—Exoneration and Limitation of Liability Generally";

and

(3) by redesignating sections 30503 through 30512 as sections 30521 through 30530, respectively.

(b) DEFINITIONS.—Section 30501 of title 46, United States Code, is amended to read as follows:

"§ 30501. Definitions

''In this chapter—

''(1) the term 'owner' includes a charterer that mans, supplies, and navigates a vessel at the charterer's own expense or by the charterer's own procurement; and

''(2) the term 'covered small passenger vessel'—

''(A) means a small passenger vessel, as defined in section 2101 of this title, that—

''(i) is less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title; and

''(ii) is carrying—

''(I) for overnight domestic voyages, not more 49 passengers; and

''(II) for all other voyages, not more than 150 passengers; and

''(B) includes any wooden vessel constructed prior to March 11, 1996, that carries passengers on overnight domestic voyages.''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Section 30502 of title 46, United States Code, is amended to read as follows:

"§ 30502. Application

''(a) IN GENERAL.—Except as otherwise provided and subject to subsection (b)—

''(1) subchapter II (except section 30521) of this title shall apply to seagoing vessels and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters that are not covered small passenger vessels; and

''(2) subchapter III of this title shall apply to seagoing vessels, and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters, that are covered small passenger vessels.

''(b) DECLARATION OF NATURE AND VALUE OF GOODS.—Section 30521 of this title shall not apply to vessels described in subsection (a) of this section.''.

(d) RULES FOR SMALL PASSENGER VESSELS.—Chapter 305 of title 46, United States Code, is amended by adding at the end the following:

"Subchapter III—Exoneration and Limitation of Liability for Covered Small Passenger Vessels

"§ 30541. Exoneration and limitation of liability provisions

''(a) IN GENERAL.—By not later than 180 days after the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Commandant shall promulgate rules relating to exoneration and limitation of liability for all covered small passenger vessels that—

''(1) provide just compensation in any claim for which the owner or operator of a covered small passenger vessel is found liable; and

''(2) comply with the requirements of subsection (b) of this section.

''(b) REQUIREMENTS.—

''(1) PRIVITY OR KNOWLEDGE.—In a claim for personal injury or death to which this subchapter applies, the privity or knowledge of the master or the owner's superintendent or managing agent, at or before the beginning of each voyage, is imputed to the owner.

''(2) APPORTIONMENT OF LOSSES.—The requirements of section 30525 of this title shall apply to a covered small passenger vessel in the same manner as such section applies to a vessel described in section 30502(a)(1).

''(3) TIMING CONSIDERATIONS.—The requirements of subsections (b) through (d) of section 30526 of this title shall apply to a covered small passenger vessel in the same manner as the requirements apply to a vessel subject to such section.

''(c) APPLICABILITY.—The rules promulgated under subsection (a) shall take effect as if promulgated on the effective date under section 1077(g)(1) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.''.

(e) TABLES OF SUBCHAPTERS AND TABLES OF SECTIONS.—The table of sections for chapter 305 of title 46, United States Code, is amended—

(1) by inserting before section 30501 the following:

''SUBCHAPTER I—GENERAL PROVISIONS'';

(2) by inserting after section 30502 the following:

''SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY'';

(3) by redesignating the items relating to sections 30503 through 30512 as items relating to sections 30521 through 30530, respectively; and

(4) by adding at the end the following:

''SUBCHAPTER III—EXONERATION AND LIMITATION OF LIABILITY FOR COVERED SMALL PASSENGER VESSELS

''Sec. 30541. Exoneration and limitation of liability provisions.''.

(f) CONFORMING AMENDMENTS.—Title 46, United States Code, is further amended—

(1) in section 14305(a)(5), by striking ''section 30506'' and inserting ''section 30524'';

(2) in section 30523(a), as redesignated by subsection (a) of this section, by striking ''section 30506'' and inserting ''section 30524'';

(3) in section 30524(b), as redesignated by subsection (a) of this section, by striking ''section 30505'' and inserting ''section 30523''; and

(4) in section 30525—

(A) by striking ''section 30505'' and ''section 30523'';

(B) by striking ''section 30506'' and inserting ''section 30524''; and

(C) by striking ''section 30506(b)'' and inserting ''section 30524(b)''.

(g) EFFECTIVE DATE; SEVERABILITY.—

(1) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect as if enacted into law on September 2, 2019.

(2) SEVERABILITY.—If any provision of this section or an amendment made by this section, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of this section and the amendments made by this section to any other person or circumstance shall not be affected.

SA 5888. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill

H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 875. REVIEW OF INCLUSION OF GREEN OLIVES AND RELATED OLIVE-BASED PRODUCTS ON LISTS OF NONAVAILABLE ARTICLES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report including findings of a review assessing whether green olives and related olive-based products should be included on lists of nonavailable articles under section 25.104 of title 48, Code of Federal Regulations.

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

(1) An assessment whether green olives and related olive-based products should be included on lists of nonavailable articles.

(2) A description of the process by which nonavailability determinations were made and the sources used to conduct market research.

(3) An assessment of the total Department of Defense demand for green olives and olive-based products.

(4) All relevant public comments received in connection with the most recent determination related to green olives and olive-based products.

SA 5889. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLARIFYING ELIGIBLE GRANTEES FOR VAWA GRANTS.

Section 2101(c)(1)(G) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461(c)(1)(G)) is amended by striking ''that'' and inserting ''whether''.

SA 5890. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

TITLE ____—DRIFTNET MODERNIZATION

SEC. ___. SHORT TITLE.

This title may be cited as the ''Driftnet Modernization and Bycatch Reduction Act''.

SEC. ___. DEFINITION.

Section 3(25) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(25)) is amended by inserting '', or with a mesh size of 14 inches or greater,'' after ''more''.

SEC. ___. FINDINGS AND POLICY.

(a) FINDINGS.—Section 206(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(b)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) within the exclusive economic zone, large-scale driftnet fishing that deploys nets with large mesh sizes causes significant entanglement and mortality of living marine resources, including myriad protected species, despite limitations on the lengths of such nets.''.

(b) POLICY.—Section 206(c) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(c)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) prioritize the phase out of large-scale driftnet fishing in the exclusive economic zone and promote the development and adoption of alternative fishing methods and gear types that minimize the incidental catch of living marine resources.''.

SEC. ___. TRANSITION PROGRAM.

Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826) is amended by adding at the end the following—

''(i) FISHING GEAR TRANSITION PROGRAM.—

''(1) IN GENERAL.—During the 5-year period beginning on the date of enactment of the Driftnet Modernization and Bycatch Reduction Act, the Secretary shall conduct a transition program to facilitate the phase-out of large-scale driftnet fishing and adoption of alternative fishing practices that minimize the incidental catch of living marine resources, and shall award grants to eligible permit holders who participate in the program.

''(2) PERMISSIBLE USES.—Any permit holder receiving a grant under paragraph (1) may use such funds only for the purpose of covering—

''(A) any fee originally associated with a permit authorizing participation in a large-scale driftnet fishery, if such permit is surrendered for permanent revocation, and such permit holder relinquishes any claim associated with the permit;

''(B) a forfeiture of fishing gear associated with a permit described in subparagraph (A); or

''(C) the purchase of alternative gear with minimal incidental catch of living marine resources, if the fishery participant is authorized to continue fishing using such alternative gears.

''(3) CERTIFICATION.—The Secretary shall certify that, with respect to each participant in the program under this subsection, any permit authorizing participation in a large-scale driftnet fishery has been permanently revoked and that no new permits will be issued to authorize such fishing.''.

SEC. ___. EXCEPTION.

Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: '', unless such large-scale driftnet fishing—

''(i) deploys, within the exclusive economic zone, a net with a total length of less than two and one-half kilometers and a mesh size of 14 inches or greater; and

''(ii) is conducted within 5 years of the date of enactment of the Driftnet Modernization and Bycatch Reduction Act''.

SEC. ___. FEES.

(a) IN GENERAL.—The North Pacific Fishery Management Council may recommend, and the Secretary of Commerce may approve, regulations necessary for the collection of fees from charter vessel operators who guide recreational anglers who harvest Pacific halibut in International Pacific Halibut Commission regulatory areas 2C and 3A as those terms are defined in part 300 of title 50, Code of Federal Regulations (or any successor regulations).

(b) USE OF FEES.—Any fees collected under this section shall be available for the purposes of—

(1) financing administrative costs of the Recreational Quota Entity program;

(2) the purchase of halibut quota shares in International Pacific Halibut Commission regulatory areas 2C and 3A by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations);

(3) halibut conservation and research; and

(4) promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

(c) LIMITATION ON COLLECTION AND AVAILABILITY.—Fees shall be collected and available pursuant to this section only to the extent and in such amounts as provided in advance in appropriations Acts, subject to subsection (d).

(d) FEE COLLECTED DURING START-UP PERIOD.—Notwithstanding subsection (c), fees may be collected through the date of enactment of an Act making appropriations for the activities authorized under this title through September 30, 2023, and shall be available for obligation and remain available until expended.

SA 5891. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 38____. PROHIBITED USES OF ACQUIRED, DONATED, AND CONSERVATION LAND.

Section 714(a) of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–81c(a)) is amended by striking paragraph (3) and inserting the following:

''(3) CONSERVATION LAND.—The term 'conservation land' means—

''(A) any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural communities conservation plan;

''(B) any national conservation land within the Conservation Area established pursuant to section 2002(b)(2)(D) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202(b)(2)(D)); and

''(C) any area of critical environmental concern within the Conservation Area established pursuant to section 202(c)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(3)).''.

SA 5892. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. MANAGEMENT OF INTERNATIONAL TRANSBOUNDARY WATER POLLUTION.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term ''Commission'' means the United States section of the International Boundary and Water Commission.

(3) COVERED FUNDS.—The term ''covered funds'' means—

(A) amounts made available to the Administrator under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' under title IX of the United States-Mexico-Canada Agreement Implementation Act (Public Law 116–113; 134 Stat. 100); and

(B) any other relevant funds, as determined by the Administrator.

(4) TREATMENT WORKS.—The term ''treatment works'' has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(5) UNITED STATES-MEXICO BORDER REGION.—The term ''United States-Mexico border region'' means any area in the United States that is located within 100 kilometers of the United States-Mexico border.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Administrator may, with the concurrence of the Commission, transfer covered funds to the Commission to support the construction of treatment works that are owned and operated by the Commission.

(2) METHOD OF TRANSFER.—The Administrator may transfer funds under paragraph (1) by—

(A) entering into an interagency agreement with the Commission; or

(B) awarding a grant to the Commission.

(c) USE OF FUNDS.—The Commission may use funds received under this section—

(1) to plan, study, design, and construct treatment works that—

(A) protect residents in the United States-Mexico border region from pollution resulting from—

(i) transboundary flows of wastewater, stormwater, or other international transboundary water flows originating in Mexico; and

(ii) any inadequacies or breakdowns of treatment works in Mexico; and

(B) provide treatment of the flows and pollution described in subparagraph (A) in compliance with local, State, and Federal law;

(2) to carry out activities related to the projects and activities described in paragraph (1), including construction management; and

(3) for the administrative costs of carrying out this section.

(d) OPERATION AND MAINTENANCE.—Subject to the availability of appropriations, the Commission shall operate and maintain any new treatment works constructed using funds received under this section.

(e) CONSULTATION AND COORDINATION.—The Commission shall consult and coordinate with the Administrator in carrying out any project or activity using funds received under this section.

(f) APPLICABILITY OF OTHER REQUIREMENTS.—Sections 513 and 608 of the Federal Water Pollution Control Act (33 U.S.C. 1372, 1388) shall apply to the construction of any treatment works in the United States using funds received by the Commission under this section.

(g) SAVINGS PROVISION.—Nothing in this section modifies, amends, repeals, or otherwise limits the authority of the International Boundary and Water Commission under—

(1) the treaty relating to the utilization of the waters of the Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from Fort Quitman, Texas, to the Gulf of Mexico, and supplementary protocol, signed at Washington February 3, 1944 (59 Stat. 1219), between the United States and Mexico; or

(2) any other applicable treaty.

SA 5893. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 107__. SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.

(a) BOUNDARY ADJUSTMENT.—Section 507(c) of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk(c)) is amended by striking paragraph (1) and inserting the following:

''(1) BOUNDARY.—

''(A) IN GENERAL.—The recreation area shall consist of—

''(i) the land, water, and interests in land and water generally depicted as the recreation area on the map entitled 'Santa Monica Mountains National Recreation Area and Santa Monica Mountains Zone, California, Boundary Map', numbered 80,047–C, and dated August 2001; and

''(ii) the land, water, and interests in land and water generally depicted as 'Proposed Addition' on the map entitled 'Rim of the Valley Unit—Santa Monica Mountains National Recreation Area', numbered 638/179670C, and dated July 12, 2022.

''(B) AVAILABILITY OF MAPS.—The maps described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) REVISIONS.—After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, of the proposed revision, the Secretary may make minor revisions to the boundaries of the recreation area by publication of a revised drawing or other boundary description in the Federal Register.''.

(b) ADMINISTRATION.—Any land or interest in land acquired by the Secretary of the Interior within the Rim of the Valley Unit shall be administered as part of the Santa Monica Mountains National Recreation Area (referred to in this section as the ''National Recreation Area'') in accordance with the laws (including regulations) applicable to the National Recreation Area.

(c) UTILITIES AND WATER RESOURCE FACILITIES.—The addition of the Rim of the Valley Unit to the National Recreation Area shall not affect the operation, maintenance, or modification of water resource facilities or public utilities within the Rim of the Valley Unit, except that any utility or water resource facility activities in the Rim of the Valley Unit shall be conducted in a manner that reasonably avoids or reduces the impact of the activities on resources of the Rim of the Valley Unit.

SA 5894. Mr. MERKLEY (for himself, Mr. WYDEN, Mrs. FEINSTEIN, and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. SMITH NATIONAL RECREATION AREA EXPANSION; EXPANSION OF CERTAIN COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) ADDITIONS TO THE SMITH RIVER NATIONAL RECREATION AREA.—

(1) DEFINITIONS.—Section 3 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–1) is amended—

(A) in paragraph (1), by striking ''referred to in section 4(b)'' and inserting ''entitled 'Proposed Smith River National Recreation Area' and dated July 1990''; and

(B) in paragraph (2), by striking ''the Six Rivers National Forest'' and inserting ''an applicable unit of the National Forest System''.

(2) BOUNDARIES.—Section 4(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–2(b)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting ''and on the map entitled 'Proposed Additions to the Smith River National Recreation Area' and dated November 14, 2019'' after ''1990''; and

(ii) in the second sentence, by striking ''map'' and inserting ''maps''; and

(B) in paragraph (2), by striking ''map'' and inserting ''maps described in paragraph (1)''.

(3) ADMINISTRATION.—Section 5 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–3) is amended—

(A) in subsection (b)—

(i) in paragraph (1), in the first sentence, by striking ''the map'' and inserting ''the maps''; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''area shall be on'' and inserting ''area and any portion of the recreation area in the State of Oregon shall be on roadless''; and

(II) by adding at the end the following:

''(I) The Kalmiopsis Wilderness shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).'';

(B) in subsection (c), by striking ''by the amendments made by section 10(b) of this Act'' and inserting ''within the recreation area''; and

(C) by adding at the end the following:

''(d) STUDY; REPORT.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall conduct a study of the area depicted on the map entitled 'Proposed Additions to the Smith River National Recreation Area' and dated November 14, 2019, that includes inventories and assessments of streams, fens, wetlands, lakes, other water features, and associated land, plants (including Port-Orford-cedar), animals, fungi, algae, and other values, and unstable and potentially unstable aquatic habitat areas in the study area.

''(2) MODIFICATION OF MANAGEMENT PLANS; REPORT.—On completion of the study under paragraph (1), the Secretary shall—

''(A) modify any applicable management plan to fully protect the inventoried values under the study, including to implement additional standards and guidelines; and

''(B) submit to Congress a report describing the results of the study.'';

''(e) WILDFIRE MANAGEMENT.—Nothing in this Act affects the authority of the Secretary (in cooperation with other Federal, State, and local agencies, as appropriate) to conduct wildland fire operations within the recreation area, consistent with the purposes of this Act.

''(f) VEGETATION MANAGEMENT.—Nothing in this Act prohibits the Secretary from conducting vegetation management projects (including wildfire resiliency and forest health projects) within the recreation area, to the extent consistent with the purposes of the recreation area.

''(g) APPLICATION OF NORTHWEST FOREST PLAN AND ROADLESS RULE TO CERTAIN PORTIONS OF THE RECREATION AREA.—Nothing in this Act affects the application of the Northwest Forest Plan or part 294 of title 36, Code of Federal Regulations (commonly referred to as the 'Roadless Rule') (as in effect on the date of enactment of this subsection), to portions of the recreation area in the State of Oregon that are subject to the plan and those regulations as of the date of enactment of this subsection.

''(h) PROTECTION OF TRIBAL RIGHTS.—

''(1) IN GENERAL.—Nothing in this Act diminishes any right of an Indian Tribe.

''(2) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with applicable Indian Tribes with respect to—

''(A) providing the Indian Tribes with access to the portions of the recreation area in the State of Oregon to conduct historical and cultural activities, including the procurement of noncommercial forest products and materials for traditional and cultural purposes; and

''(B) the development of interpretive information to be provided to the public on the history of the Indian Tribes and the use of the recreation area by the Indian Tribes.''.

(4) ACQUISITION.—Section 6(a) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–4(a)) is amended—

(A) in the fourth sentence, by striking ''All lands'' and inserting the following:

''(4) APPLICABLE LAW.—All land'';

(B) in the third sentence—

(i) by striking ''The Secretary'' and inserting the following:

''(3) METHOD OF ACQUISITION.—The Secretary'';

(ii) by striking ''or any of its political subdivisions'' and inserting '', the State of Oregon, or any political subdivision of the State of California or the State of Oregon''; and

(iii) by striking ''donation or'' and inserting ''purchase, donation, or'';

(C) in the second sentence, by striking ''In exercising'' and inserting the following:

''(2) CONSIDERATION OF OFFERS BY SECRETARY.—In exercising'';

(D) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(E) by adding at the end the following:

''(5) ACQUISITION OF CEDAR CREEK PARCEL.—On the adoption of a resolution by the State Land Board of Oregon and subject to available funding, the Secretary shall acquire all right, title, and interest in and to the approximately 555 acres of land known as the 'Cedar Creek Parcel' located in sec. 16, T. 41 S., R. 11 W., Willamette Meridian.''.

(5) FISH AND GAME.—Section 7 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–5) is amended—

(A) in the first sentence, by inserting ''or the State of Oregon'' after ''State of California''; and

(B) in the second sentence, by inserting ''or the State of Oregon, as applicable'' after ''State of California''.

(6) MANAGEMENT PLANNING.—Section 9 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–7) is amended—

(A) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(a) REVISION OF MANAGEMENT PLAN.—The Secretary''; and

(B) by adding at the end the following:

''(b) SMITH RIVER NATIONAL RECREATION AREA MANAGEMENT PLAN REVISION.—As soon as practicable after the date of the first revision of the forest plan after the date of enactment of this subsection, the Secretary shall revise the management plan for the recreation area—

''(1) to reflect the expansion of the recreation area into the State of Oregon under the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023; and

''(2) to include an updated recreation action schedule to identify specific use and development plans for the areas described in the map entitled 'Proposed Additions to the Smith River National Recreation Area' and dated November 14, 2019.''.

(7) STREAMSIDE PROTECTION ZONES.—Section 11(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–8(b)) is amended by adding at the end the following:

''(24) Each of the river segments described in subparagraph (B) of section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)).''.

(8) STATE AND LOCAL JURISDICTION AND ASSISTANCE.—Section 12 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–9) is amended—

(A) in subsection (a), by striking ''California or any political subdivision thereof'' and inserting ''California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon'';

(B) in subsection (b), in the matter preceding paragraph (1), by striking ''California or its political subdivisions'' and inserting ''California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon''; and

(C) in subsection (c), in the first sentence—

(i) by striking ''California and its political subdivisions'' and inserting ''California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon''; and

(ii) by striking ''State and its political subdivisions'' and inserting ''State of California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon''.

(b) WILD AND SCENIC RIVER DESIGNATIONS.—

(1) NORTH FORK SMITH ADDITIONS, OREGON.—

(A) FINDING.—Congress finds that the source tributaries of the North Fork Smith River in the State of Oregon possess outstandingly remarkable wild anadromous fish and prehistoric, cultural, botanical, recreational, and water quality values.

(B) DESIGNATION.—Section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)) is amended—

(i) in subparagraph (B), by striking ''scenic'' and inserting ''wild'';

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(iii) in the matter preceding clause (i) (as so redesignated), by striking ''The 13-mile'' and inserting the following:

''(A) IN GENERAL.—The 13-mile''; and

(iv) by adding at the end the following:

''(B) ADDITIONS.—The following segments of the source tributaries of the North Fork Smith River, to be administered by the Secretary of Agriculture in the following classes:

''(i) The 13.26-mile segment of Baldface Creek from its headwaters, including all perennial tributaries, to the confluence with the North Fork Smith in T. 39 S., R 10 W., T. 40 S., R. 10 W., and T. 41 S., R. 11 W., Willamette Meridian, as a wild river.

''(ii) The 3.58-mile segment from the headwaters of Taylor Creek to the confluence with Baldface Creek, as a wild river.

''(iii) The 4.38-mile segment from the headwaters of the unnamed tributary to Biscuit Creek and the headwaters of Biscuit Creek to the confluence with Baldface Creek, as a wild river.

''(iv) The 2.27-mile segment from the headwaters of Spokane Creek to the confluence with Baldface Creek, as a wild river.

''(v) The 1.25-mile segment from the headwaters of Rock Creek to the confluence with Baldface Creek, flowing south from sec. 19, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(vi) The 1.31-mile segment from the headwaters of the unnamed tributary number 2 to the confluence with Baldface Creek, flowing north from sec. 27, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(vii) The 3.6-mile segment from the 2 headwaters of the unnamed tributary number 3 to the confluence with Baldface Creek, flowing south from secs. 9 and 10, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(viii) The 1.57-mile segment from the headwaters of the unnamed tributary number 4 to the confluence with Baldface Creek, flowing north from sec. 26, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(ix) The 0.92-mile segment from the headwaters of the unnamed tributary number 5 to the confluence with Baldface Creek, flowing north from sec. 13, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(x) The 4.90-mile segment from the headwaters of Cedar Creek to the confluence with North Fork Smith River, as a wild river.

''(xi) The 2.38-mile segment from the headwaters of Packsaddle Gulch to the confluence with North Fork Smith River, as a wild river.

''(xii) The 2.4-mile segment from the headwaters of Hardtack Creek to the confluence with North Fork Smith River, as a wild river.

''(xiii) The 2.21-mile segment from the headwaters of the unnamed creek to the confluence with North Fork Smith River, flowing east from sec. 29, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

''(xiv) The 3.06-mile segment from the headwaters of Horse Creek to the confluence with North Fork Smith River, as a wild river.

''(xv) The 2.61-mile segment of Fall Creek from the Oregon State border to the confluence with North Fork Smith River, as a wild river.

''(xvi)(I) Except as provided in subclause (II), the 4.57-mile segment from the headwaters of North Fork Diamond Creek to the confluence with Diamond Creek, as a wild river.

''(II) Notwithstanding subclause (I), the portion of the segment described in that subclause that starts 100 feet above Forest Service Road 4402 and ends 100 feet below Forest Service Road 4402 shall be administered as a scenic river.

''(xvii) The 1.02-mile segment from the headwaters of Diamond Creek to the Oregon State border in sec. 14, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(xviii) The 1.14-mile segment from the headwaters of Acorn Creek to the confluence with Horse Creek, as a wild river.

''(xix) The 8.58-mile segment from the headwaters of Chrome Creek to the confluence with North Fork Smith River, as a wild river.

''(xx) The 2.98-mile segment from the headwaters Chrome Creek tributary number 1 to the confluence with Chrome Creek, 0.82 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 15, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

''(xxi) The 2.19-mile segment from the headwaters of Chrome Creek tributary number 2 to the confluence with Chrome Creek, 3.33 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 12, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

''(xxii) The 1.27-mile segment from the headwaters of Chrome Creek tributary number 3 to the confluence with Chrome Creek, 4.28 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing north from sec. 18, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(xxiii) The 2.27-mile segment from the headwaters of Chrome Creek tributary number 4 to the confluence with Chrome Creek, 6.13 miles upstream from the mouth of Chrome Creek, flowing south from Chetco Peak in the Kalmiopsis Wilderness in sec. 36, T. 39 S., R. 11 W., Willamette Meridian, as a wild river.

''(xxiv) The 0.6-mile segment from the headwaters of Wimer Creek to the border between the States of Oregon and California, flowing south from sec. 17, T. 41 S., R. 10 W., Willamette Meridian, as a wild river.''.

(2) EXPANSION OF SMITH RIVER, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (111) and inserting the following:

''(111) SMITH RIVER, CALIFORNIA AND OREGON.—The segment from the confluence of the Middle Fork Smith River and the North Fork Smith River to the Six Rivers National Forest boundary, including the following segments of the mainstem and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

''(A) MAINSTEM.—The segment from the confluence of the Middle Fork Smith River and the South Fork Smith River to the Six Rivers National Forest boundary, as a recreational river.

''(B) ROWDY CREEK.—

''(i) UPPER.—The segment from and including the headwaters to the California-Oregon State line, as a wild river.

''(ii) LOWER.—The segment from the California-Oregon State line to the Six Rivers National Forest boundary, as a recreational river.''.

SA 5895. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 322. POLICY TO INCREASE DISPOSITION OF SPENT ADVANCED BATTERIES THROUGH RECYCLING.

(a) POLICY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Assistant Secretary of Defense for Energy, Installations, and Environment, in coordination with the Director of the Defense Logistics Agency, shall establish a policy to increase the disposition of spent advanced batteries of the Department of Defense through recycling (including by updating the Department of Defense Manual 4160.21, titled ''Defense Material Disposition: Disposal Guidance and Procedures'', or such successor document, accordingly), for the purpose of supporting the reclamation and return of precious metals, rare earth metals, and elements of strategic importance (such as cobalt and lithium) into the supply chain or strategic reserves of the United States.

(b) CONSIDERATIONS.—In developing the policy under subsection (a), the Assistant Secretary shall consider, at a minimum, the following recycling methods:

(1) Pyroprocessing.

(2) Hydroprocessing.

(3) Direct cathode recycling, relithiation, and upcycling.

SA 5896. Mr. HEINRICH (for himself, Mr. OSSOFF, and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HUMAN TRAFFICKING TRAINING.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by inserting after section 884 (6 U.S.C. 464) the following:

''SEC. 884A. HUMAN TRAFFICKING TRAINING.

''(a) HUMAN TRAFFICKING DEFINED.—In this section, the term 'human trafficking' means an act or practice described in paragraph (11) or (12) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

''(b) ESTABLISHMENT.—The Director of the Federal Law Enforcement Training Centers is authorized, in accordance with this section, to establish a human trafficking awareness training program within the Federal Law Enforcement Training Centers.

''(c) TRAINING PURPOSES.—The human trafficking awareness training program referred to in subsection (b), shall, if established, provide to State, local, Tribal, territorial, and educational institution law enforcement personnel training courses relating to the following:

''(1) An in-depth understanding of the definition of human trafficking.

''(2) An ability to recognize indicators of human trafficking.

''(3) Information on industries and common locations known for human trafficking.

''(4) Human trafficking response measures, including a victim-centered approach.

''(5) Human trafficking reporting protocols.

''(6) An overview of Federal statutes and applicable State law related to human trafficking.

''(7) Additional resources to assist with suspected human trafficking cases, as necessary.

''(d) INTEGRATION WITH EXISTING PROGRAMS.—To the extent practicable, human trafficking awareness training under this section, including principles and learning objectives, should be integrated into other training programs operated by the Federal Law Enforcement Training Centers.

''(e) COORDINATION.—The Director of the Federal Law Enforcement Training Centers, or a designee of such Director, shall coordinate with the Director of the Blue Campaign of the Department, or the designee of such Director, in the development and delivery of human trafficking awareness training programs under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,300,000 for each of fiscal years 2023 through 2028 to carry out this section.''.

(b) TECHNICAL AMENDMENT.—Section 434(a) of the Homeland Security Act of 2002 (6 U.S.C. 242(a)) is amended by striking ''paragraph (9) or (10)'' and inserting ''paragraph (11) or (12)''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 884 the following:

''Sec. 884A. Human trafficking training.''.

SA 5897. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. CONSENT OF CONGRESS TO AMENDMENT TO THE CONSTITUTION OF THE STATE OF NEW MEXICO.

Congress consents to the amendment to the Constitution of the State of New Mexico proposed by House Joint Resolution 1 of the 55th Legislature of the State of New Mexico, First Session, 2021, entitled ''A Joint Resolution Proposing an Amendment to Article 12, Section 7 of the Constitution of New Mexico to Provide for Additional Annual Distributions of the Permanent School Fund for Enhanced Instruction for Students at Risk of Failure, Extending the School Year, Teacher Compensation and Early Childhood Education; Requiring Congressional Approval for Distributions for Early Childhood Education''.

SA 5898. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R.

7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH UKRAINE.

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

(1) International Military Education and Training (IMET) is a critical component of United States security assistance that facilitates training of international forces and strengthens cooperation and ties between the United States and foreign countries;

(2) it is in the national interest of the United States to further strengthen the armed forces of Ukraine, particularly to enhance their defensive capability and improve interoperability for joint operations; and

(3) the Government of Ukraine should fully utilize the United States IMET program, encourage eligible officers and civilian leaders to participate in the training, and promote successful graduates to positions of prominence in the armed forces of Ukraine.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State $3,500,000 for each of fiscal years 2023, 2024, and 2025 for International Military Education and Training assistance for Ukraine. The assistance shall be made available for the following purposes:

(1) Training of future leaders.

(2) Establishing a rapport between the United States Armed Forces and the armed forces of Ukraine to build partnerships for the future.

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

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

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

(c) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or support pursuant to subsection (a), the Secretary of State shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a notification containing the following elements:

(1) A detailed description of the assistance or support to be provided, including—

(A) the objectives of such assistance or support;

(B) the budget for such assistance or support; and

(C) the expected or estimated timeline for delivery of such assistance or support.

(2) A description of such other matters as the Secretary considers appropriate.

(d) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a strategy for the implementation of the International Military Education and Training program in Ukraine authorized under subsection (b).

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

(A) A clear plan, developed in close consultation with the Ukrainian Ministry of Defense and the armed forces of Ukraine, for how the IMET program will be used by the United States Government and the Government of Ukraine to propel program graduates to positions of prominence in support of the reform efforts of the armed forces of Ukraine in line with North Atlantic Treaty Organization standards.

(B) An assessment of the education and training requirements of the armed forces of Ukraine and clear recommendations for how IMET graduates should be assigned by the Ukrainian Ministry of Defense upon completion of education or training.

(C) An accounting of the current combat requirements of the armed forces of Ukraine and an assessment of the viability of alternative mobile training teams, distributed learning, and other flexible solutions to reach such students.

(D) An identification of opportunities to influence the next generation of leaders through attendance at United States staff and war colleges, junior leader development programs, and technical schools.

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

SA 5899. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. PRIORITIZING DELIVERY OF EXCESS DEFENSE ARTICLES TO UKRAINE.

(a) IN GENERAL.—During fiscal years 2023 through 2024, the delivery of excess defense articles to Ukraine should be given the same priority as that given other countries and regions under section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

(b) NOTIFICATION.—Notwithstanding section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)), during fiscal years 2023 through 2024, the delivery of excess defense articles to Ukraine shall be subject to a 15-day notification requirement, unless, in the event of a notification under section 516(f)(1), the President certifies to the appropriate congressional committees that an emergency exists that necessitates the immediate transfer of the article. If the President states in his notice that an emergency exists which requires the proposed transfer in the national security interest of the United States, thus waiving the congressional review requirements of this subsection, the President shall set forth in the notification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security interests involved.

SA 5900. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1239. REPORT ON POLICIES AND PROCEDURES GOVERNING SUPPORT FOR UKRAINE.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the legal and policy guidance governing intelligence-sharing and security assistance between the United States and Ukraine since March 1, 2021.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of applicable diplomatic, regulatory, or legal guidance on the provision of security assistance by the United States to Ukraine through programs of the Department of State and the Department of Defense, including restrictions outside of the International Trafficking in Arms Regulations (22 C.F.R. 120 et seq.) and prohibitions on specific capabilities and technologies;

(2) a description of the policies, procedures, and legal guidance on the provision of intelligence support by the United States to the military of Ukraine, including support for targeting, battlefield intelligence, surveillance, and reconnaissance, and other support designed to help improve the operational effectiveness and lethality of the Ukrainian military; and

(3) a list of the dates on which the applicable guidance went into effect and any guidance that was superseded.

SA 5901. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1239. PROHIBITION ON INVESTMENT IN OCCUPIED UKRAINIAN TERRITORY.

The sale, trade, transfer, and investment of goods or services by a United States person in regions of Ukraine occupied by a third country are prohibited until the Secretary of State certifies that each such region is under the jurisdiction of the Government of Ukraine.

SA 5902. Mr. CARPER (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. PLUM ACT.

(a) SHORT TITLE.— This section may be cited as the ''Periodically Listing Updates to Management Act of 2022'' or the ''PLUM Act of 2022''.

(b) ESTABLISHMENT OF PUBLIC WEBSITE ON GOVERNMENT POLICY AND SUPPORTING POSITIONS.—

(1) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

''§ 3330f. Government policy and supporting position data

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means—

''(A) any Executive agency, the United States Postal Service, and the Postal Regulatory Commission;

''(B) the Architect of the Capitol, the Government Accountability Office, the Government Publishing Office, and the Library of Congress; and

''(C) the Executive Office of the President and any component within that Office (including any successor component), including—

''(i) the Council of Economic Advisers;

''(ii) the Council on Environmental Quality;

''(iii) the National Security Council;

''(iv) the Office of the Vice President;

''(v) the Office of Policy Development;

''(vi) the Office of Administration;

''(vii) the Office of Management and Budget;

''(viii) the Office of the United States Trade Representative;

''(ix) the Office of Science and Technology Policy;

''(x) the Office of National Drug Control Policy; and

''(xi) the White House Office, including the White House Office of Presidential Personnel.

''(2) APPOINTEE.—The term 'appointee'—

''(A) means an individual serving in a policy and supporting position; and

''(B) includes an individual serving in such a position temporarily in an acting capacity in accordance with—

''(i) sections 3345 through 3349d (commonly known as the 'Federal Vacancies Reform Act of 1998');

''(ii) any other statutory provision described in section 3347(a)(1); or

''(iii) a Presidential appointment described in section 3347(a)(2).

''(3) COVERED WEBSITE.—The term 'covered website' means the website established and maintained by the Director under subsection (b).

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

''(5) POLICY AND SUPPORTING POSITION.—The term 'policy and supporting position'—

''(A) means any position at an agency, as determined by the Director, that, but for this section and subsection (c)(3) of the PLUM Act of 2022, would be included in the publication entitled 'United States Government Policy and Supporting Positions' (commonly referred to as the 'Plum Book'); and

''(B) may include—

''(i) a position on any level of the Executive Schedule under subchapter II of chapter 53, or another position with an equivalent rate of pay;

''(ii) a general position (as defined in section 3132(a)(9)) in the Senior Executive service;

''(iii) a position in the Senior Foreign Service;

''(iv) a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, or any successor regulation; and

''(v) any other position classified at or above level GS–14 of the General Schedule (or equivalent) that is excepted from the competitive service by law because of the confidential or policy-determining nature of the position duties.

''(b) ESTABLISHMENT OF WEBSITE.—Not later than 1 year after the date of enactment of the PLUM Act of 2022, the Director shall establish, and thereafter the Director shall maintain, a public website containing the following information for the President in office on the date of establishment and for each subsequent President:

''(1) Each policy and supporting position in the Federal Government, including any such position that is vacant.

''(2) The name of each individual who—

''(A) is serving in a position described in paragraph (1); or

''(B) previously served in a position described in such paragraph under the applicable President.

''(3) Information on—

''(A) any Government-wide or agency-wide limitation on the total number of positions in the Senior Executive Service under section 3133 or 3134 or the total number of positions under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations; and

''(B) the total number of individuals occupying such positions.

''(c) CONTENTS.—With respect to any policy and supporting position listed on the covered website, the Director shall include—

''(1) the agency, and agency component, (including the agency and bureau code used by the Office of Management and Budget) in which the position is located;

''(2) the name of the position;

''(3) the name of the individual occupying the position (if any);

''(4) the geographic location of the position, including the city, State or province, and country;

''(5) the pay system under which the position is paid;

''(6) the level, grade, or rate of pay;

''(7) the term or duration of the appointment (if any);

''(8) the expiration date, in the case of a time-limited appointment;

''(9) a unique identifier for each appointee;

''(10) whether the position is vacant; and

''(11) for any position that is vacant—

''(A) for a position for which appointment is required to be made by the President, by and with the advice and consent of the Senate, the name of the acting official; and

''(B) for other positions, the name of the official performing the duties of the vacant position.

''(d) CURRENT DATA.—For each agency, the Director shall indicate in the information on the covered website the date that the agency last updated the data.

''(e) FORMAT.—The Director shall make the data on the covered website available to the public at no cost over the internet in a searchable, sortable, downloadable, and machine-readable format so that the data qualifies as an open Government data asset, as defined in section 3502 of title 44.

''(f) AUTHORITY OF DIRECTOR.—

''(1) INFORMATION REQUIRED.—Each agency shall provide to the Director any information that the Director determines necessary to establish and maintain the covered website, including the information uploaded under paragraph (4).

''(2) REQUIREMENTS FOR AGENCIES.—Not later than 1 year after the date of enactment of the PLUM Act of 2022, the Director shall issue instructions to agencies with specific requirements for the provision or uploading of information required under paragraph (1), including—

''(A) specific data standards that an agency shall follow to ensure that the information is complete, accurate, and reliable;

''(B) data quality assurance methods; and

''(C) the timeframe during which an agency shall provide or upload the information, including the timeframe described under paragraph (4).

''(3) PUBLIC ACCOUNTABILITY.—The Director shall identify on the covered website any agency that has failed to provide—

''(A) the information required by the Director;

''(B) complete, accurate, and reliable information; or

''(C) the information during the timeframe specified by the Director.

''(4) ANNUAL UPDATES.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the covered website is established, and not less than once during each year thereafter, the head of each agency shall upload to the covered website updated information (if any) on—

''(i) the policy and supporting positions in the agency;

''(ii) the appointees occupying such positions in the agency; and

''(iii) the former appointees who served in such positions in the agency under the President then in office.

''(B) SUPPLEMENT NOT SUPPLANT.—Information provided under subparagraph (A) shall supplement, not supplant, previously provided information under that subparagraph.

''(5) OPM HELP DESK.—The Director shall establish a central help desk, to be operated by not more than 1 full-time employee, to assist any agency with implementing this section.

''(6) COORDINATION.—The Director may designate 1 or more agencies to participate in the development, establishment, operation, and support of the covered website. With respect to any such designation, the Director may specify the scope of the responsibilities of the agency so designated.

''(7) DATA STANDARDS AND TIMING.—The Director shall make available on the covered website information regarding data collection standards, quality assurance methods, and time frames for reporting data to the Director.

''(8) REGULATIONS.—The Director may prescribe regulations necessary for the administration of this section.

''(g) RESPONSIBILITY OF AGENCIES.—

''(1) PROVISION OF INFORMATION.—Each agency shall comply with the instructions and guidance issued by the Director to carry out this section, and, upon request of the Director, shall provide appropriate assistance to the Director to ensure the successful operation of the covered website in the manner and within the timeframe specified by the Director under subsection (f)(2).

''(2) ENSURING COMPLETENESS, ACCURACY, AND RELIABILITY.—With respect to any submission of information described in paragraph (1), the head of an agency shall include—

''(A) an explanation of how the agency ensured the information is complete, accurate, and reliable; and

''(B) a certification that the information is complete, accurate, and reliable.

''(h) INFORMATION VERIFICATION.—

''(1) CONFIRMATION.—

''(A) IN GENERAL.—On the date that is 90 days after the date on which the covered website is established, the Director, in coordination with the White House Office of Presidential Personnel, shall confirm that the information on the covered website is complete, accurate, reliable, and up-to-date.

''(B) CERTIFICATION.—On the date on which the Director makes a confirmation under subparagraph (A), the Director shall publish on the covered website a certification that the confirmation has been made.

''(2) AUTHORITY OF DIRECTOR.—In carrying out paragraph (1), the Director may—

''(A) request additional information from an agency; and

''(B) use any additional information provided to the Director or the White House Office of Presidential Personnel for the purposes of verification.

''(3) PUBLIC COMMENT.—The Director shall establish a process under which members of the public may provide feedback regarding the accuracy of the information on the covered website.

''(i) DATA ARCHIVING.—

''(1) IN GENERAL.—As soon as practicable after a transitional inauguration day (as defined in section 3349a), the Director, in consultation with the Archivist of the United States, shall archive the data that was compiled on the covered website for the preceding presidential administration.

''(2) PUBLIC AVAILABILITY.—The Director shall make the data described in paragraph (1) publicly available over the internet—

''(A) on, or through a link on, the covered website;

''(B) at no cost; and

''(C) in a searchable, sortable, downloadable, and machine-readable format.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

''3330f. Government policy and supporting position data.''.

(c) OTHER MATTERS.—

(1) DEFINITIONS.—In this subsection, the terms ''agency'', ''covered website'', ''Director'', and ''policy and supporting position'' have the meanings given those terms in section 3330f of title 5, United States Code, as added by subsection (b).

(2) GAO REVIEW AND REPORT.—Not later than 1 year after the date on which the Director establishes the covered website, the Comptroller General of the United States shall conduct a review of, and issue a briefing or report on, the implementation of this section and the amendments made by this section, which shall include—

(A) the quality of data required to be collected and whether the data is complete, accurate, timely, and reliable;

(B) any challenges experienced by agencies in implementing this section and the amendments made by this section; and

(C) any suggestions or modifications to enhance compliance with this section and the amendments made by this section, including best practices for agencies to follow.

(3) SUNSET OF PLUM BOOK.—Beginning on January 1, 2026—

(A) the covered website shall serve as the public directory for policy and supporting positions in the Government; and

(B) the publication entitled ''United States Government Policy and Supporting Positions'', commonly referred to as the ''Plum Book'', shall no longer be issued or published.

(4) FUNDING.—

(A) IN GENERAL.—No additional amounts are authorized to be appropriated to carry out this section or the amendments made by this section.

(B) OTHER FUNDING.—The Director shall carry out this section and the amendments made by this section using amounts otherwise available to the Director.

SA 5903. Mr. CARPER (for himself, Mrs. CAPITO, Mr. CARDIN, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—WATER RESOURCES DEVELOPMENT ACT OF 2022

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Water Resources Development Act of 2022''.

SEC. 5002. DEFINITION OF SECRETARY.

In this division, the term ''Secretary'' means the Secretary of the Army.

TITLE LI—GENERAL PROVISIONS

SEC. 5101. SCOPE OF FEASIBILITY STUDIES.

(a) FLOOD AND COASTAL STORM RISK MANAGEMENT.—In carrying out a feasibility study for a project for flood or coastal storm risk management, the Secretary, at the request of the non-Federal interest for the study, shall formulate alternatives to maximize net benefits from the reduction of the comprehensive flood risk that is identified through a holistic evaluation of the isolated and compound effects of—

(1) a riverine discharge of any magnitude or frequency;

(2) inundation, wave attack, and erosion coinciding with a hurricane or coastal storm;

(3) a tide of any magnitude or frequency;

(4) a rainfall event of any magnitude or frequency;

(5) seasonal variation in water levels;

(6) groundwater emergence;

(7) sea level rise;

(8) subsidence; or

(9) any other driver of flood risk affecting the study area.

(b) WATER SUPPLY, WATER SUPPLY CONSERVATION, AND DROUGHT RISK REDUCTION.—In carrying out a feasibility study for any purpose, the Secretary, at the request of the non-Federal interest for the study, shall formulate alternatives—

(1) to maximize combined net benefits for the primary purpose of the study and for water supply, water supply conservation, and drought risk reduction; or

(2) to include 1 or more measures for the purpose of water supply, water supply conservation, or drought risk reduction.

(c) COST SHARING.—All costs to carry out a feasibility study in accordance with this section shall be shared in accordance with the cost share requirements otherwise applicable to the study.

SEC. 5102. SHORELINE AND RIVERBANK PROTECTION AND RESTORATION MISSION.

(a) DECLARATION OF POLICY.—Congress declares that—

(1) consistent with the civil works mission of the Corps of Engineers, it is the policy of the United States to protect and restore the shorelines, riverbanks, and streambanks of the United States from the damaging impacts of extreme weather events and other factors contributing to the vulnerability of coastal and riverine communities and ecosystems;

(2) the Chief of Engineers shall give priority consideration to the protection and restoration of shorelines, riverbanks, and streambanks from erosion and other damaging impacts of extreme weather events in carrying out the civil works mission of the Corps of Engineers;

(3) to the maximum extent practicable, projects and measures for the protection and restoration of shorelines, riverbanks, and streambanks shall be formulated to increase the resilience of such shores and banks from the damaging impacts of extreme weather events and other factors contributing to the vulnerability of coastal and riverine communities and ecosystems using measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); and

(4) to the maximum extent practicable, periodic nourishment shall be provided, in accordance with subsection (c) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(c)), and subject to section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f), for projects and measures carried out for the purpose of restoring and increasing the resilience of ecosystems to the same extent as periodic nourishment is provided for projects and measures carried out for the purpose of coastal storm risk management.

(b) SHORELINE AND RIVERINE PROTECTION AND RESTORATION.—

(1) IN GENERAL.—Section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(A) in the section heading, by striking ''**FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM**'' and inserting ''**SHORELINE AND RIVERINE PROTECTION AND RESTORATION**'';

(B) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may carry out projects—

''(1) to reduce flood and coastal storm hazards, including shoreline erosion and riverbank and streambank failures; or

''(2) to restore the natural functions and values of rivers and shorelines throughout the United States.'';

(C) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) AUTHORITY.—

''(A) STUDIES.—The Secretary may carry out studies to identify appropriate measures for—

''(i) the reduction of flood and coastal storm hazards, including shoreline erosion and riverbank and streambank failures; or

''(ii) the restoration of the natural functions and values of rivers and shorelines.

''(B) PROJECTS.—Subject to subsection (f)(2), the Secretary may design and implement projects described in subsection (a).'';

(ii) in paragraph (3), by striking ''flood damages'' and inserting ''flood and coastal storm damages, including the use of measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))''; and

(iii) in paragraph (4)—

(I) by inserting ''and coastal storm'' after ''flood'';

(II) by inserting '', shoreline,'' after ''riverine''; and

(III) by inserting ''and coastal barriers'' after ''floodplains'';

(D) in subsection (c)—

(i) by striking paragraph (1) and inserting the following:

''(1) STUDIES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of a study under this section shall be—

''(i) 50 percent; and

''(ii) 10 percent, in the case of a study benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)).

''(B) FEDERAL INTEREST DETERMINATION.—The first $100,000 of the costs of a study under this section shall be at full Federal expense.'';

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking ''FLOOD CONTROL''; and

(II) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Design and construction of a nonstructural measure or project, a measure or project described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)), or for a measure or project for environmental restoration, shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)) shall be 10 percent.''; and

(iii) in paragraph (3)—

(I) in the paragraph heading, by striking ''CONTROL'' and inserting ''AND COASTAL STORM RISK MANAGEMENT'';

(II) by striking ''control'' and inserting ''and coastal storm risk management''; and

(III) by striking ''section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a))'' and inserting ''section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)) shall be 10 percent'';

(E) in subsection (d)—

(i) by striking paragraph (2);

(ii) by striking the subsection designation and heading and all that follows through ''Notwithstanding'' in paragraph (1) in the matter preceding subparagraph (A) and inserting the following:

''(d) PROJECT JUSTIFICATION.—Notwithstanding'';

(iii) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and indenting appropriately; and

(iv) in paragraph (1) (as so redesignated)—

(I) by inserting ''or coastal storm'' after ''flood''; and

(II) by inserting '', including erosion or riverbank or streambank failures'' after ''damages'';

(F) in subsection (e)—

(i) by redesignating paragraphs (1) through (33) as subparagraphs (A) through (GG), respectively, and indenting appropriately;

(ii) in the matter preceding subparagraph (A) (as so redesignated), by striking ''In carrying out'' and inserting the following:

''(1) IN GENERAL.—In carrying out''; and

(iii) by adding at the end the following:

''(2) PRIORITY PROJECTS.—In carrying out this section after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall prioritize projects for the following locations:

''(A) Delaware beaches and watersheds, Delaware.

''(B) Louisiana Coastal Area, Louisiana.

''(C) Great Lakes Shores and Watersheds.

''(D) Oregon Coastal Area, Oregon.

''(E) Upper Missouri River Basin.

''(F) Ohio River Tributaries and their watersheds, West Virginia.

''(G) Chesapeake Bay watershed and Maryland beaches, Maryland.'';

(G) by striking subsections (f), (g), and (i);

(H) by redesignating subsection (h) as subsection (f); and

(I) in subsection (f) (as so redesignated), by striking paragraph (2) and inserting the following:

''(2) PROJECTS REQUIRING SPECIFIC AUTHORIZATION.—The Secretary shall not carry out a project until Congress enacts a law authorizing the Secretary to carry out the project, if the Federal share of the cost to design and construct the project exceeds—

''(A) $26,000,000, in the case of a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260));

''(B) $23,000,000, in the case of a project other than a project benefitting an economically disadvantaged community (as so defined) that—

''(i) is for purposes of environmental restoration; or

''(ii) derives not less than 50 percent of the erosion, flood, or coastal storm risk reduction benefits from nonstructural measures or measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); or

''(C) $18,500,000, for a project other than a project described in subparagraph (A) or (B).''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 1999 (113 Stat. 269) is amended by striking the item relating to section 212 and inserting the following:

''Sec. 212. Shoreline and riverine protection and restoration.''.

(c) EMERGENCY STREAMBANK AND SHORELINE PROTECTION.—Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

SEC. 5103. INLAND WATERWAY PROJECTS.

(a) IN GENERAL.—Section 102(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2212(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''One-half of the costs'' and inserting ''75 percent of the costs''; and

(2) in the undesignated matter following paragraph (3), in the second sentence, by striking ''One-half of such costs'' and inserting ''25 percent of such costs''.

(b) APPLICATION.—The amendments made by subsection (a) shall apply to new and ongoing projects beginning on October 1, 2022.

(c) CONFORMING AMENDMENT.—Section 109 of the Water Resources Development Act of 2020 (33 U.S.C. 2212 note; Public Law 116–260) is amended by striking ''fiscal years 2021 through 2031'' and inserting ''fiscal years 2021 through 2022''.

SEC. 5104. PROTECTION AND RESTORATION OF OTHER FEDERAL LAND ALONG RIVERS AND COASTS.

(a) IN GENERAL.—The Secretary is authorized to use funds made available to the Secretary for water resources development purposes to construct, at full Federal expense, a measure benefitting Federal land under the administrative jurisdiction of another Federal agency, if the measure—

(1) is included in a report of the Chief of Engineers or other decision document for a water resources development project that is specifically authorized by Congress;

(2) is included in a detailed project report (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(3) utilizes dredged material from a water resources development project beneficially.

(b) APPLICABILITY.—This section shall apply to a measure for which construction is initiated after the date of enactment of this Act.

(c) EXCLUSION.—In this section, the term ''Federal land'' does not include a military installation.

(d) SAVINGS PROVISIONS.—Nothing in this section precludes—

(1) a Federal agency with administrative jurisdiction over Federal land from contributing funds for any portion of the cost of a measure described in subsection (a) that benefits that land; or

(2) the Secretary, at the request of the non-Federal interest for a study for a project for flood or coastal storm risk management, from using funds made available to the Secretary for water resources development investigations to formulate measures to reduce risk to a military installation, if the non-Federal interest shares in the cost to formulate those measures to the same extent that the non-Federal interest is required to share in the cost of the study.

(e) REPEAL.—

(1) IN GENERAL.—Section 1025 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2226) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1193) is amended by striking the item relating to section 1025.

SEC. 5105. POLICY AND TECHNICAL STANDARDS.

Consistent with the 5-year administrative publication life cycle of the Department of the Army, the Secretary shall revise, rescind, or certify as current, as applicable, each publication for the civil works programs of the Corps of Engineers.

SEC. 5106. PLANNING ASSISTANCE TO STATES.

(a) IN GENERAL.—Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''section 236 of title 10'' and inserting ''section 4141 of title 10''; and

(B) by adding at the end the following:

''(4) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this subsection to address both inland and coastal life safety risks.'';

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

''(b) OUTREACH.—

''(1) IN GENERAL.—The Secretary is authorized to carry out activities, at full Federal expense—

''(A) to inform and educate States and other non-Federal interests about the missions, programs, policies, and procedures of the Corps of Engineers; and

''(B) to engage with States and other non-Federal interests to identify specific opportunities to partner with the Corps of Engineers to address water resources development needs.

''(2) STAFF.—The Secretary shall designate staff in each district office of the Corps of Engineers to provide assistance under this subsection.''; and

(4) in subsection (d) (as so redesignated), by adding at the end the following:

''(3) OUTREACH.—There is authorized to be appropriated $30,000,000 for each fiscal year to carry out subsection (b).

''(4) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this section to economically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)).''.

(b) CONFORMING AMENDMENT.—Section 3014(b)(3)(B) of the Water Resources Reform and Development Act of 2014 (42 U.S.C. 4131(b)(3)(B)) is amended by striking section

''22(b) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16(b))'' and inserting ''section 22(c) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16(c))''.

SEC. 5107. FLOODPLAIN MANAGEMENT SERVICES.

Section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''Surveys and guides'' and inserting the following:

''(2) SURVEYS AND GUIDES.—Surveys and guides'';

(B) in the first sentence—

(i) by inserting ''identification of areas subject to floods due to accumulated snags and other debris,'' after ''inundation by floods of various magnitudes and frequencies,''; and

(ii) by striking ''In recognition'' and inserting the following:

''(1) IN GENERAL.—In recognition''; and

(C) by adding at the end the following:

''(3) IDENTIFICATION OF ASSISTANCE.—

''(A) IN GENERAL.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall identify and communicate to States and non-Federal interests specific opportunities to partner with the Corps of Engineers to address flood hazards.

''(B) COORDINATION.—The Secretary shall coordinate activities under this paragraph with activities described in subsection (b) of section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16).'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding section 4141 of title 10, United States Code, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.''.

SEC. 5108. WORKFORCE PLANNING.

(a) DEFINITION OF HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—In this section, the term ''historically Black college or university'' has the meaning given the term ''part B institution'' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(b) AUTHORIZATION.—The Secretary is authorized to carry out activities, at full Federal expense—

(1) to foster, enhance, and support science, technology, engineering, and math education and awareness; and

(2) to recruit individuals for careers at the Corps of Engineers.

(c) PARTNERING ENTITIES.—In carrying out activities under this section, the Secretary may enter into partnerships with—

(1) public and nonprofit elementary and secondary schools;

(2) community colleges;

(3) technical schools;

(4) colleges and universities, including historically Black colleges and universities; and

(5) other institutions of learning.

(d) PRIORITIZATION.—The Secretary shall, to the maximum extent practicable, prioritize the recruitment of individuals under this section that are located in economically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2023 through 2027.

SEC. 5109. CREDIT IN LIEU OF REIMBURSEMENT.

(a) IN GENERAL.—Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended—

(1) in subsection (a)—

(A) by striking ''or'' before ''an authorized coastal navigation project'';

(B) by inserting ''or any other water resources development project for which the Secretary is authorized to reimburse the non-Federal interest for the Federal share of construction or operation and maintenance,'' before ''the Secretary''; and

(C) by striking ''of the project'' and inserting ''to construct, periodically nourish, or operate and maintain the project'';

(2) in each of subsections (b) and (c), by striking ''flood damage reduction and coastal navigation'' each place it appears and inserting ''water resources development''; and

(3) by adding at the end the following:

''(d) APPLICABILITY.—With respect to a project constructed under section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232), the Secretary shall exercise the authority under this section to apply credits and reimbursements related to the project in a manner consistent with the requirements of subsection (d) of that section.''.

(b) TREATMENT OF CREDIT BETWEEN PROJECTS.—Section 7007(d) of the Water Resources Development Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended by inserting '', or may be applied to reduce the amounts required to be paid by the non-Federal interest under the terms of the deferred payment agreements entered into between the Secretary and the non-Federal interest for the projects authorized by section 7012(a)(1)'' before the period at the end.

SEC. 5110. COASTAL COST CALCULATIONS.

Section 152(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2213a(a)) is amended by inserting ''or coastal storm risk management'' after ''flood risk management''.

SEC. 5111. ADVANCE PAYMENT IN LIEU OF REIMBURSEMENT FOR CERTAIN FEDERAL COSTS.

The Secretary is authorized to provide in advance to the non-Federal interest the Federal share of funds required for the acquisition of land, easements, and rights-of-way and the performance of relocations for a project or separable element—

(1) authorized to be constructed at full Federal expense;

(2) described in section 103(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(b)(2)); or

(3) described in, or modified by an amendment made by, section 5307(a) or 5309(a), if at any time the cost to acquire the land, easements, and rights-of-way required for the project is projected to exceed the non-Federal share of the cost of the project.

SEC. 5112. USE OF EMERGENCY FUNDS.

Section 5(a) of the Act of August 18, 1941 (commonly known as the ''Flood Control Act of 1941'') (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), is amended—

(1) in paragraph (1), in the first sentence, by inserting '', increase resilience, increase effectiveness in preventing damages from inundation, wave attack, or erosion,'' after ''address major deficiencies''; and

(2) by adding at the end the following:

''(6) WORK CARRIED OUT BY A NON-FEDERAL SPONSOR.—

''(A) GENERAL RULE.—The Secretary may authorize a non-Federal sponsor to plan, design, or construct repair or restoration work described in paragraph (1).

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—To be eligible for a payment under subparagraph (C) for the Federal share of a planning, design, or construction activity for repair or restoration work described in paragraph (1), the non-Federal sponsor shall enter into a written agreement with the Secretary before carrying out the activity.

''(ii) COMPLIANCE WITH OTHER LAWS.—The non-Federal sponsor shall carry out all activities under this paragraph in compliance with all laws and regulations that would apply if the activities were carried out by the Secretary.

''(C) PAYMENT.—

''(i) IN GENERAL.—The Secretary is authorized to provide payment, in the form of an advance or a reimbursement, to the non-Federal sponsor for the Federal share of the cost of a planning design, or construction activity for the repair or restoration work described in paragraph (1).

''(ii) ADDITIONAL AMOUNTS.—If the Federal share of the cost of the activity under this paragraph exceeds the amount obligated by the Secretary under an agreement under subparagraph (B), the advance or reimbursement of such additional amounts shall be at the discretion of the Secretary.

''(D) ANNUAL LIMIT ON REIMBURSEMENTS NOT APPLICABLE.—Section 102 of the Energy and Water Development Appropriations Act, 2006 (33 U.S.C. 2221), shall not apply to an agreement under subparagraph (B).''.

SEC. 5113. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended—

(1) in the section heading, by striking ''**COLLABORATIVE**'';

(2) in subsection (b), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) by striking subsection (e);

(4) by redesignating subsections (b), (c), (d), and (f) as paragraphs (2), (3), (4), and (5), respectively, and indenting appropriately;

(5) in subsection (a), by striking ''of the Army Corps of Engineers, the Secretary is authorized to utilize Army'' and inserting the following: ''of the Corps of Engineers, the Secretary is authorized to engage in basic research, applied research, advanced research, and development projects, including such projects that are—

''(1) authorized by Congress; or

''(2) included in an Act making appropriations for the Corps of Engineers.

''(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary is authorized to utilize'';

(6) in subsection (b) (as so redesignated)—

(A) in paragraph (2)(B) (as so redesignated), by striking ''this section'' and inserting ''this subsection'';

(B) in paragraph (3) (as so redesignated), in the first sentence, by striking ''this section'' each place it appears and inserting ''this subsection'';

(C) in paragraph (4) (as so redesignated), by striking ''subsection (c)'' and inserting ''paragraph (3)''; and

(D) in paragraph (5) (as so redesignated), by striking ''this section'' and inserting ''this subsection;''; and

(7) by adding at the end the following:

''(c) OTHER TRANSACTIONS.—

''(1) AUTHORITY.—The Secretary may enter into transactions (other than contracts, cooperative agreements, and grants) in order to carry out this section.

''(2) EDUCATION AND TRAINING.—The Secretary shall—

''(A) ensure that management, technical, and contracting personnel of the Corps of Engineers involved in the award or administration of transactions under this section or other innovative forms of contracting are afforded opportunities for adequate education and training; and

''(B) establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and

requirements for acquisition certification programs.

''(3) NOTIFICATION.—The Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives notice of a transaction under this subsection not less than 30 days before entering into the transaction.

''(4) REPORT.—Not later than 3 years and not later than 7 years after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the use of the authority under paragraph (1).

''(d) REPORT.—

''(1) IN GENERAL.—For fiscal year 2025, and annually thereafter, in conjunction with the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on projects carried out under subsection (a).

''(2) CONTENTS.—A report under paragraph (1) shall include—

''(A) a description of each ongoing and new project, including—

''(i) the estimated total cost;

''(ii) the amount of Federal expenditures;

''(iii) the amount of expenditures by a non-Federal entity as described in subsection (b)(1), if applicable;

''(iv) the estimated timeline for completion;

''(v) the requesting district of the Corps of Engineers, if applicable; and

''(vi) how the project is consistent with subsection (a); and

''(B) any additional information that the Secretary determines to be appropriate.

''(e) COST SHARING.—

''(1) IN GENERAL.—Except as provided in subsection (b)(3) and paragraph (2), a project carried out under this section shall be at full Federal expense.

''(2) TREATMENT.—Nothing in this subsection waives applicable cost-share requirements for a water resources development project or feasibility study (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d))).

''(f) SAVINGS CLAUSE.—Nothing in this section limits the ability of the Secretary to carry out a project requested by a district of the Corps of Engineers in support of a water resources development project or feasibility study (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d))).

''(g) RESEARCH AND DEVELOPMENT ACCOUNT.—

''(1) IN GENERAL.—There is established a Research and Development account of the Corps of Engineers for the purposes of carrying out this section.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Research and Development account established by paragraph (1) $85,000,000 for each of fiscal years 2023 through 2027.''.

(b) FORECASTING MODELS FOR THE GREAT LAKES.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Secretary $10,000,000 to complete and maintain a model suite to forecast water levels, account for water level variability, and account for the impacts of extreme weather events and other natural disasters in the Great Lakes.

(2) SAVINGS PROVISION.—Nothing in this subsection precludes the Secretary from using funds made available under the Great Lakes Restoration Initiative established by section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)) for activities described in paragraph (1) for the Great Lakes, if funds are not appropriated for such activities.

(c) MONITORING AND ASSESSMENT PROGRAM FOR SALINE LAKES IN THE GREAT BASIN.—

(1) IN GENERAL.—The Secretary is authorized to carry out a program (referred to in this subsection as the ''program'') to monitor and assess the hydrology of saline lake ecosystems in the Great Basin, including the Great Salt Lake, to inform and support Federal and non-Federal management and conservation activities to benefit those ecosystems.

(2) COORDINATION.—The Secretary shall coordinate implementation of the program with relevant—

(A) Federal and State agencies;

(B) Indian Tribes;

(C) local governments; and

(D) nonprofit organizations.

(3) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into contracts, grant agreements, and cooperative agreements with institutions of higher education and with entities described in paragraph (2) to implement the program.

(4) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress an update on the progress of the Secretary in carrying out the program.

(5) ADDITIONAL INFORMATION.—In carrying out the program, the Secretary may use available studies, information, literature, or data on the Great Basin region published by relevant Federal, State, or local entities.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

(d) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1988 (102 Stat. 4012) is amended by striking the item relating to section 7 and inserting the following:

''Sec. 7. Research and development.''.

SEC. 5114. TRIBAL AND ECONOMICALLY DISADVANTAGED COMMUNITIES ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term ''Committee'' means the Tribal and Economically Disadvantaged Communities Advisory Committee established under subsection (b).

(2) ECONOMICALLY DISADVANTAGED COMMUNITY.—The term ''economically disadvantaged community'' has the meaning given the term pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260).

(3) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the ''Tribal and Economically Disadvantaged Communities Advisory Committee'', to develop and make recommendations to the Secretary and the Chief of Engineers on activities and actions that should be undertaken by the Corps of Engineers to ensure more effective delivery of water resources development projects, programs, and other assistance to economically disadvantaged communities and Indian Tribes.

(c) MEMBERSHIP.—The Committee shall be composed of members, appointed by the Secretary, who have the requisite experiential or technical knowledge needed to address issues related to the water resources needs and challenges of economically disadvantaged communities and Indian Tribes, including—

(1) 5 individuals representing organizations with expertise in environmental policy, rural water resources, economically disadvantaged communities, Tribal rights, or civil rights; and

(2) 5 individuals, each representing a non-Federal interest for a Corps of Engineers project.

(d) DUTIES.—

(1) RECOMMENDATIONS.—The Committee shall provide advice and make recommendations to the Secretary and the Chief of Engineers to assist the Corps of Engineers in—

(A) efficiently and effectively delivering solutions to water resources development projects needs and challenges for economically disadvantaged communities and Indian Tribes;

(B) integrating consideration of economically disadvantaged communities and Indian Tribes, where applicable, in the development of water resources development projects and programs of the Corps of Engineers; and

(C) improving the capability and capacity of the workforce of the Corps of Engineers to assist economically disadvantaged communities and Indian Tribes.

(2) MEETINGS.—The Committee shall meet as appropriate to develop and make recommendations under paragraph (1).

(3) REPORT.—Recommendations provided under paragraph (1) shall be—

(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) be made publicly available, including on a publicly available website.

(e) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (d)(1) shall reflect the independent judgment of the Committee.

(f) ADMINISTRATION.—

(1) COMPENSATION.—Except as provided in paragraph (2), the members of the Committee shall serve without compensation.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(3) TREATMENT.—The members of the Committee shall not be considered to be Federal employees, and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

SEC. 5115. NON-FEDERAL INTEREST ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the ''Non-Federal Interest Advisory Committee'' (referred to in this section as the ''Committee''), to develop and make recommendations to the Secretary and the Chief of Engineers on activities and actions that should be undertaken by the Corps of Engineers to ensure more effective and efficient delivery of water resources development projects, programs, and other assistance.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of the members described in paragraph (2), who shall—

(A) be appointed by the Secretary; and

(B) have the requisite experiential or technical knowledge needed to address issues related to water resources needs and challenges.

(2) REPRESENTATIVES.—The members of the Committee shall include the following:

(A) A representative of each of the following:

(i) A non-Federal interest for a project for navigation for an inland harbor.

(ii) A non-Federal interest for a project for navigation for a harbor.

(iii) A non-Federal interest for a project for flood risk management.

(iv) A non-Federal interest for a project for coastal storm risk management.

(v) A non-Federal interest for a project for aquatic ecosystem restoration.

(B) A representative of each of the following:

(i) A non-Federal stakeholder with respect to inland waterborne transportation.

(ii) A non-Federal stakeholder with respect to water supply.

(iii) A non-Federal stakeholder with respect to recreation.

(iv) A non-Federal stakeholder with respect to hydropower.

(v) A non-Federal stakeholder with respect to emergency preparedness, including coastal protection.

(C) A representative of each of the following:

(i) An organization with expertise in conservation.

(ii) An organization with expertise in environmental policy.

(iii) An organization with expertise in rural water resources.

(c) DUTIES.—

(1) RECOMMENDATIONS.—The Committee shall provide advice and make recommendations to the Secretary and the Chief of Engineers to assist the Corps of Engineers in—

(A) efficiently and effectively delivering water resources development projects;

(B) improving the capability and capacity of the workforce of the Corps of Engineers to deliver projects and other assistance;

(C) improving the capacity and effectiveness of Corps of Engineers consultation and liaison roles in communicating water resources needs and solutions, including regionally-specific recommendations; and

(D) strengthening partnerships with non-Federal interests to advance water resources solutions.

(2) MEETINGS.—The Committee shall meet as appropriate to develop and make recommendations under paragraph (1).

(3) REPORT.—Recommendations provided under paragraph (1) shall be—

(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) made publicly available, including on a publicly available website.

(d) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (c)(1) shall reflect the independent judgment of the Committee.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(2) COMPENSATION.—Except as provided in paragraph (3), the members of the Committee shall serve without compensation.

(3) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(4) TREATMENT.—The members of the Committee shall not be considered to be Federal employees and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 5116. UNDERSERVED COMMUNITY HARBOR PROJECTS.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term ''project'' means a single cycle of dredging of an underserved community harbor and the associated placement of dredged material at a beneficial use placement site or disposal site.

(2) UNDERSERVED COMMUNITY HARBOR.—The term ''underserved community harbor'' means an emerging harbor (as defined in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f))) for which—

(A) no Federal funds have been obligated for maintenance dredging in the current fiscal year or in any of the 4 preceding fiscal years; and

(B) State and local investments in infrastructure have been made during the preceding 4 fiscal years.

(b) IN GENERAL.—The Secretary may carry out projects to dredge underserved community harbors for purposes of sustaining water-dependent commercial and recreational activities at such harbors.

(c) JUSTIFICATION.—The Secretary may carry out a project under this section if the Secretary determines that the cost of the project is reasonable in relation to the sum of—

(1) the local or regional economic benefits; and

(2)(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetland and control of shoreline erosion; or

(B) other social effects, including protection against loss of life and contributions to local or regional cultural heritage.

(d) COST SHARE.—The non-Federal share of the cost of a project carried out under this section shall be determined in accordance with—

(1) subsection (a), (b), (c), or (d), as applicable, of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for any portion of the cost of the project allocated to flood or coastal storm risk management, ecosystem restoration, or recreation; and

(2) section 101(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)(1)), for the portion of the cost of the project other than a portion described in paragraph (1).

(e) CLARIFICATION.—The Secretary shall not require the non-Federal interest for a project carried out under this section to perform additional operation and maintenance activities at the beneficial use placement site or the disposal site for such project.

(f) FEDERAL PARTICIPATION LIMIT.—The Federal share of the cost of a project under this section shall not exceed $10,000,000.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2023 through 2026.

(2) SPECIAL RULE.—Not less than 35 percent of the amounts made available to carry out this section for each fiscal year shall be used for projects that include the beneficial use of dredged material.

(h) SAVINGS PROVISION.—Carrying out a project under this section shall not affect the eligibility of an underserved community harbor for Federal operation and maintenance funding otherwise authorized for the underserved community harbor.

SEC. 5117. CORPS OF ENGINEERS WESTERN WATER COOPERATIVE COMMITTEE.

(a) FINDINGS.—Congress finds that—

(1) a bipartisan coalition of 19 Western Senators wrote to the Office of Management and Budget on September 17, 2019, in opposition to the proposed rulemaking entitled ''Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply'' (81 Fed. Reg. 91556 (December 16, 2016)), describing the rule as counter to existing law and court precedent;

(2) on January 21, 2020, the proposed rulemaking described in paragraph (1) was withdrawn; and

(3) the Corps of Engineers should consult with Western States to ensure, to the maximum extent practicable, that operation of flood control projects in prior appropriation States is consistent with the principles of the first section of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665; 33 U.S.C. 701–1) and section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a Western Water Cooperative Committee (referred to in this section as the ''Cooperative Committee'').

(2) PURPOSE.—The purpose of the Cooperative Committee is to ensure that Corps of Engineers flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between operation of Corps of Engineers projects and State water rights and water laws.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Cooperative Committee shall be composed of—

(i) the Assistant Secretary of the Army for Civil Works (or a designee);

(ii) the Chief of Engineers (or a designee);

(iii) 1 representative from each of the States of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, who may serve on the Western States Water Council, to be appointed by the Governor of each State;

(iv) 1 representative with legal experience from each of the States of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, to be appointed by the Attorney General of each State; and

(v) 1 employee from each of the impacted regional offices of the Bureau of Indian Affairs.

(4) MEETINGS.—

(A) IN GENERAL.—The Cooperative Committee shall meet not less than once each year in a State represented on the Cooperative Committee.

(B) AVAILABLE TO PUBLIC.—Each meeting of the Cooperative Committee shall be open and accessible to the public.

(C) NOTIFICATION.—The Cooperative Committee shall publish in the Federal Register adequate advance notice of a meeting of the Cooperative Committee.

(5) DUTIES.—The Cooperative Committee shall develop and make recommendations to avoid or minimize conflicts between the operation of Corps of Engineers projects and State water rights and water laws, which may include recommendations for legislation or the promulgation of policy or regulations.

(6) STATUS UPDATES.—

(A) IN GENERAL.—On an annual basis, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written report that includes—

(i) a summary of the contents of meetings of the Cooperative Committee; and

(ii) a description of any recommendations made by the Cooperative Committee under paragraph (5), including actions taken by the Secretary in response to such recommendations.

(B) COMMENT.—

(i) IN GENERAL.—Not later than 45 days following the conclusion of a meeting of the Cooperative Committee, the Secretary shall provide to members of the Cooperative Committee an opportunity to comment on the contents of the meeting and any recommendations.

(ii) INCLUSION.—Comments provided under clause (i) shall be included in the report provided under subparagraph (A).

(7) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the members of the Cooperative Committee shall serve without compensation.

(B) TRAVEL EXPENSES.—The members of the Cooperative Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Cooperative Committee.

(8) MAINTENANCE OF RECORDS.—The Cooperative Committee shall maintain records pertaining to operating costs and records of the Cooperative Committee for a period of not less than 3 years.

SEC. 5118. UPDATES TO CERTAIN WATER CONTROL MANUALS.

On request of the Governor of State in which the Governor declared a statewide drought disaster in 2021, the Secretary is authorized to update water control manuals for waters in the State, with priority given to those waters that accommodate a water supply project.

SEC. 5119. SENSE OF CONGRESS ON OPERATIONS AND MAINTENANCE OF RECREATION SITES.

It is the sense of Congress that the Secretary, as part of the annual work plan, should distribute amounts provided for the operations and maintenance of recreation sites of the Corps of Engineers so that each site receives an amount that is not less than 80 percent of the recreation fees generated by such site in a given year.

SEC. 5120. RELOCATION ASSISTANCE.

In the case of a water resources development project using nonstructural measures for the elevation or modification of a dwelling that is the primary residence of an owner-occupant and that requires the owner-occupant to relocate temporarily from the dwelling during the period of construction, the Secretary may include in the value of the land, easements, and rights-of-way required for the project or measure the documented reasonable living expenses, excluding food and personal transportation, incurred by the owner-occupant during the period of relocation.

SEC. 5121. REPROGRAMMING LIMITS.

(a) OPERATIONS AND MAINTENANCE.—In reprogramming funds made available to the Secretary for operations and maintenance—

(1) the Secretary may not reprogram more than 25 percent of the base amount up to a limit of—

(A) $8,500,000 for a project, study, or activity with a base level over $1,000,000; and

(B) $250,000 for a project, study, or activity with a base level of $1,000,000 or less; and

(2) $250,000 may be reprogrammed for any continuing study or activity of the Secretary that did not receive an appropriation.

(b) INVESTIGATIONS.—In reprogramming funds made available to the Secretary for investigations—

(1) the Secretary may not reprogram more than $150,000 for a project, study, or activity with a base level over $100,000; and

(2) $150,000 may be reprogrammed for any continuing study or activity of the Secretary that did not receive an appropriation for existing obligations and concomitant administrative expenses.

SEC. 5122. LEASE DURATIONS.

The Secretary shall issue guidance on, in the case of a leasing decision pursuant to section 2667 of title 10, United States Code, or section 4 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 889, chapter 665; 16 U.S.C. 460d), instances in which a lease duration in excess of 25 years is appropriate.

SEC. 5123. SENSE OF CONGRESS RELATING TO POST-DISASTER REPAIRS.

It is the sense of Congress that in permitting and funding post-disaster repairs, the Secretary should, to the maximum extent practicable, repair assets—

(1) to project design levels; or

(2) if the original project design is outdated, to above project design levels.

SEC. 5124. PAYMENT OF PAY AND ALLOWANCES OF CERTAIN OFFICERS FROM APPROPRIATION FOR IMPROVEMENTS.

Section 36 of the Act of August 10, 1956 (70A Stat. 634, chapter 1041; 33 U.S.C. 583a), is amended—

(1) by striking ''Regular officers of the Corps of Engineers of the Army, and reserve officers of the Army who are assigned to the Corps of Engineers,'' and inserting the following:

''(a) IN GENERAL.—The personnel described in subsection (b)''; and

(2) by adding at the end the following:

''(b) PERSONNEL DESCRIBED.—The personnel referred to in subsection (a) are the following:

''(1) Regular officers of the Corps of Engineers of the Army.

''(2) The following members of the Army who are assigned to the Corps of Engineers:

''(A) Reserve component officers.

''(B) Warrant officers (whether regular or reserve component).

''(C) Enlisted members (whether regular or reserve component).''.

SEC. 5125. REFORESTATION.

The Secretary is encouraged to consider measures to restore swamps and other wetland forests in studies for water resources development projects for ecosystem restoration and flood and coastal storm risk management.

SEC. 5126. USE OF OTHER FEDERAL FUNDS.

Section 2007 of the Water Resources Development Act of 2007 (33 U.S.C. 2222) is amended—

(1) by striking ''water resources study or project'' and inserting ''water resources development study or project, including a study or project under a continuing authority program (as defined in section 7001(c)(1)(D) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(c)(1)(D))),''; and

(2) by striking ''the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project'' and inserting ''the funds appropriated to the Federal agency are for a purpose that is similar or complementary to the purpose of the study or project''.

SEC. 5127. NATIONAL LOW-HEAD DAM INVENTORY.

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by adding at the end the following:

''SEC. 15. NATIONAL LOW-HEAD DAM INVENTORY.

''(a) DEFINITIONS.—In this section:

''(1) INVENTORY.—The term 'inventory' means the national low-head dam inventory developed under subsection (b)(1).

''(2) LOW-HEAD DAM.—The term 'low-head dam' means a river-wide dam that generally spans a stream channel, blocking the waterway and creating a backup of water behind the dam, with a drop off over the wall of not less than 6 inches and not more than 25 feet.

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

''(b) NATIONAL LOW-HEAD DAM INVENTORY.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary, in consultation with the heads of appropriate Federal and State agencies, shall—

''(A) develop an inventory of low-head dams in the United States that includes—

''(i) the location, ownership, description, current use, condition, height, and length of each low-head dam;

''(ii) any information on public safety conditions at each low-head dam;

''(iii) public safety information on the dangers of low-head dams;

''(iv) a directory of financial and technical assistance resources available to reduce safety hazards and fish passage barriers at low-head dams; and

''(v) any other relevant information concerning low-head dams; and

''(B) submit the inventory to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) DATA.—In carrying out this subsection, the Secretary shall—

''(A) coordinate with Federal and State agencies and other relevant entities; and

''(B) use data provided to the Secretary by those agencies.

''(3) UPDATES.—The Secretary, in consultation with appropriate Federal and State agencies, shall maintain and periodically publish updates to the inventory.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.

''(d) CLARIFICATION.—Nothing in this section provides authority to the Secretary to carry out an activity, with respect to a low-head dam, that is not explicitly authorized under this section.''.

SEC. 5128. TRANSFER OF EXCESS CREDIT.

Section 1020 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2223) is amended—

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

''(3) STUDIES AND PROJECTS WITH MULTIPLE NON-FEDERAL INTERESTS.—A credit described in paragraph (1) for a study or project with multiple non-Federal interests may be applied to the required non-Federal cost share for a study or project of any of those non-Federal interests, subject to the condition that each non-Federal interest for the study or project for which the credit described in paragraph (1) is provided concurs in writing.'';

(2) in subsection (b), by adding at the end the following:

''(3) CONDITIONAL APPROVAL OF EXCESS CREDIT.—The Secretary may approve credit in excess of the non-Federal share for a study or project prior to the identification of each authorized study or project to which

the excess credit will be applied, subject to the condition that the non-Federal interest agrees to submit for approval by the Secretary an amendment to the comprehensive plan prepared under paragraph (2) that identifies each authorized study or project in advance of execution of the feasibility cost sharing agreement or project partnership agreement for that authorized study or project.'';

(3) by striking subsection (d); and

(4) by redesignating subsection (e) as subsection (d).

SEC. 5129. NATIONAL LEVEE RESTORATION.

(a) DEFINITION OF REHABILITATION.—Section 9002(13) of the Water Resources Development Act of 2007 (33 U.S.C. 3301(13)) is amended—

(1) by inserting '', or improvement'' after ''removal''; and

(2) by inserting '', increase resiliency to extreme weather events,'' after ''flood risk''.

(b) LEVEE REHABILITATION ASSISTANCE PROGRAM.—Section 9005(h) of the Water Resources Development Act of 2007 (33 U.S.C. 3303a(h)) is amended—

(1) in paragraph (7), by striking ''$10,000,000'' and inserting ''$25,000,000''; and

(2) by adding at the end the following:

''(11) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this subsection to economically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)).''.

SEC. 5130. INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.

Section 1111 of the America's Water Infrastructure Act of 2018 (33 U.S.C. 2326 note; Public Law 115–270) is amended by adding at the end the following:

''(e) INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary is authorized to establish a pilot program (referred to in this subsection as the 'pilot program') to conduct a multiyear dredging demonstration program to award contracts with a duration of up to 5 years for projects on inland waterways.

''(2) PURPOSES.—The purposes of the pilot program shall be—

''(A) to increase the reliability, availability, and efficiency of federally-owned and federally-operated inland waterways projects;

''(B) to decrease operational risks across the inland waterways system; and

''(C) to provide cost-savings by combining work across multiple projects across different accounts of the Corps of Engineers.

''(3) DEMONSTRATION.—

''(A) IN GENERAL.—The Secretary shall, to the maximum extent practicable, award contracts for projects on inland waterways that combine work across the Construction and Operation and Maintenance accounts of the Corps of Engineers.

''(B) PROJECTS.— In awarding contracts under subparagraph (A), the Secretary shall consider projects that—

''(i) improve navigation reliability on inland waterways that are accessible yearround;

''(ii) increase freight capacity on inland waterways; and

''(iii) have the potential to enhance the availability of containerized cargo on inland waterways.

''(4) SAVINGS CLAUSE.—Nothing in this subsection affects the responsibility of the Secretary with respect to the construction and operations and maintenance of projects on the inland waterways system.

''(5) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first contract is awarded pursuant to the pilot program, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates, with respect to the pilot program and any contracts awarded under the pilot program—

''(A) cost effectiveness;

''(B) reliability and performance;

''(C) cost savings attributable to mobilization and demobilization of dredge equipment; and

''(D) response times to address navigational impediments.

''(6) SUNSET.—The authority of the Secretary to enter into contracts pursuant to the pilot program shall expire on the date that is 10 years after the date of enactment of this Act.''.

SEC. 5131. FUNDING TO PROCESS PERMITS.

Section 214(a)(2) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)(2)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(B) MULTI-USER MITIGATION BANK INSTRUMENT PROCESSING.—

''(i) IN GENERAL.—An activity carried out by the Secretary to expedite evaluation of a permit described in subparagraph (A) may include the evaluation of an instrument for a mitigation bank if—

''(I) the non-Federal public entity, public-utility company, natural gas company, or railroad carrier applying for the permit described in that subparagraph is the sponsor of the mitigation bank; and

''(II) expediting evaluation of the instrument is necessary to expedite evaluation of the permit described in that subparagraph.

''(ii) USE OF CREDITS.—The use of credits generated by the mitigation bank established using expedited processing under clause (i) shall be limited to current and future projects and activities of the entity, company, or carrier described in subclause (I) of that clause for a public purpose, except that in the case of a non-Federal public entity, not more than 25 percent of the credits may be sold to other public and private entities.''.

SEC. 5132. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.

Section 1043(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note; Public Law 113–121) is amended—

(1) in paragraph (3), by inserting ''or discrete segment'' after ''separable element'' each place it appears; and

(2) by adding at the end the following:

''(10) DEFINITION OF DISCRETE SEGMENT.—In this subsection, the term 'discrete segment' means a physical portion of a project or separable element that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the water resources development project, or separable element thereof.''.

SEC. 5133. COST SHARING FOR TERRITORIES AND INDIAN TRIBES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended by adding at the end the following:

''(c) APPLICATION TO STUDIES.—

''(1) INCLUSION.—For purposes of this section, the term 'study' includes watershed assessments.

''(2) APPLICATION.—The Secretary shall apply the waiver amount described in subsection (a) to reduce only the non-Federal share of study costs.''.

SEC. 5134. WATER SUPPLY CONSERVATION.

Section 1116 of the WIIN Act (130 Stat. 1639) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''during the 1-year period ending on the date of enactment of this Act'' and inserting ''for at least 2 years during the 10-year period preceding a request from a non-Federal interest for assistance under this section''; and

(2) in subsection (b)(4), by inserting '', including measures utilizing a natural feature or nature-based feature (as those terms are defined in section 1184(a)) to reduce drought risk'' after ''water supply''.

SEC. 5135. CRITERIA FOR FUNDING OPERATION AND MAINTENANCE OF SMALL, REMOTE, AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop specific criteria for the annual evaluation and ranking of maintenance dredging requirements for small, remote, and subsistence harbors, taking into account the criteria provided in the joint explanatory statement of managers accompanying division D of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1352).

(b) INCLUSION IN GUIDANCE.—The Secretary shall include the criteria developed under subsection (a) in the annual Civil Works Direct Program Development Policy Guidance of the Secretary.

(c) REPORT TO CONGRESS.—For fiscal year 2024, and biennially thereafter, in conjunction with the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives a report that identifies the ranking of projects in accordance with the criteria developed under subsection (a).

SEC. 5136. PROTECTION OF LIGHTHOUSES.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by inserting ''lighthouses, including those lighthouses with historical value,'' after ''schools,''.

SEC. 5137. EXPEDITING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.

Section 1008 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2321b) is amended—

(1) in subsection (b)(1), by inserting ''and to meet the requirements of subsection (b)'' after ''projects'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

''(b) IMPLEMENTATION OF POLICY.—The Secretary shall—

''(1) ensure that the policy described in subsection (a) is implemented nationwide in an efficient, consistent, and coordinated manner; and

''(2) assess opportunities—

''(A) to increase the development of hydroelectric power at existing hydroelectric water resources development projects of the Corps of Engineers; and

''(B) to develop new hydroelectric power at nonpowered water resources development projects of the Corps of Engineers.''.

SEC. 5138. MATERIALS, SERVICES, AND FUNDS FOR REPAIR, RESTORATION, OR REHABILITATION OF CERTAIN PUBLIC RECREATION FACILITIES.

(a) DEFINITION OF ELIGIBLE PUBLIC RECREATION FACILITY.—In this section, the term ''eligible public recreation facility'' means a facility at a reservoir operated by the Corps of Engineers that—

(1) was constructed to enable public use of and access to the reservoir; and

(2) requires repair, restoration, or rehabilitation to function.

(b) AUTHORIZATION.—During a period of low water at an eligible public recreation facility, the Secretary is authorized—

(1) to accept and use materials, services, and funds from a non-Federal interest to repair, restore, or rehabilitate the facility; and

(2) to reimburse the non-Federal interest for the Federal share of the materials, services, or funds.

(c) REQUIREMENT.—The Secretary may not reimburse a non-Federal interest for the use of materials or services accepted under this section unless the materials or services—

(1) meet the specifications of the Secretary; and

(2) comply with all applicable laws and regulations that would apply if the materials and services were acquired by the Secretary, including subchapter IV of chapter 31 and chapter 37 of title 40, United States Code, section 8302 of title 41, United States Code, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) AGREEMENT.—Before the acceptance of materials, services, or funds under this section, the Secretary and the non-Federal interest shall enter into an agreement that—

(1) specifies that the non-Federal interest shall hold and save the United States free from any and all damages that arise from use of materials or services of the non-Federal interest, except for damages due to the fault or negligence of the United States or its contractors;

(2) requires that the non-Federal interest shall certify that the materials or services comply with all applicable laws and regulations under subsection (c); and

(3) includes any other term or condition required by the Secretary.

SEC. 5139. DREDGED MATERIAL MANAGEMENT PLANS.

(a) IN GENERAL.—The Secretary shall prioritize implementation of section 125(c) of the Water Resources Development Act of 2020 (33 U.S.C. 2326h) at federally authorized harbors in the State of Ohio.

(b) REQUIREMENTS.—Each dredged material management plan prepared by the Secretary under section 125(c) of the Water Resources Development Act of 2020 (33 U.S.C. 2326h) for a federally authorized harbor in the State of Ohio shall—

(1) include, in the baseline conditions, a prohibition on use of funding for open-lake disposal of dredged material consistent with section 105 of the Energy and Water Development and Related Agencies Appropriations Act, 2022 (Public Law 117–103; 136 Stat. 217) ; and

(2) maximize beneficial use of dredged material under the base plan and under section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)).

(c) SAVINGS PROVISION.—This section does not—

(1) impose a prohibition on use of funding for open-lake disposal of dredged material; or

(2) require the development or implementation of a dredged material management plan in accordance with subsection (b) if use of funding for open-lake disposal is not otherwise prohibited by law.

SEC. 5140. LEASE DEVIATIONS.

The Secretary shall fully implement the requirements of section 153 of the Water Resources Development Act of 2020 (134 Stat. 2658).

SEC. 5141. COLUMBIA RIVER BASIN.

(a) STUDY OF FLOOD RISK MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—Using funds made available to carry out this section, the Secretary is authorized, at Federal expense, to carry out a study to determine the feasibility of a project for flood risk management and related purposes in the Columbia River basin and to report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate with recommendations thereon, including recommendations for a project to potentially reduce the reliance on Canada for flood risk management in the basin.

(2) COORDINATION.—The Secretary shall carry out the activities described in this subsection in coordination with other Federal and State agencies and Indian Tribes.

(b) FUNDS FOR COLUMBIA RIVER TREATY OBLIGATIONS.—

(1) IN GENERAL.—The Secretary is authorized to expend funds appropriated for the purpose of satisfying United States obligations under the Columbia River Treaty to compensate Canada for operating Canadian storage on behalf of the United States under such Treaty.

(2) NOTIFICATION.—If the U.S. entity calls upon Canada to operate Canadian reservoir storage for flood risk management on behalf of the United States, which operation may incur an obligation to compensate Canada under the Columbia River Treaty—

(A) the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate, by not later than 30 days after the initiation of the call, a written notice of the action and a justification, including a description of the circumstances necessitating the call;

(B) upon a determination by the United States of the amount of compensation that shall be paid to Canada, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a written notice specifying such amount and an explanation of how such amount was derived, which notification shall not delay or impede the flood risk management mission of the U.S. entity; and

(C) the Secretary shall make no payment to Canada for the call under the Columbia River Treaty until such time as funds appropriated for the purpose of compensating Canada under such Treaty are available.

(c) DEFINITIONS.—In this section:

(1) COLUMBIA RIVER BASIN.—The term ''Columbia River basin'' means the entire United States portion of the Columbia River watershed.

(2) COLUMBIA RIVER TREATY.—The term ''Columbia River Treaty'' means the Treaty relating to cooperative development of the water resources of the Columbia River Basin, signed at Washington January 17, 1961, and entered into force September 16, 1964.

(3) U.S. ENTITY.—The term ''U.S. entity'' means the entity designated by the United States under Article XIV of the Columbia River Treaty.

SEC. 5142. CONTINUATION OF CONSTRUCTION.

(a) IN GENERAL.—The Secretary shall not include the amount of Federal obligations incurred and non-Federal contributions provided for an authorized water resources development project during the period beginning on the date of enactment of this Act and ending on September 30, 2025, for purposes of determining if the cost of the project exceeds the maximum cost of the project under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(b) CONTINUATION OF CONSTRUCTION.—

(1) IN GENERAL.—The Secretary shall not, solely on the basis of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—

(A) defer the initiation or continuation of construction of a water resources development project during the period described in subsection (a); or

(B) terminate a contract for design or construction of a water resources development project entered into during the period described in subsection (a) after expiration of that period.

(2) RESUMPTION OF CONSTRUCTION.—The Secretary shall resume construction of any water resources development project for which construction was deferred on the basis of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) during the period beginning on October 1, 2021, and ending on the date of enactment of this Act.

(c) STATUTORY CONSTRUCTION.—Nothing in this section waives the obligation of the Secretary to submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a post-authorization change report recommending an increase in the authorized cost of a project if the project otherwise would exceed the maximum cost of the project under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

TITLE LII—STUDIES AND REPORTS

SEC. 5201. AUTHORIZATION OF FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary is authorized to investigate the feasibility of the following projects:

(1) Project for ecosystem restoration, Mill Creek Levee and Walla Walla River, Oregon.

(2) Project for flood risk management and ecosystem restoration, Tittabawassee River, Chippewa River, Pine River, and Tobacco River, Michigan.

(3) Project for flood risk management, Southeast Michigan.

(4) Project for flood risk management, McMicken Dam, Arizona.

(5) Project for flood risk management, Ellicott City and Howard County, Maryland.

(6) Project for flood risk management, Ten Mile River, North Attleboro, Massachusetts.

(7) Project for flood risk management and water supply, Fox-Wolf Basin, Wisconsin.

(8) Project for flood risk management and ecosystem restoration, Thatchbed Island, Essex, Connecticut.

(9) Project for flood and coastal storm risk management, Cape Fear River Basin, North Carolina.

(10) Project for flood risk management, Lower Clear Creek and Dickinson Bayou, Texas.

(11) Project for flood risk management and ecosystem restoration, the Resacas, Hidalgo and Cameron Counties, Texas.

(12) Project for flood risk management, including levee improvement, Papillion Creek, Nebraska.

(13) Project for flood risk management, Offutt Ditch Pump Station, Nebraska.

(14) Project for flood risk management, navigation, and ecosystem restoration, Mohawk River Basin, New York.

(15) Project for coastal storm risk management, Waikiki Beach, Hawaii.

(16) Project for ecosystem restoration and coastal storm risk management, Cumberland and Sea Islands, Georgia.

(17) Project for flood risk management, Wailupe Stream watershed, Hawaii.

(18) Project for flood and coastal storm risk management, Hawaii County, Hawaii.

(19) Project for coastal storm risk management, Maui County, Hawaii.

(20) Project for flood risk management, Sarpy County, Nebraska.

(21) Project for aquatic ecosystem restoration, including habitat for endangered salmon, Columbia River Basin.

(22) Project for ecosystem restoration, flood risk management, and recreation, Newport, Kentucky.

(23) Project for flood risk management and water supply, Jenkins, Kentucky.

(24) Project for flood risk management, including riverbank stabilization, Columbus, Kentucky.

(25) Project for flood and coastal storm risk management, navigation, and ecosystem restoration, South Shore, Long Island, New York.

(26) Project for flood risk management, coastal storm risk management, navigation, ecosystem restoration, and water supply, Blind Brook, New York.

(27) Project for navigation, Cumberland River, Kentucky.

(28) Project for ecosystem restoration and water supply, Great Salt Lake, Utah.

(b) PROJECT MODIFICATIONS.—The Secretary is authorized to investigate the feasibility of the following modifications to the following projects:

(1) Modifications to the project for navigation, South Haven Harbor, Michigan, for turning basin improvements.

(2) Modifications to the project for navigation, Rollinson Channel and channel from Hatteras Inlet to Hatteras, North Carolina, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), to incorporate the ocean bar.

(3) Modifications to the project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172, chapter 188), to provide flood risk management for the tributaries and drainage of Straight Slough, Craighead, Poinsett, and Cross Counties, Arkansas.

(4) Modifications to the project for flood risk management, Cedar River, Cedar Rapids, Iowa, authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366), consistent with the City of Cedar Rapids, Iowa, Cedar River Flood Control System Master Plan.

(5) Modifications to the project for navigation, Savannah Harbor, Georgia, without evaluation of additional deepening.

(6) Modifications to the project for navigation, Honolulu Harbor, Hawaii, for navigation improvements and coastal storm risk management.

(7) Modifications to the project for navigation, Port of Ogdensburg, New York, including deepening.

(8) Modifications to the Huntington Local Protection Project, Huntington, West Virginia.

SEC. 5202. SPECIAL RULES.

(a) The studies authorized by paragraphs (12) and (13) of section 5201(a) shall be considered a continuation of the study that resulted in the Chief's Report for the project for Papillion Creek and Tributaries Lakes, Nebraska, signed January 24, 2022.

(b) The study authorized by section 5201(a)(17) shall be considered a resumption and a continuation of the general reevaluation initiated on December 30, 2003.

(c) In carrying out the study authorized by section 5201(a)(21), the Secretary shall only formulate measures and alternatives to be consistent with the authorized purposes of existing Federal projects while also maintaining the benefits of such projects.

(d) In carrying out the study authorized by section 5201(a)(25), the Secretary shall study the South Shore of Long Island, New York, as a whole system, including inlets that are Federal channels.

(e) The studies authorized by section 5201(b) shall be considered new phase investigations afforded the same treatment as a general reevaluation.

SEC. 5203. EXPEDITED COMPLETION OF STUDIES.

(a) FEASIBILITY REPORTS.—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

(1) Modifications to the project for flood risk management, North Adams, Massachusetts, authorized by section 5 of the Act of June 22, 1936 (commonly known as the ''Flood Control Act of 1936'') (49 Stat. 1572, chapter 688; 33 U.S.C. 701h), and section 3 of the Act of August 18, 1941 (commonly known as the ''Flood Control Act of 1941'') (55 Stat. 639, chapter 377), for flood risk management and ecosystem restoration.

(2) Project for coastal storm risk management, Charleston Peninsula, South Carolina.

(3) Project for flood and coastal storm risk management and ecosystem restoration, Boston North Shore, Revere, Saugus, Lynn, Maiden, and Everett, Massachusetts.

(4) Project for flood risk management, De Soto County, Mississippi.

(5) Project for coastal storm risk management, Chicago shoreline, Illinois.

(6) Project for flood risk management, Cave Buttes Dam, Arizona.

(7) Project for flood and coastal storm risk management, Chelsea, Massachusetts, authorized by a study resolution of the Committee on Public Works of the Senate dated September 12, 1969.

(8) Project for ecosystem restoration, Herring River Estuary, Barnstable County, Massachusetts, authorized by a study resolution of the Committee on Transportation and Infrastructure of the House of Representatives dated July 23, 1997.

(9) Project for coastal storm risk management, ecosystem restoration, and navigation, Nauset Barrier Beach and inlet system, Chatham, Massachusetts, authorized by a study resolution of the Committee on Public Works of the Senate dated September 12, 1969.

(10) Project for flood risk management, East Hartford Levee System, Connecticut.

(11) Project for flood risk management, Rahway, New Jersey, authorized by section 336 of the Water Resources Development Act of 2020 (134 Stat. 2712).

(12) Project for coastal storm risk management, Sea Bright to Manasquan, New Jersey.

(13) Project for coastal storm risk management, Raritan Bay and Sandy Hook Bay, New Jersey.

(14) Project for coastal storm risk management, St. Tammany Parish, Louisiana.

(15) Project for ecosystem restoration, Fox River, Illinois, authorized by section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653).

(16) Project for ecosystem restoration, Chicago River, Illinois.

(17) Project for ecosystem restoration, Lake Okeechobee, Florida.

(18) Project for ecosystem restoration, Western Everglades, Florida.

(19) Modifications to the project for navigation, Hilo Harbor, Hawaii.

(20) Project for flood risk management, Kanawha River Basin, West Virginia, Virginia, North Carolina.

(21) Modifications to the project for navigation, Auke Bay, Alaska.

(b) POST-AUTHORIZATION CHANGE REPORTS.—The Secretary shall expedite completion of a post-authorization change report for the following projects:

(1) Project for ecosystem restoration, Tres Rios, Arizona, authorized by section 101(b)(4) of the Water Resources Development Act of 2000 (114 Stat. 2577).

(2) Project for coastal storm risk management, Surf City and North Topsail Beach, North Carolina, authorized by section 7002(3) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1367).

(3) Anchorage F modifications to the project for navigation, Norfolk Harbor and Channels, Virginia, authorized by section 201 of the Water Resources Development Act of 1986 (100 Stat. 4090) and modified by section 1403(a) of the Water Resources Development Act of 2018 (132 Stat. 3840).

(4) Project for navigation, Port Everglades, Florida, authorized by section 1401(1) of the Water Resources Development Act of 2016 (130 Stat. 1709).

(c) WATERSHED AND RIVER BASIN ASSESSMENTS.—The Secretary shall expedite the completion of the following assessments under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a):

(1) Great Lakes Coastal Resiliency Study, Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(2) Ouachita-Black Rivers, Arkansas and Louisiana.

(3) Project for watershed assessment, Hawaii County, Hawaii.

(d) DISPOSITION STUDY.—The Secretary shall expedite the completion of the disposition study for the Los Angeles County Drainage Area under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

(e) ADDITIONAL DIRECTION.—The post-authorization change report for the project described in subsection (b)(3) shall be completed not later than December 31, 2023.

SEC. 5204. STUDIES FOR PERIODIC NOURISHMENT.

(a) IN GENERAL.—Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f)) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''15'' and inserting ''50''; and

(B) in paragraph (2), by striking ''15'';

(2) in subsection (e)—

(A) by striking ''10-year period'' and inserting ''16-year period''; and

(B) by striking ''6 years'' and inserting ''12 years''; and

(3) by adding at the end the following:

''(f) TREATMENT OF STUDIES.—A study carried out under subsection (b) shall be considered a new phase investigation afforded the same treatment as a general reevaluation.''.

(b) INDIAN RIVER INLET SAND BYPASS PLANT.—For purposes of the project for coastal storm risk management, Delaware Coast Protection, Delaware (commonly known as the ''Indian River Inlet Sand Bypass Plant''), authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182), a study carried out under section 156(b) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f(b)) shall consider as an alternative for periodic nourishment continued reimbursement of the Federal share of the cost to the non-Federal interest for the project to operate and maintain a sand bypass plant.

SEC. 5205. NEPA REPORTING.

(a) DEFINITIONS.—In this section:

(1) CATEGORICAL EXCLUSION.—The term ''categorical exclusion'' has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(2) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(3) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means a detailed written statement

required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) FINDING OF NO SIGNIFICANT IMPACT.—The term ''finding of no significant impact'' has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(5) NEPA PROCESS.—

(A) IN GENERAL.—The term ''NEPA process'' has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

(i) begins on the date on which the Secretary initiates a project study; and

(ii) ends on the date on which the Secretary issues, with respect to the project study—

(I) a record of decision, including, if necessary, a revised record of decision;

(II) a finding of no significant impact; or

(III) a categorical exclusion under title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

(6) PROJECT STUDY.—The term ''project study'' means a feasibility study for a project carried out pursuant to section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) for which a categorical exclusion, an environmental assessment, or an environmental impact statement is required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) REPORTS.—

(1) NEPA DATA.—

(A) IN GENERAL.—The Secretary shall carry out a process to track, and annually submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing, the information described in subparagraph (B).

(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is, with respect to the Corps of Engineers—

(i) the number of project studies for which a categorical exclusion was used during the reporting period;

(ii) the number of project studies for which the decision to use a categorical exclusion, to prepare an environmental assessment, or to prepare an environmental impact statement is pending on the date on which the report is submitted;

(iii) the number of project studies for which an environmental assessment was issued during the reporting period, broken down by whether a finding of no significant impact, if applicable, was based on mitigation;

(iv) the length of time the Corps of Engineers took to complete each environmental assessment described in clause (iii);

(v) the number of project studies pending on the date on which the report is submitted for which an environmental assessment is being drafted;

(vi) the number of project studies for which an environmental impact statement was issued during the reporting period;

(vii) the length of time the Corps of Engineers took to complete each environmental impact statement described in clause (vi); and

(viii) the number of project studies pending on the date on which the report is submitted for which an environmental impact statement is being drafted.

(2) PUBLIC ACCESS TO NEPA REPORTS.—The Secretary shall make publicly available each annual report required under paragraph (1).

SEC. 5206. GAO AUDIT OF PROJECTS OVER BUDGET OR BEHIND SCHEDULE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of the factors and conditions for each ongoing water resources development project carried out by the Secretary for which—

(1) the current estimated total project cost of the project exceeds the original estimated total project cost of the project by not less than $50,000,000; or

(2) the current estimated completion date of the project exceeds the original estimated completion date of the project by not less than 5 years.

(b) REPORT.—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a).

SEC. 5207. GAO STUDY ON PROJECT DISTRIBUTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct an analysis of the geographic distribution of annual and supplemental funding for water resources development projects carried out by the Secretary over the previous 10 fiscal years and the factors that have led to that distribution.

(b) REPORT.—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the analysis under subsection (a).

SEC. 5208. GAO AUDIT OF JOINT COSTS FOR OPERATIONS AND MAINTENANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of the practices of the Corps of Engineers with respect to the determination of joint costs associated with operations and maintenance of reservoirs owned and operated by the Secretary.

(b) REPORT.—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a) and any recommendations that result from the review.

SEC. 5209. GAO REVIEW OF CORPS OF ENGINEERS MITIGATION PRACTICES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall carry out a review of the water resources development project mitigation practices of the Corps of Engineers.

(b) CONTENT.—The review under subsection (a) shall include an evaluation of—

(1) the implementation by the Corps of Engineers of the final rule issued on April 10, 2008, entitled ''Compensatory Mitigation for Losses of Aquatic Resources'' (73 Fed. Reg. 19594), including, at a minimum—

(A) the extent to which the final rule is consistently implemented by the districts of the Corps of Engineers; and

(B) the performance of each of the mitigation mechanisms included in the final rule; and

(2) opportunities to utilize alternative methods to satisfy mitigation requirements of water resources development projects, including, at a minimum, performance-based contracts.

(c) REPORT.—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a) and any recommendations that result from the review.

(d) DEFINITION OF PERFORMANCE-BASED CONTRACT.—In this section, the term ''performance-based contract'' means a procurement mechanism by which the Corps of Engineers contracts with a public or private non-Federal entity for a specific mitigation outcome requirement, with payment to the entity linked to delivery of verifiable and successful mitigation performance.

SEC. 5210. SABINE–NECHES WATERWAY NAVIGATION IMPROVEMENT PROJECT, TEXAS.

The Secretary shall expedite the review and coordination of the feasibility study for the project for navigation, Sabine–Neches Waterway, Texas, under section 203(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2231(b)).

SEC. 5211. GREAT LAKES RECREATIONAL BOATING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare, at full Federal expense, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report updating the findings of the report on the economic benefits of recreational boating in the Great Lakes basin prepared under section 455(c) of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21(c)).

SEC. 5212. CENTRAL AND SOUTHERN FLORIDA.

(a) EVALUATION AND REPORT.—

(1) EVALUATION.—On request and at the expense of the St. Johns River Water Management District, the Secretary shall evaluate the effects of deauthorizing the southernmost 3.5-mile reach of the L–73 levee, Section 2, Osceola County, Florida, on the functioning of the project for flood control and other purposes, Upper St. Johns River Basin, Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(2) REPORT.—In carrying out the evaluation under paragraph (1), the Secretary shall—

(A) prepare a report that includes the results of the evaluation, including—

(i) the advisability of deauthorizing the levee described in that paragraph; and

(ii) any recommendations for conditions that should be placed on a deauthorization to protect the interests of the United States and the public; and

(B) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the report under subparagraph (A) as part of the annual report submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(b) COMPREHENSIVE CENTRAL AND SOUTHERN FLORIDA STUDY.—

(1) IN GENERAL.—The Secretary is authorized to carry out a feasibility study for resiliency and comprehensive improvements or modifications to existing water resources development projects in central and southern Florida, for the purposes of flood risk management, water supply, ecosystem restoration (including preventing saltwater intrusion), recreation, and related purposes.

(2) REQUIREMENTS.—In carrying out the feasibility study under paragraph (1), the Secretary—

(A) is authorized—

(i) to review the report of the Chief of Engineers for central and southern Florida

(House Document 643, 80th Congress, 2d Session), and other related reports of the Secretary; and

(ii) to recommend cost-effective structural and nonstructural projects for implementation that provide a systemwide approach for the purposes described in that paragraph; and

(B) shall ensure the study and any projects recommended under subparagraph (A)(ii) will not interfere with the efforts undertaken to carry out the Comprehensive Everglades Restoration Plan pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680; 121 Stat. 1268; 132 Stat. 3786).

SEC. 5213. INVESTMENTS FOR RECREATION AREAS.

(a) FINDINGS.—Congress finds the following:

(1) The Corps of Engineers operates more recreation areas than any other Federal or State agency, apart from the Department of the Interior.

(2) Nationally, visitors to nearly 600 dams and lakes, managed by the Corps of Engineers, spend an estimated $12,000,000,000 per year and support 500,000 jobs.

(3) Lakes managed by the Corps of Engineers are economic drivers that support rural communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Corps of Engineers should use all available authorities to promote and enhance development and recreational opportunities at lakes that are part of authorized civil works projects under the administrative jurisdiction of the Corps of Engineers.

(c) REPORT.—Not later than 180 days after the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on investments needed to support recreational activities that are part of authorized water resources development projects under the administrative jurisdiction of the Corps of Engineers.

(d) REQUIREMENTS.—The report under subsection (c) shall include—

(1) a list of deferred maintenance projects, including maintenance projects relating to recreational facilities, sites, and associated access roads;

(2) a plan to fund the projects described in paragraph (1) over the 5-year period following the date of enactment of this Act;

(3) a description of efforts made by the Corps of Engineers to coordinate investments in recreational facilities, sites, and associated access roads with—

(A) State and local governments; or

(B) private entities; and

(4) an assessment of whether the modification of Federal contracting requirements could accelerate the availability of funds for the projects described in paragraph (1).

SEC. 5214. WESTERN INFRASTRUCTURE STUDY.

(a) DEFINITIONS OF NATURAL FEATURE AND NATURE-BASED FEATURE.—In this section, the terms ''natural feature'' and ''nature-based feature'' have the meanings given those terms in section 1184(a) of the WIIN Act (33 U.S.C. 2289a(a)).

(b) COMPREHENSIVE STUDY.—The Secretary shall conduct a comprehensive study (referred to in this section as the ''study'') to evaluate the effectiveness of carrying out additional measures, including measures that utilize natural features or nature-based features at or upstream of reservoirs for the purposes of—

(1) sustaining operations in response to changing hydrological and climatic conditions;

(2) mitigating the risk of drought or floods, including the loss of storage capacity due to sediment accumulation;

(3) increasing water supply; or

(4) aquatic ecosystem restoration.

(c) STUDY FOCUS.—In conducting the study, the Secretary shall include all reservoirs owned and operated by the Secretary and reservoirs for which the Secretary has flood control responsibilities under section 7 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 890, chapter 665; 33 U.S.C. 709), in the South Pacific Division of the Corps of Engineers.

(d) CONSULTATION AND USE OF EXISTING DATA.—

(1) CONSULTATION.—In conducting the study, the Secretary shall consult with applicable—

(A) Federal, State, and local agencies;

(B) Indian Tribes;

(C) non-Federal interests; and

(D) other stakeholders, as determined appropriate by the Secretary.

(2) USE OF EXISTING DATA AND PRIOR STUDIES.—To the maximum extent practicable and where appropriate, the Secretary may—

(A) use existing data provided to the Secretary by entities described in paragraph (1); and

(B) incorporate—

(i) relevant information from prior studies and projects carried out by the Secretary; and

(ii) the latest technical data and scientific approaches with respect to changing hydrological and climatic conditions.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any recommendations on site-specific areas where additional study is recommended by the Secretary.

(f) SAVINGS PROVISION.—Nothing in this section provides authority to the Secretary to change the authorized purposes at any of the reservoirs described in subsection (c).

SEC. 5215. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

Section 8004(g) of the Water Resources Development Act of 2007 (33 U.S.C. 652 note; Public Law 110–114) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) REPORT ON WATER LEVEL MANAGEMENT.—Not later than 1 year after the date of completion of the comprehensive plan for Mississippi River water level management under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report on opportunities identified in the comprehensive plan to expand the use of water level management on the Upper Mississippi River and Illinois Waterway System for the purpose of ecosystem restoration.''.

SEC. 5216. WEST VIRGINIA HYDROPOWER.

(a) IN GENERAL.—For water resources development projects described in subsection (b), the Secretary is authorized—

(1) to evaluate the feasibility of modifications to such projects for the purposes of adding Federal hydropower or energy storage development; and

(2) to grant approval for the use of such projects for non-Federal hydropower or energy storage development in accordance with section 14 of the Act of March 3, 1899 (commonly known as the ''Rivers and Harbors Act of 1899'') (30 Stat. 1152, chapter 425; 33 U.S.C. 408).

(b) PROJECTS DESCRIBED.—The projects referred to in subsection (a) are the following:

(1) Sutton Dam, Braxton County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(2) Hildebrand Lock and Dam, Monongahela County, West Virginia, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166, chapter 188).

(3) Bluestone Lake, Summers County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(4) R.D. Bailey Dam, Wyoming County, West Virginia, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188).

(5) Stonewall Jackson Dam, Lewis County, West Virginia, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1421).

(6) East Lynn Dam, Wayne County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(7) Burnsville Lake, Braxton County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(c) DEMONSTRATION PROJECTS.—The authority for facility modifications under subsection (a) includes demonstration projects.

SEC. 5217. RECREATION AND ECONOMIC DEVELOPMENT AT CORPS FACILITIES IN APPALACHIA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to implement the recreational and economic development opportunities identified by the Secretary in the report prepared under section 206 of the Water Resources Development Act of 2020 (134 Stat. 2680) at Corps of Engineers facilities located within a distressed or at-risk county (as described in subsection (a)(1) of that section) in Appalachia.

(b) CONSIDERATIONS.—In preparing the plan under subsection (a), the Secretary shall consider options for Federal funding, partnerships, and outgrants to Federal, State, and local governments, nonprofit organizations, and commercial businesses.

SEC. 5218. AUTOMATED FEE MACHINES.

For the purpose of mitigating adverse impacts to public access to outdoor recreation, to the maximum extent practicable, the Secretary shall consider alternatives to the use of automated fee machines for the collection of fees for the use of developed recreation sites and facilities in West Virginia.

SEC. 5219. LAKE CHAMPLAIN CANAL, VERMONT AND NEW YORK.

Section 5146 of the Water Resources Development Act of 2007 (121 Stat. 1255) is amended by adding at the end the following:

''(c) CLARIFICATIONS.—

''(1) IN GENERAL.—At the request of the non-Federal interest for the study of the Lake Champlain Canal Aquatic Invasive Species Barrier carried out under section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150; 134 Stat. 2652), the Secretary shall scope the phase II portion of that study to satisfy the feasibility determination under subsection (a).

''(2) DISPERSAL BARRIER.—A dispersal barrier constructed, maintained, or operated under this section may include—

''(A) physical hydrologic separation;

''(B) nonstructural measures;

''(C) deployment of technologies;

''(D) buffer zones; or

''(E) any combination of the approaches described in subparagraphs (A) through (D).''.

SEC. 5220. REPORT ON CONCESSIONAIRE PRACTICES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on concessionaire lease practices by the Corps of Engineers.

(b) INCLUSIONS.—The report under subsection (a) shall include, at a minimum—

(1) an assessment of the reasonableness of the formula of the Corps of Engineers for calculating concessionaire rental rates, taking into account the operating margins for sales of food and fuel; and

(2) the process for assessing administrative fees to concessionaires across districts of the Corps of Engineers.

TITLE LIII—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS

SEC. 5301. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

(a) ATLANTA, GEORGIA.—Section 219(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended by striking ''$25,000,000'' and inserting ''$75,000,000''.

(b) EASTERN SHORE AND SOUTHWEST VIRGINIA.—Section 219(f)(10)(A) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1255) is amended—

(1) by striking ''$20,000,000'' and inserting ''$52,000,000''; and

(2) by striking ''Accomac'' and inserting ''Accomack''.

(c) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—Section 219(f)(25) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 130 Stat. 1677; 134 Stat. 2719) is amended by striking ''$110,000,000'' and inserting ''$151,500,000''.

(d) LAKE COUNTY, ILLINOIS.—Section 219(f)(54) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A–221) is amended—

(1) in the paragraph heading, by striking ''COOK COUNTY'' and inserting ''COOK COUNTY AND LAKE COUNTY''; and

(2) by striking ''$35,000,000'' and inserting ''$100,000,000''.

(e) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—Section 219(f)(55) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A–221; 134 Stat. 2718) is amended by striking ''$45,000,000'' and inserting ''$100,000,000''.

(f) CALAVERAS COUNTY, CALIFORNIA.—Section 219(f)(86) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259) is amended by striking ''$3,000,000'' and inserting ''$13,280,000''.

(g) LOS ANGELES COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259) is amended by striking paragraph (93) and inserting the following:

''(93) LOS ANGELES COUNTY, CALIFORNIA.—

''(A) IN GENERAL.—$38,000,000 for wastewater and water related infrastructure, Los Angeles County, California.

''(B) ELIGIBILITY.—The Water Replenishment District of Southern California may be eligible for assistance under this paragraph.''.

(h) MICHIGAN.—Section 219(f)(157) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1262) is amended—

(1) by striking ''$35,000,000 for'' and inserting the following:

''(A) IN GENERAL.—$85,000,000 for''; and

(2) by adding at the end the following:

''(B) ADDITIONAL PROJECTS.—Amounts made available under subparagraph (A) may be used for design and construction projects for water-related environmental infrastructure and resource protection and development projects in Michigan, including for projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.''.

(i) MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1267) is amended by striking paragraph (250) and inserting the following:

''(250) MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—$31,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach and vicinity, South Carolina.''.

(j) NORTH MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1267) is amended by striking paragraph (251) and inserting the following:

''(251) NORTH MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—$74,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach and vicinity, South Carolina.''.

(k) HORRY COUNTY, SOUTH CAROLINA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) is amended by adding at the end the following:

''(274) HORRY COUNTY, SOUTH CAROLINA.—$19,000,000 for environmental infrastructure, including ocean outfalls, Horry County, South Carolina.''.

(l) LANE COUNTY, OREGON.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (k)) is amended by adding at the end the following:

''(275) LANE COUNTY, OREGON.—$20,000,000 for environmental infrastructure, Lane County, Oregon.''.

(m) PLACER COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (l)) is amended by adding at the end the following:

''(276) PLACER COUNTY, CALIFORNIA.—$21,000,000 for environmental infrastructure, Placer County, California.''.

(n) ALAMEDA COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (m)) is amended by adding at the end the following:

''(277) ALAMEDA COUNTY, CALIFORNIA.—$20,000,000 for environmental infrastructure, Alameda County, California.''.

(o) TEMECULA CITY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (n)) is amended by adding at the end the following:

''(278) TEMECULA CITY, CALIFORNIA.—$18,000,000 for environmental infrastructure, Temecula City, California.''.

(p) YOLO COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (o)) is amended by adding at the end the following:

''(279) YOLO COUNTY, CALIFORNIA.—$6,000,000 for environmental infrastructure, Yolo County, California.''.

(q) CLINTON, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (p)) is amended by adding at the end the following:

''(280) CLINTON, MISSISSIPPI.—$13,600,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Clinton, Mississippi.''.

(r) OXFORD, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (q)) is amended by adding at the end the following:

''(281) OXFORD, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Oxford, Mississippi.''.

(s) MADISON COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (r)) is amended by adding at the end the following:

''(282) MADISON COUNTY, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Madison County, Mississippi.''.

(t) RANKIN COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (s)) is amended by adding at the end the following:

''(283) RANKIN COUNTY, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Rankin County, Mississippi.''.

(u) MERIDIAN, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (t)) is amended by adding at the end the following:

''(284) MERIDIAN, MISSISSIPPI.—$10,000,000 for wastewater infrastructure, including stormwater management, drainage systems, and water quality enhancement, Meridian, Mississippi.''.

(v) DELAWARE.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (u)) is amended by adding at the end the following:

''(285) DELAWARE.—$50,000,000 for sewer, stormwater system improvements, storage treatment, environmental restoration, and related water infrastructure, Delaware.''.

(w) QUEENS, NEW YORK.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (v)) is amended by adding at the end the following:

''(286) QUEENS, NEW YORK.—$20,000,000 for the design and construction of stormwater management and improvements to combined sewer overflows to reduce the risk of flood impacts, Queens, New York.''.

(x) GEORGIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (w)) is amended by adding at the end the following:

''(287) GEORGIA.—$75,000,000 for environmental infrastructure, Baldwin County, Bartow County, Floyd County, Haralson County, Jones County, Gilmer County, Towns County, Warren County, Lamar County, Lowndes County, Troup County, Madison County, Toombs County, Dade County, Bulloch County, Gordon County, Walker County, Dooly County, Butts County, Clarke County, Crisp County, Newton County, Bibb County, Baker County, Barrow County, Oglethorpe County, Peach County, Brooks County, Carroll County, Worth County, Jenkins County, Wheeler County, Calhoun County, Randolph County, Wilcox County, Stewart County, Telfair County, Clinch County, Hancock County, Ben Hill County, Jeff Davis County, Chattooga County, Lanier County, Brantley County, Charlton County, Tattnall County, Emanuel County, Mitchell County, Turner County, Bacon County, Terrell County, Macon County, Ware County, Bleckley County, Colquitt County, Washington County, Berrien County, Coffee County, Pulaski

County, Cook County, Atkinson County, Candler County, Taliaferro County, Evans County, Johnson County, Irwin County, Dodge County, Jefferson County, Appling County, Taylor County, Wayne County, Clayton County, Decatur County, Schley County, Sumter County, Early County, Webster County, Clay County, Upson County, Long County, Twiggs County, Dougherty County, Quitman County, Meriwether County, Stephens County, Wilkinson County, Murray County, Wilkes County, Elbert County, McDuffie County, Heard County, Marion County, Talbot County, Laurens County, Montgomery County, Echols County, Pierce County, Richmond County, Chattahoochee County, Screven County, Habersham County, Lincoln County, Burke County, Liberty County, Tift County, Polk County, Glascock County, Grady County, Jasper County, Banks County, Franklin County, Whitfield County, Treutlen County, Crawford County, Hart County, Georgia.''.

(y) MARYLAND.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (x)) is amended by adding at the end the following:

''(288) MARYLAND.—$100,000,000 for water, wastewater, and other environmental infrastructure, Maryland.''.

(z) MILWAUKEE METROPOLITAN AREA, WISCONSIN.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (y)) is amended by adding at the end the following:

''(289) MILWAUKEE METROPOLITAN AREA, WISCONSIN.—$4,500,000 for water-related infrastructure, resource protection and development, stormwater management, and reduction of combined sewer overflows, Milwaukee metropolitan area, Wisconsin.''.

(aa) HAWAII.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (z)) is amended by adding at the end the following:

''(290) HAWAII.—$75,000,000 for water-related infrastructure, resource protection and development, wastewater treatment, water supply, urban storm water conveyance, environmental restoration, and surface water protection and development, Hawaii.''.

(bb) ALABAMA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (aa)) is amended by adding at the end the following:

''(291) ALABAMA.—$50,000,000 for water, wastewater, and other environmental infrastructure, Alabama.''.

(cc) MISSISSIPPI.—Section 592(g) of the Water Resources Development Act of 1999 (113 Stat. 380; 123 Stat. 2851) is amended by striking ''$200,000,000'' and inserting ''$300,000,000''.

(dd) CENTRAL NEW MEXICO.—Section 593(h) of the Water Resources Development Act of 1999 (113 Stat. 381; 119 Stat. 2255) is amended by striking ''$50,000,000'' and inserting ''$100,000,000''.

(ee) NORTH DAKOTA AND OHIO.—Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381; 121 Stat. 1140; 121 Stat. 1944) is amended by adding at the end the following:

''(i) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts authorized under subsection (h), there is authorized to be appropriated to carry out this section $100,000,000, to be divided between the States referred to in subsection (a).''.

(ff) WESTERN RURAL WATER.—Section 595(i) of the Water Resources Development Act of 1999 (113 Stat. 383; 134 Stat. 2719) is amended—

(1) in paragraph (1), by striking ''$435,000,000'' and inserting ''$490,000,000''; and

(2) in paragraph (2), by striking ''$150,000,000'' and inserting ''$200,000,000''.

(gg) LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.—Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150) is amended—

(1) in subsection (b)(2)(C), by striking ''planning'' and inserting ''clean water infrastructure planning, design, and construction''; and

(2) in subsection (g), by striking ''$32,000,000'' and inserting ''$100,000,000''.

(hh) TEXAS.—Section 5138 of the Water Resources Development Act of 2007 (121 Stat. 1250) is amended—

(1) in subsection (b), by striking '', as identified by the Texas Water Development Board'';

(2) in subsection (e)(3), by inserting ''and construction'' after ''design work'';

(3) by redesignating subsection (g) as subsection (i); and

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

''(g) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

''(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.''.

SEC. 5302. SOUTHERN WEST VIRGINIA.

(a) IN GENERAL.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended—

(1) in the section heading, by striking ''**ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM**''; and

(2) by striking subsection (f) and inserting the following:

''(f) DEFINITION OF SOUTHERN WEST VIRGINIA.—In this section, the term 'southern West Virginia' means the counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming, West Virginia.''.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1992 (106 Stat. 4799) is amended by striking the item relating to section 340 and inserting the following:

''Sec. 340. Southern West Virginia.''.

SEC. 5303. NORTHERN WEST VIRGINIA.

(a) IN GENERAL.—Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371; 121 Stat. 1257; 134 Stat. 2719) is amended—

(1) in the section heading, by striking ''**CENTRAL**'' and inserting ''**NORTHERN**'';

(2) by striking subsection (a) and inserting the following:

''(a) DEFINITION OF NORTHERN WEST VIRGINIA.—In this section, the term 'northern West Virginia' means the counties of Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Morgan, Monongalia, Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, and Wood, West Virginia.'';

(3) in subsection (b), by striking ''central'' and inserting ''northern''; and

(4) in subsection (c), by striking ''central'' and inserting ''northern''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 1999 (113 Stat. 269) is amended by striking the item relating to section 571 and inserting the following:

''Sec. 571. Northern West Virginia.''.

SEC. 5304. LOCAL COOPERATION AGREEMENTS, NORTHERN WEST VIRGINIA.

Section 219(f)(272) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) is amended—

(1) by striking ''$20,000,000 for water and wastewater'' and inserting the following:

''(A) IN GENERAL.—$20,000,000 for water and wastewater''; and

(2) by adding at the end the following:

''(B) LOCAL COOPERATION AGREEMENTS.—Notwithstanding subsection (a), at the request of a non-Federal interest for a project or a separable element of a project that receives assistance under this paragraph, the Secretary may adopt a model agreement developed in accordance with section 571(e) of the Water Resources Development Act of 1999 (113 Stat. 371).''.

SEC. 5305. SPECIAL RULE FOR CERTAIN BEACH NOURISHMENT PROJECTS.

(a) IN GENERAL.—In the case of a water resources development project described in subsection (b), the Secretary shall—

(1) fund, at full Federal expense, any incremental increase in cost to the project that results from a legal requirement to use a borrow source determined by the Secretary to be other than the least-cost option; and

(2) exclude the cost described in paragraph (1) from the cost-benefit analysis for the project.

(b) AUTHORIZED WATER RESOURCES DEVELOPMENT PROJECTS DESCRIBED.—An authorized water resources development project referred to in subsection (a) is any of the following:

(1) The Townsends Inlet to Cape May Inlet, New Jersey, coastal storm risk management project, authorized by section 101(a)(26) of the Water Resources Development Act of 1999 (113 Stat. 278).

(2) The Folly Beach, South Carolina, coastal storm risk management project, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136) and modified by section 108 of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 520).

(3) The Carolina Beach and Vicinity, North Carolina, coastal storm risk management project, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182) and modified by section 401(7) of the Water Resources Development Act of 2020 (134 Stat. 2741).

(4) The Wrightsville Beach, North Carolina, coastal storm risk management project, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182) and modified by section 401(7) of the Water Resources Development Act of 2020 (134 Stat. 2741).

(5) A project for coastal storm risk management for any shore included in a project described in this subsection that is specifically authorized by Congress on or after the date of enactment of this Act.

(6) Emergency repair and restoration of any project described in this subsection under section 5 of the Act of August 18, 1941 (commonly known as the ''Flood Control Act of 1941'') (55 Stat. 650, chapter 377; 33 U.S.C. 701n).

(c) SAVINGS PROVISION.—Nothing in this section limits the eligibility for, or availability of, Federal expenditures or financial assistance for any water resources development project, including any beach nourishment or renourishment project, under any other provision of Federal law.

SEC. 5306. COASTAL COMMUNITY FLOOD CONTROL AND OTHER PURPOSES.

Section 103(k)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

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

(2) in the matter preceding clause (i) (as so redesignated), by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding'';

(3) in subparagraph (A) (as so redesignated)—

(A) in clause (i) (as so redesignated)—

(i) by striking ''$200 million'' and inserting ''$200,000,000''; and

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

(B) in clause (ii) (as so redesignated)—

(i) by inserting ''an amount equal to ⅔ of'' after ''repays''; and

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

(C) by adding at the end the following:

''(iii) the non-Federal interest repays the balance of remaining principal by June 1, 2032.''; and

(4) by adding at the end the following:

''(B) REPAYMENT OPTIONS.—Repayment of a non-Federal contribution under subparagraph (A)(iii) may be satisfied through the provision by the non-Federal interest of fish and wildlife mitigation for one or more projects or separable elements, if the Secretary determines that—

''(i) the non-Federal interest has incurred costs for the provision of mitigation that—

''(I) equal or exceed the amount of the required repayment; and

''(II) are in excess of any required non-Federal contribution for the project or separable element for which the mitigation is provided; and

''(ii) the mitigation is integral to the project for which it is provided.''.

SEC. 5307. MODIFICATIONS.

(a) IN GENERAL.—The following modifications to studies and projects are authorized:

(1) MISSISSIPPI RIVER GULF OUTLET, LOUISIANA.—The Federal share of the cost of the project for ecosystem restoration, Mississippi River Gulf Outlet, Louisiana, authorized by section 7013(a)(4) of the Water Resources Development Act of 2007 (121 Stat. 1281), shall be 90 percent.

(2) GREAT LAKES AND MISSISSIPPI RIVER INTERBASIN PROJECT, BRANDON ROAD, WILL COUNTY, ILLINOIS.—Section 402(a)(1) of the Water Resources Development Act of 2020 (134 Stat. 2742) is amended by striking ''80 percent'' and inserting ''90 percent''.

(3) LOWER MISSISSIPPI RIVER COMPREHENSIVE MANAGEMENT STUDY.—Section 213 of the Water Resources Development Act of 2020 (134 Stat. 2687) is amended by adding at the end the following:

''(j) COST-SHARE.—The Federal share of the cost of the comprehensive study described in subsection (a), and any feasibility study described in subsection (e), shall be 90 percent.''.

(4) PORT OF NOME, ALASKA.—

(A) IN GENERAL.—The Secretary shall carry out the project for navigation, Port of Nome, Alaska, authorized by section 401(1) of the Water Resources Development Act of 2020 (134 Stat. 2733).

(B) COST-SHARE.—The Federal share of the cost of the project described in subparagraph (A) shall be 90 percent.

(5) CHICAGO SHORELINE PROTECTION.—The project for storm damage reduction and shore protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois–Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to authorize the Secretary to provide 65 percent of the cost of the locally preferred plan, as described in the Report of the Chief of Engineers dated April 14, 1994, for the construction of the following segments of the project:

(A) Shoreline revetment at Morgan Shoal.

(B) Shoreline revetment at Promontory Point.

(6) LOWER MUD RIVER, MILTON, WEST VIRGINIA.—

(A) IN GENERAL.—Notwithstanding section 3170 of the Water Resources Development Act of 2007 (121 Stat. 1154), the Federal share of the cost of the project for flood control, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), and modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612) and section 3170 of the Water Resources Development Act of 2007 (121 Stat. 1154), shall be 90 percent.

(B) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—For the project described in subparagraph (A), the Secretary shall include in the cost of the project, and credit toward the non-Federal share of that cost, the value of land, easements, and rights-of-way provided by the non-Federal interest for the project, including the value of land, easements, and rights-of-way required for the project that are owned or held by the non-Federal interest or other non-Federal public body.

(C) ADDITIONAL ELIGIBILITY.—Unless otherwise directed in an Act making annual appropriations for the Corps of Engineers for a fiscal year in which the Secretary has determined an additional appropriation is required to continue or complete construction of the project described in subparagraph (A), the project shall be eligible for additional funding appropriated by that Act in the Construction account of the Corps of Engineers—

(i) without a new investment decision; and

(ii) on the same terms as a project that is not the project described in subparagraph (A).

(7) SOUTH SHORE STATEN ISLAND, NEW YORK.—The Federal share of any portion of the cost to design and construct the project for coastal storm risk management, South Shore Staten Island, New York, authorized by section 5401(3), that exceeds the estimated total project cost specified in the project partnership agreement for the project, signed by the Secretary on February 15, 2019, shall be 90 percent.

(b) AGREEMENTS.—

(1) STUDIES AND PROJECTS WITH MULTIPLE NON-FEDERAL INTERESTS.—At the request of the applicable non-Federal interests for the project described in section 402(a) of the Water Resources Development Act of 2020 (134 Stat. 2742) and for the studies described in subsection (j) of section 213 of that Act (134 Stat. 2687), the Secretary shall not require those non-Federal interests to be jointly and severally liable for all non-Federal obligations in the project partnership agreement for the project or in the feasibility cost share agreements for the studies.

(2) SOUTH SAN FRANCISCO BAY SHORELINE, CALIFORNIA.—

(A) IN GENERAL.—Except for funds required for a betterment or for a locally preferred plan, the Secretary shall not require the non-Federal interest for the project for flood risk management, ecosystem restoration, and recreation, South San Francisco Bay Shoreline, California, authorized by section 1401(6) of the Water Resources Development Act of 2016 (130 Stat. 1714), to contribute funds under an agreement entered into prior to the date of enactment of this Act in excess of the total cash contribution required from the non-Federal interest for the project under section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(B) REQUIREMENT.—The Secretary shall not, at any time, defer, suspend, or terminate construction of the project described in subparagraph (A) solely on the basis of a determination by the Secretary that an additional appropriation is required to cover the Federal share of the cost to complete construction of the project, if Federal funds in an amount determined by the Secretary to be sufficient to continue construction of the project remain available in the allocation for the project under the Long-Term Disaster Recovery Investment Plan for amounts appropriated under the heading ''CONSTRUCTION'' under the heading ''CORPS OF ENGINEERS—CIVIL—DEPARTMENT OF THE ARMY'' in title IV of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115–123; 132 Stat. 76).

SEC. 5308. PORT FOURCHON, LOUISIANA, DREDGED MATERIAL DISPOSAL PLAN.

The Secretary shall determine that the dredged material disposal plan recommended in the document entitled ''Port Fourchon Belle Pass Channel Deepening Project Section 203 Feasibility Study (January 2019, revised January 2020)'' is the least cost, environmentally acceptable dredged material disposal plan for the project for navigation, Port Fourchon Belle Passe Channel, Louisiana, authorized by section 403(a)(4) of the Water Resources Development Act of 2020 (134 Stat. 2743).

SEC. 5309. DELAWARE SHORE PROTECTION AND RESTORATION.

(a) DELAWARE BENEFICIAL USE OF DREDGED MATERIAL FOR THE DELAWARE RIVER, DELAWARE.—

(1) IN GENERAL.—The project for coastal storm risk management, Delaware Beneficial Use of Dredged Material for the Delaware River, Delaware, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2736) (referred to in this subsection as the ''project''), is modified—

(A) to direct the Secretary to implement the project using alternative borrow sources to the Delaware River, Philadelphia to the Sea, project, Delaware, New Jersey, Pennsylvania, authorized by the Act of June 25, 1910 (chapter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat. 803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297); and

(B) until the Secretary implements the modification under subparagraph (A), to authorize the Secretary, at the request of a non-Federal interest, to carry out initial construction or periodic nourishments at any site included in the project under—

(i) section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note; Public Law 114–322); or

(ii) section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)).

(2) TREATMENT.—If the Secretary determines that a study is required to carry out paragraph (1)(A), the study shall be considered to be a continuation of the study that formulated the project.

(3) COST-SHARE.—The Federal share of the cost of the project, including the cost of any modifications carried out under subsection (a)(1), shall be 90 percent.

(b) INDIAN RIVER INLET SAND BYPASS PLANT, DELAWARE.—

(1) IN GENERAL.—The Indian River Inlet Sand Bypass Plant, Delaware, coastal storm risk management project (referred to in this subsection as the ''project''), authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182), is modified to authorize the Secretary, at the request of a non-Federal interest, to provide periodic nourishment through dedicated dredging or other means to maintain or restore the functioning of the project when—

(A) the sand bypass plant is inoperative; or

(B) operation of the sand bypass plant is insufficient to maintain the functioning of the project.

(2) REQUIREMENTS.—A cycle of periodic nourishment provided pursuant to paragraph (1) shall be subject to the following requirements:

(A) COST-SHARE.—The non-Federal share of the cost of a cycle shall be the same percentage as the non-Federal share of the cost to operate the sand bypass plant.

(B) DECISION DOCUMENT.—If the Secretary determines that a decision document is required to support a request for funding for the Federal share of a cycle, the decision document may be prepared using funds made available to the Secretary for construction or for investigations.

(C) TREATMENT.—

(i) DECISION DOCUMENT.—A decision document prepared under subparagraph (B) shall not be subject to a new investment determination.

(ii) CYCLES.—A cycle shall be considered continuing construction.

(c) DELAWARE EMERGENCY SHORE RESTORATION.—

(1) IN GENERAL.—The Secretary is authorized to repair or restore any beach or any federally authorized hurricane or shore protective structure or project located in the State of Delaware pursuant to section 5(a) of the Act of August 18, 1941 (commonly known as the ''Flood Control Act of 1941'') (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), if—

(A) the structure, project, or beach is damaged by wind, wave, or water action associated with a storm of any magnitude; and

(B) the damage prevents the adequate functioning of the structure, project, or beach.

(2) BENEFIT-COST ANALYSIS.—The Secretary shall determine that the benefits attributable to the objectives set forth in section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) and section 904(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2281(a)) exceed the cost for work carried out under this subsection.

(3) SAVINGS PROVISION.—The authority provided by this subsection shall be in addition to any authority provided by section 5(a) of the Act of August 18, 1941 (commonly known as the ''Flood Control Act of 1941'') (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) to repair or restore a beach or federally authorized hurricane or shore protection structure or project located in the State of Delaware damaged or destroyed by wind, wave, or water action of other than an ordinary nature.

(d) INDIAN RIVER INLET AND BAY, DELAWARE.—In carrying out major maintenance of the project for navigation, Indian River Inlet and Bay, Delaware, authorized by the Act of August 26, 1937 (50 Stat. 846, chapter 832), and section 2 of the Act of March 2, 1945 (59 Stat. 14, chapter 19), the Secretary shall repair, restore, or relocate any non-Federal facility or other infrastructure, that has been damaged, in whole or in part, by the deterioration or failure of the project.

(e) REPROGRAMMING FOR COASTAL STORM RISK MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for each fiscal year, the Secretary may reprogram amounts made available for a coastal storm risk management project to use such amounts for the project for coastal storm risk management, Indian River Inlet Sand Bypass Plant, Delaware, authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182).

(2) LIMITATIONS.—

(A) IN GENERAL.—The Secretary may carry out not more than 2 reprogramming actions under paragraph (1) for each fiscal year.

(B) AMOUNT.—For each fiscal year, the Secretary may reprogram—

(i) not more than $100,000 per reprogramming action; and

(ii) not more than $200,000 for each fiscal year.

SEC. 5310. GREAT LAKES ADVANCE MEASURES ASSISTANCE.

Section 5(a) of the Act of August 18, 1941 (commonly known as the ''Flood Control Act of 1941'') (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) (as amended by section 5112(2)), is amended by adding at the end the following:

''(7) SPECIAL RULE.—

''(A) IN GENERAL.—The Secretary shall not deny a request from the Governor of a State to provide advance measures assistance under this subsection to reduce the risk of damage from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

''(B) FEDERAL SHARE.—Assistance provided by the Secretary pursuant to a request under subparagraph (A) may be at full Federal expense if the assistance is to construct advanced measures to a temporary construction standard.''.

SEC. 5311. REHABILITATION OF EXISTING LEVEES.

Section 3017(e) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3303a note; Public Law 113–121) is amended—

(1) by striking ''this subsection'' and inserting ''this section''; and

(2) by striking ''10 years'' and inserting ''20 years''.

SEC. 5312. PILOT PROGRAM FOR CERTAIN COMMUNITIES.

(a) PILOT PROGRAMS ON THE FORMULATION OF CORPS OF ENGINEERS PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—Section 118 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260) is amended—

(1) in subsection (b)(2)(C), by striking ''10''; and

(2) in subsection (c)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking ''make a recommendation to Congress on up to 10 projects'' and inserting ''recommend projects to Congress''; and

(B) by adding at the end the following:

''(5) RECOMMENDATIONS.—In recommending projects under paragraph (2), the Secretary shall include such recommendations in the next annual report submitted to Congress under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) after the date of enactment of the Water Resources Development Act of 2022.''.

(b) PILOT PROGRAM FOR CAPS IN SMALL OR DISADVANTAGED COMMUNITIES.—Section 165(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260) is amended—

(1) in paragraph (2)(B), by striking ''a total of 10'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

''(4) MAXIMUM FEDERAL AMOUNT.—For a project carried out under this subsection, the maximum Federal amount, if applicable, shall be increased by the commensurate amount of the non-Federal share that would otherwise be required for the project under the applicable continuing authority program.''.

SEC. 5313. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED PUMP STATIONS.

Section 133 of the Water Resources Development Act of 2020 (33 U.S.C. 2327a) is amended—

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

''(1) ELIGIBLE PUMP STATION.—The term 'eligible pump station' means a pump station that—

''(A) is a feature of a federally authorized flood or coastal storm risk management project; or

''(B) if inoperable, would impair drainage of water from areas interior to a federally authorized flood or coastal storm risk management project.'';

(2) by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION.—The Secretary may carry out rehabilitation of an eligible pump station, if the Secretary determines that—

''(1) the pump station has a major deficiency; and

''(2) the rehabilitation is feasible.''; and

(3) by striking subsection (f) and inserting the following:

''(f) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this section to economically disadvantaged communities.''.

SEC. 5314. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

Section 510(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3759; 128 Stat. 1317) is amended—

(1) in subparagraph (B), by inserting ''and streambanks'' after ''shorelines'';

(2) in subparagraph (E), by striking ''and'' at the end;

(3) by redesignating subparagraph (F) as subparagraph (H); and

(4) by inserting after subparagraph (E) the following:

''(F) wastewater treatment and related facilities;

''(G) stormwater and drainage systems; and''.

SEC. 5315. EVALUATION OF HYDROLOGIC CHANGES IN SOURIS RIVER BASIN.

The Secretary is authorized to evaluate hydrologic changes affecting the agreement entitled ''Agreement Between the Government of Canada and the United States of America for Water Supply and Flood Control in The Souris River Basin'', signed in 1989.

SEC. 5316. MEMORANDUM OF UNDERSTANDING RELATING TO BALDHILL DAM, NORTH DAKOTA.

The Secretary may enter into a memorandum of understanding with the non-Federal interest for the Red River Valley Water Supply Project to accommodate flows for downstream users through Baldhill Dam, North Dakota.

SEC. 5317. UPPER MISSISSIPPI RIVER RESTORATION PROGRAM.

Section 1103(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(3)) is amended by striking ''$40,000,000'' and inserting ''$75,000,000''.

SEC. 5318. HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM.

Section 128(c) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116–260) is amended by inserting ''the Upper Mississippi River and its tributaries,'' after ''New York,''.

SEC. 5319. COLLETON COUNTY, SOUTH CAROLINA.

Section 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)(C)(i)) shall not apply to construction carried out by the non-Federal interest before the date of enactment of this Act for the project for hurricane and storm damage risk reduction, Colleton County, South Carolina, authorized by section 1401(3) of the Water Resources Development Act of 2016 (130 Stat. 1711).

SEC. 5320. ARKANSAS RIVER CORRIDOR, OKLAHOMA.

Section 3132 of the Water Resources Development Act of 2007 (121 Stat. 1141) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZED COST.—The Secretary is authorized to carry out construction of a project under this section at a total cost of $128,400,000, with the cost shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

''(c) ADDITIONAL FEASIBILITY STUDIES AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to carry out feasibility studies for purposes of recommending to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives additional projects under this section.

''(2) TREATMENT.—An additional feasibility study carried out under this subsection shall be considered a continuation of the feasibility study that formulated the project carried out under subsection (b).''.

SEC. 5321. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336) is amended—

(1) in subsection (c), by inserting ''or on land taken into trust by the Secretary of the Interior on behalf of, and for the benefit of, an Indian Tribe'' after ''land owned by the United States''; and

(2) in subsection (f), by striking ''$30,000,000'' and inserting ''$50,000,000''.

SEC. 5322. ASIAN CARP PREVENTION AND CONTROL PILOT PROGRAM.

Section 509(a)(2) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116–260) is amended—

(1) in subparagraph (A), by striking ''or Tennessee River Watershed'' and inserting '', Tennessee River Watershed, or Tombigbee River Watershed''; and

(2) in subparagraph (C)(i), by inserting '', of which not less than 1 shall be carried out on the Tennessee–Tombigbee Waterway'' before the period at the end.

SEC. 5323. FORMS OF ASSISTANCE.

Section 592(b) of the Water Resources Development Act of 1999 (113 Stat. 379) is amended by striking ''and surface water resource protection and development'' and inserting ''surface water resource protection and development, stormwater management, drainage systems, and water quality enhancement''.

SEC. 5324. DEBRIS REMOVAL, NEW YORK HARBOR, NEW YORK.

(a) IN GENERAL.—Beginning on the date of enactment of this Act, the project for New York Harbor collection and removal of drift, authorized by section 91 of the Water Resources Development Act of 1974 (88 Stat. 39), and deauthorized pursuant to section 6001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b) (as in effect on the day before the date of enactment of the WIIN Act (130 Stat. 1628)), is authorized to be carried out by the Secretary.

(b) FEASIBILITY STUDY.— The Secretary shall carry out, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of, a feasibility study for the project described in subsection (a).

SEC. 5325. INVASIVE SPECIES MANAGEMENT.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (b)(2)(A)(ii)—

(A) by striking ''$50,000,000'' and inserting ''$75,000,000''; and

(B) by striking ''2024'' and inserting ''2028''; and

(2) in subsection (g)(2)—

(A) in subparagraph (A)—

(i) by striking ''water quantity or water quality'' and inserting ''water quantity, water quality, or ecosystems''; and

(ii) by inserting ''the Lake Erie Basin, the Ohio River Basin,'' after ''the Upper Snake River Basin,''; and

(B) in subparagraph (B), by inserting '', hydrilla (*Hydrilla verticillata*),'' after ''*angustifolia*)''.

SEC. 5326. WOLF RIVER HARBOR, TENNESSEE.

Beginning on the date of enactment of this Act, the project for navigation, Wolf River Harbor, Tennessee, authorized by title II of the Act of June 16, 1933 (48 Stat. 200, chapter 90) (commonly known as the ''National Industrial Recovery Act''), and modified by section 203 of the Flood Control Act of 1958 (72 Stat. 308), is modified to reduce the authorized dimensions of the project, such that the remaining authorized dimensions are a 250-foot-wide, 9-foot-depth channel with a center line beginning at a point 35.139634, -90.062343 and extending approximately 8,500 feet to a point 35.160848, -90.050566.

SEC. 5327. MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA.

The matter under the heading ''MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA'' in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143; 121 Stat. 1155), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: ''When acquiring land to meet the requirements of fish and wildlife mitigation, the Secretary may consider incidental flood risk management benefits.''.

SEC. 5328. INVASIVE SPECIES MANAGEMENT PILOT PROGRAM.

Section 104(f)(4) of the River and Harbor Act of 1958 (33 U.S.C. 610(f)(4)) is amended by striking ''2024'' and inserting ''2026''.

SEC. 5329. NUECES COUNTY, TEXAS, CONVEYANCES.

(a) IN GENERAL.—On receipt of a written request of the Port of Corpus Christi, the Secretary shall—

(1) review the land owned and easements held by the United States for purposes of navigation in Nueces County, Texas; and

(2) convey to the Port of Corpus Christi or, in the case of an easement, release to the owner of the fee title to the land subject to such easement, without consideration, all such land and easements described in paragraph (1) that the Secretary determines are no longer required for project purposes.

(b) CONDITIONS.—

(1) QUITCLAIM DEED.—Any conveyance of land under this section shall be by quitclaim deed.

(2) TERMS AND CONDITIONS.—The Secretary may subject any conveyance or release of easement under this section to such terms and conditions as the Secretary determines necessary and advisable to protect the United States.

(c) ADMINISTRATIVE COSTS.—In accordance with section 2695 of title 10, United States Code, the Port of Corpus Christi shall be responsible for the costs incurred by the Secretary to convey land or release easements under this section.

(d) WAIVER OF REAL PROPERTY SCREENING REQUIREMENTS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance of land or release of easements under this section.

SEC. 5330. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.

As part of the authority of the Secretary to carry out the project for flood damage reduction, bank stabilization, and sediment and erosion control, Yazoo Basin, Mississippi Delta Headwaters, Mississippi, authorized by the matter under the heading ''ENHANCEMENT OF WATER RESOURCE BENEFITS AND FOR EMERGENCY DISASTER WORK'' in title I of Public Law 98–8 (97 Stat. 22), the Secretary may carry out emergency maintenance activities, as the Secretary determines to be necessary, for features of the project completed before the date of enactment of this Act.

SEC. 5331. ECOSYSTEM RESTORATION, HUDSON–RARITAN ESTUARY, NEW YORK AND NEW JERSEY.

(a) IN GENERAL.—The Secretary may carry out additional feasibility studies for ecosystem restoration, Hudson–Raritan Estuary, New York and New Jersey, including an examination of measures and alternatives at Baisley Pond Park and the Richmond Terrace Wetlands.

(b) TREATMENT.—A feasibility study carried out under subsection (a) shall be considered a continuation of the study that formulated the project for ecosystem restoration, Hudson–Raritan Estuary, New York and New Jersey, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2740).

SEC. 5332. TIMELY REIMBURSEMENT.

(a) DEFINITION OF COVERED PROJECT.—In this section, the term ''covered project'' means a project for navigation authorized by section 1401(1) of the WIIN Act (130 Stat. 1708).

(b) REIMBURSEMENT REQUIRED.—In the case of a covered project for which the non-Federal interest has advanced funds for construction of the project, the Secretary shall reimburse the non-Federal interest for advanced funds that exceed the non-Federal share of the cost of construction of the project as soon as practicable after the completion of each individual contract for the project.

SEC. 5333. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.

Section 1319(c) of the WIIN Act (130 Stat. 1704) is amended by striking paragraph (2) and inserting the following:

''(2) COST-SHARE.—

''(A) IN GENERAL.—The costs of construction of a Project feature constructed pursuant to paragraph (1) shall be determined in accordance with section 101(a)(1)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)(B)).

''(B) SAVINGS PROVISION.—Any increase in costs for the Project due to the construction of a Project feature described in subparagraph (A) shall not be included in the total project cost for purposes of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).''.

SEC. 5334. LAKE TAHOE BASIN RESTORATION, NEVADA AND CALIFORNIA.

(a) DEFINITION.—In this section, the term ''Lake Tahoe Basin'' means the entire watershed drainage of Lake Tahoe including that portion of the Truckee River 1,000 feet downstream from the United States Bureau of Reclamation dam in Tahoe City, California.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal interests in Lake Tahoe Basin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Lake Tahoe Basin—

(1) urban stormwater conveyance, treatment and related facilities;

(2) watershed planning, science and research;

(3) environmental restoration; and

(4) surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State and Regional officials, of appropriate environmental documentation, engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of planning and design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2005, $50,000,000, to remain available until expended.

(h) REPEAL.—Section 108 of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2942), is repealed.

(i) TREATMENT.—The program authorized by this section shall be considered a continuation of the program authorized by section 108 of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2942) (as in effect on the day before the date of enactment of this Act).

SEC. 5335. ADDITIONAL ASSISTANCE FOR EASTERN SANTA CLARA BASIN, CALIFORNIA.

Section 111 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (114 Stat. 2763; 114 Stat. 2763A–224; 121 Stat. 1209)), is amended—

(1) in subsection (a), by inserting ''and volatile organic compounds'' after ''perchlorates''; and

(2) in subsection (b)(3), by inserting ''and volatile organic compounds'' after ''perchlorates''.

SEC. 5336. TRIBAL PARTNERSHIP PROGRAM.

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (a), by striking ''(25 U.S.C. 450b)'' and inserting ''(25 U.S.C. 5304)'';

(2) in subsection (b)—

(A) in paragraph (2)(A)—

(i) by inserting ''or coastal storm'' after ''flood''; and

(ii) by inserting ''including erosion control,'' after ''reduction,'';

(B) in paragraph (3), by adding at the end the following:

''(C) FEDERAL INTEREST DETERMINATION.—The first $100,000 of the costs of a study under this section shall be at full Federal expense.'';

(C) in paragraph (4)—

(i) in subparagraph (A), by striking ''$18,500,000'' and inserting ''$26,000,000''; and

(ii) in subparagraph (B), by striking ''$18,500,000'' and inserting ''$26,000,000''; and

(D) by adding at the end the following:

''(5) PROJECT JUSTIFICATION.—Notwithstanding any other provision of law or requirement for economic justification established under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) for a project (other than a project for ecosystem restoration), the Secretary may implement a project under this section if the Secretary determines that the project will—

''(A) significantly reduce potential flood or coastal storm damages, which may include or be limited to damages due to shoreline erosion or riverbank or streambank failures;

''(B) improve the quality of the environment;

''(C) reduce risks to life safety associated with the damages described in subparagraph (A); and

''(D) improve the long-term viability of the community.'';

(3) in subsection (d)(5)(B)—

(A) by striking ''non-Federal'' and inserting ''Federal''; and

(B) by striking ''50 percent'' and inserting ''100 percent''; and

(4) in subsection (e), by striking ''2024'' and inserting ''2033''.

SEC. 5337. SURPLUS WATER CONTRACTS AND WATER STORAGE AGREEMENTS.

Section 1046(c) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1254; 132 Stat. 3784; 134 Stat. 2715) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

SEC. 5338. COPAN LAKE, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall amend Contract DACW56-81-C-0114 between the United States and the Copan Public Works Authority (referred to in this section as the ''Authority''), entered into on June 22, 1981, for the utilization by the Authority of storage space for water supply in Copan Lake, Oklahoma (referred to in this section as the ''project'')—

(1) to release to the United States all rights of the Authority to utilize 4,750 acre-feet of future use water storage space; and

(2) to relieve the Authority from all financial obligations, to include the initial project investment costs and the accumulated interest on unpaid project investment costs, for the volume of water storage space described in paragraph (1).

(b) REQUIREMENT.—During the 2-year period beginning on the effective date of execution of the contract amendment under subsection (a), the Secretary shall—

(1) provide the City of Bartlesville, Oklahoma, with the right of first refusal to contract for the utilization of storage space for water supply for any portion of the storage space that was released by the Authority under subsection (a); and

(2) ensure that the City of Bartlesville, Oklahoma, shall not pay more than 110 percent of the initial project investment cost per acre-foot of storage for the acre-feet of storage space sought under an agreement under paragraph (1).

SEC. 5339. ENHANCED DEVELOPMENT PROGRAM.

The Secretary shall fully implement opportunities for enhanced development at Oklahoma Lakes under the authorities provided in section 3134 of the Water Resources Development Act of 2007 (121 Stat. 1142; 130 Stat. 1671) and section 164 of the Water Resources Development Act of 2020 (134 Stat. 2668).

SEC. 5340. ECOSYSTEM RESTORATION COORDINATION.

(a) IN GENERAL.—In carrying out the project for ecosystem restoration, South Fork of the South Branch of the Chicago River, Bubbly Creek, Illinois, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2740), the Secretary shall coordinate to the maximum extent practicable with the Administrator of the Environmental Protection Agency, State environmental agencies, and regional coordinating bodies responsible for the remediation of toxics.

(b) SAVINGS PROVISION.—Nothing in this section extends liability to the Secretary for any remediation of toxics present at the project site referred to in subsection (a) prior to the date of authorization of that project.

SEC. 5341. ACEQUIAS IRRIGATION SYSTEMS.

Section 1113 of the Water Resources Development Act of 1986 (100 Stat. 4232) is amended—

(1) in subsection (b)—

(A) by striking ''(b) Subject to section 903(a) of this Act, the Secretary is authorized and directed to undertake'' and inserting the following:

''(b) AUTHORIZATION.—Subject to section 903(a), the Secretary shall carry out''; and

(B) by striking ''canals'' and all that follows through ''25 percent.'' and inserting the following: ''channels attendant to the operations of the community ditch and Acequia systems in New Mexico that—

''(1) are declared to be a political subdivision of the State; or

''(2) belong to a federally recognized Indian Tribe.'';

(2) by redesignating subsection (c) as subsection (e);

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

''(c) INCLUSIONS.—The measures described in subsection (b) shall, to the maximum extent practicable—

''(1) ensure greater resiliency of diversion structures, including to flow variations, prolonged drought conditions, invasive plant species, and threats from changing hydrological and climatic conditions; or

''(2) support research, development, and training for innovative management solutions, including those for controlling invasive aquatic plants that affect Acequias.

''(d) COSTS.—

''(1) TOTAL COST.—The measures described in subsection (b) shall be carried out at a total cost of $80,000,000.

''(2) COST SHARING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the non-Federal share of the cost of carrying out the measures described in subsection (b) shall be 25 percent.

''(B) SPECIAL RULE.—In the case of a project benefitting an economically disadvantaged community (as defined pursuant

to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)), the Federal share of the cost of carrying out the measures described in subsection (b) shall be 90 percent.''; and

(4) in subsection (e) (as so redesignated)—

(A) in the first sentence—

(i) by striking ''(e) The Secretary is further authorized and directed to'' and inserting the following:

''(e) PUBLIC ENTITY STATUS.—

''(1) IN GENERAL.—The Secretary shall''; and

(ii) by inserting ''or belong to a federally recognized Indian Tribe within the State of New Mexico'' after ''that State''; and

(B) in the second sentence, by striking ''This public entity status will allow the officials of these Acequia systems'' and inserting the following:

''(2) EFFECT.—The public entity status provided pursuant to paragraph (1) shall allow the officials of the Acequia systems described in that paragraph''.

SEC. 5342. ROGERS COUNTY, OKLAHOMA.

(a) CONVEYANCE.—The Secretary is authorized to convey to the City of Tulsa–Rogers County Port Authority (referred to in this section as the ''Port Authority''), for fair market value, all right, title, and interest of the United States in and to the Federal land described in subsection (b).

(b) FEDERAL LAND DESCRIBED.—

(1) IN GENERAL.—The Federal land to be conveyed under this section is the approximately 176 acres of Federal land located on the following 3 parcels in Rogers County, Oklahoma:

(A) Parcel 1 includes U.S. tract 119 (partial), U.S. tract 123, U.S. tract 120, U.S. tract 125, and U.S. tract 118 (partial).

(B) Parcel 2 includes U.S. tract 124 (partial) and U.S. tract 128 (partial).

(C) Parcel 3 includes U.S. tract 128 (partial).

(2) DETERMINATION REQUIRED.—

(A) IN GENERAL.—Subject to paragraph (1) and subparagraphs (B), (C), and (D), the Secretary shall determine the exact property description and acreage of the Federal land to be conveyed under this section.

(B) REQUIREMENT.—In making the determination under subparagraph (A), the Secretary shall reserve from conveyance such easements, rights-of-way, and other interests as the Secretary determines to be necessary and appropriate to ensure the continued operation of the McClellan-Kerr Arkansas River navigation project, including New Graham Lock and Dam 18 as a part of that project, as authorized under the comprehensive plan for the Arkansas River Basin by section 3 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and section 10 of the Flood Control Act of 1946 (60 Stat. 647, chapter 596) and where applicable the provisions of the River and Harbor Act of 1946 (60 Stat. 634, chapter 595) and modified by section 108 of the Energy and Water Development Appropriation Act, 1988 (Public Law 100–202; 101 Stat. 1329–112), and section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(C) OBSTRUCTIONS TO NAVIGABLE CAPACITY.—A conveyance under this section shall not affect the jurisdiction of the Secretary under section 10 of the Act of March 3, 1899 (commonly known as the ''Rivers and Harbors Act of 1899'') (30 Stat. 1151, chapter 425; 33 U.S.C. 403) with respect to the Federal land conveyed.

(D) SURVEY REQUIRED.—The exact acreage and the legal description of any Federal land conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(c) APPLICABILITY.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(d) COSTS.—The Port Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(e) HOLD HARMLESS.—

(1) IN GENERAL.—The Port Authority shall hold the United States harmless from any liability with respect to activities carried out on or after the date of the conveyance under this section on the Federal land conveyed.

(2) LIMITATION.—The United States shall remain responsible for any liability incurred with respect to activities carried out before the date of the conveyance under this section on the Federal land conveyed.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

SEC. 5343. WATER SUPPLY STORAGE REPAIR, REHABILITATION, AND REPLACEMENT COSTS.

Section 301(b) of the Water Supply Act of 1958 (43 U.S.C. 390b(b)) is amended, in the fourth proviso, by striking the second sentence and inserting the following: ''For Corps of Engineers projects, all annual operation and maintenance costs for municipal and industrial water supply storage under this section shall be reimbursed from State or local interests on an annual basis, and all repair, rehabilitation, and replacement costs shall be reimbursed from State or local interests (1) without interest, during construction of the repair, rehabilitation, or replacement, (2) with interest, in lump sum on the completion of the repair, rehabilitation, or replacement, or (3) at the request of the State or local interest, with interest, over a period of not more than 25 years beginning on the date of completion of the repair, rehabilitation, or replacement, with repayment contracts providing for recalculation of the interest rate at 5-year intervals. At the request of the State or local interest, the Secretary of the Army shall amend a repayment contract entered into under this section on or before the date of enactment of this sentence for the purpose of incorporating the terms and conditions described in paragraph (3) of the preceding sentence.''.

SEC. 5344. NON-FEDERAL PAYMENT FLEXIBILITY.

Section 103(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(1)) is amended—

(1) by striking the subsection designation and heading and all that follows through ''At the request of'' in the first sentence and inserting the following:

''(l) DELAY OF PAYMENT.—

''(1) INITIAL PAYMENT.—At the request of''; and

(2) by adding at the end the following:

''(2) INTEREST.—

''(A) IN GENERAL.—At the request of any non-Federal interest, the Secretary may waive the accrual of interest on any non-Federal cash contribution under this section or section 101 for a project for a period of not more than 1 year if the Secretary determines that—

''(i) the waiver will contribute to the ability of the non-Federal interest to make future contributions; and

''(ii) the non-Federal interest is in good standing under terms agreed to under subsection (k)(1).

''(B) LIMITATIONS.—The Secretary may grant not more than 1 waiver under subparagraph (A) for the same project.''.

SEC. 5345. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration, North Padre Island, Corpus Christi Bay, Texas, constructed by the Secretary prior to the date of enactment of this Act under section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), shall not be eligible for repair and restoration assistance under section 5(a) of the Act of August 18, 1941 (commonly known as the ''Flood Control Act of 1941'') (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)).

SEC. 5346. WAIVER OF NON-FEDERAL SHARE OF DAMAGES RELATED TO CERTAIN CONTRACT CLAIMS.

In a case in which the Armed Services Board of Contract Appeals or a court of competent jurisdiction rendered a decision on a date that was at least 20 years before the date of enactment of this Act awarding damages to a contractor relating to the adjudication of claims arising from the construction of general navigation features of a project carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), notwithstanding the terms of the Project Partnership Agreement, the Secretary shall waive payment of the share of the non-Federal interest of such damages, including attorney's fees, if the Secretary—

(1) terminated construction of the project prior to completion of all features; and

(2) has not collected payment from the non-Federal interest before the date of enactment of this Act.

SEC. 5347. ALGIERS CANAL LEVEES, LOUISIANA.

In accordance with section 328 of the Water Resources Development Act of 1999 (113 Stat. 304; 121 Stat. 1129), the Secretary shall resume operation, maintenance, repair, rehabilitation, and replacement of the Algiers Canal Levees, Louisiana, at full Federal expense.

SEC. 5348. ISRAEL RIVER ICE CONTROL PROJECT, LANCASTER, NEW HAMPSHIRE.

Beginning on the date of enactment of this Act, the project for flood control, Israel River, Lancaster, New Hampshire, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is no longer authorized.

SEC. 5349. CITY OF EL DORADO, KANSAS.

The Secretary shall amend Contract DACW56–72–C–0220, between the United States and the City of El Dorado, Kansas, entered into on June 30, 1972, for the utilization by the City of storage space for water supply in El Dorado Lake, Kansas, to change the method of calculation of the interest charges that began accruing on June 30, 1991, on the investment costs for the 72,087 acre-feet of future use storage space, from compounding interest annually to charging simple interest annually on the principal amount, until—

(1) the City desires to convert the future use storage space to present use; and

(2) the principal amount plus the accumulated interest becomes payable pursuant to the terms of the Contract.

SEC. 5350. UPPER MISSISSIPPI RIVER PROTECTION.

Section 2010 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270; 132 Stat. 3812) is amended by adding at the end the following:

''(f) LIMITATION.—The Secretary shall not recommend deauthorization of the Upper St. Anthony Falls Lock and Dam unless the Secretary identifies a willing and capable non-Federal public entity to assume ownership of the lock and dam.

''(g) MODIFICATION.—The Secretary is authorized to investigate the feasibility of modifying the Upper St. Anthony Falls Lock and Dam to add ecosystem restoration, including the prevention and control of invasive species, as an authorized purpose.''.

SEC. 5351. REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.

(a) IN GENERAL.—At such time as new facilities are available to the Corps of Engineers, and subject to this section, the Secretary shall convey to the Port of Corpus Christi Authority, by deed and without warranty, all right, title, and interest of the United States in and to the property described in subsection (c).

(b) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be determined by an appraisal, satisfactory to the Secretary, of the market value of the property conveyed.

(c) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the land known as ''Tract 100'' and ''Tract 101'', including improvements on that land, in Corpus Christi, Texas, and described as follows:

(1) TRACT 100.— The 1.89 acres, more or less, as conveyed by the Nueces County Navigation District No. 1 of Nueces County, Texas, to the United States by instrument dated October 16, 1928, and recorded at Volume 193, pages 1 and 2, in the Deed Records of Nueces County, Texas.

(2) TRACT 101.—The 0.53 acres as conveyed by the City of Corpus Christi, Nueces County, Texas, to the United States by instrument dated September 24, 1971, and recorded at Volume 318, pages 523 and 524, in the Deed Records of Nueces County, Texas.

(3) IMPROVEMENTS.—

(A) Main Building (RPUID AO–C–3516), constructed January 9, 1974.

(B) Garage, vehicle with 5 bays (RPUID AO–C–3517), constructed January 9, 1985.

(C) Bulkhead, Upper (RPUID AO–C–2658), constructed January 1, 1941.

(D) Bulkhead, Lower (RPUID AO–C–3520), constructed January 1, 1933.

(E) Bulkhead Fence (RPUID AO–C–3521), constructed January 9, 1985.

(F) Bulkhead Fence (RPUID AO–C–3522), constructed January 9, 1985.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Before conveying the land described in subsection (c) to the Port of Corpus Christi Authority, the Secretary shall ensure that the conditions of buildings and facilities meet applicable requirements under Federal law, as determined by the Secretary.

(2) IMPROVEMENTS.—Improvements to conditions of buildings and facilities on the land described in subsection (c), if any, shall be incorporated into the consideration required under subsection (b).

(3) COSTS OF CONVEYANCE.—In addition to the fair market value for property rights conveyed, the Port of Corpus Christi Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance under subsection (a).

SEC. 5352. PILOT PROGRAM FOR GOOD NEIGHBOR AUTHORITY ON CORPS OF ENGINEERS LAND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED RESTORATION SERVICES.—The term ''authorized restoration services'' means similar and complementary forest, rangeland, and watershed restoration services carried out—

(A) on Federal land; and

(B) by the Secretary or Governor pursuant to a good neighbor agreement.

(2) FEDERAL LAND.—

(A) IN GENERAL.—The term ''Federal land'' means land within the State that is administered by the Corps of Engineers.

(B) EXCLUSIONS.—The term ''Federal land'' does not include—

(i) a component of the National Wilderness Preservation System;

(ii) Federal land on which the removal of vegetation is prohibited or restricted by an Act of Congress or a Presidential proclamation (including the applicable implementation plan); or

(iii) a wilderness study area.

(3) FOREST, RANGELAND, AND WATERSHED SERVICES.—

(A) IN GENERAL.—The term ''forest, rangeland, and watershed restoration services'' means—

(i) activities to treat insect-infected and disease-infected trees;

(ii) activities to reduce hazardous fuels; and

(iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(B) EXCLUSIONS.—The term ''forest, rangeland, and watershed restoration services'' does not include—

(i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas, other than the reconstruction, repair, or restoration of a road that is necessary to carry out authorized restoration services pursuant to a good neighbor agreement; and

(ii) construction, alteration, repair or replacement of public buildings or public works.

(4) GOOD NEIGHBOR AGREEMENT.—The term ''good neighbor agreement'' means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and Governor under subsection (b)(1)(A) to carry out authorized restoration services under this section.

(5) GOVERNOR.—The term ''Governor'' means the Governor or any other appropriate executive official of the State.

(6) ROAD.—The term ''road'' has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on February 7, 2014).

(7) STATE.—The term ''State'' means the State of Idaho.

(b) GOOD NEIGHBOR AGREEMENTS.—

(1) GOOD NEIGHBOR AGREEMENTS.—

(A) IN GENERAL.—The Secretary may carry out a pilot program to enter into good neighbor agreements with the Governor to carry out authorized restoration services in the State in accordance with this section.

(B) PUBLIC AVAILABILITY.—The Secretary shall make each good neighbor agreement available to the public.

(C) ADMINISTRATIVE COSTS.—The Governor shall provide, and the Secretary may accept and expend, funds to cover the costs of the Secretary to enter into and administer a good neighbor agreement.

(D) TERMINATION.—The pilot program under subparagraph (A) shall terminate on October 1, 2028.

(2) TIMBER SALES.—

(A) APPROVAL OF SILVICULTURE PRESCRIPTIONS AND MARKING GUIDES.—The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

(B) TREATMENT OF REVENUE.—Except as provided in subparagraph (C), funds received from the sale of timber by the Governor under a good neighbor agreement shall be retained and used by the Governor to carry out authorized restoration services under the good neighbor agreement.

(C) EXCESS REVENUE.—

(i) IN GENERAL.—Any funds remaining after carrying out subparagraph (B) that are in excess of the amount provided by the Governor to the Secretary under paragraph (1)(C) shall be returned to the Secretary.

(ii) APPLICABILITY OF CERTAIN PROVISIONS.—Funds returned to the Secretary under clause (i) shall be subject to the first part of section 5 of the Act of June 13, 1902 (commonly known as the ''Rivers and Harbors Appropriations Act of 1902'') (32 Stat. 373, chapter 1079; 33 U.S.C. 558).

(3) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized restoration services to be provided under this section on Federal land shall not be delegated to the Governor.

SEC. 5353. SOUTHEAST DES MOINES, SOUTHWEST PLEASANT HILL, IOWA.

(a) PROJECT MODIFICATIONS.—The project for flood risk management and other purposes, Red Rock Dam and Lake, Des Moines River, Iowa (referred to in this section as the ''Red Rock Dam Project''), authorized by section 10 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 896, chapter 665), and the project for flood risk management, Des Moines Local Flood Protection, Des Moines River, Iowa (referred to in this section as ''Flood Protection Project''), authorized by section 10 of that Act (58 Stat. 896, chapter 665), shall be modified as follows, subject to a new or amended agreement between the Secretary and the non-Federal interest for the Flood Protection Project, the City of Des Moines, Iowa (referred to in this section as the ''City''), in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b):

(1) That portion of the Red Rock Dam Project consisting of the segment of levee from Station 15+88.8W to Station 77+43.7W shall be transferred to the Flood Protection Project.

(2) The relocated levee improvement constructed by the City, from Station 77+43.7W to approximately Station 20+00, shall be included in the Flood Protection Project.

(b) FEDERAL EASEMENT CONVEYANCES.—

(1) The Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam Project, to the City to become part of the Flood Protection Project in accordance with subsection (a):

(A) Easements identified as Tracts 3215E-1, 3235E, and 3227E.

(B) Easements identified as Partial Tracts 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

(2) On counter-execution of the new or amended agreement pursuant to the Federal easement conveyances under paragraph (1), the Secretary is authorized to convey the following easements, by quitclaim deed, without consideration, acquired by the Federal Government for the Red Rock Dam project, to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority and no longer required for the Red Rock Dam Project or for the Des Moines Local Flood Protection Project:

(A) Easements identified as Tracts 3200E, 3202E-1, 3202E-2, 3202E-4, 3203E-2, 3215E-3, 3216E-1, and 3216E-5.

(B) Easements identified as Partial Tracts 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

(3) All real property interests conveyed under this subsection shall be subject to the standard release of easement disposal process. All administrative fees associated with the transfer of the subject easements to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority will be borne by the transferee.

SEC. 5354. MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NEW MEXICO.

In the case of the project for flood risk management, Middle Rio Grande, Bernalillo to Belen, New Mexico, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735), the non-Federal share of the cost of the project shall be the percentage described in section 103(a)(2) of the Water Resources Development Act of

1986 (33 U.S.C. 2213(a)(2)) (as in effect on the day before the date of enactment of the Water Resources Development Act of 1996 (110 Stat. 3658)).

SEC. 5355. COMPREHENSIVE EVERGLADES RESTORATION PLAN, FLORIDA.

(a) IN GENERAL.—Section 601(e)(5) of the Water Resources Development Act of 2000 (114 Stat. 2685; 132 Stat. 3786) is amended by striking subparagraph (E) and inserting the following:

''(E) PERIODIC MONITORING.—

''(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each period of 5 fiscal years, beginning on October 1, 2022, the Secretary shall, for each project—

''(I) monitor the non-Federal provision of cash, in-kind services, and land; and

''(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

''(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase for each project in the Plan.

''(iii) CLARIFICATION.—Not later than 90 days after the end of each fiscal year, the Secretary shall provide to the non-Federal sponsor a financial accounting of non-Federal contributions under clause (i)(I) for such fiscal year.

''(iv) LIMITATION.—As applicable, and after including consideration of all expenditures and obligations incurred by the non-Federal sponsor for land and in-kind services for an authorized project for which a project partnership agreement has not been executed, the Secretary shall only require a cash contribution from the non-Federal sponsor to satisfy the cost share requirements of this subsection on the last day of each period of 5 fiscal years under clause (i).''.

(b) UPDATE.—The Secretary and the South Florida Water Management District shall revise the Master Agreement for the Comprehensive Everglades Restoration Plan, executed in 2009 pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680), to reflect the amendment made by subsection (a).

SEC. 5356. MAINTENANCE DREDGING PERMITS.

(a) IN GENERAL.—The Secretary shall, to the maximum extent practicable and appropriate, prioritize the reissuance of any regional general permit for maintenance dredging that expired prior to May 1, 2021.

(b) SAVINGS PROVISION.—Nothing in this section affects, preempts, or interferes with any obligation to comply with the provisions of any Federal or State environmental law, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(3) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 5357. PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION, WASHINGTON.

In carrying out the project for ecosystem restoration, Puget Sound, Washington, authorized by section 1401(4) of the Water Resources Development Act of 2016 (130 Stat. 1713), the Secretary shall consider the removal and replacement of the Highway 101 causeway and bridges at the Duckabush River Estuary site to be a project feature the costs of which are shared as construction.

SEC. 5358. TRIBAL ASSISTANCE.

(a) CLARIFICATION OF EXISTING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in consultation with the heads of relevant Federal agencies, the Confederated Tribes of the Warm Springs Indian Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation, shall revise and carry out the village development plan for Dalles Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179, chapter 188) to address adverse impacts to Indian villages, housing sites, and related structures as a result of the construction of Bonneville Dam, McNary Dam, and John Day Dam, Washington and Oregon.

(2) EXAMINATION.—Before carrying out the requirements of paragraph (1), the Secretary shall conduct an examination and assessment of the extent to which Indian villages, housing sites, and related structures were displaced or destroyed by the construction of the following projects:

(A) Bonneville Dam, Oregon, as authorized by the first section of the Act of August 30, 1935 (49 Stat. 1038, chapter 831) and the first section and section 2(a) of the Act of August 20, 1937 (50 Stat. 731, chapter 720; 16 U.S.C. 832, 832a(a)).

(B) McNary Dam, Washington and Oregon, as authorized by section 2 of the Act of March 2, 1945 (commonly known as the ''River and Harbor Act of 1945'') (59 Stat. 22, chapter 19).

(C) John Day Dam, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179, chapter 188).

(3) REQUIREMENTS.—The village development plan under paragraph (1) shall include, at a minimum—

(A) an evaluation of sites on both sides of the Columbia River;

(B) an assessment of suitable Federal land and land owned by the States of Washington and Oregon; and

(C) an estimated cost and tentative schedule for the construction of each housing development.

(4) LOCATION OF ASSISTANCE.—The Secretary may provide housing and related assistance under this subsection at 1 or more sites in the States of Washington and Oregon.

(b) PROVISION OF ASSISTANCE ON FEDERAL LAND.—The Secretary may construct housing or provide related assistance on land owned by the United States under the village development plan under subsection (a)(1).

(c) ACQUISITION AND DISPOSAL OF LAND.—

(1) IN GENERAL.—Subject to subsection (d), the Secretary may acquire land or interests in land for the purpose of providing housing and related assistance under the village development plan under subsection (a)(1).

(2) ADVANCE ACQUISITION.—Acquisition of land or interests in land under paragraph (1) may be carried out in advance of completion of all required documentation and clearances for the construction of housing or related improvements on the land or on the interests in land.

(3) DISPOSAL OF UNSUITABLE LAND.—If the Secretary determines that any land or interest in land acquired by the Secretary under this section in advance of completion of all required documentation for the construction of housing or related improvements is unsuitable for that housing or for those related improvements, the Secretary may—

(A) dispose of the land or interest in land by sale; and

(B) credit the proceeds to the appropriation, fund, or account used to purchase the land or interest in land.

(d) LIMITATION.—The Secretary shall only acquire land from willing landowners in carrying out this section.

(e) CONFORMING AMENDMENT.—Section 1178(c) of the Water Resources Development Act of 2016 (130 Stat. 1675; 132 Stat. 3781) is repealed.

SEC. 5359. RECREATIONAL OPPORTUNITIES AT CERTAIN PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term ''covered project'' means any of the following projects of the Corps of Engineers:

(A) Ball Mountain Lake, Vermont.

(B) Townshend Lake, Vermont.

(2) RECREATION.—The term ''recreation'' includes downstream whitewater recreation that is dependent on operations, recreational fishing, and boating at a covered project.

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

(1) ensure that, to the extent compatible with other project purposes, each covered project is operated in such a manner as to protect and enhance recreation associated with the covered project; and

(2) manage land at each covered project to improve opportunities for recreation at the covered project.

(c) MODIFICATION OF WATER CONTROL PLANS.—The Secretary may modify, or undertake temporary deviations from, the water control plan for a covered project in order to enhance recreation, if the Secretary determines the modifications or deviations—

(1) will not adversely affect other authorized purposes of the covered project; and

(2) will not result in significant adverse impacts to the environment.

SEC. 5360. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.

Section 1177 of the Water Resources Development Act of 2016 (33 U.S.C. 467f–2 note; Public Law 114–322) is amended by adding at the end the following:

''(g) SPECIAL RULE.—Notwithstanding subsection (c), the non-Federal share of the cost to rehabilitate Waterbury Dam, Washington County, Vermont, under this section, including the cost of any required study, shall be the same share assigned to the non-Federal interest for the cost of initial construction of Waterbury Dam.''.

SEC. 5361. SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.

Section 528(f)(1)(J) of the Water Resources Development Act of 1996 (110 Stat. 3771) is amended—

(1) by striking ''2 representatives'' and inserting ''3 representatives''; and

(2) by inserting ''at least 1 of which shall be a representative of the Florida Department of Environmental Protection and at least 1 of which shall be a representative of the Florida Fish and Wildlife Conservation Commission,'' after ''Florida,''.

SEC. 5362. NEW MADRID COUNTY HARBOR, MISSOURI.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat. 2679) is amended by adding at the end the following:

''(18) Second harbor at New Madrid County Harbor, Missouri.''.

SEC. 5363. TRINITY RIVER AND TRIBUTARIES, TEXAS.

Section 1201(7) of the Water Resources Development Act of 2018 (132 Stat. 3802) is amended by inserting ''flood risk management, and ecosystem restoration,'' after ''navigation,''.

SEC. 5364. REND LAKE, CARLYLE LAKE, AND LAKE SHELBYVILLE, ILLINOIS.

(a) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a request from the Governor of Illinois to terminate a contract described in subsection (c), the Secretary shall amend the contract to release to the United States all rights of the State of Illinois to utilize water

storage space in the reservoir project to which the contract applies.

(b) RELIEF OF CERTAIN OBLIGATIONS.—On execution of an amendment described in subsection (a), the State of Illinois shall be relieved of the obligation to pay the percentage of the annual operation and maintenance expense, the percentage of major replacement cost, and the percentage of major rehabilitation cost allocated to the water supply storage specified in the contract for the reservoir project to which the contract applies.

(c) CONTRACTS.—Subsection (a) applies to the following contracts between the United States and the State of Illinois:

(1) Contract DACW43–88–C–0088, entered into on September 23, 1988, for utilization of storage space for water supply in Rend Lake, Illinois.

(2) Contract DA–23–065–CIVENG–65–493, entered into on April 28, 1965, for utilization of storage space for water supply in Rend Lake, Illinois.

(3) Contract DACW43–83–C–0008, entered into on July 6, 1983, for utilization of storage space in Carlyle Lake, Illinois.

(4) Contract DACW43–83–C–0009, entered into on July 6, 1983, for utilization of storage space in Lake Shelbyville, Illinois.

SEC. 5365. FEDERAL ASSISTANCE.

Section 1328(c) of the America's Water Infrastructure Act of 2018 (132 Stat. 3826) is amended by striking ''4 years'' and inserting ''8 years''.

SEC. 5366. LAND TRANSFER AND TRUST LAND FOR CHOCTAW NATION OF OKLAHOMA.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Choctaw Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the operation by the Corps of Engineers of the Sardis Lake Project or any other authorized civil works project; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Sardis Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Choctaw Nation under this subsection as necessary to carry out an authorized purpose of the Sardis Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred pursuant to subsection (a) is the approximately 247 acres of land located in Sections 18 and 19 of T2N R18E, and Sections 5 and 8 of T2N R19E, Pushmataha County, Oklahoma, generally depicted as ''USACE'' on the map entitled ''Sardis Lake – Choctaw Nation Proposal'' and dated February 22, 2022.

(2) SURVEY.—The exact acreage and legal descriptions of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Choctaw Nation shall pay—

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of—

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

SEC. 5367. LAKE BARKLEY, KENTUCKY, LAND CONVEYANCE.

(a) IN GENERAL.—The Secretary is authorized to convey to the Eddyville Riverport Authority (referred to in this section as the ''Authority''), for fair market value, all right, title, and interest of the United States in and to approximately 2.2 acres of land adjacent to the southwestern boundary of the port facilities of the Authority at the Barkley Dam and Lake Barkley, Kentucky, project, authorized by the River and Harbor Act of 1946 (60 Stat. 636, Public Law 79–525).

(b) CONDITIONS.—

(1) QUITCLAIM DEED.—Any conveyance of land under this section shall be by quitclaim deed.

(2) RESERVATION OF RIGHTS.—The Secretary shall reserve from a conveyance of land under this section such easements, rights-of-way, or other interests as the Secretary determines to be necessary and appropriate to the ensure the continued operation of the project described in subsection (a).

(3) TERMS AND CONDITIONS.—The Secretary may subject any conveyance under this section to such terms and conditions as the Secretary determines necessary and advisable to protect the United States.

(c) ADMINISTRATIVE COSTS.—The Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with a conveyance under this section.

(d) WAIVER OF REAL PROPERTY SCREENING REQUIREMENTS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance of land under this section.

TITLE LIV—WATER RESOURCES INFRASTRUCTURE

SEC. 5401. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled ''Report to Congress on Future Water Resources Development'' submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. AK	Elim Subsistence Harbor	March 12, 2021	Federal: $74,905,000 Non-Federal: $1,896,000 Total: $76,801,000
2. CA	Port of Long Beach Deep Draft Navigation, Los Angeles	October 14, 2021; May 31, 2022	Federal: $73,533,500 Non-Federal: $74,995,500 Total: $148,529,000
3. WA	Tacoma Harbor Navigation Improvement	May 26, 2022	Federal: $120,701,000 Non-Federal: $174,627,000 Total: $295,328,000
4. NY, NJ	New Jersey Harbor Deepening Channel Improvement	June 3, 2022	Federal: $2,124,561,500 Non-Federal: $3,439,337,500 Total: $5,563,899,000

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. AL	Selma	October 7, 2021	Federal: $15,533,100 Non-Federal: $8,363,900 Total: $23,897,000
2. CA	Lower Cache Creek, Yolo County, Woodland, and Vicinity	June 21, 2021	Federal: $215,152,000 Non-Federal: $115,851,000 Total: $331,003,000
3. OR	Portland Metro Levee System	August 20, 2021	Federal: $77,111,100 Non-Federal: $41,521,300 Total: $118,632,400
4. NE	Papillion Creek and Tributaries Lakes	January 24, 2022	Federal: $91,491,400 Non-Federal: $52,156,300 Total: $143,647,700
5. AL	Valley Creek, Bessemer and Birmingham	October 29, 2021	Federal: $17,725,000 Non-Federal: $9,586,000 Total: $27,311,000
6. PR	Rio Guanajibo	May 24, 2022	Federal: $110,974,500 Non-Federal: $59,755,500 Total: $170,730,000

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. CT	Fairfield and New Haven Counties	January 19, 2021	Federal: $92,937,000 Non-Federal: $50,043,000 Total: $142,980,000
2. PR	San Juan Metro	September 16, 2021	Federal: $245,418,000 Non-Federal: $131,333,000 Total: $376,751,000
3. FL	Florida Keys, Monroe County	September 24, 2021	Federal: $1,513,531,000 Non-Federal: $814,978,000 Total: $2,328,509,000
4. FL	Okaloosa County	October 7, 2021	Initial Federal: $19,822,000 Initial Non-Federal: $11,535,000 Initial Total: $31,357,000 Renourishment Federal: $71,045,000 Renourishment Non-Federal: $73,787,000 Renourishment Total: $144,832,000

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
5. SC	Folly Beach	October 26, 2021	Initial Federal: $45,490,000 Initial Non-Federal: $5,054,000 Initial Total: $50,544,000 Renourishment Federal: $164,424,000 Renourishment Non-Federal: $26,767,000 Renourishment Total: $191,191,000
6. FL	Pinellas County	October 29, 2021	Initial Federal: $8,627,000 Initial Non-Federal: $5,332,000 Initial Total: $13,959,000 Renourishment Federal: $92,000,000 Renourishment Non-Federal: $101,690,000 Renourishment Total: $193,690,000
7. NY	South Shore of Staten Island, Fort Wadsworth to Oakwood Beach	October 27, 2016	Federal: $371,310,000 Non-Federal: $199,940,000 Total: $571,250,000
8. LA	Upper Barataria Basin	January 28, 2022	Federal: $1,005,001,000 Non-Federal: $541,155,000 Total: $1,546,156,000
9. LA	South Central Coast, St. Martin, St. Mary, and Iberia Parishes	June 23, 2022	Federal: $594,600,000 Non-Federal: $320,169,000 Total: $914,769,000

(4) HURRICANE AND STORM DAMAGE REDUCTION AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. TX	Coastal Texas Protection and Restoration Feasibility Study	September 16, 2021	Federal: $19,237,894,000 Non-Federal: $11,668,393,000 Total: $30,906,287,000

(5) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. CA	Prado Basin Ecosystem Restoration, San Bernardino, Riverside and Orange Counties	April 22, 2021	Federal: $33,976,000 Non-Federal: $18,294,000 Total: $52,270,000
2. KY	Three Forks of Beargrass Creek	May 24, 2022	Federal: $72,138,000 Non-Federal: $48,998,000 Total: $121,135,000

(6) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. LA	Lake Pontchartrain and Vicinity	December 16, 2021	Federal: $807,000,000 Non-Federal: $434,000,000 Total: $1,241,000,000
2. LA	West Bank and Vicinity	December 17, 2021	Federal: $431,000,000 Non-Federal: $232,000,000 Total: $663,000,000
3. GA	Brunswick Harbor, Glynn County	March 11, 2022	Federal: $10,774,500 Non-Federal: $3,594,500 Total: $14,369,000
4. DC	Washington, DC and Vicinity	July 22, 2021	Federal: $17,740,000 Non-Federal: $0 Total: $17,740,000
5. MI	Soo Locks, Sault Ste. Marie	June 6, 2022	Federal: $2,932,116,000 Non-Federal: $0 Total: $2,932,116,000
6. WA	Howard A. Hanson Dam Additional Water Storage	May 19, 2022	Federal: $815,207,000 Non-Federal: $39,979,000 Total: $855,185,000
7. MO	Critical Infrastructure Cyber Security – Mandatory Center of Expertise Lab and Office Facility	January 13, 2020	Federal: $5,956,404 Non-Federal: $0 Total: $5,956,404
8. FL	Central and Southern Florida, Indian River Lagoon	May 31, 2022	Federal: $2,500,686,000 Non-Federal: $2,500,686,000 Total: $5,001,372,000

SEC. 5402. STORM DAMAGE PREVENTION AND REDUCTION, COASTAL EROSION, AND ICE AND GLACIAL DAMAGE, ALASKA.

(a) IN GENERAL.—The Secretary shall establish a program to carry out structural and nonstructural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in the State of Alaska, including—

(1) relocation of affected communities; and

(2) construction of replacement facilities.

(b) COST SHARE.—The non-Federal interest shall share in the cost to study, design, and construct a project carried out under this section in accordance with sections 103 and 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2213, 2215), except that, in the case of a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)), the non-Federal share shall be 10 percent.

(c) REPEAL.—Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2851), is repealed.

(d) TREATMENT.—The program authorized by subsection (a) shall be considered a continuation of the program authorized by section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2851) (as in effect on the day before the date of enactment of this Act).

SEC. 5403. EXPEDITED COMPLETION OF PROJECTS.

The Secretary shall expedite completion of the following projects:

(1) Project for flood risk management, Cumberland, Maryland, restoration and rewatering of the Chesapeake and Ohio Canal, authorized by section 580 of the Water Resources Development Act of 1999 (113 Stat. 375).

(2) Project for flood risk management, Tulsa and West–Tulsa Levee System, Tulsa County, Oklahoma, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(3) Project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(4) Project for flood risk management, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576).

(5) Project for flood risk management, Rose and Palm Garden Washes, Arizona, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(6) Project for ecosystem restoration, El Corazon, Arizona, authorized by section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(7) Projects for ecosystem restoration, Chesapeake Bay Comprehensive Water Resources and Restoration Plan, Chesapeake Bay Environmental Restoration and Protection Program, authorized by section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759).

(8) Projects authorized under section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 121 Stat. 1258).

(9) Projects authorized under section 8004 of the Water Resources Development Act of 2007 (33 U.S.C. 652 note; Public Law 110–114).

(10) Projects authorized under section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653).

(11) Project for flood risk management, Lower Santa Cruz River, Arizona, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(12) Project for flood risk management, McCormick Wash, Arizona, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(13) Project for navigation, including maintenance and channel deepening, McClellan–Kerr Arkansas River Navigation System.

(14) Project for dam safety modifications, Bluestone Dam, West Virginia.

(15) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Branford Harbor and Branford River, Branford, Connecticut, authorized by the first section of the Act of June 13, 1902 (32 Stat. 333, chapter 1079).

(16) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Guilford Harbor and Sluice Channel, Connecticut.

(17) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Milford Harbor, Connecticut.

(18) Assistance for ecosystem restoration, Lower Yellowstone Intake Diversion Dam, Montana, authorized by section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(19) Project for mitigation of shore damage from navigation works, Camp Ellis Beach, Saco, Maine, pursuant to section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(20) Project for ecosystem restoration, Lower Blackstone River, Rhode Island, pursuant to section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(21) Project for navigation, Kentucky Lock Addition, Kentucky.

(22) Maintenance dredging of the Federal channel for the project for navigation, Columbia, Snake, and Clearwater Rivers, Oregon, Washington, and Idaho, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 21, chapter 19), at the Port of Clarkston, Washington, and the Port of Lewiston, Idaho.

(23) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Portsmouth Back Channels and Sagamore Creek, Portsmouth, New Castle, and Rye, New Hampshire, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(24) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Portsmouth Harbor and Piscataqua River, Portsmouth, New Castle, and Newington, New Hampshire, and Kittery and Elliot, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173).

SEC. 5404. SPECIAL RULES.

(a) The following conditions apply to the project described in section 5403(19):

(1) The project is authorized to be carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) at a Federal cost of $45,000,000.

(2) The project may include Federal participation in periodic nourishment.

(3) For purposes of subsection (b) of section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), the Secretary shall determine that the navigation works to which the shore damages are attributable were constructed at full Federal expense.

(b) The following conditions apply to the project described in section 5403(20):

(1) The project is authorized to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) at a Federal cost of $15,000,000.

(2) If the Secretary includes in the project a measure on Federal land under the jurisdiction of another Federal agency, the Secretary may enter into an agreement with the Federal agency that provides for the Secretary—

(A) to construct the measure; and

(B) to operate and maintain the measure using funds provided to the Secretary by the non-Federal interest for the project.

(3) If the Secretary includes in the project a measure for fish passage at a dam licensed for hydropower, the Secretary shall include in the project costs all costs for the measure, except that those costs that are in excess of the costs to provide fish passage at the dam if hydropower improvements were not in place shall be a 100 percent non-Federal expense.

SEC. 5405. CHATTAHOOCHEE RIVER PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Chattahoochee River Basin.

(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chattahoochee River Basin, based on the comprehensive plan under subsection (b), including projects for—

(A) sediment and erosion control;

(B) protection of eroding shorelines;

(C) ecosystem restoration, including restoration of submerged aquatic vegetation;

(D) protection of essential public works;

(E) beneficial uses of dredged material; and

(F) other related projects that may enhance the living resources of the Chattahoochee River Basin.

(b) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chattahoochee River Basin restoration plan to guide the implementation of projects under subsection (a)(2).

(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.

(c) AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the comprehensive Chattahoochee River Basin restoration plan described in subsection (b).

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a resource protection and restoration plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out an agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of land, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of activities carried out under an agreement under this section shall be 100 percent.

(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

(1) the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

(2) agencies of a State or political subdivision of a State.

(f) PROTECTION OF RESOURCES.—A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) PROJECT CAP.—The total cost of a project carried out under this section may not exceed $15,000,000.

(h) SAVINGS PROVISION.—Nothing in this section—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $90,000,000.

SEC. 5406. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.

(a) DEFINITION.—In this section, the term ''Lower Mississippi River Basin'' means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico, and its tributaries and distributaries.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to provide assistance to non-Federal interests in the Lower Mississippi River Basin.

(2) FORM.—

(A) IN GENERAL.—The assistance under paragraph (1) shall be in the form of design and construction assistance for flood or coastal storm risk management or aquatic ecosystem restoration projects in the Lower Mississippi River Basin, based on the comprehensive plan under subsection (c).

(B) ASSISTANCE.—Projects under subparagraph (A) may include measures for—

(i) sediment control;

(ii) protection of eroding riverbanks and streambanks and shorelines;

(iii) channel modifications;

(iv) beneficial uses of dredged material; or

(v) other related projects that may enhance the living resources of the Lower Mississippi River Basin.

(c) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Lower Mississippi River Basin plan to guide the implementation of projects under subsection (b)(2).

(2) COORDINATION.—The plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

(3) PRIORITIZATION.—To the maximum extent practicable, the plan described in paragraph (1) shall give priority to projects eligible under subsection (b)(2) that will also improve water quality, reduce hypoxia in the Lower Mississippi River or Gulf of Mexico, or use a combination of structural and nonstructural measures.

(d) AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the comprehensive Lower Mississippi River Basin plan described in subsection (c).

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost to design and construct a project under each agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out an agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of land, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the cost to design and construct the project.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of activities carried out under an agreement under this section shall be 100 percent.

(f) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

(1) the heads of appropriate Federal agencies, including—

(A) the Secretary of Agriculture;

(B) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(C) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

(2) agencies of a State or political subdivision of a State.

(g) PROJECT CAP.—The total cost of a project carried out under this section may not exceed $15,000,000.

(h) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the program under this section, including a recommendation on whether the program should be reauthorized.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $90,000,000.

SEC. 5407. FORECAST-INFORMED RESERVOIR OPERATIONS.

(a) IN GENERAL.—The Secretary is authorized to carry out a research study pilot program at 1 or more dams owned and operated by the Secretary in the North Atlantic Division of the Corps of Engineers to assess the viability of forecast-informed reservoir operations in the eastern United States.

(b) REPORT.—Not later than 1 year after completion of the research study pilot program under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study pilot program.

SEC. 5408. MISSISSIPPI RIVER MAT SINKING UNIT.

The Secretary shall expedite the replacement of the Mississippi River mat sinking unit.

SEC. 5409. SENSE OF CONGRESS RELATING TO OKATIBBEE LAKE.

It is the sense of Congress that—

(1) there is significant shoreline sloughing and erosion at the Okatibbee Lake portion of the project for flood protection, Chunky Creek, Chickasawhay and Pascagoula Rivers, Mississippi, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), which has the potential to impact infrastructure, damage property, and put lives at risk; and

(2) addressing shoreline sloughing and erosion at a project of the Secretary, including at a location leased by non-Federal entities such as Okatibbee Lake, is an activity that is eligible to be carried out by the Secretary as part of the operation and maintenance of the project.

SA 5904. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. INITIATIVES TO INCREASE DIVERSITY IN THE OFFICER CORPS OF THE ARMED FORCES.

(a) REPORT ON INITIATIVES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a comprehensive description and assessment of the initiatives currently being undertaken by the military service academies to increase diversity among the officers corps of the Armed Forces. The report shall include efforts undertaken by Diversity and Recruitment Officers of each of the military service academies to recruit in title I high schools.

(b) RELEASE OF INFORMATION ON APPLICANTS AND ANNUAL CLASSES.—The Superintendent of each military service academy shall adopt the approach taken by the Superintendent of the United States Military Academy in releasing to the congressional defense committees in a public manner the following:

(1) The manner in which each annual class of cadets or midshipmen is scored for admission.

(2) The racial and ethnic makeup of each annual class of cadets or midshipmen.

(c) MILITARY SERVICE ACADEMY DEFINED.—In this section, the term ''military service academy'' means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

SA 5905. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 606. REIMBURSEMENT FOR TRANSPORTATION OF PETS FOR MEMBERS MAKING A PERMANENT CHANGE OF STATION.

Section 453 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(h) REIMBURSEMENT FOR TRANSPORTATION OF PETS FOR MEMBERS MAKING A PERMANENT CHANGE OF STATION.—

''(1) PET QUARANTINE FEES.—The Secretary concerned may reimburse a member of a uniformed service who is ordered to make a permanent change of station for mandatory pet quarantine fees for household pets, but not to exceed $550 per change of station, when the member incurs the fees incident to such change of station.

''(2) TRANSPORTATION TO OR FROM DUTY STATION ABROAD.—The Secretary concerned may reimburse a member of a uniformed service who is ordered to make a permanent change of station between a duty station in the United States and a duty station in a foreign country for transportation of household pets in an amount not to exceed $4,000 per change of station.''.

SA 5906. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. PILOT PROGRAM ON DOULA SUPPORT FOR VETERANS.

(a) FINDINGS.—Congress finds the following:

(1) There are approximately 2,300,000 women within the veteran population in the United States.

(2) The number of women veterans using services from the Veterans Health Administration has increased by 28.8 percent from 423,642 in 2014 to 545,670 in 2019.

(3) During the period of 2010 through 2015, the use of maternity services from the Veterans Health Administration increased by 44 percent.

(4) Although prenatal care and delivery is not provided in facilities of the Department of Veterans Affairs, pregnant women seeking care from the Department for other conditions may also need emergency care and require coordination of services through the

Veterans Community Care Program under section 1703 of title 38, United States Code.

(5) The number of unique women veteran patients with an obstetric delivery paid for by the Department increased by 1,778 percent from 200 deliveries in 2000 to 3,756 deliveries in 2015.

(6) The number of women age 35 years or older with an obstetric delivery paid for by the Department increased 16-fold from fiscal year 2000 to fiscal year 2015.

(7) A study in 2010 found that veterans returning from Operation Enduring Freedom and Operation Iraqi Freedom who experienced pregnancy were twice as likely to have a diagnosis of depression, anxiety, posttraumatic stress disorder, bipolar disorder, or schizophrenia as those who had not experienced a pregnancy.

(8) The number of women veterans of reproductive age seeking care from the Veterans Health Administration continues to grow (more than 185,000 as of fiscal year 2015).

(b) PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a pilot program to furnish doula services to covered veterans through eligible entities by expanding the Whole Health model of the Department of Veterans Affairs, or successor model, to measure the impact that doula support services have on birth and mental health outcomes of pregnant veterans (in this section referred to as the ''pilot program'').

(2) CONSIDERATION.—In carrying out the pilot program, the Secretary shall consider all types of doulas, including traditional and community-based doulas.

(3) CONSULTATION.—In designing and implementing the pilot program, the Secretary shall consult with stakeholders, including—

(A) organizations representing veterans, including veterans that are disproportionately impacted by poor maternal health outcomes;

(B) community-based health care professionals, including doulas, and other stakeholders; and

(C) experts in promoting health equity and combating racial bias in health care settings.

(4) GOALS.—The goals of the pilot program are the following:

(A) To improve—

(i) maternal, mental health, and infant care outcomes;

(ii) integration of doula support services into the Whole Health model of the Department, or successor model; and

(iii) the experience of women receiving maternity care from the Department, including by increasing the ability of a woman to develop and follow her own birthing plan.

(B) To reengage veterans with the Department after giving birth.

(c) LOCATIONS.—The Secretary shall carry out the pilot program in—

(1) the three Veterans Integrated Service Networks of the Department that have the highest percentage of female veterans enrolled in the patient enrollment system of the Department established and operated under section 1705(a) of title 38, United States Code, compared to the total number of enrolled veterans in such Network; and

(2) the three Veterans Integrated Service Networks that have the lowest percentage of female veterans enrolled in the patient enrollment system compared to the total number of enrolled veterans in such Network.

(d) OPEN PARTICIPATION.—The Secretary shall allow any eligible entity or covered veteran interested in participating in the pilot program to participate in the pilot program.

(e) SERVICES PROVIDED.—

(1) IN GENERAL.—Under the pilot program, a covered veteran shall receive not more than 10 sessions of care from a doula under the Whole Health model of the Department, or successor model, under which a doula works as an advocate for the veteran alongside the medical team for the veteran.

(2) SESSIONS.—Sessions covered under paragraph (1) shall be as follows:

(A) Three or four sessions before labor and delivery.

(B) One session during labor and delivery.

(C) Three or four sessions after postpartum, which may be conducted via the mobile application for VA Video Connect.

(f) ADMINISTRATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The Office of Women's Health of the Department of Veterans Affairs, or successor office (in this section referred to as the ''Office''), shall—

(A) coordinate services and activities under the pilot program;

(B) oversee the administration of the pilot program; and

(C) conduct onsite assessments of medical facilities of the Department that are participating in the pilot program.

(2) GUIDELINES FOR VETERAN-SPECIFIC CARE.—The Office shall establish guidelines under the pilot program for training doulas on military sexual trauma and post traumatic stress disorder.

(3) AMOUNTS FOR CARE.—The Office may recommend to the Secretary appropriate payment amounts for care and services provided under the pilot program, which shall not exceed $3,500 per doula per veteran.

(g) DOULA SERVICE COORDINATOR.—

(1) IN GENERAL.—The Secretary, in consultation with the Office, shall establish a Doula Service Coordinator within the functions of the Maternity Care Coordinator at each medical facility of the Department that is participating in the pilot program.

(2) DUTIES.—A Doula Service Coordinator established under paragraph (1) at a medical facility shall be responsible for—

(A) working with eligible entities, doulas, and covered veterans participating in the pilot program; and

(B) managing payment between eligible entities and the Department under the pilot program.

(3) TRACKING OF INFORMATION.—A doula providing services under the pilot program shall report to the applicable Doula Service Coordinator after each session conducted under the pilot program.

(4) COORDINATION WITH WOMEN'S PROGRAM MANAGER.—A Doula Service Coordinator for a medical facility of the Department shall coordinate with the women's program manager for that facility in carrying out the duties of the Doula Service Coordinator under the pilot program.

(h) TERM OF PILOT PROGRAM.—The Secretary shall conduct the pilot program for a period of 5 years.

(i) TECHNICAL ASSISTANCE.—The Secretary shall establish a process to provide technical assistance to eligible entities and doulas participating in the pilot program.

(j) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each year in which the pilot program is carried out, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

(2) FINAL REPORT.—As part of the final report submitted under paragraph (1), the Secretary shall include recommendations on whether the model studied in the pilot program should be continued or more widely adopted by the Department.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for each of fiscal years 2023 through 2028, such sums as may be necessary to carry out this section.

(l) DEFINITIONS.—In this section:

(1) COVERED VETERAN.—The term ''covered veteran'' means a pregnant veteran or a formerly pregnant veteran (with respect to sessions post-partum) who is enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that provides medically accurate, comprehensive maternity services to covered veterans under the laws administered by the Secretary, including under the Veterans Community Care Program under section 1703 of title 38, United States Code.

(3) VA VIDEO CONNECT.—The term ''VA Video Connect'' means the program of the Department of Veterans Affairs to connect veterans with their health care team from anywhere, using encryption to ensure a secure and private session.

SA 5907. Mr. BOOKER (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1239. MODIFICATION TO ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1234(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3936) is amended—

(1) by redesignating paragraph (24) as paragraph (25); and

(2) by inserting after paragraph (23) the following:

''(24) A detailed description of—

''(A) the manner in which Russian private military companies are being used to advance the political, economic, and military interests of the Government of the Russian Federation;

''(B) the direct or indirect threats such companies pose to United States security interests;

''(C) the manner in which sanctions currently in place to impede or deter such companies from continuing to carry out malign activities have impacted the behavior of such companies;

''(D) all foreign persons engaged significantly with such companies; and

''(E) human rights abuses committed by such companies, including an assessment as to whether such abuses are carried out in support of local actors.''.

SA 5908. Mr. WYDEN (for himself, Mr. LEAHY, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and

Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1262. REPORT ON ENTITIES CONNECTED TO FOREIGN PERSONS IDENTIFIED AS INVOLVED IN THE MURDER OF JAMAL KHASHOGGI.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of appropriate agencies, shall submit to the appropriate congressional committees a report on private, commercial, and nongovernmental entities, including nonprofit foundations, controlled in whole or in part by any foreign person named in the Office of the Director of National Intelligence report titled ''Assessing the Saudi Government's Role in the Killing of Jamal Khashoggi'', dated February 11, 2021.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description of entities described in that subsection.

(2) A detailed assessment of the roles, if any, such entities played in the murder of Jamal Khashoggi or any other gross violations of internationally recognized human rights.

(3) A certification of whether any such entity is subject to sanctions pursuant to the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.).

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

(1) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 5909. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. AUTHORITY OF U.S. CUSTOMS AND BORDER PROTECTION TO CONSOLIDATE, MODIFY, OR REORGANIZE CUSTOMS REVENUE FUNCTIONS.

(a) IN GENERAL.—Section 412 of the Homeland Security Act of 2002 (6 U.S.C. 212) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''consolidate, discontinue,'' and inserting ''discontinue''; and

(ii) by inserting after ''reduce the staffing level'' the following: ''below the optimal staffing level determined in the most recent Resource Allocation Model required by section 301(h) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(h))''; and

(B) in paragraph (2), by inserting '', National Account Managers'' after ''Financial Systems Specialists''; and

(2) by adding at the end the following:

''(d) AUTHORITY TO CONSOLIDATE, MODIFY, OR REORGANIZE CUSTOMS REVENUE FUNCTIONS.—

''(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection may, subject to subsection (b), consolidate, modify, or reorganize customs revenue functions delegated to the Commissioner under subsection (a), including by adding such functions to existing positions or establishing new or modifying existing job series, grades, titles, or classifications for personnel, and associated support staff, performing such functions.

''(2) POSITION CLASSIFICATION STANDARDS.—At the request of the Commissioner, the Director of the Office of Personnel Management shall establish new position classification standards for any new positions established by the Commissioner under paragraph (1).''.

(b) TECHNICAL CORRECTION.—Section 412(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 212(a)(1)) is amended by striking ''403(a)(1)'' and inserting ''403(1)''.

SA 5910. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10____. SELECTIVE SERVICE REGISTRATION NONCOMPLIANCE REPORT.

(a) DEFINITION.—In this section, the term ''selective service registration requirement'' means the requirement to register under section 3 of the Military Selective Service Act (50 U.S.C. 3802).

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress, and make publicly available, a report on the demographics of individuals reported by the Director of Selective Service to have failed to comply with the selective service registration requirements during the period beginning on January 1, 2002, and ending on December 31, 2022.

(2) CONTENTS.—The report submitted under paragraph (1) shall provide—

(A) a statistical breakdown of the racial, ethnic, and socio-economic demographics of individuals reported to have failed to comply with the selective service registration requirements;

(B) a summary of which populations are most likely to fail to comply with the selective service registration requirements; and

(C) explanations for potential limitations or biases of the data available to the Attorney General regarding failure to comply with the selective service registration requirements that could affect the report or the representation of the demographics of those who failed to comply.

(3) PROTECTION OF INFORMATION.—The report submitted under paragraph (1) shall not contain any personal identifying information.

(c) AUTHORITY TO SURVEY.—If the Attorney General does not have sufficient authority to collect data or information to complete the report required under subsection (b)(1), the Attorney General may conduct a targeted survey jointly with the Director of the Bureau of the Census, the Director of Selective Service, or both of individuals reported to have failed to comply with the selective service registration requirements to gather sufficient demographic information to complete the report.

SA 5911. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 521 and 522 and insert the following:

SEC. 521. REPEAL OF MILITARY SELECTIVE SERVICE ACT.

(a) REPEAL.—The Military Selective Service Act (50 U.S.C. 3801 et seq.) is repealed.

(b) TRANSFERS IN CONNECTION WITH REPEAL.—Notwithstanding the proviso in section 10(a)(4) of the Military Selective Service Act (50 U.S.C. 3809(a)(4)), the Office of Selective Service Records shall not be reestablished upon the repeal of the Act. Not later than 180 days after the date of the enactment of this Act, the assets, contracts, property, and records held by the Selective Service System, and the unexpended balances of any appropriations available to the Selective Service System, shall be transferred to the Administrator of General Services upon the repeal of the Act. The Director of the Office of Personnel Management shall assist officers and employees of the Selective Service System to transfer to other positions in the executive branch.

(c) EFFECT ON EXISTING SANCTIONS.—

(1) Notwithstanding any other provision of law, a person may not be denied a right, privilege, benefit, or employment position under Federal law on the grounds that the person failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a).

(2) A State, political subdivision of a State, or political authority of two or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law to penalize or deny any privilege or benefit to a person who failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a). In this section, ''State'' means a State, the District of Columbia, and a territory or possession of the United States.

(3) Failing to present oneself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a), shall not be reason for any entity of the United States Government to determine that a person lacks good moral character or is unsuited for any privilege or benefit.

(d) CONSCIENTIOUS OBJECTORS.—Nothing contained in this section shall be construed to undermine or diminish the rights of conscientious objectors under laws and regulations of the United States.

SA 5912. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 322. TRAINING FOR NATIONAL GUARD PERSONNEL ON WILDFIRE RESPONSE AND PROVISION OF NECESSARY EQUIPMENT.

(a) IN GENERAL.—The Secretary of the Army and the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau, provide support for training of appropriate personnel of the National Guard on wildfire response and prevention and necessary equipment for such response and prevention, with preference given to military installations with the highest wildfire suppression need.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Defense for each year $20,000,000 to carry out subsection (a).

SA 5913. Mr. WYDEN (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON DENIAL OF ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION SOLELY BECAUSE OF PRIOR USE OF CANNABIS.

(a) DEFINITIONS.—In this section:

(1) CANNABIS.—The term ''cannabis'' has the meaning given the term ''marihuana'' in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term ''eligibility for access to classified information'' has the meaning given such term in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a)).

(3) INITIATION OF A NATIONAL SECURITY VETTING PROCESS.—The term ''initiation of a national security vetting process'' means the process that commences once an individual signs the certification contained in the Standard Form 86 (SF-86), Questionnaire for National Security Positions, or successor form.

(b) PROHIBITION.—Notwithstanding any other provision of law, use of cannabis by an individual that occurs prior to the individual's initiation of a national security vetting process shall not be determinative to adjudications of the individual's eligibility for access to classified information or eligibility to hold a sensitive position.

SA 5914. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON DENIAL OF ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION SOLELY BECAUSE OF USE OF CANNABIS.

(a) DEFINITIONS.—In this section:

(1) CANNABIS.—The term ''cannabis'' has the meaning given the term ''marihuana'' in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term ''eligibility for access to classified information'' has the meaning given such term in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a)).

(b) PROHIBITION.—Notwithstanding any other provision of law, use of cannabis by an individual shall not be determinative to adjudications of the individual's eligibility for access to classified information or eligibility to hold a sensitive position.

SA 5915. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. MODIFICATION OF AUTHORITY OF PRESIDENT UNDER EXPORT CONTROL REFORM ACT OF 2018.

Section 1753(a)(2)(F) of the Export Control Reform Act of 2019 (50 U.S.C. 4812(a)(2)(F)) is amended by inserting '', security, or'' before ''intelligence''.

SA 5916. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 322. LIMITATION ON MODIFICATION OF TRAINING ACTIVITIES IN OREGON PURSUANT TO RECORD OF DECISION FOR ENVIRONMENTAL IMPACT STATEMENT RELATING TO MOUNTAIN HOME AIR FORCE BASE, IDAHO.

The Secretary of the Air Force shall ensure that any record of decision issued by the Secretary for the Airspace Optimization for Readiness Environmental Impact Statement for Mountain Home Air Force Base, Idaho, does not modify existing training regimes and activities of the Air Force in Oregon until the Secretary, in coordination with the United States Geological Survey and the Oregon Department of Fish and Wildlife, has conducted and then analyzed in a supplemental draft environmental impact statement comprehensive, primary research on the effects of real noise, the risk of wildfire from the use of flares, and the risk of water pollution from the use of chaff from current and proposed future military training on wildlife and human communities in the Mountain Home Military Operations Area in Oregon.

SA 5917. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

(a) IN GENERAL.—Part I of the Export Control Reform Act of 2018 (50 U.S.C. 4811 et seq.) is amended by inserting after section 1758 the following:

''SEC. 1758A. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

''(a) IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—

''(1) IN GENERAL.—The Secretary shall, in coordination with the heads of the appropriate Federal agencies, identify categories of personal data of covered individuals that could—

''(A) be exploited by foreign governments; and

''(B) if exported, reexported, or in-country transferred in a quantity that exceeds the threshold established under paragraph (3), harm the national security of the United States.

''(2) LIST REQUIRED.—In identifying categories of personal data of covered individuals under paragraph (1), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall—

''(A) identify an initial list of such categories not later than one year after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023; and

''(B) as appropriate thereafter and not less frequently than every 5 years, add categories to, remove categories from, or modify categories on, that list.

''(3) ESTABLISHMENT OF THRESHOLD.—

''(A) ESTABLISHMENT.—Not later than one year after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall establish a threshold for determining when the export, reexport, or in-country transfer (in the aggregate) of the personal data of covered individuals by one person to or in a restricted country could harm the national security of the United States.

''(B) NUMBER OF COVERED INDIVIDUALS AFFECTED.—The threshold established under subparagraph (A) shall be the export, reexport, or in-country transfer (in the aggregate) by one person to or in a restricted country during a calendar year of the personal data of not less than 10,000 covered individuals and not more than 1,000,000 covered individuals.

''(C) CATEGORY THRESHOLDS.—The Secretary, in coordination with the heads of the appropriate Federal agencies, may establish a threshold under subparagraph (A) for each category of personal data identified under paragraph (1).

''(D) UPDATES.—The Secretary, in coordination with the heads of the appropriate Federal agencies—

''(i) may update the threshold established under subparagraph (A) as appropriate; and

''(ii) shall reevaluate the threshold not less frequently than every 5 years.

''(E) TREATMENT OF PERSONS UNDER COMMON OWNERSHIP AS ONE PERSON.—For purposes of determining whether a threshold established under subparagraph (A) has been met—

''(i) all exports, reexports, or in-country transfers involving personal data conducted by persons under the ownership or control of the same person shall be aggregated to that person; and

''(ii) that person shall be liable for any export, reexport, or in-country transfer in violation of this section.

''(F) CONSIDERATIONS.—In establishing a threshold under subparagraph (A), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall seek to balance the need to protect personal data from exploitation by foreign governments against the likelihood of—

''(i) impacting legitimate business activities, research activities, and other activities that do not harm the national security of the United States; or

''(ii) chilling speech protected by the First Amendment to the Constitution of the United States.

''(4) DETERMINATION OF PERIOD FOR PROTECTION.—The Secretary, in coordination with the heads of the appropriate Federal agencies, shall determine, for each category of personal data identified under paragraph (1), the period of time for which encryption technology described in subsection (b)(4)(A)(iii) is required to be able to protect that category of data from decryption to prevent the exploitation of the data by a foreign government from harming the national security of the United States.

''(5) USE OF INFORMATION; CONSIDERATIONS.—In carrying out this subsection (including with respect to the list required under paragraph (2)), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall—

''(A) use multiple sources of information, including—

''(i) publicly available information;

''(ii) classified information, including relevant information provided by the Director of National Intelligence;

''(iii) information relating to reviews and investigations of transactions by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565);

''(iv) the categories of sensitive personal data described in paragraphs (1)(ii) and (2) of section 800.241(a) of title 31, Code of Federal Regulations, as in effect on the day before the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and any categories of sensitive personal data added to such section after such date of enactment;

''(v) information provided by the advisory committee established pursuant to paragraph (7); and

''(vi) the recommendations (which the Secretary shall request) of—

''(I) privacy experts identified by the National Academy of Sciences; and

''(II) experts on the First Amendment to the Constitution of the United States identified by the American Bar Association; and

''(B) take into account—

''(i) the significant quantity of personal data of covered individuals that has already been stolen or acquired by foreign governments;

''(ii) the harm to United States national security caused by the theft or acquisition of that personal data;

''(iii) the potential for further harm to United States national security if that personal data were combined with additional sources of personal data;

''(iv) the fact that non-sensitive personal data, when analyzed in the aggregate, can reveal sensitive personal data; and

''(v) the commercial availability of inferred and derived data.

''(6) NOTICE AND COMMENT PERIOD.—The Secretary shall provide for a public notice and comment period after the publication in the Federal Register of a proposed rule, and before the publication of a final rule—

''(A) identifying the initial list of categories of personal data under subparagraph (A) of paragraph (2);

''(B) adding categories to, removing categories from, or modifying categories on, that list under subparagraph (B) of that paragraph;

''(C) establishing or updating the threshold under paragraph (3); or

''(D) setting forth the period of time for which encryption technology described in subsection (b)(4)(A)(iii) is required under paragraph (4) to be able to protect such a category of data from decryption.

''(7) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall establish an advisory committee to advise the Secretary with respect to privacy and sensitive personal data.

''(B) MEMBERSHIP.—The committee established pursuant to subparagraph (A) shall include the following members selected by the Secretary:

''(i) Experts on privacy and cybersecurity.

''(ii) Representatives of private sector companies and industry associations.

''(iii) Representatives of civil society groups.

''(C) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsections (a)(1), (a)(3), and (b) of section 10 and sections 11, 13, and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee established pursuant to subparagraph (A).

''(8) TREATMENT OF ANONYMIZED PERSONAL DATA.—

''(A) IN GENERAL.—In carrying out this subsection, the Secretary may not treat anonymized personal data differently than identifiable personal data if the individuals to which the anonymized personal data relates could reasonably be identified using other sources of data.

''(B) GUIDANCE.—The Under Secretary of Commerce for Standards and Technology shall issue guidance to the public with respect to methods for anonymizing data and how to determine if individuals to which the anonymized personal data relates can be reasonably identified using other sources of data.

''(9) SENSE OF CONGRESS ON IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—It is the sense of Congress that, in identifying categories of personal data of covered individuals under paragraph (1), the Secretary should, to the extent reasonably possible and in coordination with the Secretary of the Treasury, harmonize those categories with the categories of sensitive personal data described in paragraph (5)(A)(iv).

''(b) COMMERCE CONTROLS.—

''(1) CONTROLS REQUIRED.—Beginning 18 months after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary shall impose appropriate controls under the Export Administration Regulations on the export or reexport to, or in-country transfer in, all countries (other than countries on the list required by paragraph (2)(D)) of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3), including through interim controls (such as by informing a person that a license is required for export, reexport, or in-country transfer of covered personal data), as appropriate, or by publishing additional regulations.

''(2) LEVELS OF CONTROL.—

''(A) IN GENERAL.—Except as provided in subparagraph (C) or (D), the Secretary shall—

''(i) require a license or other authorization for the export, reexport, or in-country transfer of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3);

''(ii) determine whether that export, reexport, or in-country transfer is likely to harm the national security of the United States—

''(I) after consideration of the matters described in subparagraph (B); and

''(II) in coordination with the heads of the appropriate Federal agencies; and

''(iii) if the Secretary determines under clause (ii) that the export, reexport, or in-country transfer is likely to harm the national security of the United States, deny the application for the license or other authorization for the export, reexport, or in-country transfer.

''(B) CONSIDERATIONS.—In determining under clause (ii) of subparagraph (A) whether an export, reexport, or in-country transfer of covered personal data described in clause (i) of that subparagraph is likely to harm the national security of the United States, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall take into account—

''(i) the adequacy and enforcement of data protection, surveillance, and export control laws in the foreign country to which the covered personal data would be exported or reexported, or in which the covered personal data would be transferred, in order to determine whether such laws, and the enforcement of such laws, are sufficient to—

''(I) protect the covered personal data from accidental loss, theft, and unauthorized or unlawful processing;

''(II) ensure that the covered personal data is not exploited for intelligence purposes by foreign governments to the detriment of the national security of the United States; and

''(III) prevent the reexport of the covered personal data to a third country for which a license would be required for such data to be exported directly from the United States;

''(ii) the circumstances under which the government of the foreign country can compel, coerce, or pay a person in or national of that country to disclose the covered personal data; and

''(iii) whether that government has conducted hostile foreign intelligence operations, including information operations, against the United States.

''(C) LICENSE REQUIREMENT AND PRESUMPTION OF DENIAL FOR CERTAIN COUNTRIES.—

''(i) IN GENERAL.—The Secretary shall—

''(I) require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data in a manner that exceeds the threshold established under subsection (a)(3); and

''(II) deny an application for such a license or other authorization unless the person seeking the license or authorization demonstrates to the satisfaction of the Secretary that the export, reexport, or in-country transfer will not harm the national security of the United States.

''(ii) LIST REQUIRED.—

''(I) IN GENERAL.—Not later than one year after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary shall, in consultation with the heads of the appropriate Federal agencies and based on the considerations described in subparagraph (B), establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3) will be likely to harm the national security of the United States.

''(II) MODIFICATIONS TO LIST.—The Secretary, in consultation with the heads of the appropriate Federal agencies—

''(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

''(bb) shall review that list not less frequently than every 5 years.

''(D) NO LICENSE REQUIREMENT FOR CERTAIN COUNTRIES.—

''(i) IN GENERAL.—The Secretary may not require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data, without regard to the applicable threshold established under subsection (a)(3).

''(ii) LIST REQUIRED.—

''(I) IN GENERAL.—Not later than one year after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary shall, in consultation with the heads of the appropriate Federal agencies and based on the considerations described in subparagraph (B) and subject to clause (iii), establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data (without regard to any threshold established under subsection (a)(3)) will not harm the national security of the United States.

''(II) MODIFICATIONS TO LIST.—The Secretary, in consultation with the heads of the appropriate Federal agencies—

''(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

''(bb) shall review that list not less frequently than every 5 years.

''(iii) CONGRESSIONAL REVIEW.—

''(I) IN GENERAL.—The list required by clause (ii) and any updates to that list adding or removing countries shall take effect, for purposes of clause (i), on the date that is 180 days after the Secretary submits to the appropriate congressional committees a proposal for the list or update unless there is enacted into law, before that date, a joint resolution of disapproval pursuant to subclause (II).

''(II) JOINT RESOLUTION OF DISAPPROVAL.—

''(aa) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—In this clause, the term 'joint resolution of disapproval' means a joint resolution the matter after the resolving clause of which is as follows: 'That Congress does not approve of the proposal of the Secretary with respect to the list required by section 1758A(b)(2)(D)(ii) submitted to Congress on _____.', with the blank space being filled with the appropriate date.

''(bb) PROCEDURES.—The procedures set forth in paragraphs (4)(C), (5), (6), and (7) of section 2523(d) of title 18, United States Code, apply with respect to a joint resolution of disapproval under this clause to the same extent and in the same manner as such procedures apply to a joint resolution of disapproval under such section 2523(d), except that paragraph (6) of such section shall be applied and administered by substituting 'the Committee on Banking, Housing, and Urban Affairs' for 'the Committee on the Judiciary' each place it appears.

''(III) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This clause is enacted by Congress—

''(aa) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

''(bb) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(3) REVIEW OF LICENSE APPLICATIONS.—

''(A) IN GENERAL.—The Secretary shall, consistent with the provisions of section 1756 and in coordination with the heads of the appropriate Federal agencies—

''(i) review applications for a license or other authorization for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3); and

''(ii) establish procedures for conducting the review of such applications.

''(B) DISCLOSURES RELATING TO COLLABORATIVE ARRANGEMENTS.—In the case of an application for a license or other authorization for an export, reexport, or in-country transfer described in subparagraph (A)(i) submitted by or on behalf of a joint venture, joint development agreement, or similar collaborative arrangement, the Secretary may require the applicant to identify, in addition to any foreign person participating in the arrangement, any foreign person with significant ownership interest in a foreign person participating in the arrangement.

''(4) EXCEPTIONS.—

''(A) IN GENERAL.—The Secretary shall not impose under paragraph (1) a requirement for a license or other authorization with respect to the export, reexport, or in-country transfer of covered personal data pursuant to any of the following transactions:

''(i) The export, reexport, or in-country transfer by an individual of covered personal data that specifically pertains to that individual.

''(ii) The export, reexport, or in-country transfer of the personal data of one or more individuals by a person performing a service for those individuals if the service could not possibly be performed (as defined by the Secretary in regulations) without the export, reexport, or in-country transfer of that personal data.

''(iii) The export, reexport, or in-country transfer of personal data that is encrypted if—

''(I) the encryption key or other information necessary to decrypt the data is not exported, reexported, or transferred to a restricted country or (except as provided in subparagraph (B)) a national of a restricted country; and

''(II) the encryption technology used to protect the data against decryption is certified by the National Institute of Standards and Technology as capable of protecting data for the period of time determined under subsection (a)(4) to be sufficient to prevent the exploitation of the data by a foreign government from harming the national security of the United States.

''(iv) The export, reexport, or in-country transfer of personal data that is ordered by an appropriate court of the United States.

''(B) EXCEPTION FOR CERTAIN NATIONALS OF RESTRICTED COUNTRIES.—Subparagraph (A)(iii)(I) does not apply with respect to an individual who is a national of a restricted country if the individual is also a citizen of the United States or a noncitizen described in subsection (k)(5)(C).

''(c) REQUIREMENTS FOR IDENTIFICATION OF CATEGORIES AND DETERMINATION OF APPROPRIATE CONTROLS.—In identifying categories of personal data under subsection (a)(1) and imposing appropriate controls under subsection (b), the Secretary, in coordination with the heads of the appropriate Federal agencies, as appropriate—

''(1) may not regulate or restrict the publication or sharing of—

''(A) personal data that is a matter of public record, such as a court record or other government record that is generally available to the public, including information about an individual made public by that individual or by the news media;

''(B) information about a matter of public interest; or

''(C) consistent with the goal of protecting the national security of the United States, any other information the publication of which is protected by the First Amendment to the Constitution of the United States; and

''(2) shall consult with the appropriate congressional committees.

''(d) PENALTIES.—

''(1) LIABLE PERSONS.—

''(A) IN GENERAL.—In addition to any person that commits an unlawful act described in subsection (a) of section 1760, an officer or employee of an organization has committed an unlawful act subject to penalties under that section if the officer or employee knew or should have known that another employee of the organization who reports, directly or indirectly, to the officer or employee was directed to export, reexport, or in-country transfer covered personal data in violation of this section and subsequently did export, reexport, or in-country transfer such data.

''(B) EXCEPTIONS AND CLARIFICATIONS.—

''(i) INTERMEDIARIES NOT LIABLE.—An intermediate consignee (as defined in section 772.1 of the Export Administration Regulations (or any successor regulation)) or other intermediary is not liable for the export, reexport, or in-country transfer of covered personal data in violation of this section when acting as an intermediate consignee or other intermediary for another person.

''(ii) SPECIAL RULE FOR CERTAIN APPLICATIONS.—In a case in which an application installed on an electronic device transmits or causes the transmission of covered personal data without being directed to do so by the owner or user of the device who installed the application, the developer of the application,

and not the owner or user of the device, is liable for any violation of this section.

''(2) CRIMINAL PENALTIES.—In determining an appropriate term of imprisonment under section 1760(b)(2) with respect to a person for a violation of this section, the court shall consider—

''(A) how many covered individuals had their covered personal data exported, reexported, or in-country transferred in violation of this section;

''(B) any harm that resulted from the violation; and

''(C) the intent of the person in committing the violation.

''(e) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not less frequently than annually, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall submit to the appropriate congressional committees a report on the results of actions taken pursuant to this section.

''(2) INCLUSIONS.—Each report required by paragraph (1) shall include a description of the determinations made under subsection (b)(2)(A)(ii) during the preceding year.

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

''(f) DISCLOSURE OF CERTAIN LICENSE INFORMATION.—

''(1) IN GENERAL.—Not less frequently than every 90 days, the Secretary shall publish on a publicly accessible website of the Department of Commerce, including in a machine-readable format, the information specified in paragraph (2), with respect to each application—

''(A) for a license for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3); and

''(B) with respect to which the Secretary made a decision in the preceding 90-day period.

''(2) INFORMATION SPECIFIED.—The information specified in this paragraph with respect to an application described in paragraph (1) is the following:

''(A) The name of the applicant.

''(B) The date of the application.

''(C) The name of the foreign party to which the applicant sought to export, reexport, or transfer the data.

''(D) The categories of covered personal data the applicant sought to export, reexport, or transfer.

''(E) The number of covered individuals whose information the applicant sought to export, reexport, or transfer.

''(F) Whether the application was approved or denied.

''(g) NEWS MEDIA PROTECTIONS.—A person that is engaged in journalism is not subject to restrictions imposed under this section to the extent that those restrictions directly infringe on the journalism practices of that person.

''(h) CITIZENSHIP DETERMINATIONS BY PERSONS PROVIDING SERVICES TO END-USERS NOT REQUIRED.—This section does not require a person that provides products or services to an individual to determine the citizenship or immigration status of the individual, but once the person becomes aware that the individual is a covered individual, the person shall treat covered personal data of that individual as is required by this section.

''(i) FEES.—

''(1) IN GENERAL.—Notwithstanding section 1756(c), the Secretary may, to the extent provided in advance in appropriations Acts, assess and collect a fee, in an amount determined by the Secretary in regulations, with respect to each application for a license submitted under subsection (b).

''(2) DEPOSIT AND AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, fees collected under paragraph (1) shall—

''(A) be credited as offsetting collections to the account providing appropriations for activities carried out under this section;

''(B) be available, to the extent and in the amounts provided in advance in appropriations Acts, to the Secretary solely for use in carrying out activities under this section; and

''(C) remain available until expended.

''(j) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this section.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and to the head of each of the appropriate Federal agencies participating in carrying out this section such sums as may be necessary to carry out this section, including to hire additional employees with expertise in privacy.

''(l) DEFINITIONS.—In this section:

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

''(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Finance, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) APPROPRIATE FEDERAL AGENCIES.—The term 'appropriate Federal agencies' means the following:

''(A) The Department of Defense.

''(B) The Department of State.

''(C) The Department of Justice.

''(D) The Department of the Treasury.

''(E) The Office of the Director of National Intelligence.

''(F) The Cybersecurity and Infrastructure Security Agency.

''(G) The Consumer Financial Protection Bureau.

''(H) The Federal Trade Commission.

''(I) The Federal Communications Commission.

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

''(K) Such other Federal agencies as the Secretary considers appropriate.

''(3) COVERED INDIVIDUAL.—The term 'covered individual', with respect to personal data, means an individual who, at the time the data is acquired—

''(A) is located in the United States; or

''(B) is—

''(i) located outside the United States or whose location cannot be determined; and

''(ii) a citizen of the United States or a noncitizen lawfully admitted for permanent residence.

''(4) COVERED PERSONAL DATA.—The term 'covered personal data' means the categories of personal data of covered individuals identified pursuant to subsection (a).

''(5) EXPORT.—

''(A) IN GENERAL.—The term 'export', with respect to covered personal data, includes—

''(i) subject to subparagraph (D), the shipment or transmission of the data out of the United States, including the sending or taking of the data out of the United States, in any manner, if the shipment or transmission is intentional, without regard to whether the shipment or transmission was intended to go out of the United States; or

''(ii) the release or transfer of the data to any noncitizen (other than a noncitizen described in subparagraph (C)), if the release or transfer is intentional, without regard to whether the release or transfer was intended to be to a noncitizen.

''(B) EXCEPTIONS.—The term 'export' does not include—

''(i) the publication of covered personal data on the internet in a manner that makes the data discoverable by and accessible to any member of the general public; or

''(ii) any activity protected by the speech or debate clause of the Constitution of the United States.

''(C) NONCITIZENS DESCRIBED.—A noncitizen described in this subparagraph is a noncitizen who is authorized to be employed in the United States.

''(D) TRANSMISSIONS THROUGH RESTRICTED COUNTRIES.—

''(i) IN GENERAL.—On and after the date that is 5 years after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and except as provided in clause (iii), the term 'export' includes the transmission of data through a restricted country, without regard to whether the person originating the transmission had knowledge of or control over the path of the transmission.

''(ii) EXCEPTIONS.—Clause (i) does not apply with respect to a transmission of data through a restricted country if—

''(I) the data is encrypted as described in subsection (b)(4)(A)(iii); or

''(II) the person that originated the transmission received a representation from the party delivering the data for the person stating that the data will not transit through a restricted country.

''(iii) FALSE REPRESENTATIONS.—If a party delivering covered personal data as described in clause (ii)(II) transmits the data directly or indirectly through a restricted country despite making the representation described in clause (ii)(II), that party shall be liable for violating this section.

''(6) IN-COUNTRY TRANSFER; REEXPORT.—The terms 'in-country transfer' and 'reexport', with respect to personal data, shall have the meanings given those terms in regulations prescribed by the Secretary.

''(7) LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; NATIONAL.—The terms 'lawfully admitted for permanent residence' and 'national' have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(8) NONCITIZEN.—The term 'noncitizen' means an individual who is not a citizen or national of the United States.

''(9) RESTRICTED COUNTRY.—The term 'restricted country' means a country for which a license or other authorization is required under subsection (b) for the export or reexport to, or in-country transfer in, that country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3).''.

(b) STATEMENT OF POLICY.—Section 1752 of the Export Control Reform Act of 2018 (50 U.S.C. 4811) is amended—

(1) in paragraph (1)—

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

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

(C) by adding at the end the following:

''(C) to restrict, notwithstanding section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), the export of personal data of United States citizens and other covered individuals (as defined in section 1758A(l)) in a quantity and a manner that could harm the national security of the United States.''; and

(2) in paragraph (2), by adding at the end the following:

''(H) To prevent the exploitation of personal data of United States citizens and

other covered individuals (as defined in section 1758A(l)) in a quantity and a manner that could harm the national security of the United States.''.

(c) LIMITATION ON AUTHORITY TO MAKE EXCEPTIONS TO LICENSING REQUIREMENTS.—Section 1754 of the Export Control Reform Act of 2018 (50 U.S.C. 4813) is amended—

(1) in subsection (a)(14), by inserting ''and subject to subsection (g)'' after ''as warranted''; and

(2) by adding at the end the following:

''(g) LIMITATION ON AUTHORITY TO MAKE EXCEPTIONS TO LICENSING REQUIREMENTS.—The Secretary may create under subsection (a)(14) exceptions to licensing requirements under section 1758A only for the export, reexport, or in-country transfer of covered personal data (as defined in subsection (l) of that section) by a Federal department or agency.''.

(d) RELATIONSHIP TO INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 1754(b) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(b)) is amended by inserting ''(other than section 1758A)'' after ''this part''.

SA 5918. Mr. WYDEN (for himself, Mr. DAINES, Mr. MARKEY, Mr. LEE, Mr. SCHATZ, Mr. PAUL, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place XV, insert the following:

SEC. 15___. REPORT ON PURCHASE AND USE BY DEPARTMENT OF DEFENSE OF LOCATION DATA GENERATED BY AMERICANS' PHONES AND THEIR INTERNET METADATA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and make available to the public on an internet website of the Department of Defense a report that—

(1) identifies each covered entity that is currently, or during the five year period ending on the date of the enactment of this Act was, without a court order—

(A) obtaining in exchange for anything of value any covered records; and

(B) intentionally retaining or intentionally using such covered records; and

(2) for each covered entity identified pursuant to paragraph (1), identifies—

(A) each category of covered record the covered entity, without a court order, is obtaining or obtained, in exchange for anything of value;

(B) whether the covered entity intentionally retained or is intentionally retaining each category of covered records pursuant to subparagraph (A);

(C) whether the covered entity intentionally uses or used each category of covered records identified pursuant to subparagraph (A); and

(D) whether such obtaining, retention, and use ceased before the date of the enactment of this Act or is ongoing.

(b) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form.

(c) DETERMINATION OF PARTIES TO A COMMUNICATION.—In determining under this section whether a party to a communication is likely to be located inside or outside the United States, the Secretary shall consider the Internet Protocol (IP) address used by the party to the communication, but may also consider other information known to the Secretary.

(d) DEFINITIONS.—In this section:

(1) The term ''covered entities'' means the Defense Agencies, Department of Defense activities, and components of the Department that—

(A) are under the authority, direction, and control of the Under Secretary of Defense for Intelligence and Security; or

(B) over which the Under Secretary exercises planning, policy, funding, or strategic oversight authority.

(2) The term ''covered records'' includes the following:

(A) Location data generated by phones that are likely to be located in the United States.

(B) Domestic phone call records.

(C) International phone call records.

(D) Domestic text message records.

(E) International text message records.

(F) Domestic netflow records.

(G) International netflow records.

(H) Domestic Domain Name System records.

(I) International Domain Name System records.

(J) Other types of domestic internet metadata.

(K) Other types of international internet metadata.

(3) The term ''domestic'' means a telephone or an internet communication in which all parties to the communication are likely to be located in the United States.

(4)(A) The term ''international'' means a telephone or an internet communication in which one or more parties to the communication are likely to be located in the United States and one or more parties to the communication are likely to be located outside the United States.

(B) The term ''international'' does not include a telephone or an internet communication in which all parties to the communication are likely to be located outside the United States.

(5) The term ''obtain in exchange for anything of value'' means to obtain by purchasing, to receive in connection with services being provided for consideration, or to otherwise obtain in exchange for consideration, including an access fee, service fee, maintenance fee, or licensing fee.

(6)(A) Except as provided in su bparagraph (B), the term ''retain'' means the storage of a covered record.

(B) The term ''retain'' does not include the temporary storage of a covered record that will be, but has not yet been, subjected to a process in which the covered record, which is part of a larger compilation containing records that are not covered records, are identified and deleted.

(7)(A) Except as provided in subparagraph (B), the term ''use'', with respect to a covered record, includes analyzing, processing, or sharing the covered record.

(B) The term ''use'' does not include subjecting the covered record to a process in which the covered record, which is part of a larger compilation containing records that are not covered records, are identified and deleted.

SA 5919. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON LAND HELD BY ENTITIES CONNECTED TO THE PEOPLE'S REPUBLIC OF CHINA NEAR MILITARY INSTALLATIONS OR MILITARY AIRSPACE IN THE UNITED STATES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing land held by covered entities within 25 miles of a military instillation or military airspace in the United States—

(1) as of the date of the report; and

(2) as of the date that is 5 years before such date of enactment.

(b) COORDINATION WITH OTHER AGENCIES.—In preparing the report required by subsection (a), the Secretary may coordinate with the heads of other Federal agencies to ensure the completeness and accuracy of the information used to prepare the report.

(c) COVERED ENTITY DEFINED.—In this section, the term ''covered entity'' means any entity that—

(1) is headquartered in the People's Republic of China;

(2) is owned, directed, controlled, financed, or influenced directly or indirectly by the Government of the People's Republic of China, the Chinese Communist Party, or the military of the People's Republic of China, including any entity for which the Government of the People's Republic of China, the Chinese Communist Party, or the military of the People's Republic of China has the ability, through ownership of a majority or a dominant minority of the total outstanding voting interest in the entity, board representation, proxy voting, a special share, contractual arrangements, formal or informal arrangements to act in concert, or other means, to determine, direct, or decide for the entity in an important manner; or

(3) is a parent, subsidiary, or affiliate of any entity described in paragraph (2).

SA 5920. Mr. SCOTT of South Carolina (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MANAGEMENT OF BOARD OF DIRECTORS OF FDIC.

Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended—

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

''(1) IN GENERAL.—The management of the Corporation shall be vested in a Board of Directors consisting of 5 members who shall be

appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, 1 of whom shall have State bank supervisory experience.'';

(2) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

''(3) CONTINUATION OF SERVICE.—The Chairperson, Vice Chairperson, and each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until the earlier of—

''(A) the date on which a successor has been appointed and qualified; or

''(B) the date on which the next session of Congress subsequent to the expiration of such term expires.''; and

(B) by adding at the end the following:

''(4) LIMITATION.—No appointed member shall serve more than 12 years—

''(A) including any service described in paragraph (2); and

''(B) not including any service described in paragraph (3).'';

(3) by striking subsection (d) and inserting the following:

''(d) VACANCY.—Any vacancy on the Board of Directors shall be filled in the manner in which the original appointment was made.'';

(4) in subsection (e)(2)—

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

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) be the Director or any other officer of the Bureau of Consumer Financial Protection; or

''(D) be the Comptroller of the Currency or any other officer of the Office of the Comptroller of the Currency.''; and

(5) in subsection (f)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

SA 5921. Mr. SCOTT of South Carolina (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2868. BASING DECISION SCORECARD CONSISTENCY.

Section 2883(h) of the Military Construction Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 1781b note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) COORDINATION WITH SECRETARY OF DEFENSE.—In establishing a scorecard under this subsection, the Secretary of the military department concerned shall coordinate with the Secretary of Defense to ensure consistency among the military departments.''.

SA 5922. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 606. REPORT ON ADEQUACY OF COST-OF-LIVING ALLOWANCE.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) reviewing the adequacy and effectiveness of the cost-of-living allowance paid under section 403b of title 37, United States Code, to members of the uniformed services living in high cost areas in the continental United States, taking into consideration—

(A) the rising costs of non-housing-related expenses, such as utilities, childcare, and other expenses incurred by such members; and

(B) units in living areas known to be high cost that may not otherwise be identified as meeting the current qualifications for the cost-of-living allowance;

(2) assessing—

(A) the methods the Secretary of Defense uses to determine the appropriate price index to use as the basis for determining the amount of the cost-of-living allowance; and

(B) whether or not those methods should be changed periodically to adjust for periods of inflation;

(3) reviewing the feasibility of the 8 percent threshold requirement under subsection (c) of section 403b of title 37, United States Code, to determine if adjustments should be made to that threshold in order to accurately capture additional high cost areas; and

(4) making recommendations with respect to the matters described in paragraphs (1), (2), and (3).

SA 5923. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. RESTORATION, OPERATION, AND MAINTENANCE OF THE BATTLE OF THE BULGE MONUMENT BY THE AMERICAN BATTLE MONUMENTS COMMISSION.

(a) IN GENERAL.—After an agreement is made between the Government of the Kingdom of Belgium and the United States Government, the Battle of the Bulge Monument, formerly the Mardasson Memorial, in the Kingdom of Belgium shall be treated, for purposes of section 2104 of title 36, United States Code, as a cemetery for which it was decided under such section that the cemetery will become a permanent cemetery and the American Battle Monuments Commission shall restore, operate, and maintain the Battle of the Bulge Monument (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Kingdom of Belgium.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for the period of fiscal years 2023 through 2025—

(1) $30,000,000 for site preparation, design, planning, construction, and associated administrative costs for the restoration of the monument described in subsection (a); and

(2) amounts necessary to operate and maintain the monument described in subsection (a).

SA 5924. Mr. SCOTT of South Carolina (for himself, Ms. HASSAN, and Mr. HAGERTY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1226. REPEAL OF SUNSET PROVISION OF IRAN SANCTIONS ACT OF 1996.

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

(1) The Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) requires the imposition of sanctions with respect to Iran's illicit weapons programs, conventional weapons and ballistic missile development, and support for terrorism, including Iran's Revolutionary Guards Corps.

(2) The Government of Iran has acquired destabilizing conventional weapons systems from the Russian Federation and other malign actors, and is funneling weapons and financial support to its terrorist proxies throughout the Middle East, threatening allies and partners of the United States, such as Israel.

(b) STATEMENT OF POLICY.—It is the policy of the United States to fully implement and enforce the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(c) REPEAL OF SUNSET.—Section 13 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) in the section heading, by striking ''**; SUNSET**'';

(2) by striking ''(a) EFFECTIVE DATE.—''; and

(3) by striking subsection (b).

SA 5925. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON TACTICAL SCALABLE MOBILE AD-HOC NETWORK AND OTHER COMMERCIAL MOBILE AD-HOC NETWORKS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the progress made in developing the Tactical Scalable Mobile (TSM) ad-hoc network of the Army.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) A description of the efforts to improve the networking function while on the move, data throughput, and ease of integration with Combined Joint All-Domain Command and Control (C–JADC2) of the Tactical Scalable Mobile network.

(2) A description of the efforts to utilize the Tactical Scalable Mobile network to consolidate the nationwide network architecture in the exit from Afghanistan.

(3) A description of how the Army provides off and on ramps of technology to its capability sets.

(4) Identification of any impediments that limit the ability of the Army to consider other commercial-off-the-shelf mobile ad-hoc network technologies that have previously been or are currently being assessed.

(5) An assessment of other mobile ad-hoc network capabilities in use today that are complimentary of existing single channel ground and airborne radio systems and legacy, disparate communications-based systems.

(6) An assessment of the resilience of the Tactical Scalable Mobile network and other mobile ad-hoc network technologies against electronic attack.

(7) An assessment of the current fleet of vehicles, aircraft, and tactical operations centers not included in the capability set aligned units that would benefit from non-developmental mobile ad-hoc networks.

SA 5926. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REVIEW AND BRIEFING ON USE OF ARMY STRATEGIC MANAGEMENT SYSTEM TO TRACK AND DISPLAY SEXUAL HARASSMENT AND SEXUAL ASSAULT DATA.

(a) REVIEW AND BRIEFING REQUIRED.—Not later than March 1, 2023, the Secretary of the Army shall conduct a review, and provide a briefing to the congressional defense committees, on the use by the Sexual Harassment/Assault Response and Prevention Office of the Strategic Management System to track and display sexual harassment and sexual assault data.

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

(1) An inventory of total Army users of the Strategic Management System tool during the 10 years preceding the date of the enactment of this Act.

(2) An overview of the past 3 contracts the Army issued for the Strategic Management System tool.

(3) A description of the Army's plan to utilize the Strategic Management System tool across Army installations to better track and mitigate incidents of sexual harassment and sexual assault.

(4) A justification for the difference of increased Army end user utilization of the Strategic Management System and the declining long-term resource allocation to the Strategic Management System at the program office level.

(5) A breakdown of Strategic Management System requirements across the Army enterprise and a funding plan to meet those requirements.

(6) Any other matters the Secretary considers relevant.

(c) INCORPORATION OF VIEWPOINTS.—The review and briefing required by subsection (a) shall incorporate the viewpoints and participation of the following Army organizations:

(1) The Sexual Harassment/Assault Response and Prevention Office.

(2) The Office of Business Transformation.

(3) The Army Contracting Command.

SA 5927. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. MODIFICATION OF COOPERATIVE LOGISTIC SUPPORT AGREEMENTS: NATO COUNTRIES.

Section 2350d of title 10, United States Code, is amended—

(1) in the section heading, by striking ''**logistic support**'' and inserting ''**acquisition and logistics support**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''logistics support'' and inserting ''acquisition and logistics support''; and

(ii) in subparagraph (B), by striking ''logistic support'' and inserting ''acquisition and logistics support''; and

(B) in paragraph (2)(B), by striking ''logistics support'' and inserting ''armaments and logistics support''; and

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''Partnership Agreement'' and inserting ''Partnership Agreement or Arrangement'';

(B) in paragraph (1)—

(i) by striking ''supply and acquisition of logistics support in Europe for requirements'' and inserting ''supply, services, support, and acquisition, including armaments for requirements''; and

(ii) by striking ''supply and acquisition are appropriate'' and inserting ''supply, services, support, and acquisition are appropriate''; and

(C) in paragraph (2), by striking ''logistics support'' each place it appears and inserting ''acquisition and logistics support''.

SA 5928. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON IMPACT OF GLOBAL CRITICAL MINERAL AND METAL RESERVES ON UNITED STATES MILITARY EQUIPMENT SUPPLY CHAINS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on—

(1) the impact of the current and future supply of global critical mineral and metal reserves on the United States military equipment supply chains; and

(2) the feasibility of public-private partnerships to foster supply chain resilience through strategic investments.

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

(1) an assessment of the efforts of the People's Republic of China and the Russian Federation to acquire global reserves of critical minerals and metals, including reserves of lithium, tungsten, tantalum, cobalt, and molybdenum;

(2) a description of the efforts of the Department of Defense to procure critical minerals and metals;

(3) a description of planned investments by the Department to ensure the resiliency and security of the United States military supply chains requiring critical minerals and metals;

(4) an assessment of the feasibility of engagement initiated by the Department with public-private partnerships to consult and coordinate in a concerted effort to improve information sharing with respect to development and mining projects, production technologies, and refining facilities relating to securing supply chains of critical minerals and metal reserves; and

(5) an assessment of the feasibility of loan guarantees provided by the Department to private industry to enable significant strategic investments in development and mining projects, production technologies, and refining facilities relating to securing supply chains of critical minerals and metal reserves.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form and include a classified annex.

SA 5929. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. REPORTS ON PRODUCTION, INTERNATIONAL TRANSPORT, AND SEIZURE OF CERTAIN ILLICIT DRUGS.

(a) FINDINGS.—Congress finds the following:

(1) In January 2020, the Drug Enforcement Agency named China as the primary source

of United States-bound, illicit, fentanyl-related substances.

(2) Although China instituted domestic controls in 2018 and 2019 on the production and exportation of fentanyl, some of its variants, and two precursors known as NPP and 4–ANPP, and the United Nations Commission on Narcotic Drugs recently voted unanimously in favor of controlling 4–AP and two other precursors, China has not yet expanded its class scheduling to include many fentanyl precursors, such as 4–AP, which continue to be trafficked to second countries in which they are used in the final production of United States-bound fentanyl and other synthetic opioids.

(3) According to the Commission on Combating Synthetic Opioid Trafficking Final Report, which was published in February 2022, illicit fentanyl and related analogues entering the United States are now primarily trafficked across the southern border from Mexico, where drug cartels use precursors from China to manufacture these deadly substances.

(4) The Joint Interagency Task Force West, which is part of United States Indo-Pacific Command, uses military and law enforcement capabilities to combat drug-related transnational crime in the Asia-Pacific Region, including by supporting law enforcement in efforts to reduce the illicit flow of drugs and precursors originating in Asia and intended for markets in the United States.

(5) From June 2020 through May 2021, more than 100,000 Americans died from drug overdoses, roughly two-thirds of which involved synthetic opioids, such as fentanyl and related analogues.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

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

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

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

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

(2) CHINA.—The term ''China'' means the People's Republic of China.

(3) PRECURSORS.—The term ''precursors'' means chemicals used in the illicit production of fentanyl and related synthetic opioid variants.

(c) REPORT ON CHINA'S SCHEDULING OF FENTANYL AND SYNTHETIC OPIOID PRECURSORS AND STEPS TO COMBAT FENTANYL PRODUCTION AND TRAFFICKING IN CHINA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Joint Interagency Task Force West and in consultation with the Secretary of State and the Attorney General, shall submit to the appropriate committees of Congress an unclassified written report, with a classified annex, that includes—

(1) a description of United States Government efforts to secure implementation by the Chinese Government of international narcotics controls regarding unregulated fentanyl precursors, such as 4–AP; and

(2) a plan for future steps the United States Government will take to combat illicit fentanyl production and trafficking originating in China.

(d) ANNUAL REPORT ON DRUG SEIZURES.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense, acting through the Director of the Joint Interagency Task Force West and in coordination with the Drug Enforcement Agency, the Office of National Drug Control Policy, U.S. Customs and Border Protection, the Department of Homeland Security, the Department of Justice, the Coast Guard, the Centers for Disease Control and Prevention, the Office of the United States Trade Representative, the Office of the Director of National Intelligence, the Central Intelligence Agency, the Department of State, the United States Postal Service, and any other relevant agency, shall submit a report to the appropriate committees of Congress that describes—

(1) with respect to illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors that originated in the Asia-Pacific region and have been seized at the United States borders and ports of entry—

(A) the source countries from which such drugs originated and the third party countries through which such drugs traveled;

(B) the methods used for transporting such drugs from the Asia-Pacific region to the United States borders and ports of entry;

(C) the amounts of illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors; and

(D) the lethality of the amounts of illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors seized;

(2) with respect to illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors that originated in the Asia-Pacific region and have been seized within the United States—

(A) the source countries from which such drugs originated and the third party countries through which such drugs traveled;

(B) the methods used for transporting such drugs from the Asia-Pacific region to the United States borders and ports of entry;

(C) the amounts of illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors seized; and

(D) the lethality of the amounts of illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors seized; and

(3) the activities conducted by Chinese entities and nationals in furtherance of illicit fentanyl production in Mexico for drug trafficking purposes.

SA 5930. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON DEFENSE ADVANCED MANUFACTURING CAPABILITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on identifying, evaluating, and manufacturing the fundamental materials and processes related to future Air Force assets operating at very high velocities in extreme environmental conditions.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) An assessment of current research and development plans related to the materials and manufacturing processes directed towards flight critical components for future Air Force vehicles operating in extreme environments, including operating environments of temperatures exceeding 3000 degrees Fahrenheit, high aerodynamic forces, and significant variations in atmospheric conditions.

(2) An assessment of how the Air Force is prioritizing early state research, development, and demonstration in materials and manufacturing for extreme environments, to include development of new processes for increasing performance, decreasing cost, and lead time for complex geometries and exotic materials needed for future Air Force assets.

(3) An assessment of efforts made by the Air Force to maintain, or increase, a secure, classified industrial research and manufacturing base that prevents the loss of intellectual property theft to foreign entities.

(4) An assessment of the effect of the continuation of current research and development collaborations between the Air Force research laboratories and the National Laboratories of the Department of Energy in order to achieve these results.

(5) The feasibility of the Air Force leveraging the Manufacturing Demonstration Facility of the Department of Energy and the National Laboratories of the Department in order to achieve these results.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form and include a classified annex.

SA 5931. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HELPING STARTUPS CONTINUE TO GROW.

(a) DEFINITIONS.—

(1) SECURITIES ACT OF 1933.—Section 2(a)(19)(B) of the Securities Act of 1933 (15 U.S.C. 77b(a)(19)(B)) is amended by striking ''fifth'' and inserting ''tenth''.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(80)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(80)(B)) is amended by striking ''fifth'' and inserting ''tenth''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Securities Exchange Commission shall issue an interim final rule carrying out the amendment made by subsection (a).

(2) DEFINITIONS.—In amending the definition of emerging growth company, as required under paragraph (1), the Securities

Exchange Commission shall not make or solicit feedback on alterations to the definition of emerging growth company to narrow the definition or increase their regulatory obligations or restrictions of emerging growth companies.

SA 5932. Mr. SCOTT of South Carolina (for himself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. COI ELIMINATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''COI Elimination Act''.

(b) ABOLITION AND RESTRICTION.—

(1) STATEMENT OF POLICY.—It is the policy of the United States—

(A) to seek the abolition of the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel; and

(B) to combat systemic anti-Israel bias at the United Nations Human Rights Council and other international fora.

(2) ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—Section 721(b) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, enacted by reference pursuant to section 1000(a)(7) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (Public Law 106–113) (22 U.S.C. 287 note) is amended by striking ''; and the Division on Public Information on the Question of Palestine'' and inserting ''; the Division on Public Information on the Question of Palestine; and the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel''.

(3) WITHHOLDING OF FUNDS.—Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98–164; 22 U.S.C. 287e note) is amended—

(A) in subsection (a)

(i) in paragraph (6), by striking ''and'' after the semicolon;

(ii) in paragraph (7), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(8) 22 percent of the amount budgeted for the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, unless the Secretary of State submits to Congress a certification that the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel has been abolished.''; and

(B) by adding at the end the following:

''(e) If the Secretary of State submits to Congress a certification under paragraph (8) of subsection (a), the United States shall, subject to available appropriations, provide to the United Nations an amount equal to the total amount of funds withheld in accordance with such paragraph during the current and any prior year.''.

SA 5933. Mr. PORTMAN (for himself, Ms. KLOBUCHAR, and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SECTION 10___. REQUIREMENT FOR INFORMATION SHARING AGREEMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Intragovernmental Cybersecurity Information Sharing Act''.

(b) APPROPRIATE OFFICIALS DEFINED.—In this section, the term ''appropriate officials'' means—

(1) the Majority Leader, Minority Leader, and the Secretary of the Senate with respect to an agreement with the Sergeant at Arms and Doorkeeper of the Senate; and

(2) the Speaker, the Minority Leader, and the Sergeant at Arms of the House of Representatives with respect to an agreement with the Chief Administrative Officer of the House of Representatives.

(c) REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President, the Sergeant at Arms and Doorkeeper of the Senate, and the Chief Administrative Officer of the House of Representatives, in consultation with the appropriate officials, shall enter into 1 or more cybersecurity information sharing agreements to enhance collaboration between the executive branch and Congress on implementing cybersecurity measures to improve the protection of legislative branch information technology.

(2) DELEGATION.—If the President delegates the duties under paragraph (1), the designee of the President shall coordinate with appropriate Executive agencies (as defined in section 105 of title 5, United States Code, including the Executive Office of the President) and the appropriate officers in the executive branch in entering any agreement described in paragraph (1).

(d) ELEMENTS.—The parties to a cybersecurity information sharing agreement under subsection (c) shall jointly develop such elements of the agreement as the parties find appropriate, which may include—

(1) direct and timely sharing of technical indicators and contextual information on cyber threats and vulnerabilities, and the means for such sharing;

(2) direct and timely sharing of classified and unclassified reports on cyber threats and activities consistent with the protection of sources and methods;

(3) seating of cybersecurity personnel of the Office of the Sergeant at Arms and Doorkeeper of the Senate or the Office of the Chief Administrative Officer of the House of Representatives at cybersecurity operations centers; and

(4) any other elements the parties find appropriate.

(e) BRIEFING TO CONGRESS.—Not later than 210 days after the date of enactment of this Act, and at least annually thereafter, the President shall brief the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate, the Committee on Homeland Security and the Committee on House Administration of the House of Representatives, and the appropriate officials on the status of the implementation of the agreements required under subsection (c).

SA 5934. Mr. PADILLA proposed an amendment to the bill S. 3092, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, and for other purposes; as follows:

On page 19, line 16, strike ''Red Flag'' and all that follows through ''technologies,'' on line 18 and insert ''forecasts and data, including information that supports the Red Flag Warnings of the National Oceanic and Atmospheric Administration and similar weather alert and notification methods,''.

On page 21, line 19, strike ''**CULTURAL COMPETENCY**'' and insert ''**EFFECTIVE COMMUNICATION**''.

On page 22, strike lines 2 through 15 and insert the following:

''(b) EFFECTIVE COMMUNICATION.—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing professional counseling services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.''.

SEC. 8. CASE MANAGEMENT EFFECTIVE COMMUNICATION.

On page 22, strike line 23 and all that follows through page 23, line 9, and insert the following:

''(b) EFFECTIVE COMMUNICATION.—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing case management services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.''.

On page 25, strike line 8 and all that follows through page 27, line 8, and insert the following:

SEC. 11. INCREASED CAP FOR EMERGENCY DECLARATIONS BASED ON REGIONAL COST OF LIVING.

On page 27, strike lines 15 and 16 and insert the following:

SEC. 12. FACILITATING DISPOSAL OF TEMPORARY TRANSPORTABLE HOUSING UNITS TO SURVIVORS.

On page 28, strike lines 1 through 12 and insert the following:

SEC. 13. DEADLINE ON CODE ENFORCEMENT AND MANAGEMENT COST ELIGIBILITY.

(a) IN GENERAL.—Section 406(a)(2)(D) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(2)(D)) is amended by striking ''180 days'' and inserting ''1 year''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to amounts appropriated on or after the date of enactment of this Act.

SEC. 14. PERMIT APPLICATIONS FOR TRIBAL UPGRADES TO EMERGENCY OPERATIONS CENTERS.

(a) IN GENERAL.—Section 614(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c(a)) is amended—

(1) by inserting ''and Indian tribal governments'' after ''grants to States''; and

(2) by striking ''State and local'' and inserting ''State, local, and Tribal''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to amounts appropriated on or after the date of enactment of this Act.

SA 5935. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1012. EMPOWERING HOMELAND SECURITY INVESTIGATIONS TO COUNTER DRUG SMUGGLING BY TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 437. COUNTERING DRUG SMUGGLING BY TRANSNATIONAL CRIMINAL ORGANIZATIONS.

''(a) PROGRAM ESTABLISHED.—The Secretary shall establish a program that provides special agents of the Department described in subsection (c) and any State, tribal, or local law enforcement officers designated by the Secretary with the powers and authorities given to customs officers described in section 401(i) of the Tariff Act of 1930 (19 U.S.C. 1401(i)) to prevent the smuggling, trafficking, manufacture, and sale of drugs by transnational criminal organizations engaged in cross-border criminal operations, which shall be exercised in the performance of the special agents' existing functions related to customs and criminal law enforcement.

''(b) INTERAGENCY COORDINATION AND DECONFLICTION.—The Secretary shall ensure that the special agents authorized through the program established pursuant to subsection (a) conduct investigative data deconfliction, target data deconfliction, and event deconfliction with Federal, State, tribal, and local law enforcement agencies, including the Drug Enforcement Administration, during the course of criminal and customs investigations described in subsection (a), to more effectively coordinate investigative activity and ensure officer and agent safety.

''(c) SCOPE.—The authority granted to special agents under subsection (a) is limited to special agents who have successfully completed—

''(1) the Federal Law Enforcement Training Center's Criminal Investigator Training Program; and

''(2)(A) Customs Basic Enforcement School, if the officer was hired before March 2003; or

''(B) U.S. Immigration and Customs Enforcement Homeland Security Investigations Special Agent Training, if the officer was hired during or after March 2003.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 436 the following:

''Sec. 437. Countering drug smuggling by transnational criminal organizations.''.

SA 5936. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1012. LAW ENFORCEMENT AUTHORITY FOR HOMELAND SECURITY INVESTIGATIONS TO COUNTER DRUG SMUGGLING BY TRANSNATIONAL CRIMINAL ORGANIZATIONS.

Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended by adding at the end the following:

''(c) Special Agents of the Homeland Security Investigations and State, tribal, and local law enforcement officers designated by the Executive Associate Director for Homeland Security Investigations pursuant to section 401(i) of the Tariff Act of 1930 (19 U.S.C. 1401(i)) shall have the powers and authorities described in subsection (a) for the enforcement of this Act, which shall be exercised in the performance of the Department of Homeland Security's existing functions related to customs and criminal law enforcement under the Homeland Security Act of 2002 (Public Law 107–296).''.

SA 5937. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REGULATION OF DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by inserting after section 403C of such Act the following:

''SEC. 403D. DIETARY SUPPLEMENT LISTING REQUIREMENT.

''(a) IN GENERAL.—Each dietary supplement shall be listed with the Secretary in accordance with this section.

''(b) LISTING SUBMISSIONS.—

''(1) IN GENERAL.—Each responsible person, or, if the responsible person is a foreign entity, the United States agent, shall submit to the Secretary in accordance with this section the following information for each dietary supplement that will be marketed:

''(A) Any proprietary name of the dietary supplement and the statement of identity, including brand name and specified flavors, if applicable.

''(B) The full name, address, and telephone number for the responsible person, and the name and e-mail address of the owner, operator, or agent in charge of the responsible person.

''(C) The full name, address, telephone number, and e-mail address for the United States agent, if the responsible person is a foreign entity.

''(D) The full business name and address of all locations at which the responsible person manufactures, packages, labels, or holds the dietary supplement.

''(E) An electronic copy of the label for the dietary supplement, and an electronic copy of the package insert, if any.

''(F) A list of all ingredients in the dietary supplement required to appear on the label under sections 101.4 and 101.36 of title 21, Code of Federal Regulations, including—

''(i) the amount per serving of each listed ingredient, if such information is required to appear on the label; and

''(ii) if required by section 101.36 of title 21, Code of Federal Regulations, the percent of the daily value of each listed ingredient.

''(G) The number of servings per container for each container size.

''(H) The conditions of use.

''(I) Warnings and precautions.

''(J) Statements regarding major food allergens, as defined in section 201(qq) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(qq)).

''(K) The dosage form, such as pill, capsule, liquid, or powder.

''(L) Any claim that—

''(i) characterizes the relationship of any nutrient which is of the type required by section 403(q)(1) or section (q)(2) to be in the label or labeling of the food to a disease or a health-related condition; or

''(ii) is subject to notification under section 403(r)(6) that appears in the supplement's labeling.

''(M) The unique dietary supplement identifier for the product, provided in accordance with paragraph (3).

''(2) FORMAT.—A listing submitted under this section shall be in such electronic form and manner as the Secretary may prescribe. The Secretary shall promptly confirm, electronically, receipt of a complete listing under this section.

''(3) UNIQUE LISTING IDENTIFICATION NUMBERS.—

''(A) IN GENERAL.—The Secretary shall establish a unique dietary supplement identifier system that shall be used by the responsible person under this section.

''(B) RESERVATION OF NUMBERS.—The system shall allow a responsible person to reserve multiple dietary supplement identifier numbers in advance of listing.

''(C) USE REQUIREMENT.—Any unique dietary supplement identifier shall be used only in connection with the product for which the identifier was used during the listing process.

''(4) SUBMISSION DATES.—A responsible person under this section shall report to the Secretary the listing information described in paragraph (1) pursuant to the following timelines:

''(A) IN GENERAL.—

''(i) EXISTING DIETARY SUPPLEMENTS.—In the case of a dietary supplement that is being offered in interstate commerce on the date that is 18 months after the date of enactment of this section, a listing for each such dietary supplement formulation introduced or delivered for introduction into interstate commerce by the responsible person for commercial distribution shall be submitted by the responsible person with the Secretary under this section not later than 60 days after the date that is 18 months after the date of enactment of such Act.

''(ii) NEW DIETARY SUPPLEMENTS.—In the case of a dietary supplement that is not being offered in interstate commerce on the date that is 18 months after the date of enactment. of this section, a listing for each

such dietary supplement formulation introduced or delivered for introduction into interstate commerce by the responsible person for commercial distribution which has not been included in any listing previously submitted by the responsible person to the Secretary under this section shall be submitted to the Secretary prior to introducing the dietary supplement into interstate commerce.

''(B) REFORMULATIONS.—A listing of each dietary supplement formulation introduced by the responsible person for commercial distribution that has a label that differs for such dietary supplement from the representative label provided under subsection (a) with respect to the product name, amount of dietary ingredients, or other distinguishing characteristics such as dosage form (such as pill, capsule, liquid, or powder) shall be submitted to the Secretary not later than 15 business days after introducing the dietary supplement with the change into interstate commerce.

''(C) DISCONTINUED DIETARY SUPPLEMENTS.—If the responsible person has discontinued the commercial marketing of a dietary supplement formulation included in a listing submitted by the responsible person under subparagraph (A) or (B), the responsible person shall report to the Secretary the date of such discontinuance, within 90 days of the discontinuance of the dietary supplement.

''(5) SUPPLIER INFORMATION RECORD KEEPING REQUIREMENT.—Each responsible person subject to the requirements of this subsection shall maintain a record of the full business name and address from which the responsible person receives any dietary ingredient or combination of dietary ingredients that the responsible person uses in the manufacture of the dietary supplement, or, if applicable, from which the responsible person receives the dietary supplement. The responsible person shall make this information available to the Secretary within 72 hours of request from the Secretary.

''(c) ELECTRONIC DATABASE.—Beginning not later than 2 years after the Secretary specifies a unique dietary supplement identifier system pursuant to subsection (b)(3), the Secretary shall maintain an electronic database that—

''(1) is publicly accessible;

''(2) is populated with information regarding dietary supplements that is provided under this section or any other provision of this Act; and

''(3) enables the public to search the database by a dietary supplement's unique dietary supplement identifier or other field of information or combination of fields.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of conducting activities under this section and hiring personnel to carry out this section, there are authorized to be appropriated $4,000,000 for fiscal year 2022 and $1,000,000 for each of fiscal years 2023 through 2026.''.

(b) MISBRANDING.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(z) If it is a dietary supplement for which a responsible person is required to file a listing under section 403D and such responsible person has not made a listing with respect to such dietary supplement.''.

(c) NEW PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(fff) The introduction or delivery for introduction into interstate commerce of a dietary supplement that has been prepared, packed, or held using the assistance of, or at the direction of, a person debarred under section 306.''.

(d) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsections (a) through subsection (c) shall be construed to expand the existing authorities of the Food and Drug Administration, other than as specified in such amendments. This subsection shall not be construed to—

(1) limit the existing authorities of the Food and Drug Administration; or

(2) limit the authorities specified in the amendments made by subsections (a) through subsection (c).

SA 5938. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 632. PAYMENT OF EXPENSES AND CLAIMS RELATING TO THE RETURN OF PERSONAL EFFECTS OF A DECEASED MEMBER OF THE ARMED FORCES.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(11)(A) Delivery of personal effects of a decedent to the next of kin or other appropriate person.

''(B) If the Secretary concerned enters into an agreement with an entity to carry out subparagraph (A), the Secretary concerned shall pursue a claim against such entity that arises from the failure of such entity to substantially perform such subparagraph.

''(C) If an entity described in subparagraph (B) fails to substantially perform subparagraph (A) by damaging, losing, or destroying the personal effects of a decedent, the Secretary concerned shall reimburse the person designated under subsection (c) the greater of $1,000 or the fair market value of such damage, loss, or destruction. The Secretary concerned may request, from the person designated under subsection (c), proof of fair market value and ownership of the personal effects.''.

SA 5939. Mr. PORTMAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 582, line 16, strike ''$800,000,000'' and insert ''$8,000,000,000''.

SA 5940. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle G—Promotion of Freedom of Information and Countering of Censorship and Surveillance in North Korea

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2022''.

SEC. 1282. FINDINGS; SENSE OF CONGRESS.

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

(1) The information landscape in North Korea is the most repressive in the world, consistently ranking last or near-last in the annual World Press Freedom Index.

(2) Under the brutal rule of Kim Jung Un, the country's leader since 2012, the North Korean regime has tightened controls on access to information, as well as enacted harsh punishments for consumers of outside media, including sentencing to time in a concentration camp and a maximum penalty of death.

(3) Such repressive and unjust laws surrounding information in North Korea resulted in the death of 22-year-old United States citizen and university student Otto Warmbier, who had traveled to North Korea in December 2015 as part of a guided tour.

(4) Otto Warmbier was unjustly arrested, sentenced to 15 years of hard labor, and severely mistreated at the hands of North Korean officials. While in captivity, Otto Warmbier suffered a serious medical emergency that placed him into a comatose state. Otto Warmbier was comatose upon his release in June 2017 and died 6 days later.

(5) Despite increased penalties for possession and viewership of foreign media, the people of North Korean have increased their desire for foreign media content, according to a survey of 200 defectors concluding that 90 percent had watched South Korean or other foreign media before defecting.

(6) On March 23, 2021, in an annual resolution, the United Nations General Assembly condemned ''the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People's Republic of Korea'' and expressed grave concern at, among other things, ''the denial of the right to freedom of thought, conscience, and religion . . . and of the rights to freedom of opinion, expression, and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful state surveillance that permeates the private lives of all citizens''.

(7) In 2018, Typhoon Yutu caused extensive damage to 15 broadcast antennas used by the United States Agency for Global Media in Asia, resulting in reduced programming to North Korea. The United States Agency for Global Media has rebuilt 5 of the 15 antenna systems as of June 2021.

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

(1) in the event of a crisis situation, particularly where information pertaining to the crisis is being actively censored or a false narrative is being put forward, the United States should be able to quickly increase its broadcasting capability to deliver fact-based information to audiences, including those in North Korea; and

(2) the United States International Broadcasting Surge Capacity Fund is already authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216), and expanded authority to transfer unobligated balances from expired accounts of the United States Agency for Global Media would enable the Agency to more nimbly respond to crises.

SEC. 1283. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to provide the people of North Korea with access to a diverse range of fact-based information;

(2) to develop and implement novel means of communication and information sharing that increase opportunities for audiences in North Korea to safely create, access, and share digital and non-digital news without fear of repressive censorship, surveillance, or penalties under law; and

(3) to foster and innovate new technologies to counter North Korea's state-sponsored repressive surveillance and censorship by advancing internet freedom tools, technologies, and new approaches.

SEC. 1284. UNITED STATES STRATEGY TO COMBAT NORTH KOREA'S REPRESSIVE INFORMATION ENVIRONMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall develop and submit to Congress a strategy on combating North Korea's repressive information environment.

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

(1) An assessment of the challenges to the free flow of information into North Korea created by the censorship and surveillance technology apparatus of the Government of North Korea.

(2) A detailed description of the agencies and other government entities, key officials, and security services responsible for the implementation of North Korea's repressive laws regarding foreign media consumption.

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

(4) A review of existing public-private partnerships that provide circumvention technology and an assessment of the feasibility and utility of new tools to increase free expression, circumvent censorship, and obstruct repressive surveillance in North Korea.

(5) A description of and funding levels required for current United States Government programs and activities to provide access for the people of North Korea to a diverse range of fact-based information.

(6) An update of the plan required by section 104(a)(7)(A) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)(7)(A)).

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

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

(9) A detailed assessment of how the United States International Broadcasting Surge Capacity Fund authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216) has operated to respond to crisis situations in the past, and how authority to transfer unobligated balances from expired accounts would help the United States Agency for Global Media in crisis situations in the future.

(10) A detailed plan for how the authorization of appropriations under section 1285 will operate alongside and augment existing programming from the relevant Federal agencies and facilitate the development of new tools to assist that programming.

(c) FORM OF STRATEGY.—The strategy required by subsection (a) shall be submitted in unclassified form, but may include the matters required by paragraphs (2) and (3) of subsection (b) in a classified annex.

SEC. 1285. PROMOTING FREEDOM OF INFORMATION AND COUNTERING CENSORSHIP AND SURVEILLANCE IN NORTH KOREA.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Agency for Global Media an additional $10,000,000 for each of fiscal years 2023 through 2027 to provide increased broadcasting and grants for the following purposes:

(1) To promote the development of internet freedom tools, technologies, and new approaches, including both digital and non-digital means of information sharing related to North Korea.

(2) To explore public-private partnerships to counter North Korea's repressive censorship and surveillance state.

(3) To develop new means to protect the privacy and identity of individuals receiving media from the United States Agency for Global Media and other outside media outlets from within North Korea.

(4) To bolster existing programming from the United States Agency for Global Media by restoring the broadcasting capacity of damaged antennas caused by Typhoon Yutu in 2018.

(b) ANNUAL REPORTS.—Section 104(a)(7)(B) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)(7)(B)) is amended—

(1) in the matter preceding clause (i)—

(A) by striking ''1 year after the date of the enactment of this paragraph'' and inserting ''September 30, 2022''; and

(B) by striking ''Broadcasting Board of Governors'' and inserting ''Chief Executive Officer of the United States Agency for Global Media''; and

(2) in clause (i), by inserting after ''this section'' the following: ''and sections 1284 and 1285 of the Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2022''.

SA 5941. Mr. PORTMAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1232 and insert the following:

SEC. 1232. EXTENSION AND MODIFICATION OF PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1974) is amended—

(1) in the section heading, by inserting ''**OR CERTAIN PARTS OF UKRAINE**'' after ''**CRIMEA**''; and

(2) by amending subsection (a) to read as follows:

''(a) PROHIBITION.—None of the funds authorized to be appropriated for fiscal year 2022 or 2023 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea, Kherson Oblast, Zaporizhzhia Oblast, Donetsk Oblast, or Luhansk Oblast.''.

SA 5942. Mr. PORTMAN (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. MILITARY TRAINING ON EMERGING TECHNOLOGIES.

(a) INTEGRATING DIGITAL SKILL SETS AND COMPUTATIONAL THINKING INTO MILITARY JUNIOR LEADER EDUCATION.—Not later than 270 days after the date of the enactment of this Act, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall expand the curriculum for military junior leader education to incorporate appropriate training material related to problem definition and curation, a conceptual understanding of the artificial intelligence lifecycle, data collection and management, probabilistic reasoning and data visualization, and data-informed decision-making. Whenever possible, the new training and education should include the use of existing artificial intelligence-enabled systems and tools.

(b) INTEGRATION OF MATERIAL ON EMERGING TECHNOLOGIES INTO PROFESSIONAL MILITARY EDUCATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall ensure that the curriculum for professional military education is revised in each of the military services to incorporate periodic courses on militarily significant emerging technologies that increasingly build the knowledge base, vocabulary, and skills necessary to intelligently analyze and utilize emerging technologies in the tactical, operational, and strategic levels of warfighting and warfighting support.

(c) EMERGING TECHNOLOGY-CODED BILLETS WITHIN THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that the military services—

(A) code appropriate billets to be filled by emerging technology-qualified officers; and

(B) develop a process for officers to become qualified in emerging technologies.

(2) APPROPRIATE POSITIONS.—Emerging technology-coded positions may include, as appropriate—

(A) positions responsible for assisting with acquisition of emerging technologies;

(B) positions responsible for helping integrate technology into field units;

(C) positions responsible for developing organizational and operational concepts;

(D) positions responsible for developing training and education plans; and

(E) leadership positions at the operational and tactical levels within the military services.

(3) QUALIFICATION PROCESS.—The process for qualifying officers for emerging technology-coded billets shall be modeled on a streamlined version of the joint qualification process and may include credit for serving in emerging technology focused fellowships, emerging technology focused talent exchanges, emerging technology focused positions within government, and educational courses focused on emerging technologies.

SA 5943. Mr. PORTMAN (for himself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. REAUTHORIZATION OF THE TROPICAL FOREST AND CORAL REEF CONSERVATION ACT OF 1998.

Section 806(d) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431d(d)) is amended by adding at the end the following new paragraphs:

''(9) $20,000,000 for fiscal year 2023.

''(10) $20,000,000 for fiscal year 2024.

''(11) $20,000,000 for fiscal year 2025.

''(12) $20,000,000 for fiscal year 2026.

''(13) $20,000,000 for fiscal year 2027.''.

SA 5944. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. STABILITY ACROSS THE TAIWAN STRAIT.

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

(1) United States engagement with Taiwan should include actions, activities, and programs that mutually benefit the United States and Taiwan such as—

(A) people-to-people exchanges;

(B) bilateral and multilateral economic cooperation; and

(C) assisting Taiwan's efforts to participate in international institutions;

(2) the United States should pursue new engagement initiatives with Taiwan, such as—

(A) enhancing cooperation on science and technology;

(B) joint infrastructure development in third countries;

(C) renewable energy and environmental sustainability development; and

(D) investment screening coordination;

(3) the United States should expand its financial support for the Global Cooperation and Training Framework, and encourage like-minded countries to co-sponsor workshops, to showcase Taiwan's capacity to contribute to solving global challenges in the face of the Government of the PRC's campaign to isolate Taiwan in the international community;

(4) to advance the goals of the April 2021 Department of State guidance expanding unofficial United States-Taiwan contacts, the United States, Taiwan, and Japan should aim to host Global Cooperation and Training Framework workshops timed to coincide with plenaries and other meetings of international organizations;

(5) the United States should support efforts to engage regional counterparts in Track 1.5 and Track 2 dialogues on the stability across the Taiwan Strait, which are important for increasing strategic awareness amongst all parties and the avoidance of conflict;

(6) bilateral confidence-building measures and crisis stability dialogues between the United States and the PRC are important mechanisms for maintaining deterrence and stability across the Taiwan Strait and should be prioritized; and

(7) the United States and the PRC should prioritize the use of a fully operational military crisis hotline to provide a mechanism for the leadership of the two countries to communicate directly in order to quickly resolve misunderstandings that could lead to military escalation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE GLOBAL COOPERATION AND TRAINING FRAMEWORK.—There are authorized to be appropriated for the Global Cooperation and Training Framework under the Economic Support Fund authorized under section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346), $6,000,000 for each of the fiscal years 2022 through 2025, which may be expended for

(c) trainings and activities that increase Taiwan's economic and international integration.

(c) SUPPORTING CONFIDENCE BUILDING MEASURES AND STABILITY DIALOGUES.—

(1) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, shall submit an unclassified report, with a classified annex, to the appropriate committees of Congress that includes—

(A) a description of all military-to-military dialogues and confidence-building measures between the United States and the PRC during the 10-year period ending on the date of the enactment of this Act;

(B) a description of all bilateral and multilateral diplomatic engagements with the PRC in which cross-Strait issues were discussed during such 10-year period, including Track 1.5 and Track 2 dialogues;

(C) a description of the efforts in the year preceding the submission of the report to conduct engagements described in subparagraphs (A) and (B); and

(D) a description of how and why the engagements described in subparagraphs (A) and (B) have changed in frequency or substance during such 10-year period.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of State, and, as appropriate, the Department of Defense, no less than $2,000,000 for each of the fiscal years 2022 through 2025, which shall be used to support existing Track 1.5 and Track 2 strategic dialogues facilitated by independent nonprofit organizations in which participants meet to discuss cross-Strait stability issues.

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

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

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

(3) the Committee on Appropriations of the Senate;

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

(5) the Committee on Armed Services of the House of Representatives; and

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

SA 5945. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Supporting United States Educational and Exchange Programs With Taiwan

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Taiwan Fellowship Act''.

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) The Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) affirmed United States policy ''to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area''.

(2) Consistent with the Asia Reassurance Initiative Act of 2018 (Public Law 115–409), the United States has grown its strategic partnership with Taiwan's vibrant democracy of 23,000,000 people.

(3) Despite a concerted campaign by the People's Republic of China to isolate Taiwan from its diplomatic partners and from international organizations, including the World Health Organization, Taiwan has emerged as a global leader in the coronavirus global pandemic response, including by donating more than 2,000,000 surgical masks and other medical equipment to the United States.

(4) The creation of a United States fellowship program with Taiwan would support—

(A) a key priority of expanding people-to-people exchanges, which was outlined in President Donald J. Trump's 2017 National Security Strategy;

(B) President Joseph R. Biden's commitment to Taiwan, ''a leading democracy and a critical economic and security partner'', as expressed in his March 2021 Interim National Security Strategic Guidance; and

(C) April 2021 guidance from the Department of State based on a review required under the Taiwan Assurance Act of 2020 (subtitle B of title III of division FF of Public Law 116–260) to ''encourage U.S. government engagement with Taiwan that reflects our deepening unofficial relationship''.

SEC. 1283. PURPOSES.

The purposes of this subtitle are—

(1) to further strengthen the United States-Taiwan strategic partnership and broaden understanding of the Indo-Pacific region by temporarily assigning officials of any agencies of the United States Government to Taiwan for intensive study in Mandarin and placement as Fellows with the governing authorities on Taiwan or a Taiwanese civic institution;

(2) to provide for eligible United States personnel—

(A) to learn or strengthen Mandarin Chinese language skills; and

(B) to expand their understanding of the political economy of Taiwan and the Indo-Pacific region; and

(3) to better position the United States to advance its economic, security, and human rights interests and values in the Indo-Pacific region.

SEC. 1284. DEFINITIONS.

In this subtitle:

(1) AGENCY HEAD.—The term ''agency head'' means, in the case of the executive branch of United States Government or a legislative branch agency described in paragraph (2), the head of the respective agency.

(2) AGENCY OF THE UNITED STATES GOVERNMENT.—The term ''agency of the United States Government'' includes the Government Accountability Office, the Congressional Budget Office, and the Congressional Research Service of the legislative branch, as well as any agency of the executive branch.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' 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.

(4) DETAILEE.—The term ''detailee''—

(A) means an employee of an agency of the United States Government on loan to the American Institute in Taiwan, without a change of position from the agency at which he or she is employed; and

(B) a legislative branch employee from the Government Accountability Office, Congressional Budget Office, or the Congressional Research Service.

(5) IMPLEMENTING PARTNER.—The term ''implementing partner'' means any United States organization described in 501(c)(3) of the Internal Revenue Code of 1986 that—

(A) performs logistical, administrative, and other functions, as determined by the Department of State and the American Institute of Taiwan in support of the Taiwan Fellowship Program; and

(B) enters into a cooperative agreement with the American Institute in Taiwan to administer the Taiwan Fellowship Program.

(6) PROGRAM.—The term ''Program'' means the Taiwan Fellowship Program established pursuant to section 1285.

SEC. 1285. TAIWAN FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Secretary of State shall establish the Taiwan Fellowship Program (referred to in this section as the ''Program'') to provide a fellowship opportunity in Taiwan of up to 2 years for eligible United States citizens. The Department of State, in consultation with the American Institute in Taiwan and the implementing partner, may modify the name of the Program.

(b) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The American Institute in Taiwan should use amounts appropriated pursuant to section 1288(a) to enter into an annual or multi-year cooperative agreement with an appropriate implementing partner.

(2) FELLOWSHIPS.—The Department of State or the American Institute in Taiwan, in consultation with, as appropriate, the implementing partner, should award to eligible United States citizens, subject to available funding—

(A) approximately 5 fellowships during the first 2 years of the Program; and

(B) approximately 10 fellowships during each of the remaining years of the Program.

(c) AMERICAN INSTITUTION IN TAIWAN AGREEMENT; IMPLEMENTING PARTNER.—Not later than 30 days after the date of the enactment of this Act, the American Institute in Taiwan, in consultation with the Department of State, should—

(1) begin negotiations with the Taipei Economic and Cultural Representative Office, or with another appropriate entity, for the purpose of entering into an agreement to facilitate the placement of fellows in an agency of the governing authorities on Taiwan; and

(2) begin the process of selecting an implementing partner, which—

(A) shall agree to meet all of the legal requirements required to operate in Taiwan; and

(B) shall be composed of staff who demonstrate significant experience managing exchange programs in the Indo-Pacific region.

(d) CURRICULUM.—

(1) FIRST YEAR.—During the first year of each fellowship under this section, each fellow should study—

(A) the Mandarin Chinese language;

(B) the people, history, and political climate on Taiwan; and

(C) the issues affecting the relationship between the United States and the Indo-Pacific region.

(2) SECOND YEAR.—During the second year of each fellowship under this section, each fellow, subject to the approval of the Department of State, the American Institute in Taiwan, and the implementing partner, and in accordance with the purposes of this subtitle, should work in—

(A) a parliamentary office, ministry, or other agency of the governing authorities on Taiwan; or

(B) an organization outside of the governing authorities on Taiwan, whose interests are associated with the interests of the fellow and the agency of the United States Government from which the fellow is or had been employed.

(e) FLEXIBLE FELLOWSHIP DURATION.—Notwithstanding any requirement under this section, the Secretary of State, in consultation with the American Institute in Taiwan and, as appropriate, the implementing partner, may award fellowships that have a duration of less than two years, and may alter the curriculum requirements under subsection (d) for such purposes.

(f) SUNSET.—The fellowship program under this subtitle shall terminate 7 years after the date of the enactment of this Act.

(g) PROGRAM REQUIREMENTS.—

(1) ELIGIBILITY REQUIREMENTS.—A United States citizen is eligible for a fellowship under this section if he or she—

(A) is an employee of the United States Government;

(B) has received at least one exemplary performance review in his or her current United States Government role within at least the last three years prior to beginning the fellowship;

(C) has at least 2 years of experience in any branch of the United States Government;

(D) has a demonstrated professional or educational background in the relationship between the United States and countries in the Indo-Pacific region; and

(E) has demonstrated his or her commitment to further service in the United States Government.

(2) RESPONSIBILITIES OF FELLOWS.—Each recipient of a fellowship under this section shall agree, as a condition of such fellowship—

(A) to maintain satisfactory progress in language training and appropriate behavior in Taiwan, consistent with United States Government policy toward Taiwan, as determined by the Department of State, the American Institute in Taiwan and, as appropriate, its implementing partner;

(B) to refrain from engaging in any intelligence or intelligence-related activity on behalf of the United States Government; and

(C) to continue Federal Government employment for a period of not less than 4 years after the conclusion of the fellowship or for not less than 2 years for a fellowship that is 1 year or shorter.

(3) RESPONSIBILITIES OF IMPLEMENTING PARTNER.—

(A) SELECTION OF FELLOWS.—The implementing partner, with the concurrence of the Department of State and the American Institute in Taiwan, shall—

(i) make efforts to recruit fellowship candidates who reflect the diversity of the United States;

(ii) select fellows for the Taiwan Fellowship Program based solely on merit, with appropriate supervision from the Department of State and the American Institute in Taiwan; and

(iii) prioritize the selection of candidates willing to serve in a fellowship lasting 1 year or longer.

(B) FIRST YEAR.—The implementing partner should provide each fellow in the first year (or shorter duration, as jointly determined by the Department of State and the American Institute in Taiwan for those who are not serving a 2-year fellowship) with—

(i) intensive Mandarin Chinese language training; and

(ii) courses in the politics, culture, and history of Taiwan, China, and the broader Indo-Pacific.

(C) WAIVER OF FIRST-YEAR TRAINING.—The Department of State, in coordination with the American Institute in Taiwan and, as appropriate, the implementing partner, may waive any of the training required under paragraph (2) to the extent that a fellow has Mandarin language skills, knowledge of the topic described in subparagraph (B)(ii), or for other related reasons approved by the Department of State and the American Institute in Taiwan. If any of the training requirements are waived for a fellow serving a 2-year fellowship, the training portion of his or her fellowship may be shortened to the extent appropriate.

(D) OFFICE; STAFFING.—The implementing partner, in consultation with the Department of State and the American Institute in Taiwan, may maintain an office and at least 1 full-time staff member in Taiwan—

(i) to liaise with the American Institute in Taiwan and the governing authorities on Taiwan; and

(ii) to serve as the primary in-country point of contact for the recipients of fellowships under this division and their dependents.

(E) OTHER FUNCTIONS.—The implementing partner may perform other functions in association with support of the Taiwan Fellowship Program, including logistical and administrative functions, as prescribed by the Department of State and the American Institute in Taiwan.

(4) NONCOMPLIANCE.—

(A) IN GENERAL.—Any fellow who fails to comply with the requirements under this section shall reimburse the American Institute in Taiwan, or the appropriate United States Government agency for—

(i) the Federal funds expended for the fellow's participation in the fellowship, as set forth in paragraphs (2) and (3); and

(ii) interest accrued on such funds (calculated at the prevailing rate).

(B) FULL REIMBURSEMENT.—Any fellow who violates paragraph (1) or (2) of subsection (b) shall reimburse the American Institute in Taiwan, or the appropriate United States

Government agency, in an amount equal to the sum of—

(i) all of the Federal funds expended for the fellow's participation in the fellowship; and

(ii) interest on the amount specified in subparagraph (A), which shall be calculated at the prevailing rate.

(C) PRO RATA REIMBURSEMENT.—Any fellow who violates subsection (b)(3) shall reimburse the American Institute in Taiwan, or the appropriate United States Government agency, in an amount equal to the difference between—

(i) the amount specified in paragraph (2); and

(ii) the product of—

(I) the amount the fellow received in compensation during the final year of the fellowship, including the value of any allowances and benefits received by the fellow; multiplied by

(II) the percentage of the period specified in subsection (b)(3) during which the fellow did not remain employed by the Federal Government.

SEC. 1286. REPORTS AND AUDITS.

(a) ANNUAL REPORT.—Not later than 90 days after the selection of the first class of fellows under this subtitle, and annually thereafter for 7 years, the Department of State shall offer to brief the appropriate committees of Congress regarding the following issues:

(1) An assessment of the performance of the implementing partner in fulfilling the purposes of this division.

(2) The names and sponsoring agencies of the fellows selected by the implementing partner and the extent to which such fellows represent the diversity of the United States.

(3) The names of the parliamentary offices, ministries, other agencies of the governing authorities on Taiwan, and nongovernmental institutions to which each fellow was assigned during the second year of the fellowship.

(4) Any recommendations, as appropriate, to improve the implementation of the Taiwan Fellowship Program, including added flexibilities in the administration of the program.

(5) An assessment of the Taiwan Fellowship Program's value upon the relationship between the United States and Taiwan or the United States and Asian countries.

(b) ANNUAL FINANCIAL AUDIT.—

(1) IN GENERAL.—The financial records of any implementing partner shall be audited annually in accordance with generally accepted government auditing standards by independent certified public accountants or independent licensed public accountants who are certified or licensed by a regulatory authority of a State or another political subdivision of the United States.

(2) LOCATION.—Each audit under paragraph (1) shall be conducted at the place or places where the financial records of the implementing partner are normally kept.

(3) ACCESS TO DOCUMENTS.—The implementing partner shall make available to the accountants conducting an audit under paragraph (1)—

(A) all books, financial records, files, other papers, things, and property belonging to, or in use by, the implementing partner that are necessary to facilitate the audit; and

(B) full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(4) REPORT.—

(A) IN GENERAL.—Not later than 9 months after the end of each fiscal year, the implementing partner shall provide a report of the audit conducted for such fiscal year under paragraph (1) to the Department of State and the American Institute in Taiwan.

(B) CONTENTS.—Each audit report shall—

(i) set forth the scope of the audit;

(ii) include such statements, along with the auditor's opinion of those statements, as may be necessary to present fairly the implementing partner's assets and liabilities, surplus or deficit, with reasonable detail;

(iii) include a statement of the implementing partner's income and expenses during the year; and

(iv) include a schedule of—

(I) all contracts and cooperative agreements requiring payments greater than $5,000; and

(II) any payments of compensation, salaries, or fees at a rate greater than $5,000 per year.

(C) COPIES.—Each audit report shall be produced in sufficient copies for distribution to the public.

SEC. 1287. TAIWAN FELLOWS ON DETAIL FROM GOVERNMENT SERVICE.

(a) IN GENERAL.—

(1) DETAIL AUTHORIZED.—With the approval of the Secretary of State, an agency head may detail, for a period of not more than 2 years, an employee of the agency of the United States Government who has been awarded a fellowship under this subtitle, to the American Institute in Taiwan for the purpose of assignment to the governing authorities on Taiwan or an organization described in section 1285(d)(2)(B).

(2) AGREEMENT.—Each detailee shall enter into a written agreement with the Federal Government before receiving a fellowship, in which the fellow shall agree—

(A) to continue in the service of the sponsoring agency at the end of fellowship for a period of at least 4 years (or at least 2 years if the fellowship duration is 1 year or shorter) unless the detailee is involuntarily separated from the service of such agency; and

(B) to pay to the American Institute in Taiwan, or the United States Government agency, as appropriate, any additional expenses incurred by the Federal Government in connection with the fellowship if the detailee voluntarily separates from service with the sponsoring agency before the end of the period for which the detailee has agreed to continue in the service of such agency.

(3) EXCEPTION.—The payment agreed to under paragraph (2)(B) may not be required from a detailee who leaves the service of the sponsoring agency to enter into the service of another agency of the United States Government unless the head of the sponsoring agency notifies the detailee before the effective date of entry into the service of the other agency that payment will be required under this subsection.

(b) STATUS AS GOVERNMENT EMPLOYEE.—A detailee—

(1) is deemed, for the purpose of preserving allowances, privileges, rights, seniority, and other benefits, to be an employee of the sponsoring agency;

(2) is entitled to pay, allowances, and benefits from funds available to such agency, which is deemed to comply with section 5536 of title 5, United States Code; and

(3) may be assigned to a position with an entity described in section 1285(d)(2)(A) if acceptance of such position does not involve—

(A) the taking of an oath of allegiance to another government; or

(B) the acceptance of compensation or other benefits from any foreign government by such detailee.

(c) RESPONSIBILITIES OF SPONSORING AGENCY.—

(1) IN GENERAL.—The Federal agency from which a detailee is detailed should provide the fellow allowances and benefits that are consistent with Department of State Standardized Regulations or other applicable rules and regulations, including—

(A) a living quarters allowance to cover the cost of housing in Taiwan;

(B) a cost of living allowance to cover any possible higher costs of living in Taiwan;

(C) a temporary quarters subsistence allowance for up to 7 days if the fellow is unable to find housing immediately upon arriving in Taiwan;

(D) an education allowance to assist parents in providing the fellow's minor children with educational services ordinarily provided without charge by public schools in the United States;

(E) moving expenses to transport personal belongings of the fellow and his or her family in their move to Taiwan, which is comparable to the allowance given for American Institute in Taiwan employees assigned to Taiwan; and

(F) an economy-class airline ticket to and from Taiwan for each fellow and the fellow's immediate family.

(2) MODIFICATION OF BENEFITS.—The American Institute in Taiwan and its implementing partner, with the approval of the Department of State, may modify the benefits set forth in paragraph (1) if such modification is warranted by fiscal circumstances.

(d) NO FINANCIAL LIABILITY.—The American Institute in Taiwan, the implementing partner, and any governing authorities on Taiwan or nongovernmental entities in Taiwan at which a fellow is detailed during the second year of the fellowship may not be held responsible for the pay, allowances, or any other benefit normally provided to the detailee.

(e) REIMBURSEMENT.—Fellows may be detailed under subsection (a)(1) without reimbursement to the United States by the American Institute in Taiwan.

(f) ALLOWANCES AND BENEFITS.—Detailees may be paid by the American Institute in Taiwan for the allowances and benefits listed in subsection (c).

SEC. 1288. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the American Institute in Taiwan—

(1) for fiscal year 2023, $2,900,000, of which—

(A) $500,000 shall be used to launch the Taiwan Fellowship Program through a competitive cooperative agreement with an appropriate implementing partner;

(B) $2,300,000 shall be used to fund a cooperative agreement with an appropriate implementing partner; and

(C) $100,000 shall be used for management expenses of the American Institute in Taiwan related to the management of the Taiwan Fellowship Program; and

(2) for fiscal year 2024, and each succeeding fiscal year, $2,400,000, of which—

(A) $2,300,000 shall be used for a cooperative agreement to the appropriate implementing partner; and

(B) $100,000 shall be used for management expenses of the American Institute in Taiwan related to the management of the Taiwan Fellowship Program.

(b) PRIVATE SOURCES.—The implementing partner selected to implement the Taiwan Fellowship Program may accept, use, and dispose of gifts or donations of services or property in carrying out such program, subject to the review and approval of the American Institute in Taiwan.

SEC. 1289. STUDY AND REPORT.

Not later than one year prior to the sunset of the fellowship program under section 1285(f), the Comptroller General of the United States shall conduct a study and submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House a report that includes—

(1) an analysis of the United States Government participants in this program, including the number of applicants and the number of fellowships undertaken, the place of employment, and an assessment of the costs and benefits for participants and for the United States Government of such fellowships;

(2) an analysis of the financial impact of the fellowship on United States Government offices which have provided fellows to participate in the program; and

(3) recommendations, if any, on how to improve the fellowship program.

SEC. 1290. SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE PROGRAMS WITH TAIWAN.

(a) ESTABLISHMENT OF THE UNITED STATES-TAIWAN CULTURAL EXCHANGE FOUNDATION.—The Secretary of State should consider establishing an independent nonprofit entity that—

(1) is dedicated to deepening ties between the future leaders of Taiwan and the future leaders of the United States; and

(2) works with State and local school districts and educational institutions to send high school and university students to Taiwan to study the Chinese language, culture, history, politics, and other relevant subjects.

(b) PARTNER.—State and local school districts and educational institutions, including public universities, are encouraged to partner with the Taipei Economic and Cultural Representative Office in the United States to establish programs to promote more educational and cultural exchanges.

SA 5946. Mr. DURBIN (for himself, Mr. MURPHY, Mr. LEAHY, Mr. MERKLEY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. DISBURSEMENT OF FOREIGN MILITARY FINANCING FUNDS FOR EGYPT TO FOREIGN MILITARY SALES TRUST FUND.

Notwithstanding any other provision of law, funds appropriated pursuant to the Foreign Military Financing Program for assistance for Egypt for fiscal years 2022 and 2023 shall be disbursed to the Foreign Military Sales Trust Fund.

SA 5947. Mr. MURPHY (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. COMMISSION ON CIVILIAN HARM.

(a) ESTABLISHMENT.—There is hereby established a commission, to be known as the ''Commission on Civilian Harm'' (in this section referred to as the ''Commission'').

(b) RESPONSIBILITIES.—

(1) GENERAL RESPONSIBILITIES.—The Commission shall carry out a study of the following:

(A) Civilian harm resulting from, or incidental to, the use of force by the United States Armed Forces that occurred during the period of inquiry.

(B) The policies, procedures, rules, and regulations of the Department of Defense for the prevention of, mitigation of, and response to civilian harm that were in effect during the period of inquiry.

(2) PARTICULAR DUTIES.—In carrying out the general responsibilities of the Commission under paragraph (1), the Commission shall carry out the following:

(A) Conduct an investigation into the record of the United States with respect to civilian harm during the period of inquiry, including by investigating a representative sample of incidents of civilian harm that occurred where the United States used military force (including incidents confirmed by media and civil society organizations and dismissed by the Department of Defense) by conducting hearings, witness interviews, document and evidence review, and site visits, when practicable.

(B) Identify the recurring causes of civilian harm, as well as the factors contributing to civilian harm, resulting from the use of force by United States Armed Forces during the period of inquiry and assess whether such causes and factors could be addressed and, if so, whether they were resolved.

(C) Assess the extent to which the United States Armed Forces have implemented the recommendations of Congress, the Department of Defense, other Government agencies, or civil society organizations, or the recommendations contained in studies sponsored or commissioned by the United States Government, with respect to the protection of civilians and efforts to minimize, investigate, and respond to civilian harm resulting from, or incidental to, United States military operations.

(D) Assess the responsiveness of the Department of Defense to incidents of civilian harm and the practices for responding to such incidents, including—

(i) assessments;

(ii) investigations;

(iii) acknowledgment; and

(iv) the provision of compensation payments, including the use of congressionally authorized ex gratia payments, assistance, and other responses.

(E) Assess the extent to which the United States Armed Forces comply with the rules, procedures, policies, memoranda, directives, and doctrine of the Department of Defense for preventing, mitigating, and responding to civilian harm.

(F) Assess the extent to which the policies, protocols, procedures, and practices of the Department of Defense for preventing, mitigating, and responding to civilian harm comply with applicable international humanitarian law, applicable international human rights law, and United States law, including the Uniform Code of Military Justice.

(G) Assess incidents of civilian harm that occurred, or allegedly occurred, during the period of inquiry, by—

(i) determining whether any such incidents were concealed, and if so by assessing the actions taken to conceal;

(ii) assessing the policies and procedures for whistle-blowers to report such incidents;

(iii) determining the extent of the responsiveness and effectiveness of Inspector General oversight, as applicable, regarding reports of incidents of civilian harm; and

(iv) assessing the accuracy of the United States Government public civilian casualty estimates.

(H) Assess the short-, medium-, and long-term consequences of incidents of civilian harm that occurred during the period of inquiry on—

(i) the affected communities, including humanitarian consequences;

(ii) the strategic interests of the United States; and

(iii) the foreign policy goals and objectives of the United States.

(I) Assess the extent to which the Department of Defense Instruction on Responding to Civilian Harm in Military Operations, as required by section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 134 note), addresses issues identified during the investigation of the Commission and what further measures are needed to address issues that the Commission identifies during its operations.

(J) Assess the extent to which United States diplomatic goals and objectives were affected by the incidents of civilian harm during the period of inquiry.

(c) AUTHORITIES.—

(1) SECURITY CLEARANCES.—The appropriate Federal departments or agencies shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances, to the extent possible, pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this section without the appropriate security clearances.

(2) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any portion thereof, may, for the purpose of carrying out this section—

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

(B) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission, or such portion thereof, may determine advisable.

(3) INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.—In the event that the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall notify the congressional defense committees and appropriate investigative authorities.

(4) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this section. Upon receipt of a request of the Commission for information or assistance, the Secretary of Defense shall furnish such information or assistance expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(d) COMPOSITION.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members who are civilian individuals not employed by the Federal Government.

(2) MEMBERSHIP.—The members shall be appointed as follows:

(A) The Majority Leader and the Minority Leader of the Senate shall each appoint one member.

(B) The Speaker of the House of Representatives and the Minority Leader shall each appoint one member.

(C) The Chair and the Ranking Member of the Committee on Armed Services of the Senate shall each appoint one member.

(D) The Chair and the Ranking Member of the Committee on Armed Services of the House of Representatives shall each appoint one member.

(E) The Chair and the Ranking Member of the Committee on Appropriations of the Senate shall each appoint one member.

(F) The Chair and Ranking Member of the Committee on Appropriations of the House of Representatives shall each appoint one member.

(3) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(4) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 90 days after the date of the enactment of this Act.

(5) NONGOVERNMENTAL APPOINTEES.—An individual appointed to serve as a member of the Commission may not be an officer or employee of the Federal Government or of any State or local government or a member of the United States Armed Forces serving on active duty.

(e) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission not later than 120 days after the date of the enactment of this Act.

(2) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members. Five members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(f) STAFFING.—

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

(2) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this section.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

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

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

(4) QUALIFICATIONS.—Commission personnel should have experience and expertise in areas including—

(A) international humanitarian law;

(B) human rights law;

(C) investigations;

(D) humanitarian response;

(E) United States military operations;

(F) national security policy;

(G) the languages, histories, and cultures of regions that have experienced civilian harm during the period of inquiry; and

(H) other such areas the members of the Commission determine necessary to carry out the responsibilities of the Commission under subsection (b).

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

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

(g) REPORTS.—

(1) INTERIM REPORT.—Not later than June 1, 2024, the Commission shall submit to the appropriate congressional committees an interim report on the study referred to in subsection (b)(1), including the results and findings of such study as of that date.

(2) OTHER REPORTS.—The Commission may, from time to time, submit to the appropriate congressional committees such other reports on such study as the Commission considers appropriate.

(3) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under subsection (d), the Commission shall submit to the appropriate congressional committees a final report on such study. The report shall include—

(A) the findings of the Commission; and

(B) recommendations based on the findings of the Commission to improve the prevention, mitigation, assessment, and investigation of incidents of civilian harm.

(4) PUBLIC AVAILABILITY.—The Commission shall make publicly available on an appropriate internet website an unclassified version of each report submitted by the Commission under this subsection and shall ensure that such versions are minimally redacted only for legitimately classified information.

(h) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs, the Committee on Oversight and Reform, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate.

(2) The term ''civilian harm'' means—

(A) the death or injury of a civilian; or

(B) destruction of civilian property.

(3) The term ''period of inquiry'' means the period beginning on the date of the enactment of the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) and ending on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023.

SA 5948. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON ALTERNATIVE APPROACHES TO MANNING SHIPS UNDERGOING REFUELING AND COMPLEX OVERHAUL.

(a) IN GENERAL.—Not later than February 1, 2023, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report addressing alternative approaches to manning ships undergoing refueling and complex overhaul.

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

(1) The number of first-term enlisted sailors who were assigned to the USS George Washington for more than two years of its most recent refueling and complex overhaul availability.

(2) The number of first-term enlisted sailors who were assigned to the USS George Washington for four or more years of its most recent refueling and complex overhaul availability.

(3) For first-term enlisted sailors who were assigned to the USS George Washington during its most recent refueling and complex overhaul availability and did not have the opportunity to practice their rating, the plans of the Navy for assigning and using those sailors if they reenlist.

(4) A description of actions that the Navy has taken or plans to take—

(A) to limit the duration of assignments of first-term enlisted sailors to ships undergoing refueling and complex overhaul; and

(B) to provide first-term enlisted sailors assigned to ships undergoing refueling and complex overhaul with opportunities, such as through temporary duty assignments, to learn and practice their rating.

(5) A feasibility analysis of an alternative policy to limit assignments of first-term enlisted sailors to ships undergoing refueling and complex overhaul to not more than two years by—

(A) splitting the term between two or more ships;

(B) implementing a series of temporary duty assignments; or

(C) other means.

(6) A discussion of any barriers to implementing an alternative policy that would limit the time of first-term enlisted sailors aboard ships undergoing refueling and complex overhaul, including statutory restrictions, budgetary resources, undermanning, end strength, training systems, and any other relevant barriers.

(7) A projected timeline and estimated costs and benefits of implementing an alternative policy that would limit the time of first-term enlisted sailors aboard ships undergoing refueling and complex overhaul.

SA 5949. Ms. KLOBUCHAR (for herself and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

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

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

SEC. 753. REPORT ON TREATMENT OF EATING DISORDERS BY HEALTH CARE PROVIDERS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Health Affairs, in collaboration with the Surgeon General for each military department, shall submit to the congressional defense committees a report on the treatment of eating disorders by health care providers of the Department of Defense.

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

(1) Education and training activities undertaken by health care providers of the Department of Defense.

(2) The use of generally accepted standards of care and screenings of members of the Armed Forces.

(3) Any barriers to implementing a standard, mandatory training for providers seeing patients suffering from eating disorders.

SA 5950. Mr. WARNER (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ____—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2023''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 2. DEFINITIONS.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given such term in such section.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the conduct of the intelligence and intelligence-related activities of the Federal Government.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the Federal Government are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2023 the sum of $650,000,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2023 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2023.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. MODIFICATION OF ADVISORY BOARD IN NATIONAL RECONNAISSANCE OFFICE.

Section 106A(d) of the National Security Act of 1947 (50 U.S.C. 3041a(d)) is amended—

(1) in paragraph (3)(A)(i), by inserting '', in consultation with the Director of National Intelligence and the Secretary of Defense,'' after ''Director''; and

(2) in paragraph (7), by striking ''the date that is 3 years after the date of the first meeting of the Board'' and inserting ''September 30, 2024''.

SEC. 302. PROHIBITION ON EMPLOYMENT WITH GOVERNMENTS OF CERTAIN COUNTRIES.

(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by inserting after section 304 the following:

''SEC. 305. PROHIBITION ON EMPLOYMENT WITH GOVERNMENTS OF CERTAIN COUNTRIES.

''(a) DEFINITIONS.—In this section:

''(1) COVERED EMPLOYEE.—The term 'covered employee', with respect to an employee occupying a position within an element of the intelligence community, means an officer or official of an element of the intelligence community, a contractor of such an element, a detailee to such an element, or a member of the Armed Forces assigned to such an element that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section.

''(2) FORMER COVERED EMPLOYEE.—The term 'former covered employee' means an individual who was a covered employee on or after the date of enactment of the Intelligence Authorization Act for Fiscal Year 2023 and is no longer a covered employee.

''(3) STATE SPONSOR OF TERRORISM.—The term 'state sponsor of terrorism' means a country the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to—

''(A) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A));

''(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

''(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

''(D) any other provision of law.

''(b) PROHIBITION ON EMPLOYMENT AND SERVICES.—No former covered employee may provide services relating to national security, intelligence, the military, or internal security to—

''(1) the government of a country that is a state sponsor of terrorism, the People's Republic of China, or the Russian Federation;

''(2) a person or entity that is directed and controlled by a government described in paragraph (1).

''(c) TRAINING AND WRITTEN NOTICE.—The head of each element of the intelligence community shall—

''(1) regularly provide to the covered employees of the element training on the prohibition in subsection (b); and

''(2) provide to each covered employee of the element before the covered employee becomes a former covered employee written notice of the prohibition in subsection (b).

''(d) LIMITATION ON ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—A former covered employee who knowingly and willfully violates subsection (b) shall not be considered eligible for access to classified information (as defined in the procedures established pursuant to section 801(a) of this Act (50 U.S.C. 3161(a))) by any element of the intelligence community.

''(e) CRIMINAL PENALTIES.—A former employee who knowingly and willfully violates subsection (b) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(f) APPLICATION.—Nothing in this section shall apply to—

''(1) a former covered employee who continues to provide services described in subsection (b) that the former covered employee first began to provide before the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023;

''(2) a former covered employee who, on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, provides services described in subsection (b) to a person or entity that is directed and controlled by a country that is a state sponsor of terrorism, the People's Republic of China, or the Russian Federation as a result of a merger, acquisition, or similar change of ownership that occurred after the date on which such former covered employee first began to provide such services;

''(3) a former covered employee who, on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, provides services described in subsection (b) to—

''(A) a government that was designated as a state sponsor of terrorism after the date on which such former covered employee first began to provide such services; or

''(B) a person or entity directed and controlled by a government described in subparagraph (A).''.

(b) ANNUAL REPORTS.—

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

(A) the congressional intelligence committees;

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

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

(2) IN GENERAL.—Not later than March 31 of each year through 2032, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on any violations of subsection (b) of section 305 of the National Security Act of 1947, as added by subsection (a) of this section, by former covered employees (as defined in subsection (a) of such section 305).

(c) CLERICAL AMENDMENT.—The table of contents immediately preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 304 the following new item:

''Sec. 305. Prohibition on employment with governments of certain countries.''.

SEC. 303. COUNTERINTELLIGENCE AND NATIONAL SECURITY PROTECTIONS FOR INTELLIGENCE COMMUNITY GRANT FUNDING.

(a) DISCLOSURE AS CONDITION FOR RECEIPT OF GRANT.—The head of an element of the intelligence community may not award a grant to a person or entity unless the person or entity has disclosed to the head of the element any material financial or material in-kind support received by the person or entity, during the 5-year period ending on the date of the person or entity's application for the grant.

(b) REVIEW OF GRANT APPLICANTS.—

(1) TRANSMITTAL OF DISCLOSURES.—Each head of an element of the intelligence community shall immediately transmit a copy of

each disclosure under subsection (a) to the Director of National Intelligence.

(2) PROCESS.—The Director, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall establish a process—

(A) to review the disclosures under subsection (a); and

(B) to take such actions as may be necessary to ensure that the applicants for grants awarded by elements of the intelligence community do not pose an unacceptable risk, including as a result of an applicant's material financial or material in-kind support from a person or entity having ownership or control, in whole or in part, by the government of the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Republic of Cuba, of—

(i) misappropriation of United States intellectual property, research and development, and innovation efforts; or

(ii) other threats from foreign governments and other entities.

(c) ANNUAL REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an annual report identifying the following for the one-year period covered by the report:

(1) The number of applications for grants received by each element of the intelligence community.

(2) The number of such applications that were reviewed for each element of the intelligence community, using the process established under subsection (b).

(3) The number of such applications that were denied and the reasons for such denials for each element of the intelligence community.

(d) APPLICABILITY.—Subsections (a) and (b) shall apply only with respect to grants awarded by an element of the intelligence community after the date of the enactment of this Act.

SEC. 304. EXTENSION OF CENTRAL INTELLIGENCE AGENCY LAW ENFORCEMENT JURISDICTION TO FACILITIES OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 15(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E);

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

''(D) within an installation owned, or contracted to be occupied for a period of one year or longer, by the Office of the Director of National Intelligence; and''; and

(D) in subparagraph (E), as redesignated by subparagraph (B), by inserting ''or (D)'' after ''in subparagraph (C)'';

(2) in paragraph (2), by striking ''or (D)'' and inserting ''or (E)''; and

(3) in paragraph (4), by striking ''in subparagraph (A) or (C)'' and inserting ''in subparagraph (A), (C), or (D)''.

(b) CONFORMING AMENDMENT.—Section 5(a)(4) of such Act (50 U.S.C. 3506(a)(4)) is amended by inserting ''and Office of the Director of National Intelligence'' after ''protection of Agency''.

SEC. 305. CLARIFICATION REGARDING PROTECTION OF CENTRAL INTELLIGENCE AGENCY FUNCTIONS.

Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3507) is amended by striking '', functions'' and inserting ''or functions of the Agency, or of the''.

SEC. 306. ESTABLISHMENT OF ADVISORY BOARD FOR NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) ESTABLISHMENT.—There is established in the National Geospatial-Intelligence Agency an advisory board (in this section referred to as the ''Board'').

(b) DUTIES.—The Board shall—

(1) study matters relating to the mission of the National Geospatial-Intelligence Agency, including with respect to integration of commercial capabilities, promoting innovation, advice on next generation tasking, collection, processing, exploitation, and dissemination capabilities, strengthening functional management, acquisition, and such other matters as the Director of the National Geospatial-Intelligence Agency considers appropriate; and

(2) advise and report directly to the Director with respect to such matters.

(c) MEMBERS.—

(1) NUMBER AND APPOINTMENT.—

(A) IN GENERAL.—The Board shall be composed of 6 members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the Agency.

(B) NOTIFICATION.—Not later than 30 days after the date on which the Director appoints a member to the Board, the Director shall notify the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) of such appointment.

(C) INITIAL APPOINTMENTS.—Not later than 180 days after the date of the enactment of this Act, the Director shall appoint the initial 6 members to the Board.

(2) TERMS.—Each member shall be appointed for a term of 3 years.

(3) VACANCY.—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.

(4) CHAIR.—The Board shall have a Chair, who shall be appointed by the Director from among the members.

(5) 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.

(6) EXECUTIVE SECRETARY.—The Director may appoint an executive secretary, who shall be an employee of the Agency, to support the Board.

(d) MEETINGS.—The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

(e) REPORTS.—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the activities and significant findings of the Board during the preceding year.

(f) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(g) TERMINATION.—The Board shall terminate on the date that is 3 years after the date of the first meeting of the Board.

SEC. 307. ANNUAL REPORTS ON STATUS OF RECOMMENDATIONS OF COMPTROLLER GENERAL OF THE UNITED STATES FOR THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) DEFINITION OF OPEN RECOMMENDATIONS.—In this section, the term ''open recommendations'' refers to recommendations of the Comptroller General of the United States that the Comptroller General has not yet designated as closed.

(b) ANNUAL LISTS BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than October 31, 2023, and each October 31 thereafter through 2025, the Comptroller General of the United States shall submit to the congressional intelligence committees and the Director of National Intelligence a list of all open recommendations made to the Director, disaggregated by report number and recommendation number.

(c) ANNUAL REPORTS BY DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 120 days after the date on which the Director receives a list under subsection (b), the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General a report on the actions taken by the Director and actions the Director intends to take, alone or in coordination with the heads of other Federal agencies, in response to each open recommendation identified in the list, including open recommendations the Director considers closed and recommendations the Director determines do not require further action, as well as the basis for that determination.

SEC. 308. TIMELY SUBMISSION OF BUDGET DOCUMENTS FROM INTELLIGENCE COMMUNITY.

Not later than 5 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105(a) of title 31, United States Code, the Director of National Intelligence shall submit to Congress the supporting information under such section for each element of the intelligence community for that fiscal year.

SEC. 309. COPYRIGHT PROTECTION FOR CIVILIAN FACULTY OF THE NATIONAL INTELLIGENCE UNIVERSITY.

Section 105 of title 17, United States Code, is amended—

(1) by redesignating the second subsection (c) as subsection (d);

(2) by striking subsection (c) and inserting the following:

''(c) USE BY FEDERAL GOVERNMENT.—

''(1) SECRETARY OF DEFENSE AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at a covered institution described in subparagraphs (A) through (L) of subsection (d)(2), the Secretary of Defense may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, worldwide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

''(2) DIRECTOR OF NATIONAL INTELLIGENCE AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at the covered institution described in subsection (d)(2)(M), the Director of National Intelligence may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.''; and

(3) in paragraph (2) of subsection (d), as so redesignated, by adding at the end the following:

''(M) National Intelligence University.''.

SEC. 310. EXPANSION OF REPORTING REQUIREMENTS RELATING TO AUTHORITY TO PAY PERSONNEL OF CENTRAL INTELLIGENCE AGENCY FOR CERTAIN INJURIES TO THE BRAIN.

Section 2(d)(1) of the Helping American Victims Afflicted by Neurological Attacks Act of 2021 (Public Law 117–46) is amended—

(1) in subparagraph (A), by inserting ''and not less frequently than once each year thereafter for 5 years'' after ''Not later than 365 days after the date of the enactment of this Act'';

(2) in subparagraph (B), by adding at the end the following:

''(iv) Detailed information about the number of covered employees, covered individuals, and covered dependents who reported experiencing vestibular, neurological, or related injuries, including those broadly termed 'anomalous health incidents'.

''(v) The number of individuals who have sought benefits under any provision of section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b).

''(vi) The number of covered employees, covered individuals, and covered dependents who are unable to perform all or part of their professional duties as a result of injuries described in clause (iv).

''(vii) An updated analytic assessment coordinated by the National Intelligence Council regarding the potential causes and perpetrators of anomalous health incidents, as well as any and all dissenting views within the intelligence community, which shall be included as appendices to the assessment.''; and

(3) in subparagraph (C), by striking ''The'' and inserting ''Each''.

SEC. 311. MODIFICATIONS TO FOREIGN MALIGN INFLUENCE RESPONSE CENTER.

(a) RENAMING.—

(1) IN GENERAL.—Section 119C of the National Security Act of 1947 (50 U.S.C. 3059) is amended—

(A) in the section heading, by striking ''**RESPONSE**''; and

(B) in subsection (a), by striking ''Response''.

(2) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of such Act is amended by striking the item relating to section 119C and inserting the following:

''Sec. 119C. Foreign Malign Influence Center.''.

(3) CONFORMING AMENDMENT.—Section 589E(d)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 2001 note prec.) is amended by striking ''Response''.

(4) REFERENCE.—Any reference in law, regulation, map, document, paper, or other record of the United States to the ''Foreign Malign Influence Response Center'' shall be deemed to be a reference to the Foreign Malign Influence Center.

(b) SUNSET.—Section 119C of such Act (50 U.S.C. 3059) is further amended—

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

(2) by inserting after subsection (d) the following:

''(f) SUNSET.—The authorities and requirements of this section shall terminate on December 31, 2027, and the Director of National Intelligence shall take such actions as may be necessary to conduct an orderly winddown of the activities of the Center before December 31, 2028.''.

(c) REPORT.—

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

(A) the congressional intelligence committees;

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

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

(2) IN GENERAL.—Not later than December 31, 2026, the Director of National Intelligence shall submit to the appropriate committees of Congress a report assessing the continued need for operating the Foreign Malign Influence Center.

SEC. 312. REQUIREMENT TO OFFER CYBER PROTECTION SUPPORT FOR PERSONNEL OF INTELLIGENCE COMMUNITY IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

(a) IN GENERAL.—Section 6308(b) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334d(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''may provide'' and inserting ''shall offer'';

(B) by inserting ''and shall provide such support to any such personnel who request'' before the period at the end; and

(2) in the subsection heading, by striking ''AUTHORITY'' and inserting ''REQUIREMENT''.

(b) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an implementation plan for providing the support described section 6308(b) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334d(b)), as amended by subsection (a), including a description of the training and resources needed to implement the support and the methodology for determining the personnel described in paragraph (2) of such section.

SEC. 313. MINIMUM CYBERSECURITY STANDARDS FOR NATIONAL SECURITY SYSTEMS OF INTELLIGENCE COMMUNITY.

(a) DEFINITION OF NATIONAL SECURITY SYSTEMS.—In this section, the term ''national security systems'' has the meaning given such term in section 3552(b) of title 44, United States Code, and includes systems described in paragraph (2) or (3) of section 3553(e) of such title.

(b) REQUIREMENT TO ESTABLISH CYBERSECURITY STANDARDS FOR NATIONAL SECURITY SYSTEMS.—The Director of National Intelligence shall, in coordination with the National Manager for National Security Systems, establish minimum cybersecurity requirements that shall apply to all national security systems operated by, on the behalf of, or under a law administered by the head of an element of the intelligence community.

(c) IMPLEMENTATION DEADLINE.—The requirements published pursuant to subsection (b) shall include appropriate deadlines by which all elements of the intelligence community that own or operate a national security system shall have fully implemented the requirements established under subsection (b) for all national security systems that it owns or operates.

(d) MAINTENANCE OF REQUIREMENTS.—Not less frequently than once every 2 years, the Director shall reevaluate and update the minimum cybersecurity requirements established under subsection (b).

(e) RESOURCES.—The head of each element of the intelligence community that owns or operates a national security system shall update plans of the element to prioritize resources in such a manner as to fully implement the requirements established in subsection (b) by the deadline established pursuant to subsection (c) for the next 10 fiscal years.

(f) EXEMPTIONS.—

(1) IN GENERAL.—A national security system of an element of the intelligence community may be exempted from the minimum cybersecurity standards established under subsection (b) in accordance with the process established under paragraph (2).

(2) PROCESS FOR EXEMPTION.—The Director shall establish and administer a process by which specific national security systems can be exempted under paragraph (1).

(g) ANNUAL REPORTS ON EXEMPTION REQUESTS.—

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

(A) the congressional intelligence committees;

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

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

(2) IN GENERAL.—Each year, the Director shall submit to the appropriate committees of Congress an annual report documenting all exemption requests received under subsection (f), the number of exemptions denied, and the justification for each exemption request that was approved.

SEC. 314. REVIEW AND REPORT ON INTELLIGENCE COMMUNITY ACTIVITIES UNDER EXECUTIVE ORDER 12333.

(a) REVIEW AND REPORT REQUIRED.—No later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review to ascertain the feasibility and advisability of compiling and making public information relating to activities of the intelligence community under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities); and

(2) submit to the congressional intelligence, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives committees a report on the findings of the Director with respect to the review conducted under paragraph (1).

(b) MATTERS ADDRESSED.—The report shall address the feasibility and advisability of making available to the public information relating to the following:

(1) Data on activities described in subsection (a)(1), including the following:

(A) The amount of United States person information collected pursuant to such activities.

(B) Queries of United States persons pursuant to such activities.

(C) Dissemination of United States person information pursuant to such activities, including masking and unmasking.

(D) The use of United States person information in criminal proceedings.

(2) Quantitative data and qualitative descriptions of incidents in which the intelligence community violated Executive Order 12333 and associated guidelines and procedures.

(c) CONSIDERATIONS.—In conducting the review under subsection (a)(1), the Director shall consider—

(1) the public transparency associated with the use by the intelligence community of the authorities provided under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including relevant data and compliance incidents; and

(2) the application of the transparency model developed in connection with such Act

to activities conducted under Executive Order 12333.

(d) DISAGGREGATION FOR PUBLIC RELEASE.—In conducting the review under subsection (a)(1), the Director shall address whether the relevant data and compliance incidents associated with the different intelligence community entities can be disaggregated for public release.

SEC. 315. ELEVATION OF THE COMMERCIAL AND BUSINESS OPERATIONS OFFICE OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

Beginning not later than 90 days after the date of the enactment of this Act, the head of the commercial and business operations office of the National Geospatial-Intelligence Agency shall report directly to the Director of the National Geospatial-Intelligence Agency.

SEC. 316. ASSESSING INTELLIGENCE COMMUNITY OPEN-SOURCE SUPPORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT SCREENING.

(a) PILOT PROGRAM TO ASSESS OPEN SOURCE SUPPORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT SCREENING.—

(1) PILOT PROGRAM AUTHORIZED.—The Director of National Intelligence shall carry out a pilot program to assess the feasibility and advisability of providing intelligence derived from open source, publicly and commercially available information—

(A) to the Department of Commerce to support the export control and investment screening functions of the Department; and

(B) to the Department of Homeland Security to support the export control functions of the Department.

(2) AUTHORITY.—In carrying out the pilot program required by paragraph (1), the Director—

(A) shall establish a process for the provision of information as described in such paragraph; and

(B) may—

(i) acquire and prepare data, consistent with applicable provisions of law and Executive orders;

(ii) modernize analytic systems, including through the acquisition, development, or application of automated tools; and

(iii) establish standards and policies regarding the acquisition, treatment, and sharing of open source, publicly and commercially available information.

(3) DURATION.—The pilot program required by paragraph (1) shall be carried out during a 3-year period.

(b) PLAN AND REPORT REQUIRED.—

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

(A) the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(2) PLAN.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director shall, in coordination with the Secretary of Commerce and the Secretary of Homeland Security, submit to the appropriate committees of Congress a plan to carry out the pilot program required by subsection (a)(1).

(B) CONTENTS.—The plan submitted under subparagraph (A) shall include the following:

(i) A list, developed in consultation with the Secretary of Commerce and the Secretary of Homeland Security, of the activities of the Department of Commerce and the Department of Homeland Security that will be supported by the pilot program.

(ii) A plan for measuring the effectiveness of the pilot program and the value of open source, publicly and commercially available information to the export control and investment screening missions.

(3) REPORT.—

(A) IN GENERAL.—Not later than 540 days after the date on which the Director submits the plan under paragraph (2)(A), the Director shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the pilot program.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(i) An assessment of the feasibility and advisability of providing information as described in subsection (a)(1).

(ii) An assessment of the value of open source, publicly and commercially available information to the export control and investment screening missions, using the measures of effectiveness under paragraph (2)(B)(ii).

(iii) Identification of opportunities for and barriers to more effective use of open source, publicly and commercially available information by the intelligence community.

SEC. 317. ANNUAL TRAINING REQUIREMENT AND REPORT REGARDING ANALYTIC STANDARDS.

(a) POLICY FOR TRAINING PROGRAM REQUIRED.—Consistent with sections 1019 and 1020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3364 and 3364 note), the Director of National Intelligence shall issue a policy that requires each head of an element of the intelligence community, that has not already done so, to create, before the date that is 180 days after the date of the enactment of this Act, an annual training program on the standards set forth in Intelligence Community Directive 203, Analytic Standards (or successor directive).

(b) CONDUCT OF TRAINING.—Training required pursuant to the policy required by subsection (a) may be conducted in conjunction with other required annual training programs conducted by the element of the intelligence community concerned.

(c) CERTIFICATION OF COMPLETION OF TRAINING.—Each year, each head of an element of the intelligence community shall submit to the congressional intelligence committees a certification as to whether all of the analysts of that element have completed the training required pursuant to the policy required by subsection (a) and if the analysts have not, an explanation of why the training has not been completed.

(d) REPORTS.—

(1) ANNUAL REPORT.—In conjunction with each briefing provided under section 1019(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3364(c)), the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the number and themes of compliance incidents reported to intelligence community analytic ombudspersons relating to the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive.

(2) REPORT ON PERFORMANCE EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the head of analysis at each element of the intelligence community that conducts all-source analysis shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report describing how compliance with the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive, is considered in the performance evaluations and consideration for merit pay, bonuses, promotions, and any other personnel actions for analysts within the element.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Director from providing training described in this section as a service of common concern.

(f) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SEC. 318. HISTORICAL ADVISORY PANEL OF THE CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 29. HISTORICAL ADVISORY PANEL.

''(a) DEFINITIONS.—In this section, the terms 'congressional intelligence committees' and 'intelligence community' have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(b) ESTABLISHMENT.—There is established within the Agency an advisory panel to be known as the 'Historical Advisory Panel' (in this section referred to as the 'panel').

''(c) MEMBERSHIP.—

''(1) COMPOSITION.—

''(A) IN GENERAL.—The panel shall be composed of up to 7 members appointed by the Director from among individuals recognized as scholarly authorities in history, international relations, or related fields.

''(B) INITIAL APPOINTMENTS.—Not later than 180 days after the date of the enactment of this section, the Director shall appoint the initial members of the panel.

''(2) CHAIRPERSON.—The Director shall designate a Chairperson of the panel from among the members of the panel.

''(d) SECURITY CLEARANCES AND ACCESSES.—The Director shall sponsor appropriate security clearances and accesses for all members of the panel.

''(e) TERMS OF SERVICE.—

''(1) IN GENERAL.—Each member of the panel shall be appointed for a term of 3 years.

''(2) RENEWAL.—The Director may renew the appointment of a member of the panel for not more than 2 subsequent terms.

''(f) DUTIES.—The panel shall advise the Agency on—

''(1) topics for research and publication within the Agency;

''(2) topics for discretionary declassification reviews;

''(3) declassification of specific records or types of records;

''(4) determinations regarding topics and records whose continued classification is outweighed by the public benefit of disclosure;

''(5) technological tools to modernize the classification and declassification processes to improve the efficiency and effectiveness of those processes; and

''(6) other matters as the Director may assign.

''(g) REPORTS.—Not less than once each year, the panel shall submit to the Director and the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the activities of the panel.

''(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

''(i) SUNSET.—The provisions of this section shall expire 7 years after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, unless reauthorized by statute.''.

TITLE IV—INTELLIGENCE MATTERS RELATING TO THE PEOPLE'S REPUBLIC OF CHINA

SEC. 401. REPORT ON WEALTH AND CORRUPT ACTIVITIES OF THE LEADERSHIP OF THE CHINESE COMMUNIST PARTY.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall make available to the public an unclassified report on the wealth and corrupt activities of the leadership of the Chinese Communist Party, including the General Secretary of the Chinese Communist Party and senior leadership officials in the Central Committee, the Politburo, the Politburo Standing Committee, and any other regional Party Secretaries.

(b) ANNUAL UPDATES.—Not later than 2 years after the date of the enactment of this Act and not less frequently than once each year thereafter until the date that is 6 years after the date of the enactment of this Act, the Director shall update the report published under subsection (a).

SEC. 402. IDENTIFICATION AND THREAT ASSESSMENT OF COMPANIES WITH INVESTMENTS BY THE PEOPLE'S REPUBLIC OF CHINA.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall provide to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the risk to national security of the use of—

(1) telecommunications companies with substantial investment by the People's Republic of China operating in the United States or providing services to affiliates and personnel of the intelligence community; and

(2) hospitality and conveyance companies with substantial investment by the People's Republic of China by affiliates and personnel of the intelligence community for travel on behalf of the United States Government.

SEC. 403. INTELLIGENCE COMMUNITY WORKING GROUP FOR MONITORING THE ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall establish a cross-intelligence community analytical working group (in this section referred to as the ''working group'') on the economic and technological capabilities of the People's Republic of China.

(b) MONITORING AND ANALYSIS.—The working group shall monitor and analyze—

(1) the economic and technological capabilities of the People's Republic of China;

(2) the extent to which those capabilities rely on exports, investments in companies, or services from the United States and other foreign countries;

(3) the links of those capabilities to the military-industrial complex of the People's Republic of China; and

(4) the threats those capabilities pose to the national and economic security and values of the United States.

(c) ANNUAL ASSESSMENT.—

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

(A) the congressional intelligence committees;

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

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

(2) IN GENERAL.—Not less frequently than once each year, the working group shall submit to the appropriate committees of Congress an assessment of the economic and technological strategy, efforts, and progress of the People's Republic of China to become the dominant military, technological, and economic power in the world and undermine the rules-based world order.

(3) ELEMENTS.—Each assessment required by paragraph (2) shall include the following:

(A) An unclassified overview of the major goals, strategies, and policies of the People's Republic of China to control, shape, or develop self-sufficiency in key technologies and control related supply chains and ecosystems, including—

(i) efforts to acquire United States and other foreign technology and recruit foreign talent in technology sectors of the People's Republic of China, including the extent to which those efforts relate to the military-industrial complex of the People's Republic of China;

(ii) efforts related to incentivizing offshoring of United States and foreign manufacturing to China, influencing global supply chains, and creating supply chain vulnerabilities for the United States, including China's investments or potential investments in foreign countries to create monopolies in the processing and exporting of rare earth and other critical materials necessary for renewable energy, including cobalt, lithium, and nickel;

(iii) related tools and market access restrictions or distortions imposed by the People's Republic of China on foreign firms and laws and regulations of the People's Republic of China that discriminate against United States and other foreign firms; and

(iv) efforts of the People's Republic of China to attract investment from the United States and other foreign investors to build self-sufficient capabilities and the type of capital flows from the United States to China, including information on documentation of the lifecycle of investments, from the specific actions taken by the Government of the People's Republic of China to attract the investments to the outcome of such efforts for entities and persons of the People's Republic of China.

(B) An unclassified assessment of the progress of the People's Republic of China to achieve its goals, disaggregated by economic sector.

(C) An unclassified assessment of the impact of the transfer of capital, technology, data, talent, and technical expertise from the United States to China on the economic, technological, and military capabilities of the People's Republic of China.

(D) An unclassified list of the top 200 businesses, academic and research institutions, or other entities of the People's Republic of China that are—

(i) designated by Chinese securities issuing and trading entities or other sources as supporting the military-industrial complex of the People's Republic of China;

(ii) developing, producing, or exporting technologies of strategic importance to the People's Republic of China or supporting entities of the People's Republic of China that are subject to sanctions imposed by the United States;

(iii) supporting the military-civil fusion program of the People's Republic of China; or

(iv) otherwise supporting the goals and efforts of the Chinese Communist Party and Chinese government entities, including the Ministry of State Security, the Ministry of Public Security, and the People's Liberation Army.

(E) An unclassified list of the top 100 development, infrastructure, or other strategic projects that the People's Republic of China is financing abroad that—

(i) advance the technology goals and strategies of the Chinese Communist Party; or

(ii) evade financial sanctions, export controls, or import restrictions imposed by the United States.

(F) An unclassified list of the top 100 businesses, research institutions, or other entities of the People's Republic of China that are developing surveillance, smart cities, or related technologies that are—

(i) exported to other countries, undermining democracy worldwide; or

(ii) provided to the security services of the People's Republic of China, enabling them to commit severe human rights abuses in China.

(G) An unclassified list of the top 100 businesses or other entities of the People's Republic of China that are—

(i) operating in the genocide zone in Xinjiang; or

(ii) supporting the Xinjiang Public Security Bureau, the Xinjiang Bureau of the Ministry of State Security, the People's Armed Police, or the Xinjiang Production and Construction Corps.

(H) A list of investment funds, public companies, or private or early-stage firms of the People's Republic of China that have received more than $100,000,000 in capital flows from the United States during the 10-year period preceding the date on which the assessment is submitted.

(4) PREPARATION OF ASSESSMENTS.—In preparing each assessment required by paragraph (2), the working group shall use open source documents in Chinese language and commercial databases.

(5) FORMAT.—An assessment required by paragraph (2) may be submitted in the format of a National Intelligence Estimate.

(6) FORM.—Each assessment required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(7) PUBLICATION.—The unclassified portion of each assessment required by paragraph (2) shall be published on the publicly accessible website of the Director of National Intelligence.

(d) BRIEFINGS TO CONGRESS.—Not less frequently than quarterly, the working group shall provide to Congress a classified briefing on the economic and technological goals, strategies, and progress of the People's Republic of China, especially on the information that cannot be disclosed in the unclassified portion of an assessment required by subsection (c)(2).

(e) CLASSIFIED ANALYSES.—Each classified annex to an assessment required by subsection (c)(2) or corresponding briefing provided under subsection (d) shall include an analysis of—

(1) the vulnerabilities of the People's Republic of China, disaggregated by economic sector, industry, and entity; and

(2) the technological or supply chain chokepoints of the People's Republic of China that provide leverage to the United States.

(f) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SEC. 404. ANNUAL REPORT ON CONCENTRATED REEDUCATION CAMPS IN THE XINJIANG UYGHUR AUTONOMOUS REGION OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(2) COVERED CAMP.—The term ''covered camp'' means a detention camp, prison, forced labor camp, or forced labor factory located in the Xinjiang Uyghur Autonomous Region of the People's Republic of China, referred to by the Government of the People's Republic of China as ''concentrated reeducation camps'' or ''vocational training centers''.

(b) ANNUAL REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on the status of covered camps.

(c) ELEMENTS.—Each report required by subsection (b) shall include the following:

(1) An identification of the number and geographic location of covered camps and an estimate of the number of victims detained in covered camps.

(2) A description of—

(A) the types of personnel and equipment in covered camps;

(B) the funding received by covered camps from the Government of the People's Republic of China; and

(C) the role of the security services of the People's Republic of China and the Xinjiang Production and Construction Corps in enforcing atrocities at covered camps.

(3) A comprehensive list of—

(A) the entities of the Xinjiang Production and Construction Corps, including subsidiaries and affiliated businesses, with respect to which sanctions have been imposed by the United States;

(B) commercial activities of those entities outside of the People's Republic of China; and

(C) other Chinese businesses, including in the artificial intelligence, biotechnology, and surveillance technology sectors, that are involved with the atrocities in Xinjiang or supporting the policies of the People's Republic of China in the region.

(d) FORM.—Each report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(e) PUBLICATION.—The unclassified portion of each report required by subsection (b) shall be published on the publicly accessible website of the Office of the Director of National Intelligence.

SEC. 405. ASSESSMENTS OF PRODUCTION OF SEMICONDUCTORS BY THE PEOPLE'S REPUBLIC OF CHINA.

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

(1) the congressional intelligence committees;

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

(3) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of progress by the People's Republic of China in global competitiveness in the production of semiconductors by Chinese firms.

(c) ELEMENTS.—Each assessment submitted under subsection (b) shall include the following:

(1) The progress of the People's Republic of China toward self-sufficiency in the supply of semiconductors for globally competitive Chinese firms, including those firms competing in the fields of artificial intelligence, cloud computing, autonomous vehicles, next-generation and renewable energy, and high-performance computing.

(2) Activity of Chinese firms with respect to the procurement of semiconductor manufacturing equipment necessary for the production of microelectronics below the 20 nanometer process node, including any identified export diversion to evade export controls.

(3) A comprehensive summary of unilateral and multilateral export controls that Chinese semiconductor manufacturers have been subject to in the year preceding the date on which the assessment is submitted, as well as a description of the status of export licenses issued by any export control authority during that time period.

(4) Any observed stockpiling efforts by Chinese firms with respect to semiconductor manufacturing equipment, substrate materials, silicon wafers, or other necessary inputs for semiconductor production.

(5) An analysis of the relative market share of different Chinese semiconductor manufacturers at different process nodes and the estimated increase or decrease of market share by that manufacturer in each product category during the preceding year.

(6) A comprehensive summary of recruitment activity of the People's Republic of China targeting semiconductor manufacturing engineers and managers from non-Chinese firms.

(7) An analysis of the capability of the workforce of the People's Republic of China to design, produce, and manufacture microelectronics below the 20 nanometer process node and relevant equipment.

(d) FORM OF ASSESSMENTS.—Each assessment submitted under subsection (b) shall be submitted in unclassified form and include a classified annex.

TITLE V—PERSONNEL AND SECURITY CLEARANCE MATTERS

SEC. 501. IMPROVING ONBOARDING OF PERSONNEL IN INTELLIGENCE COMMUNITY.

(a) METHODOLOGY.—The Director of National Intelligence shall establish a methodology appropriate for all elements of the intelligence community that can be used to measure, consistently and reliably, the time it takes to onboard personnel, from time of application to beginning performance of duties.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the time it takes to onboard personnel in the intelligence community.

(2) ELEMENTS.—The report submitted under paragraph (1) shall cover the mean and median time it takes to onboard personnel in the intelligence community, disaggregated by mode of onboarding and element of the intelligence community.

(c) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a plan to reduce the time it takes to onboard personnel in the intelligence community, for elements of the intelligence community that have median onboarding times that exceed 180 days.

(2) ELEMENTS.—The plan submitted under paragraph (1) shall include milestones to achieve certain specific goals with respect to the mean, median, and mode time it takes to onboard personnel in the elements of the intelligence community described in such paragraph, disaggregated by element of the intelligence community.

SEC. 502. IMPROVING ONBOARDING AT THE CENTRAL INTELLIGENCE AGENCY.

(a) DEFINITION OF ONBOARD PERIOD.—In this section, the term ''onboard period'' means the period beginning on the date on which an individual submits an application for employment with the Central Intelligence Agency and the date on which the individual is formally offered one or more entrance on duty dates.

(b) IN GENERAL.—The Director of the Central Intelligence Agency shall take such actions as the Director considers appropriate and necessary to ensure that, by December 31, 2023, the median duration of the onboard period for new employees at the Central Intelligence Agency is equal to or less than 180 days.

SEC. 503. REPORT ON LEGISLATIVE ACTION REQUIRED TO IMPLEMENT TRUSTED WORKFORCE 2.0 INITIATIVE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall, in the Deputy Director's capacity as the Chair of the Security, Suitability, and Credentialing Performance Accountability Council pursuant to section 2.4 of Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information), submit to Congress a report on the legislative action required to implement the Trusted Workforce 2.0 initiative.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) Specification of the statutes that require amendment in order to implement the initiative described in subsection (a).

(2) For each statute specified under paragraph (1), an indication of the priority for enactment of an amendment.

(3) For each statute specified under paragraph (1), a description of the consequences if the statute is not amended.

SEC. 504. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF ADMINISTRATION OF POLYGRAPHS IN INTELLIGENCE COMMUNITY.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall conduct an assessment of the administration of polygraph evaluations that are needed in the intelligence community to meet current annual mission demand.

(b) ELEMENTS.—The assessment completed under subsection (a) shall include the following:

(1) Identification of the number of polygraphers currently available at each element of the intelligence community to meet the demand described in subsection (a).

(2) If the demand described in subsection (a) cannot be met, an identification of the number of polygraphers that would need to be hired and certified to meet it.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall brief the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives on the preliminary findings of the Comptroller General with respect to the assessment conducted pursuant to subsection (a).

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the committees described in subsection (c) a report on the findings of the Comptroller General with respect to the assessment conducted pursuant to subsection (a).

SEC. 505. TIMELINESS IN THE ADMINISTRATION OF POLYGRAPHS.

(a) STANDARDS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in the Director's capacity as the Security Executive Agent pursuant to section 803(a) of the National Security Act of 1947 (50 U.S.C. 3162a(a)), issue standards for timeliness for Federal agencies to administer polygraphs conducted for the purpose of—

(A) adjudicating decisions regarding eligibility for access to classified information (as defined in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a))); and

(B) granting reciprocity pursuant to Security Executive Agent Directive 2, or successor directive.

(2) PUBLICATION.—The Director shall publish the standards issued under paragraph (1) in the Federal Register or such other venue as the Director considers appropriate.

(b) IMPLEMENTATION PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress an implementation plan for Federal agencies to comply with the standards issued under subsection (a). Such plan shall specify the resources required by Federal agencies to comply with such standards.

SEC. 506. POLICY ON SUBMITTAL OF APPLICATIONS FOR ACCESS TO CLASSIFIED INFORMATION FOR CERTAIN PERSONNEL.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in the Director's capacity as the Security Executive Agent pursuant to section 803(a) of the National Security Act of 1947 (50 U.S.C. 3162a(a)), issue a policy that allows a private person to submit a certain number or proportion of applications, on a nonreimbursable basis, for employee access to classified information for personnel who perform key management and oversight functions who may not merit an application due to their work under any one contract.

SEC. 507. TECHNICAL CORRECTION REGARDING FEDERAL POLICY ON SHARING OF COVERED INSIDER THREAT INFORMATION.

Section 806(b) of the Intelligence Authorization Act for Fiscal Year 2022 (Public Law 117–103) is amended by striking ''contracting agency'' and inserting ''contractor that employs the contractor employee''.

SEC. 508. ESTABLISHING PROCESS PARITY FOR ADVERSE SECURITY CLEARANCE AND ACCESS DETERMINATIONS.

Subparagraph (C) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) is amended to read as follows:

''(C) CONTRIBUTING FACTOR.—

''(i) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated that a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

''(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that—

''(I) the official making the determination knew of the disclosure; and

''(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.

''(iii) DEFENSE.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall not find that paragraph (1) was violated if, after a finding that a disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have made the same security clearance or access determination in the absence of such disclosure.''.

SEC. 509. ELIMINATION OF CAP ON COMPENSATORY DAMAGES FOR RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.

Section 3001(j)(4)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)(B)) is amended, in the second sentence, by striking ''not to exceed $300,000''.

SEC. 510. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON USE OF GOVERNMENT AND INDUSTRY SPACE CERTIFIED AS SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the average annual utilization of Federal Government and industry space certified as a sensitive compartmented information facility under intelligence community or Department of Defense policy.

TITLE VI—INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

SEC. 601. SUBMITTAL OF COMPLAINTS AND INFORMATION BY WHISTLEBLOWERS IN THE INTELLIGENCE COMMUNITY TO CONGRESS.

(a) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) by redesignating subsection (h) as subsection (i); and

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

''(h) APPOINTMENT OF SECURITY OFFICERS.—Each Inspector General under this section, including the designees of the Inspector General of the Department of Defense pursuant to subsection (a)(3), shall appoint within their offices security officers to provide, on a permanent basis, confidential, security-related guidance and direction to an employee of their respective establishment, an employee assigned or detailed to such establishment, or an employee of a contractor of such establishment who intends to report to Congress a complaint or information, so that such employee can obtain direction on how to report to Congress in accordance with appropriate security practices.''.

(2) PROCEDURES.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the intelligence committees'';

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

''(2)(A) Except as provided in subparagraph (B), the employee may contact an intelligence committee or another committee of jurisdiction directly as described in paragraph (1) of this subsection or in subsection (a)(4) only if the employee—

''(i) before making such a contact, furnishes to the head of the establishment, through the Inspector General (or designee), a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(ii)(I) obtains and follows from the head of the establishment, through the Inspector General (or designee), procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(II) obtains and follows such procedural direction from the applicable security officer appointed under subsection (h).

''(B) If an employee seeks procedural direction under subparagraph (A)(ii) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subparagraph.''; and

(C) by redesignating paragraph (3) as paragraph (4); and

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

''(3) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subsection (a) of such section is amended by adding at the end the following:

''(4) Subject to paragraphs (2) and (3) of subsection (d), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(A) in lieu of reporting such complaint or information under paragraph (1); or

''(B) in addition to reporting such complaint or information under paragraph (1).''.

(b) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 103H(j) of the National Security Act of 1947 (50 U.S.C. 3033(j)) is amended by adding at the end the following:

''(5) The Inspector General shall appoint within the Office of the Inspector General security officers as required by subsection (h)

of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(2) PROCEDURES.—Subparagraph (D) of section 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5)) is amended—

(A) in clause (i), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the congressional intelligence committees'';

(B) by amending clause (ii) to read as follows:

''(ii)(I) Except as provided in subclause (II), an employee may contact a congressional intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

''(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(bb)(AA) obtains and follows from the Director, through the Inspector General, procedural direction on how to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

''(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact a congressional intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.'';

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

''(iii) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting ''(i)'' before ''An employee of''; and

(B) by adding at the end the following:

''(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(I) in lieu of reporting such complaint or information under clause (i); or

''(II) in addition to reporting such complaint or information under clause (i).''.

(c) AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) is amended by adding at the end the following:

''(I) The Inspector General shall appoint within the Office of the Inspector General security officers as required by subsection (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(2) PROCEDURES.—Subparagraph (D) of such section is amended—

(A) in clause (i), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the intelligence committees'';

(B) by amending clause (ii) to read as follows:

''(ii)(I) Except as provided in subclause (II), an employee may contact an intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

''(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(bb)(AA) obtains and follows from the Director, through the Inspector General, procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

''(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.'';

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

''(iii) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting ''(i)'' before ''An employee of''; and

(B) by adding at the end the following:

''(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(I) in lieu of reporting such complaint or information under clause (i); or

''(II) in addition to reporting such complaint or information under clause (i).''.

(d) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section shall be construed to revoke or diminish any right of an individual provided by section 2303 of title 5, United States Code.

SEC. 602. MODIFICATION OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES IN INTELLIGENCE COMMUNITY.

Section 1104(c)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3234(c)(1)(A)) is amended by inserting ''a supervisor of the employing agency with responsibility for the subject matter of the disclosure,'' after ''chain of command,''.

SEC. 603. PROHIBITION AGAINST DISCLOSURE OF WHISTLEBLOWER IDENTITY AS REPRISAL AGAINST WHISTLEBLOWER DISCLOSURE BY EMPLOYEES AND CONTRACTORS IN INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (a)(3) of such section—

(A) in subparagraph (I), by striking ''; or'' and inserting a semicolon;

(B) by redesignating subparagraph (J) as subparagraph (K); and

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

''(J) a knowing and willful disclosure revealing the identity or other personally identifiable information of an employee or contractor employee; or'';

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

''(f) PERSONNEL ACTIONS INVOLVING DISCLOSURES OF WHISTLEBLOWER IDENTITY.—A personnel action described in subsection (a)(3)(J) shall not be considered in violation of subsection (b) or (c) under the following circumstances:

''(1) The personnel action was taken with the express consent of the employee or contractor employee.

''(2) An Inspector General with oversight responsibility for a covered intelligence community element determines that—

''(A) the personnel action was unavoidable under section 103H(g)(3)(A) of this Act (50 U.S.C. 3033(g)(3)(A)), section 17(e)(3)(A) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(3)(A)), section 7(b) of the Inspector General Act of 1978 (5 U.S.C. App.), or section 8M(b)(2)(B) of the Inspector General Act of 1978 (5 U.S.C. App.);

''(B) the personnel action was made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; or

''(C) the personnel action was required by statute or an order from a court of competent jurisdiction.''.

(b) APPLICABILITY TO DETAILEES.—Subsection (a) of section 1104 of such Act (50 U.S.C. 3234) is amended by adding at the end the following:

''(5) EMPLOYEE.—The term 'employee', with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element.''.

SEC. 604. DEFINITIONS REGARDING WHISTLEBLOWER COMPLAINTS AND INFORMATION OF URGENT CONCERN RECEIVED BY INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) NATIONAL SECURITY ACT OF 1947.—Section 103H(k)(5)(G)(i)(I) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)(G)(i)(I)) is amended by striking ''within the'' and all that follows through ''policy matters.'' and inserting the following: ''of the Federal Government that is—

''(aa) a matter of national security; and

''(bb) not a difference of opinion concerning public policy matters.''.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H(h)(1)(A)(i) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''involving'' and all that follows through ''policy matters.'' and inserting the following: ''of the Federal Government that is—

''(I) a matter of national security; and

''(II) not a difference of opinion concerning public policy matters.''.

(c) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 17(d)(5)(G)(i)(I)(aa) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)(G)(i)(I)(aa)) is amended by striking ''involving'' and all that follows through ''policy matters.'' and inserting the following: ''of the Federal Government that is—

''(AA) a matter of national security; and

''(BB) not a difference of opinion concerning public policy matters.''.

TITLE VII—OTHER MATTERS

SEC. 701. IMPROVEMENTS RELATING TO CONTINUITY OF PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD MEMBERSHIP.

Paragraph (4) of section 1061(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(h)) is amended to read as follows:

''(4) TERM.—

''(A) COMMENCEMENT.—Each member of the Board shall serve a term of 6 years, commencing on the date of the appointment of the member to the Board.

''(B) REAPPOINTMENT.—A member may be reappointed to one or more additional terms.

''(C) VACANCY.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

''(D) EXTENSION.—Upon the expiration of the term of office of a member, the member may continue to serve, at the election of the member—

''(i) during the period preceding the reappointment of the member pursuant to subparagraph (B); or

''(ii) until the member's successor has been appointed and qualified.''.

SEC. 702. MODIFICATION OF REQUIREMENT FOR OFFICE TO ADDRESS UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.

(a) IN GENERAL.—Section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373) is amended to read as follows:

''SEC. 1683. ESTABLISHMENT OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA JOINT PROGRAM OFFICE.

''(a) ESTABLISHMENT OF OFFICE.—

''(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, the Secretary of Defense, in coordination with the Director of National Intelligence, shall establish an office within a component of the Office of the Secretary of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to carry out the duties of the Unidentified Aerial Phenomena Task Force, as in effect on December 26, 2021, and such other duties as are required by this section, including those pertaining to—

''(A) transmedium objects or devices and unidentified aerospace-undersea phenomena;

''(B) space, atmospheric, and water domains; and

''(C) currently unknown technology and other domains.

''(2) DESIGNATION.—The office established under paragraph (1) shall be known as the 'Unidentified Aerospace-Undersea Phenomena Joint Program Office' (in this section referred to as the 'Office').

''(b) DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE.—

''(1) APPOINTMENT OF DIRECTOR.—The head of the Office shall be the Director of the Unidentified Aerospace-Undersea Phenomena Joint Program Office (in this section referred to as the 'Director of the Office'), who shall be appointed by the Secretary of Defense.

''(2) APPOINTMENT OF DEPUTY DIRECTOR.—There shall be in the Office a Deputy Director of the Unidentified Aerospace-Undersea Phenomena Joint Program Office (in this section referred to as the 'Deputy Director of the Office'), who shall be appointed by the Director of National Intelligence.

''(3) REPORTING.—(A) The Director of the Office shall report to the Secretary of Defense.

''(B) The Deputy Director of the Office shall report—

''(i) to the Secretary of Defense and the Director of National Intelligence on all administrative matters of the Office; and

''(ii) to the Secretary of Defense on all operational matters of the Office.

''(c) DUTIES.—The duties of the Office shall include the following:

''(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified aerospace-undersea phenomena across the Department of Defense and the intelligence community, in consultation with the Director of National Intelligence, and submitting a report on such procedures to the congressional defense committees, the congressional intelligence committees, and congressional leadership.

''(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 aerospace-undersea phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

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

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

''(7) Coordinating with allies and partners of the United States, as appropriate, to better assess the nature and extent of unidentified aerospace-undersea phenomena.

''(8) Preparing reports for Congress, in both classified and unclassified form, including under subsection (j).

''(9) Ensuring that appropriate elements of the intelligence community receive all reports received by the Office regarding a temporary nonattributed object or an object that is positively identified as man-made, including by creating a procedure to ensure that the Office refers such reports to an appropriate element of the intelligence community for distribution among other relevant elements of the intelligence community, in addition to the reports in the repository described in paragraph (2).

''(d) RESPONSE TO AND FIELD INVESTIGATIONS OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.—

''(1) DESIGNATION.—The Secretary, in coordination with the Director of National Intelligence, shall designate one or more 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 aerospace-undersea phenomena under the direction of the Director of the Office.

''(2) ABILITY TO RESPOND.—The Secretary, in coordination with the Director of National Intelligence, shall ensure that each line organization designated under paragraph (1) has adequate personnel with the requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations involving unidentified aerospace-undersea phenomena of which the Office becomes aware.

''(e) SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.—

''(1) DESIGNATION.—The Secretary, in coordination with the Director of National Intelligence, 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 pursuant to subsection (d) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified aerospace-undersea phenomena.

''(2) AUTHORITY.—The Secretary and the Director of National Intelligence shall each issue such directives as are necessary to ensure that each line organization designated under paragraph (1) has authority to draw on the special expertise of persons outside the Federal Government with appropriate security clearances.

''(f) DATA; INTELLIGENCE COLLECTION.—

''(1) AVAILABILITY OF DATA AND REPORTING ON UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.—The Director of National Intelligence and the Secretary shall each, in coordination with one another, ensure that—

''(A) each element of the intelligence community with data relating to unidentified aerospace-undersea phenomena makes such data available immediately to the Office; and

''(B) military and civilian personnel of the Department of Defense or an element of the intelligence community, and contractor personnel of the Department or such an element, have access to procedures by which the personnel shall report incidents or information, including adverse physiological effects, involving or associated with unidentified aerospace-undersea phenomena directly to the Office.

''(2) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—The Director of the Office, acting on behalf of the Secretary of Defense and the Director of National Intelligence, shall supervise the development and execution of an intelligence collection and analysis plan to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerospace-undersea phenomena, including with respect to the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerospace-undersea phenomena.

''(3) USE OF RESOURCES AND CAPABILITIES.—In developing the plan under paragraph (2), the Director of the Office shall consider and propose, as the Director of the Office determines appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

''(4) DIRECTOR OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—

''(A) LEADERSHIP.—The Director of the National Geospatial-Intelligence Agency shall lead the collection efforts of the intelligence community with respect to unidentified aerospace-undersea phenomena geospatial intelligence.

''(B) BRIEFINGS.—Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023 and not less frequently than once every 90 days thereafter, the Director shall brief the congressional defense committees, the congressional intelligence committees, and congressional leadership on the activities of the Director under this paragraph.

''(g) SCIENCE PLAN.—The Director of the Office, on behalf of the Secretary and the Director of National Intelligence, shall supervise the development and execution of a science plan to develop and test, as practicable, scientific theories to—

''(1) account for characteristics and performance of unidentified aerospace-undersea 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

''(2) provide the foundation for potential future investments to replicate or otherwise better understand any such advanced characteristics and performance.

''(h) ASSIGNMENT OF PRIORITY.—The Director of National Intelligence, 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 aerospace-undersea phenomena.

''(i) CORE GROUP.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, the Director of the Office, the Secretary of Defense, and the Director of National Intelligence shall jointly establish a core group within the Office that shall include, at a minimum, representatives with all relevant and appropriate security clearances from the following:

''(1) The Central Intelligence Agency.

''(2) The National Security Agency.

''(3) The Department of Energy.

''(4) The National Reconnaissance Office.

''(5) The Air Force.

''(6) The Space Force.

''(7) The Defense Intelligence Agency.

''(8) The National Geospatial-Intelligence Agency.

''(9) The Department of Homeland Security.

''(j) ANNUAL REPORTS.—

''(1) REPORTS FROM DIRECTOR OF NATIONAL INTELLIGENCE.—

''(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, and annually thereafter for 4 years, the Director of National Intelligence, in consultation with the Secretary, shall submit to the appropriate congressional committees a report on unidentified aerospace-undersea phenomena.

''(B) ELEMENTS.—Each report under subparagraph (A) shall include, with respect to the year covered by the report, the following information:

''(i) All reported unidentified aerospace-undersea phenomena-related events that occurred during the one-year period.

''(ii) All reported unidentified aerospace-undersea phenomena-related events that occurred during a period other than that one-year period but were not included in an earlier report.

''(iii) An analysis of data and intelligence received through each reported unidentified aerospace-undersea phenomena-related event.

''(iv) An analysis of data relating to unidentified aerospace-undersea phenomena collected through—

''(I) geospatial intelligence;

''(II) signals intelligence;

''(III) human intelligence; and

''(IV) measurement and signature intelligence.

''(v) The number of reported incidents of unidentified aerospace-undersea phenomena over restricted airspace of the United States during the one-year period.

''(vi) An analysis of such incidents identified under clause (v).

''(vii) Identification of potential aerospace or other threats posed by unidentified aerospace-undersea phenomena to the national security of the United States.

''(viii) An assessment of any activity regarding unidentified aerospace-undersea phenomena that can be attributed to one or more adversarial foreign governments.

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

''(x) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified aerospace-undersea phenomena.

''(xi) An update on any efforts underway on the ability to capture or exploit discovered unidentified aerospace-undersea phenomena.

''(xii) An assessment of any health related effects for individuals that have encountered unidentified aerospace-undersea phenomena.

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

''(xiv) In consultation with the Administrator for Nuclear Security, the number of reported incidents, and descriptions thereof, of unidentified aerospace-undersea phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

''(xv) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified aerospace-undersea 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.

''(xvi) The names of the line organizations that have been designated to perform the specific functions under subsections (d) and (e), and the specific functions for which each such line organization has been assigned primary responsibility.

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

''(2) REPORTS FROM ELEMENTS OF INTELLIGENCE COMMUNITY.—Not later than one year after the date of enactment of the Intelligence Authorization Act for Fiscal Year 2023, and annually thereafter, each head of an element of the intelligence community shall submit to the congressional committees specified in subparagraphs (A), (B), (D), and (E) of subsection (o)(1) and congressional leadership a report on the activities of the element of the head undertaken in the past year to support the Office, including a section prepared by the Office that includes a detailed description of the coordination between the Office and the element of the intelligence community, any concerns with such coordination, and any recommendations for improving such coordination.

''(k) SEMIANNUAL BRIEFINGS.—

''(1) REQUIREMENT.—Not later than December 31, 2022, and not less frequently than semiannually thereafter until December 31, 2026, the Director of the Office shall provide to the congressional committees specified in subparagraphs (A), (B), (D), and (E) of subsection (o)(1) classified briefings on unidentified aerospace-undersea phenomena.

''(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerospace-undersea phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office established under subsection (a) 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 aerospace-undersea phenomena that occurred during the previous 180 days, and events relating to unidentified aerospace-undersea phenomena that were not included in an earlier briefing.

''(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the Director of the Office shall jointly provide to the chairman or chair and the ranking member or vice chairman of the congressional committees specified in subparagraphs (A) and (D) of subsection (o)(1) an enumeration of any instances in which data relating to unidentified aerospace-undersea phenomena was not provided to the Office because of classification restrictions on that data or for any other reason.

''(l) QUARTERLY BRIEFINGS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, and not less frequently than once every 90 days thereafter, the Director of the Office shall provide the appropriate congressional committees and congressional leadership briefings on unidentified aerospace-undersea phenomena events.

''(2) ELEMENTS.—The briefings provided under paragraph (1) shall include the following:

''(A) A continuously updated compendium of unidentified aerospace-undersea phenomena events.

''(B) Details about each sighting that has occurred within the past 90 days and the status of each sighting's resolution.

''(C) Updates on the Office's collection activities and posture, analysis, and research.

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

''(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.

''(n) TASK FORCE TERMINATION.—Not later than the date on which the Secretary establishes the Office under subsection (a), the Secretary shall terminate the Unidentified Aerial Phenomena Task Force.

''(o) DEFINITIONS.—In this section:

''(1) The term 'appropriate congressional committees' means the following:

''(A) The Committees on Armed Services of the Senate and the House of Representatives.

''(B) The Committees on Appropriations of the Senate and the House of Representatives.

''(C) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

''(D) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

''(E) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

''(2) The term 'congressional defense committees' has the meaning given such term in section 101(a) of title 10, United States Code.

''(3) The term 'congressional intelligence committees' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(4) The term 'congressional leadership' means—

''(A) the majority leader of the Senate;

''(B) the minority leader of the Senate;

''(C) the Speaker of the House of Representatives; and

''(D) the minority leader of the House of Representatives.

''(5) 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).

''(6) The term 'line organization' means, with respect to a department or agency of the Federal Government, an organization that executes programs and activities to directly advance the core functions and missions of the department or agency to which the organization is subordinate, but, with respect to the Department of Defense, does not include a component of the Office of the Secretary of Defense.

''(7) The term 'transmedium objects or devices' means objects or devices that are—

''(A) observed to transition between space and the atmosphere, or between the atmosphere and bodies of water; and

''(B) not immediately identifiable.

''(8) The term 'unidentified aerospace-undersea phenomena'—

''(A) means—

''(i) airborne objects that are not immediately identifiable;

''(ii) transmedium objects or devices; and

''(iii) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that the objects or devices may be related to the objects or devices described in subparagraph (A) or (B); and

''(B) does not include temporary nonattributed objects or those that are positively identified as man-made.''.

(b) DELEGATION OF DUTIES OF DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall select a full-time equivalent employee of the intelligence community and delegate to such employee the responsibilities of the Director under section 1683 of such Act (50 U.S.C. 3373), as amended by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 1683 of division A and inserting the following new item:

''Sec. 1683. Establishment of Unidentified Aerospace-Undersea Phenomena Joint Program Office.''.

SEC. 703. UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA REPORTING PROCEDURES.

(a) AUTHORIZATION FOR REPORTING.—Notwithstanding the terms of any nondisclosure written or oral agreement, order, or other instrumentality or means, that could be interpreted as a legal constraint on reporting by a witness of an unidentified aerospace-undersea phenomena, reporting in accordance with the system established under subsection (b) is hereby authorized and shall be deemed to comply with any regulation or order issued under the authority of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information) or chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.).

(b) SYSTEM FOR REPORTING.—

(1) ESTABLISHMENT.—The head of the Office, on behalf of the Secretary of Defense and the Director of National Intelligence, shall establish a secure system for receiving reports of—

(A) any event relating to unidentified aerospace-undersea phenomena; and

(B) any Government or Government contractor activity or program related to unidentified aerospace-undersea phenomena.

(2) PROTECTION OF SYSTEMS, PROGRAMS, AND ACTIVITY.—The system established pursuant to paragraph (1) shall serve as a mechanism to prevent unauthorized public reporting or compromise of properly classified military and intelligence systems, programs, and related activity, including all categories and levels of special access and compartmented access programs, current, historical, and future.

(3) ADMINISTRATION.—The system established pursuant to paragraph (1) shall be administered by designated and widely known, easily accessible, and appropriately cleared Department of Defense and intelligence community employees or contractors assigned to the Unidentified Aerial Phenomena Task Force or the Office.

(4) SHARING OF INFORMATION.—The system established under paragraph (1) shall provide for the immediate sharing with Office personnel and supporting analysts and scientists of information previously prohibited from reporting under any nondisclosure written or oral agreement, order, or other instrumentality or means, except in cases where the cleared Government personnel administering such system conclude that the preponderance of information available regarding the reporting indicates that the observed object and associated events and activities likely relate to a special access program or compartmented access program that, as of the date of the reporting, has been explicitly and clearly reported to the congressional defense committees and congressional intelligence committees, and is documented as meeting those criteria.

(5) INITIAL REPORT AND PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the head of the Office, on behalf of the Secretary and the Director, shall—

(A) submit to the congressional intelligence committees, the congressional defense committees, and congressional leadership a report detailing the system established under paragraph (1); and

(B) make available to the public on a website of the Department of Defense information about such system, including clear public guidance for accessing and using such system and providing feedback about the expected timeline to process a report.

(6) ANNUAL REPORTS.—Subsection (j)(1) of section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373), as amended by section 703, is further amended—

(A) in subparagraph (A), by inserting ''and congressional leadership'' after ''appropriate congressional committees''; and

(B) in subparagraph (B), by adding at the end the following new clause:

''(xvii) A summary of the reports received using the system established under section 703(b)(1) of the Intelligence Authorization Act for Fiscal Year 2023.''.

(c) RECORDS OF NONDISCLOSURE AGREEMENTS.—

(1) IDENTIFICATION OF NONDISCLOSURE AGREEMENTS.—The Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, the heads of such other departments and agencies of the Federal Government that have supported investigations of the types of events covered by subparagraph (A) of subsection (b)(1) and activities and programs described in subparagraph (B) of such subsection, and contractors of the Federal Government supporting such activities and programs shall conduct comprehensive searches of all records relating to nondisclosure orders or agreements or other obligations relating to the types of events described in subsection (a) and provide copies of all relevant documents to the Office.

(2) SUBMITTAL TO CONGRESS.—The head of the Office shall—

(A) make the records compiled under paragraph (1) accessible to the congressional intelligence committees, the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and congressional leadership; and

(B) not later than September 30, 2023, and at least once each fiscal year thereafter through fiscal year 2026, provide to such committees and congressional leadership briefings and reports on such records.

(d) PROTECTION FROM LIABILITY.—

(1) PROTECTION FROM LIABILITY.—It shall not be a violation of any law, and no cause of action shall lie or be maintained in any court or other tribunal against any person, for reporting any information through, and in compliance with, the system established pursuant to subsection (b)(1).

(2) PROHIBITION ON REPRISALS.—An employee of a Federal agency and an employee of a contractor for the Federal Government who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action, including the revocation or suspension of security clearances, with respect to any individual as a reprisal for any reporting as described in paragraph (1).

(e) REVIEW BY INSPECTORS GENERAL.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of the Intelligence Community shall each—

(1) conduct an assessment of the compliance with the requirements of this section and the operation and efficacy of the system established under subsection (b); and

(2) submit to the congressional intelligence committees, the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and congressional leadership a report on their respective findings with respect to the assessments they conducted under paragraph (1).

(f) DEFINITIONS.—In this section:

(1) The term ''congressional defense committees'' has the meaning given such term in section 101(a) of title 10, United States Code.

(2) The term ''congressional leadership'' means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(3) The term ''Office'' means the office established under section 1683(a) of the National Defense Authorization Act for Fiscal

Year 2022 (50 U.S.C. 3373(a)), as amended by section 703.

(4) The term ''personnel action'' has the meaning given such term in section 1104(a) of the National Security Act of 1947 (50 U.S.C. 3234(a)).

(5) The term ''unidentified aerospace-undersea phenomena'' has the meaning given such term in section 1683(o) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(o)), as amended by section 703.

SEC. 704. COMPTROLLER GENERAL OF THE UNITED STATES COMPILATION OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA RECORDS.

(a) DEFINITION OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.—In this section, the term ''unidentified aerospace-undersea phenomena'' has the meaning given such term in section 1683(o) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(o)), as amended by section 703.

(b) COMPILATION REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) commence a review of the records and documents of the intelligence community, oral history interviews, open source analytic analysis, interviews of current and former government officials, classified and unclassified national archives (including those records any third party obtained pursuant to section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'' or ''FOIA'')), and such other relevant historical sources as the Comptroller General considers appropriate; and

(2) for the period beginning on January 1, 1947, and ending on the date on which the Comptroller General completes activities under this subsection, compile and itemize a complete historical record of the intelligence community's involvement with unidentified aerospace-undersea phenomena, including successful or unsuccessful efforts to identify and track unidentified aerospace-undersea phenomena, and any intelligence community efforts to obfuscate, manipulate public opinion, hide, or otherwise provide unclassified or classified misinformation about unidentified aerospace-undersea phenomena or related activities, based on the review conducted under paragraph (1).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Comptroller General completes the compilation and itemization required by subsection (b)(2), the Comptroller General shall submit to Congress a report summarizing the historical record described in such subsection.

(2) RESOURCES.—The report submitted under paragraph (1) shall include citations to the resources relied upon and instructions as to how the resources can be accessed.

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

(d) COOPERATION OF INTELLIGENCE COMMUNITY.—The heads of elements of the intelligence community whose participation the Comptroller General deems necessary to carry out subsections (b) and (c), including the Director of National Intelligence, the Under Secretary of Defense for Intelligence and Security, and the Director of the Unidentified Aerospace-Undersea Phenomena Joint Program Office, shall fully cooperate with the Comptroller General and provide to the Comptroller General such information as the Comptroller General determines necessary to carry out such subsections.

(e) ACCESS TO RECORDS OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.—The Archivist of the United States shall make available to the Comptroller General such information maintained by the National Archives and Records Administration, including classified information, as the Comptroller General considers necessary to carry out subsections (b) and (c).

SEC. 705. OFFICE OF GLOBAL COMPETITION ANALYSIS.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given such term in section 105 of title 5, United States Code.

(2) OFFICE.—The term ''Office'' means the Office of Global Competition Analysis established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall establish an office for analysis of global competition.

(2) PURPOSES.—The purposes of the Office are as follows:

(A) To carry out a program of analysis relevant to United States leadership in technology and innovation sectors critical to national security and economic prosperity relative to other countries, particularly those countries that are strategic competitors of the United States.

(B) To support policy development and decisionmaking across the Federal Government to ensure United States leadership in technology and innovation sectors critical to national security and economic prosperity relative to other countries, particularly those countries that are strategic competitors of the United States.

(3) DESIGNATION.—The office established under paragraph (1) shall be known as the ''Office of Global Competition Analysis''.

(c) ACTIVITIES.—In accordance with the priorities determined under subsection (d), the Office shall—

(1) subject to subsection (f), acquire, access, use, and handle data or other information relating to the purposes of the Office under subsection (b);

(2) conduct long- and short-term analyses regarding—

(A) United States policies that enable technological competitiveness relative to those of other countries, particularly with respect to countries that are strategic competitors of the United States;

(B) United States science and technology ecosystem elements, including technology innovation, development, advanced manufacturing, supply chain resiliency, workforce, and production, relative to those of other countries, particularly with respect to countries that are strategic competitors of the United States;

(C) United States competitiveness in technology and innovation sectors critical to national security and economic prosperity relative to other countries, including the availability and scalability of United States technology in such sectors abroad, particularly with respect to countries that are strategic competitors of the United States;

(D) trends and trajectories, including rate of change in technologies, related to technology and innovation sectors critical to national security and economic prosperity;

(E) threats to United States' national security interests as a result of any foreign country's dependence on technologies of strategic competitors of the United States; and

(F) threats to United States interests based on dependencies on foreign technologies critical to national security and economic prosperity;

(3) solicit input on technology and economic trends, data, and metrics from relevant private sector stakeholders and engage with academia to inform the analyses under paragraph (2); and

(4) to the greatest extent practicable and as may be appropriate, ensure that versions of the analyses under paragraph (2) are unclassified.

(d) DETERMINATION OF PRIORITIES.—On a periodic basis, the Director of the Office of Science and Technology Policy, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, the Secretary of Commerce, the Director of National Intelligence, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Secretary of Homeland Security shall, in coordination with such heads of Executive agencies as such Directors, Assistants, and Secretaries jointly consider appropriate, jointly determine the priorities of the Office with respect to subsection (b)(2)(A), considering, as may be appropriate, the strategies and reports under subtitle B of title VI of the Research and Development, Competition, and Innovation Act (Public Law 117–167).

(e) ADMINISTRATION.—To carry out the purposes set forth under subsection (b)(2), the Office shall enter into an agreement with a Federally funded research and development center, a university affiliated research center, or a consortium of federally funded research and development centers and university-affiliated research centers.

(f) ACQUISITION, ACCESS, USE, AND HANDLING OF DATA OR INFORMATION.—In carrying out the activities under subsection (c), the Office—

(1) shall acquire, access, use, and handle data or information in a manner consistent with applicable provisions of law and policy and subject to any restrictions required by the source of the information;

(2) shall have access to all information, data, or reports of any Executive agency that the Office determines necessary to carry out this section upon written request, consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters; and

(3) may obtain commercially available information that may not be publicly available.

(g) ADDITIONAL SUPPORT.—A head of an Executive agency may provide to the Office such support, in the form of financial assistance and personnel, as the head considers appropriate to assist the Office in carrying out any activity under subsection (c), consistent with the priorities determined under subsection (d).

(h) ANNUAL REPORT.—Not less frequently than once each year, the Office shall submit to Congress a report on the activities of the Office under this section, including a description of the priorities under subsection (d) and any support, disaggregated by Executive agency, provided to the Office consistent with subsection (g) in order to advance those priorities.

(i) PLANS .—Before establishing the Office under subsection (b)(1), the President shall submit to the appropriate committees of Congress a report detailing plans for—

(1) the administrative structure of the Office, including—

(A) a detailed spending plan that includes administrative costs; and

(B) a disaggregation of costs associated with carrying out subsection (e)(1);

(2) ensuring consistent and sufficient funding for the Office; and

(3) coordination between the Office and relevant Executive agencies.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2023.

SEC. 706. REPORT ON TRACKING AND COLLECTING PRECURSOR CHEMICALS USED IN THE PRODUCTION OF SYNTHETIC OPIOIDS.

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

(1) the congressional intelligence committees;

(2) the Committee on the Judiciary and the Committee on Appropriations of the Senate; and

(3) the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on—

(1) any gaps or challenges related to tracking licit precursor chemicals that are bound for illicit use in the production of synthetic opioids; and

(2) any gaps in authorities related to the collection of licit precursor chemicals that have been routed toward illicit supply chains.

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

SEC. 707. ASSESSMENT AND REPORT ON MASS MIGRATION IN THE WESTERN HEMISPHERE.

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

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall assess, and submit to the congressional intelligence committees a report on—

(1) the threats to the interests of the United States created or enhanced by, or associated with, the mass migration of people within the Western Hemisphere, particularly to the southern border of the United States;

(2) the use of or the threat of using mass migration in the Western Hemisphere by the regime of Nicolás Maduro in Venezuela and the regime of Miguel Díaz-Canel and Raúl Castro in Cuba—

(A) to effectively curate populations so that people who remain in those countries are powerless to meaningfully dissent;

(B) to extract diplomatic concessions from the United States; and

(C) to enable the increase of remittances from migrants residing in the United States as a result of the mass migration to help finance the regimes in Venezuela and Cuba; and

(3) any gaps in resources, collection capabilities, or authorities relating to the ability of the intelligence community to timely identify the threats described in paragraphs (1) and (2), and recommendations for addressing those gaps.

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

SEC. 708. NOTIFICATIONS REGARDING TRANSFERS OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE MEMBERS OF CONGRESS.—The term ''appropriate Members of Congress'' means—

(A) the majority leader and the minority leader of the Senate;

(B) the Chairman and Ranking Member of the Committee on Armed Services of the Senate;

(C) the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate;

(D) the Chairman and Vice Chairman of the Committee on Appropriations of the Senate;

(E) the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate;

(F) the Speaker of the House of Representatives;

(G) the minority leader of the House of Representatives;

(H) the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives;

(I) the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives;

(J) the Chair and Ranking Member of the Committee on Appropriations of the House of Representatives; and

(K) the Chairman and Ranking Member of the Committee on Foreign Affairs of the House of Representatives.

(2) EXECUTIVE ORDER 13567.—The term ''Executive Order 13567'' means Executive Order 13567 (10 U.S.C. 801 note; relating to periodic review of individuals detained at Guantánamo Bay Naval Station pursuant to the Authorization for Use of Military Force).

(3) INDIVIDUAL DETAINED AT GUANTANAMO.—The term ''individual detained at Guantanamo'' has the meaning given that term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10 U.S.C. 801 note).

(4) PERIODIC REVIEW BOARD.—The term ''Periodic Review Board'' has the meaning given that term in section 9 of Executive Order 13567 or successor order.

(5) REVIEW COMMITTEE.—The term ''Review Committee'' has the meaning given that term in section 9 of Executive Order 13567 or successor order.

(b) NOTIFICATIONS REQUIRED.—

(1) ELIGIBILITY FOR TRANSFER.—Not later than 3 days after a Periodic Review Board or Review Committee makes a final determination that the continued law of war detention of an individual detained at Guantanamo is not warranted, and consistent with Executive Order 13567 or successor order, the Secretary of Defense shall submit to the appropriate Members of Congress a notification of that determination.

(2) TRANSFER.—

(A) IN GENERAL.—In any circumstance in which a certification referred to in paragraph (1) of section 1034(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 969; 10 U.S.C. 801 note) concerning the transfer of an individual detained at Guantanamo is not required pursuant to paragraph (2) of that section, not less than 30 days prior to the transfer of the individual, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate Members of Congress a notification of the transfer.

(B) MATTERS TO BE INCLUDED.—Each notification submitted under subparagraph (A) shall include the following:

(i) The name and country of origin of the individual to be transferred.

(ii) The country to which the individual will be transferred and the rationale for transferring the individual to that particular country.

(iii) An estimated date of transfer and the basis therefor.

SEC. 709. REPORT ON INTERNATIONAL NORMS, RULES, AND PRINCIPLES APPLICABLE IN SPACE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of State, in coordination with the Secretary of Defense, the Secretary of Commerce, the Administrator of the National Aeronautics and Space Administration, and the heads of any other agencies as the Director considers necessary, shall jointly submit to Congress a report on international norms, rules, and principles applicable in space.

(b) ELEMENTS.—The report submitted under subsection (a) shall—

(1) identify threats to the interests of the United States in space that may be mitigated by international norms, rules, and principles, including such norms, rules, and principles relating to developments in dual-use technology; and

(2) identify opportunities for the United States to influence international norms, rules, and principles applicable in space, including through bilateral and multilateral engagement.

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

SEC. 710. ASSESSMENTS OF THE EFFECTS OF SANCTIONS IMPOSED WITH RESPECT TO THE RUSSIAN FEDERATION'S INVASION OF UKRAINE.

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

(1) the congressional intelligence committees;

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

(3) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter for 3 years, the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of the cumulative and material effects of the sanctions imposed by the United States, European countries, and the international community with respect to the Russian Federation in response to the February 24, 2022, invasion of Ukraine and subsequent actions by the Russian Federation.

(c) ELEMENTS.—Each assessment submitted under subsection (b) shall include the following:

(1) A description of efforts by the Russian Federation to evade or circumvent sanctions imposed by the United States, European countries, or the international community through direct or indirect engagement or direct or indirect assistance from—

(A) the regimes in Cuba and Nicaragua and the regime of Nicolás Maduro in Venezuela;

(B) the People's Republic of China;

(C) the Islamic Republic of Iran; and

(D) any other country the Director considers appropriate.

(2) An assessment of the cumulative effect of the efforts described in paragraph (1), including on the Russian Federation's strategic relationship with the regimes and countries described in such paragraph.

(3) A description of the material effect of the sanctions described in subsection (b), including the effect of those sanctions on senior leadership, senior military officers, state-sponsored actors, and other state-affiliated actors in the Russian Federation that are either directly or incidentally subject to those sanctions.

(4) A description of any developments by other countries in creating alternative payment systems as a result of the invasion of Ukraine.

(5) A description of efforts by the Russian Federation to evade sanctions using digital assets and a description of any related intelligence gaps.

(6) An assessment of how countries have assessed the risk of holding reserves in United States dollars since the February 24, 2022, invasion of Ukraine.

(7) An assessment of the impact of any general licenses issued in relation to the sanctions described in subsection (b), including the extent to which authorizations for internet-based communications have enabled continued monetization by Russian influence actors.

(d) FORM OF ASSESSMENTS.—Each assessment submitted under subsection (b) shall be submitted in unclassified form and include a classified annex.

SEC. 711. ASSESSMENTS AND BRIEFINGS ON IMPLICATIONS OF FOOD INSECURITY THAT MAY RESULT FROM THE RUSSIAN FEDERATION'S INVASION OF UKRAINE.

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

(1) the congressional intelligence committees;

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

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

(b) ASSESSMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for 2 years, the Director of National Intelligence shall conduct a comprehensive assessment of the implications of food insecurity that may result from the Russian Federation's invasion of Ukraine.

(2) ELEMENTS.—Each assessment conducted under paragraph (1) shall address the following:

(A) The projected timeline for indicators of any food insecurity described in paragraph (1) to manifest.

(B) The potential for political instability and security crises that may occur as a result of any such food insecurity, disaggregated by region.

(C) Factors that could minimize the potential effects of any such food insecurity on political instability and security described in subparagraph (B), disaggregated by region.

(D) Opportunities for the United States to prevent or mitigate any such food insecurity.

(c) BRIEFINGS.—Not later than 30 days after the date on which an assessment conducted under subsection (b)(1) is completed, the Director of National Intelligence shall brief the appropriate committees of Congress on the findings of the assessment.

SEC. 712. PILOT PROGRAM FOR DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION TO UNDERTAKE AN EFFORT TO IDENTIFY INTERNATIONAL MOBILE SUBSCRIBER IDENTITY-CATCHERS AND DEVELOP COUNTERMEASURES.

Section 5725 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3024 note; Public Law 116–92) is amended—

(1) in subsection (a), in the matter before paragraph (1)—

(A) by striking ''The Director of National Intelligence and the Director of the Federal Bureau of Investigation'' and inserting ''The Director of the Federal Bureau of Investigation'';

(B) by inserting ''the Director of National Intelligence,'' before ''the Under Secretary''; and

(C) by striking ''Directors determine'' and inserting ''Director of the Federal Bureau of Investigation determines'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, in collaboration with the Director of National Intelligence, the Under Secretary of Homeland Security for Intelligence and Analysis, and the heads of such other Federal, State, or local agencies as the Director of the Federal Bureau of Investigation determines appropriate, and in accordance with applicable law and policy, shall conduct a pilot program designed to implement subsection (a) with respect to the National Capital Region.

''(2) COMMENCEMENT; COMPLETION.—The Director of the Federal Bureau of Investigation shall—

''(A) commence carrying out the pilot program required by paragraph (1) not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023; and

''(B) complete the pilot program not later than 2 years after the date on which the Director commences carrying out the pilot program under subparagraph (A).''; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in the matter before paragraph (1), by striking ''Prior'' and all that follows through ''Investigation'' and inserting ''Not later than 180 days after the date on which the Director of the Federal Bureau of Investigation determines that the pilot program required by subsection (b)(1) is operational, the Director and the Director of National Intelligence'';

(B) in paragraph (1), by striking ''within the United States''; and

(C) in paragraph (2), by striking ''by the'' and inserting ''deployed by the Federal Bureau of Investigation and other elements of the''.

SEC. 713. DEPARTMENT OF STATE BUREAU OF INTELLIGENCE AND RESEARCH ASSESSMENT OF ANOMALOUS HEALTH INCIDENTS.

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

(1) the congressional intelligence committees;

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

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

(b) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of State for Intelligence and Research shall submit to the appropriate committees of Congress an assessment of the findings relating to the events that have been collectively labeled as ''anomalous health incidents''.

(c) CONTENTS.—The assessment submitted under subsection (b) shall include the following:

(1) Any diplomatic reporting or other relevant information, including sources and reliability of respective sources, on the causation of anomalous health incidents.

(2) Any diplomatic reporting or other relevant information, including sources and reliability of respective sources, on any person or entity who may be responsible for such incidents.

(3) Detailed plans, including metrics, timelines, and measurable goals, for the Bureau of Intelligence and Research to understand anomalous health incidents and share findings with other elements of the intelligence community.

SA 5951. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—NATURAL RESOURCES

Subtitle A—Illegal Fishing and Forced Labor Prevention

SEC. ____01. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) OPPRESSIVE CHILD LABOR.—The term ''oppressive child labor'' has the meaning given such term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(2) FORCED LABOR.—The term ''forced labor'' means any labor or service provided for or obtained by any means described in section 1589(a) of title 18, United States Code.

(3) HUMAN TRAFFICKING.—The term ''human trafficking'' has the meaning given the term ''severe forms of trafficking in persons'' in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(4) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The term ''illegal, unreported, or unregulated fishing'' has the meaning given such term in section 609(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)).

(5) SEAFOOD.—The term ''seafood'' means fish meal, and all marine animal and plant life meant for consumption as food other than marine mammals and birds, including fish, shellfish, shellfish products, and processed fish.

(6) SEAFOOD IMPORT MONITORING PROGRAM.—The term ''Seafood Import Monitoring Program'' means the Seafood Traceability Program established under section 300.324 of title 50, Code of Federal Regulations.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

SEC. ____01A. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $20,000,000 for each of fiscal

years 2023 through 2028 to carry out chapter 1, chapter 2, and the amendments made by those chapters.

CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

SEC. ___02. DEFINITIONS.

In this chapter, the following additional definitions apply:

(1) COMPETENT AUTHORITY.—The term ''competent authority'' means government and any third party that meets certain governing criteria. Such criteria shall be established by regulation, after outreach to key environmental and labor stakeholders.

(2) UNIQUE VESSEL IDENTIFIER.—The term ''unique vessel identifier'' means a unique number that stays with a vessel for the duration of the vessel's life, regardless of changes in flag, ownership, name, or other changes to the vessel.

SEC. ___02A. EXPANSION OF SEAFOOD IMPORT MONITORING PROGRAM TO ALL SPECIES.

The Secretary shall, not later than 2 years after the date of enactment of this Act, expand the Seafood Import Monitoring Program to apply to all seafood and seafood products imported into the United States.

SEC. ___02B. ENHANCEMENT OF SEAFOOD IMPORT MONITORING PROGRAM AUTOMATED COMMERCIAL ENVIRONMENT MESSAGE SET.

The Secretary, in coordination with the Commissioner of U.S. Customs and Border Protection, shall, not later than 6 months after the date of enactment of this Act, develop a strategy to improve the quality and verifiability of already collected Seafood Import Monitoring Program Message Set data elements in the Automated Commercial Environment system that prioritizes the use of enumerated data types, such as checkboxes, dropdown menus, or radio buttons, and any additional elements the Agency finds necessary, among other options, rather than open text fields, for—

(1) authorization to fish;

(2) unique vessel identifier (if available);

(3) catch document identifier;

(4) location of wild-capture harvest and landing or aquaculture location;

(5) type of fishing gear used to harvest the fish;

(6) name of farm or aquaculture facility, if applicable; and

(7) location of aquaculture facility, if applicable.

SEC. ___02C. ADDITIONAL DATA REQUIREMENTS FOR SEAFOOD IMPORT MONITORING PROGRAM DATA COLLECTION.

(a) IN GENERAL.—Not later than 1 year after date of enactment of this Act, the Secretary shall revise section 300.324 of title 50, Code of Federal Regulations, to—

(1) require at the time of entry for imported seafood and seafood products—

(A) location of catch or cultivation, including—

(i) geographic location at a resolution of not less than 1 degree latitude by 1 degree longitude;

(ii) the country code of the International Organization for Standardization if the catch was within the exclusive economic zone or territorial waters of a country;

(iii) if appropriate, the regional fisheries management organization or organizations having jurisdiction over the catch, if it occurs within the jurisdiction of any regional fisheries management organization; and

(iv) the Food and Agriculture Organization major fishing area codes;

(B) electronic reports of chain-of-custody records that identify, including with unique vessel identifiers when applicable, each custodian of the seafood, including transshippers, processors, storage facilities, and distributors and the physical address of such facilities;

(C) maritime mobile service identity number of harvesting and transshipment vessels; and

(D) beneficial owner of each harvesting and transshipment vessel or aquaculture facility, when applicable;

(2) require all importers submitting seafood import data to require prior notification and submission of seafood import data at least 72 hours and no more than 15 days prior to entry; and

(3) require verification and certification of harvest information by competent authorities at all major transfer points in the supply chain, including harvest, landing, processing, and transshipment at the time of entry.

(b) FORCED LABOR.—The Secretary, working in consultation with the Secretary of Homeland Security, the Secretary of Labor, and the Secretary of State, shall, not later than 1 year after the date of enactment of this Act, complete a regulatory process to establish additional key data elements for the Seafood Import Monitoring Program, that collect information about labor conditions in the harvest, transshipment, and processing of imported fish and fish products.

(c) INTERNATIONAL FISHERIES TRADE PERMIT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) publish and maintain on the website of the National Marine Fisheries Service a list of all current International Fisheries Trade Permit holders, including the name of the permit holder and expiration date of the permit;

(2) begin to revoke, modify, or deny issuance of an International Fisheries Trade Permit with respect to a permit holder or applicant that has violated any requirement of section 300.322, 300.323, 300.324, or 300.325 of title 50, Code of Federal Regulations; and

(3) require an International Fisheries Trade Permit for importers.

SEC. ___02D. IMPORT AUDITS.

(a) AUDIT PROCEDURES.—The Secretary shall, not later than 1 year after the date of enactment of this Act, implement procedures to audit information and supporting records of sufficient numbers of imports of seafood and seafood products subject to the Seafood Import Monitoring Program to support statistically robust conclusions that the samples audited are representative of all seafood imports with respect to a given year.

(b) ANNUAL REVISION.—In developing the procedures required in subsection (a), the Secretary shall, not less frequently than once each year, revise such procedures to prioritize for audit those imports originating from countries—

(1) identified pursuant to sections 609(b) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(b) or 1826k(a)) that have not yet received a subsequent positive certification pursuant to sections 609(d) or 610(c) of such Act, respectively;

(2) identified by an appropriate regional fishery management organization as being the flag state or landing location of vessels identified by other countries or regional fisheries management organizations as engaging in illegal, unreported, or unregulated fishing;

(3) identified as having human trafficking, including forced labor, in any part of the seafood supply chain, including on vessels flagged in such country and including feed for cultured production, in the most recent Trafficking in Persons Report issued by the Department of State in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(4) identified as producing goods that contain seafood using forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.); and

(5) identified as at risk for human trafficking, including forced labor, in their seafood catching and processing industries by the report required in section 3563 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

SEC. ___02E. AVAILABILITY OF FISHERIES INFORMATION.

(a) IN GENERAL.—Section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)), as amended by this Act, is further amended—

(1) by striking ''or'' after the semicolon at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting ''; or''; and

(3) by adding at the end the following:

''(I) to Federal agencies responsible for screening of imported seafood and for the purpose of carrying out the duties under or with respect to—

''(i) the Seafood Import Monitoring Program;

''(ii) the Antarctic Marine Living Resources Program;

''(iii) the Tuna Tracking and Verification Program;

''(iv) the Atlantic Highly Migratory Species International Trade Program;

''(v) the List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

''(vi) the Trafficking in Persons Report required by section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107);

''(vii) enforcement activities and regulations authorized under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

''(viii) the taking and related acts in commercial fishing operations under section 216.24 of title 50, Code of Federal Regulations;

''(J) to Federal, State and local agencies for the purposes of verification and enforcement of title II of this Act; or

''(K) information that pertains to catch documentation and legality of catch, if disclosure of that information would not materially damage the value of catch or business.''.

(b) IMPLEMENTATION DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations implementing the amendments in this section.

SEC. ___02F. REPORT ON SEAFOOD IMPORT MONITORING.

(a) REPORT TO CONGRESS AND PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall, not later than 120 days after the end of each fiscal year, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that summarizes the National Marine Fisheries Service's efforts to prevent the importation of seafood harvested through illegal, unreported, or unregulated fishing, particularly with respect to seafood harvested, produced, processed, or manufactured by forced labor. Each such report shall be made publicly available on the public website of the National Oceanic and Atmospheric Administration.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) the volume and value of seafood species subject to the Seafood Import Monitoring

Program, described in section 300.324 of title 50, Code of Federal Regulations, reported by 10-digit Harmonized Tariff Schedule of the United States codes, imported during the previous fiscal year;

(2) the enforcement activities and priorities of the National Marine Fisheries Service with respect to implementing the requirements under the Seafood Import Monitoring Program;

(3) the percentage of import shipments subject to this program selected for inspection or the information or records supporting entry selected for audit, as described in section 300.324(d) of title 50, Code of Federal Regulations;

(4) the number and types of instances of noncompliance with the requirements of the Seafood Import Monitoring Program;

(5) the number and types of instances of violations of State or Federal law discovered through the Seafood Import Monitoring Program;

(6) the seafood species with respect to which violations described in paragraphs (4) and (5) were most prevalent;

(7) the location of catch or harvest with respect to which violations described in paragraphs (4) and (5) were most prevalent; and

(8) such other information as the Secretary considers appropriate with respect to monitoring and enforcing compliance with the Seafood Import Monitoring Program.

SEC. ___02G. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection to carry out enforcement actions pursuant to section 307 of the Tariff Act $20,000,000 for each of fiscal years 2023 through 2027.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

SEC. ___03. IDENTIFICATION AND CERTIFICATION CRITERIA.

(a) DENIAL OF PORT PRIVILEGES.—Section 609 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j), as amended by this Act, is further amended—

(1) by striking subsections (a) and (b); and

(2) by inserting before subsection (c) the following:

''(a) COOPERATION WITH GOVERNMENTS.—

''(1) INFORMATION COLLECTION.—The Secretary, in consultation with the Secretary of State, shall engage with each flag, coastal, port, and market nation that exports seafood to the United States to collect information sufficient to evaluate the effectiveness of such nation's management of fisheries and control systems to prevent illegal, unreported, or unregulated fishing.

''(2) RECOMMENDATIONS.—The Secretary, in consultation with the Secretary of State, shall provide recommendations to such nations to resolve compliance gaps and improve fisheries management and control systems in order to assist such nations in preventing illegal, unreported, or unregulated fishing.

''(b) IDENTIFICATION AND WARNING.—

''(1) FOR ACTIONS OF A FISHING VESSEL.—The Secretary shall identify and list in the report required by section 607 a nation if a fishing vessel of such nation is engaged or has, in the preceding 3 years, engaged in illegal, unreported, or unregulated fishing. The Secretary shall include all nations that qualify for identification, regardless of whether the Secretary has engaged in the process described in this subsection or under subsection (a). Any of the following relevant information is sufficient to form the basis of an identification:

''(A) Compliance reports.

''(B) Data or information from international fishery management organizations, a foreign government, or an organization or stakeholder group.

''(C) Information submitted by the public.

''(D) Information submitted to the Secretary under section 402(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(a)).

''(E) Import data collected by the Secretary pursuant to part 300.324 of title 50, Code of Federal Regulations.

''(F) Information compiled from a Federal agency, including, the Coast Guard and agencies within the Interagency Working Group on Illegal, Unreported, and Unregulated Fishing.

''(2) FOR ACTIONS OF A NATION.—The Secretary shall identify, and list in such report, a nation engaging in or endorsing illegal, unreported, or unregulated fishing, including the following:

''(A) Any nation that is failing, or has failed in the preceding 3-year period, to cooperate with the United States Government in providing information about such nation's fisheries management and control systems described in subsection (a).

''(B) Any nation that is violating, or has violated at any point during the preceding 3 years, conservation and management measures, including catch and other data reporting obligations and requirements, required under an international fishery management agreement.

''(C) Any nation that is failing, or has failed in the preceding 3-year period, to effectively address or regulate illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing.

''(D) Any nation that fails to discharge duties incumbent upon it under international law or practice as a flag, port, or coastal state to take action to prevent, deter, and eliminate illegal, unreported, or unregulated fishing.

''(E) Any nation that provides subsidies that—

''(i) contribute to illegal, unreported, or unregulated fishing or increased capacity and overfishing at proportionally higher rates than subsidies that promote fishery resource conservation and management; or

''(ii) that otherwise undermine the effectiveness of any international fishery conservation program.

''(F) Any nation that has been identified as having human trafficking, including forced labor, in any part of the seafood supply chain in the most recent Trafficking in Persons Report issued by the Department of State in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

''(G) Any nation that has been identified as producing seafood-related goods through forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

''(H) Any nation that has been identified as at risk for human trafficking, including forced labor, in their seafood catching and processing industries in the report required in section 3563 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

''(3) WARNING.—The Secretary shall issue a warning to each nation identified under this subsection.

''(4) TIMING.—The Secretary shall make an identification under paragraph (1) or (2) at any time that the Secretary has sufficient information to make such identification.''.

(b) ILLEGAL, UNREPORTED, OR UNREGULATED CERTIFICATION DETERMINATION.—Section 609(d) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)), as amended by this Act, is further amended to read as follows:

''(d) IUU CERTIFICATION PROCEDURE.—

''(1) CERTIFICATION DETERMINATION.—

''(A) IN GENERAL.—The Secretary shall establish a procedure for certifying whether a nation identified under subsection (b) has taken appropriate corrective action with respect to the offending activities identified under section (b) that has led to measurable improvements in the reduction of illegal, unreported, or unregulated fishing and any underlying regulatory, policy, or practice failings or gaps that may have contributed to such identification.

''(B) OPPORTUNITY FOR COMMENT.—The Secretary shall ensure that the procedure established under subparagraph (A) provides for notice and an opportunity for comment by the identified nation.

''(C) DETERMINATION.—The Secretary shall, consistent with such procedure, determine and certify to the Congress not later than 90 days after the date on which the Secretary issues a final rule containing the procedure, and biennially thereafter—

''(i) whether the government of each nation identified under subsection (b) has provided documentary evidence that such nation has taken corrective action with respect to such identification; or

''(ii) whether the relevant international fishery management organization has taken corrective action that has ended the illegal, unreported, or unregulated fishing activity by vessels of that nation.

''(2) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure to authorize, on a shipment-by-shipment, shipper-by-shipper, or other basis the importation of fish or fish products from a fishery within a nation issued a negative certification under paragraph (1) if the Secretary—

''(A) determines the fishery has not engaged in illegal, unreported, or unregulated fishing under an international fishery management agreement to which the United States is a party;

''(B) determines the fishery is not identified by an international fishery management organization as participating in illegal, unreported, or unregulated fishing activities; and

''(C) ensures that any such seafood or seafood products authorized for entry under this section are imported consistent with the reporting and the recordkeeping requirements of Seafood Import Monitoring Program described in part 300.324(b) of title 50, Code of Federal Regulations (or any successor regulation).

''(3) EFFECT OF CERTIFICATION DETERMINATION.—

''(A) EFFECT OF NEGATIVE CERTIFICATION.—The provisions of subsections (a) and (b)(3) and (4) of section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(a) and (b)(3) and (4)) shall apply to any nation that, after being identified and warned under subsection (b) has failed to take the appropriate corrective actions for which the Secretary has issued a negative certification under this subsection.

''(B) EFFECT OF POSITIVE CERTIFICATION.—The provisions of subsections (a) and (b)(3) and (4) of section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(a) and (b)(3) and (4)) shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.''.

SEC. ___03A. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.

(a) DEFINITION OF ILLEGAL, UNREPORTED, OR UNREGULATED FISHING IN THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.—Section 609(e) of the High Seas

Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)), as amended by this Act, is further amended to read as follows:

''(e) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.—In this title, the term 'illegal, unreported, or unregulated fishing' means any activity set out in paragraph 3 of the 2001 Food and Agriculture Organization International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing.''.

(b) DEFINITION OF ILLEGAL, UNREPORTED, OR UNREGULATED FISHING IN THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.—Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) is amended by adding at the end the following:

''(51) The term 'illegal, unreported, or unregulated fishing' means any activity set out in paragraph 3 of the 2001 Food and Agriculture Organization International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing.''.

(c) RULE OF CONSTRUCTION.—In construing the term ''illegal, unreported, or unregulated fishing'' for purposes of the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary shall follow internationally recognized labor rights stated in the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998), including—

(1) freedom of association and the effective recognition of the right to collective bargaining;

(2) the elimination of all forms of forced or compulsory labor;

(3) the effective abolition of oppressive child labor, a prohibition on the worst forms of child labor, and other labor protections for children and minors;

(4) the elimination of discrimination in respect of employment and occupation; and

(5) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

SEC. ___03B. EQUIVALENT CONSERVATION MEASURES.

(a) IDENTIFICATION.—Section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)), as amended by this Act, is further amended to read as follows:

''(a) IDENTIFICATION.—

''(1) IN GENERAL.—The Secretary shall identify and list in the report under section 607—

''(A) a nation if—

''(i) any fishing vessel of that country is engaged, or has been engaged during the preceding 3 years in fishing activities or practices on the high seas or within the exclusive economic zone of any country, that have resulted in bycatch of a protected living marine resource; and

''(ii) the vessel's flag state has not adopted, implemented, and enforced a regulatory program governing such fishing designed to end or reduce such bycatch that is comparable to the regulatory program of the United States; and

''(B) a nation if—

''(i) any fishing vessel of that country is engaged, or has engaged during the preceding 3 years, in fishing activities on the high sees or within the exclusive economic zone of another country that target or incidentally catch sharks; and

''(ii) the vessel's flag state has not adopted, implemented, and enforced a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark, including the tail, before landing the shark in port that is comparable to that of the United States.

''(2) TIMING.—The Secretary shall make an identification under paragraph (1) at any time that the Secretary has sufficient information to make such identification.''.

(b) CONSULTATION AND NEGOTIATION.—Section 610(b) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(b)), as amended by this Act, is further amended to read as follows:

''(b) CONSULTATION AND NEGOTIATION.—The Secretary of State, acting in conjunction with the Secretary, shall—

''(1) notify, as soon as possible, the President, nations that have been identified under subsection (a), and other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this Act;

''(2) initiate discussions as soon as possible with all foreign countries which are engaged in, or a fishing vessel of which has engaged in, fishing activities described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species and to address any underlying failings or gaps that may have contributed to identification under this Act;

''(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate international fishery management bodies; and

''(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.''.

(c) CONSERVATION CERTIFICATION PROCEDURE.—Section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(c)), as amended by this Act, is further amended—

(1) in subparagraph (A) of paragraph (1), by striking '', taking into account different conditions,'';

(2) in paragraph (2), by inserting ''the public and'' after ''comment by'';

(3) in paragraph (4)—

(A) in subparagraph (A), by striking '', taking into account different conditions'';

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

(C) by adding at the end the following:

''(C) ensures that any such fish or fish products authorized for entry under this section are imported consistent with the reporting and the recordkeeping requirements of the Seafood Import Monitoring Program established by part 300.324(b) of title 50, Code of Federal Regulations (or any successor regulations).''; and

(4) in paragraph (5), by striking ''(except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported, or unregulated fishing)''.

(d) DEFINITION OF PROTECTED LIVING MARINE RESOURCE.—Section 610(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(e)), as amended by this Act, is further amended by striking paragraph (1) and inserting the following:

''(1) except as provided in paragraph (2), means nontarget fish, sea turtles, seabirds, or marine mammals that are protected under United States law or international agreement, including—

''(A) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

''(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(C) the Shark Finning Prohibition Act (16 U.S.C. 1822 note), including amendments made by that Act; and

''(D) the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087, TIAS 8249); but''.

SEC. ___03C. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations implementing this chapter.

CHAPTER 3—MARITIME AWARENESS

SEC. ___04. AUTOMATIC IDENTIFICATION SYSTEM REQUIREMENTS.

(a) REQUIREMENT FOR FISHING VESSELS TO HAVE AUTOMATIC IDENTIFICATION SYSTEMS.—Section 70114(a)(1) of title 46, United States Code, is amended—

(1) by striking '', while operating on the navigable waters of the United States,''

(2) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv);

(3) by inserting before clauses (i) through (iv), as redesignated by paragraph (2), the following:

''(A) While operating on the navigable waters of the United States:''; and

(4) by adding at the end the following:

''(B) A vessel of the United States that is more than 65 feet overall in length, while engaged in fishing, fish processing, or fish tendering operations on the navigable waters of the United States or in the United States exclusive economic zone.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce for fiscal year 2023, $5,000,000, to remain available until expended, to purchase automatic identification systems for fishing vessels, fish processing vessels, fish tender vessels more than 50 feet in length, as described under this subtitle and the amendments made by this subtitle.

Subtitle B—Driftnet Modernization and Bycatch Reduction

SEC. ___12. DEFINITION.

Section 3(25) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(25)) is amended by inserting '', or with a mesh size of 14 inches or greater,'' after ''more''.

SEC. ___12A. FINDINGS AND POLICY.

(a) FINDINGS.—Section 206(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(b)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) within the exclusive economic zone, large-scale driftnet fishing that deploys nets with large mesh sizes causes significant entanglement and mortality of living marine resources, including myriad protected species, despite limitations on the lengths of such nets.''.

(b) POLICY.—Section 206(c) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(c)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) prioritize the phase-out of large-scale driftnet fishing in the exclusive economic zone and promote the development and adoption of alternative fishing methods and gear types that minimize the incidental catch of living marine resources.''.

SEC. ___12B. TRANSITION PROGRAM.

Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826) is amended by adding at the end the following:

''(i) FISHING GEAR TRANSITION PROGRAM.—

''(1) IN GENERAL.—During the 5-year period beginning on the date of enactment of this

subsection, the Secretary shall conduct a transition program to facilitate the phase-out of large-scale driftnet fishing and adoption of alternative fishing practices that minimize the incidental catch of living marine resources, and shall award grants to eligible permit holders who participate in the program.

''(2) PERMISSIBLE USES.—Any permit holder receiving a grant under paragraph (1) may use such funds only for the purpose of covering—

''(A) any fee originally associated with a permit authorizing participation in a large-scale driftnet fishery, if such permit is surrendered for permanent revocation, and such permit holder relinquishes any claim associated with the permit;

''(B) a forfeiture of fishing gear associated with a permit described in subparagraph (A); or

''(C) the purchase of alternative gear with minimal incidental catch of living marine resources, if the fishery participant is authorized to continue fishing using such alternative gears.

''(3) CERTIFICATION.—The Secretary shall certify that, with respect to each participant in the program under this subsection, any permit authorizing participation in a large-scale driftnet fishery has been permanently revoked and that no new permits will be issued to authorize such fishing.''.

SEC. ___12C. EXCEPTION.

Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: '', unless such large-scale driftnet fishing—

''(i) deploys, within the exclusive economic zone, a net with a total length of less than 2½ kilometers and a mesh size of 14 inches or greater; and

''(ii) is conducted not later than 5 years after the date of enactment of this clause.''.

SEC. ___12D. FEES.

(a) IN GENERAL.—The North Pacific Fishery Management Council may recommend, and the Secretary of Commerce may approve, regulations necessary for the collection of fees from charter vessel operators who guide recreational anglers who harvest Pacific halibut in International Pacific Halibut Commission regulatory areas 2C and 3A as those terms are defined in part 300 of title 50, Code of Federal Regulations (or any successor regulations).

(b) USE OF FEES.—Any fees collected under this section shall be available for the purposes of—

(1) financing administrative costs of the Recreational Quota Entity program;

(2) the purchase of halibut quota shares in International Pacific Halibut Commission regulatory areas 2C and 3A by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations);

(3) halibut conservation and research; and

(4) promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

(c) LIMITATION ON COLLECTION AND AVAILABILITY.—Fees shall be collected and available pursuant to this section only to the extent and in such amounts as provided in advance in appropriations Acts, subject to subsection (d).

(d) FEE COLLECTED DURING START-UP PERIOD.—Notwithstanding subsection (c), fees may be collected through the date of enactment of an Act making appropriations for the activities authorized under this title through September 30, 2023, and shall be available for obligation and remain available until expended.

Subtitle C—Marine Mammal Research and Response

SEC. ___13. DATA COLLECTION AND DISSEMINATION.

Section 402 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by inserting ''or entangled'' after ''stranded'';

(B) in paragraph (3)—

(i) by striking ''strandings,'' and inserting ''strandings and entanglements, including unusual mortality events,'';

(ii) by inserting ''stranding'' before ''region''; and

(iii) by striking ''marine mammals; and'' and inserting ''marine mammals and entangled marine mammals to allow comparison of the causes of illness and deaths in stranded marine mammals and entangled marine mammals with physical, chemical, and biological environmental parameters; and''; and

(C) in paragraph (4), by striking ''analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters.'' and inserting ''analyses.''; and

(2) by striking subsection (c) and inserting the following:

''(c) INFORMATION REQUIRED TO BE SUBMITTED AND COLLECTED.—

''(1) IN GENERAL.—After each response to a stranding or entanglement event, the Secretary shall collect (including from any staff of the National Oceanic and Atmospheric Administration that respond directly to such an event), and shall require each stranding network participant who responds to that stranding or entanglement to submit to the Administrator of the National Oceanic and Atmospheric Administration—

''(A) data on the stranding event, including NOAA Form 89–864 (OMB #0648–0178), NOAA Form 89–878 (OMB #0648–0178), similar successor forms, or similar information in an appropriate format required by the United States Fish and Wildlife Service for species under its management authority;

''(B) supplemental data to the data described in subparagraph (A), which may include, as available, relevant information about—

''(i) weather and tide conditions;

''(ii) offshore human, predator, or prey activity;

''(iii) morphometrics;

''(iv) behavior;

''(v) health assessments;

''(vi) life history samples; or

''(vii) stomach and intestinal contents; and

''(C) data and results from laboratory analysis of tissues, which may include, as appropriate and available—

''(i) histopathology;

''(ii) toxicology;

''(iii) microbiology;

''(iv) virology; or

''(v) parasitology.

''(2) TIMELINE.—A stranding network participant shall submit—

''(A) the data described in paragraph (1)(A) not later than 30 days after the date of a response to a stranding or entanglement event;

''(B) the compiled data described in paragraph (1)(B) not later than 30 days after the date on which the data is available to the stranding network participant; and

''(C) the compiled data described in paragraph (1)(C) not later than 30 days after the date on which the laboratory analysis has been reported to the stranding network participant.

''(d) AVAILABILITY OF DATA.—

''(1) IN GENERAL.—The Secretary shall develop a program to make information, including any data and metadata collected under paragraphs (3) or (4) of subsection (b) or subsection (c), available to researchers, stranding network participants, and the public—

''(A) to improve real-time coordination of response to stranding and entanglement events across geographic areas and between stranding coordinators;

''(B) to identify and quickly disseminate information on potential public health risks;

''(C) to facilitate integrated interdisciplinary research;

''(D) to facilitate peer-reviewed publications;

''(E) to archive regional data into 1 national database for future analyses; and

''(F) for education and outreach activities.

''(2) ACCESS TO DATA.—The Secretary shall ensure that any data or metadata collected under subsection (c)—

''(A) by staff of the National Oceanic and Atmospheric Administration that responded directly to a stranding or entanglement event is available to the public through the Health MAP and the Observation System not later than 30 days after that data or metadata is collected by, available to, or reported to the Secretary; and

''(B) by a stranding network participant that responded directly to a stranding or entanglement event is made available to the public through the Health MAP and the Observation System not later than 2 years after the date on which that data is submitted to the Secretary under subsection (c).

''(3) EXCEPTIONS.—

''(A) WRITTEN RELEASE.—Notwithstanding paragraph (2)(B), the Secretary may make data described in paragraph (2)(B) publicly available earlier than 2 years after the date on which that data is submitted to the Secretary under subsection (c), if the stranding network participant has completed a written release stating that such data may be made publicly available.

''(B) LAW ENFORCEMENT.—Notwithstanding paragraph (2), the Secretary may withhold data for a longer period than the period of time described in paragraph (2) in the event of a law enforcement action or legal action that may be related to that data.

''(e) STANDARDS.—The Secretary, in consultation with the marine mammal stranding community, shall—

''(1) make publicly available guidance about uniform data and metadata standards to ensure that data collected in accordance with this section can be archived in a form that is readily accessible and understandable to the public through the Health MAP and the Observation System; and

''(2) periodically update such guidance.

''(f) MANAGEMENT POLICY.—In collaboration with the regional stranding networks, the Secretary shall develop, and periodically update, a data management and public outreach collaboration policy for stranding or entanglement events.''.

SEC. ___13A. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS.

(a) IN GENERAL.—Section 403 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421b) is amended—

(1) in the section heading by inserting ''**OR ENTANGLEMENT**'' before ''**RESPONSE**'';

(2) in subsection (a), by striking the period at the end and inserting ''or entanglement.''; and

(3) in subsection (b)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) include a description of the data management and public outreach policy established under section 402(f).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) is amended by striking the item related to section 403 and inserting the following:

''Sec. 403. Stranding or entanglement response agreements.''.

SEC. ___13B. UNUSUAL MORTALITY EVENT ACTIVITY FUNDING.

Section 405 the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421d) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) USES.—Amounts in the Fund—

''(1) shall be available only for use by the Secretary, in consultation with the Secretary of the Interior, and dispersed among claimants based on budgets approved by the Secretary prior to expenditure—

''(A) to make advance, partial, or progress payments under contracts or other funding mechanisms for property, supplies, salaries, services, and travel costs incurred in acting in accordance with the contingency plan issued under section 404(b) or under the direction of an Onsite Coordinator for an unusual mortality event designated under section 404(a)(2)(B)(iii);

''(B) for reimbursing any stranding network participant for costs incurred in the collection, preparation, analysis, and transportation of marine mammal tissues and samples collected with respect to an unusual mortality event for the Tissue Bank; and

''(C) for the care and maintenance of a marine mammal seized under section 104(c)(2)(D); and

''(2) shall remain available until expended.''; and

(2) in subsection (c)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) not more than $250,000 per year, as determined by the Secretary of Commerce, from sums collected as fines, penalties, or forfeitures of property by the Secretary of Commerce for violations of any provision of this Act; and

''(5) sums received from emergency declaration grants for marine mammal conservation.''.

SEC. ___13C. LIABILITY.

Section 406(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421e(a)) is amended, in the matter preceding paragraph (1)—

(1) by inserting ''or entanglement'' after ''to a stranding''; and

(2) by striking ''government'' and inserting ''Government''.

SEC. ___13D. NATIONAL MARINE MAMMAL TISSUE BANK AND TISSUE ANALYSIS.

Section 407 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f) is amended—

(1) in subsection (c)(2)(A), by striking ''the health of marine mammals and'' and inserting ''marine mammal health and mortality and the health of''; and

(2) in subsection (d), in the matter preceding paragraph (1), by inserting ''public'' before ''access''.

SEC. ___13E. MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND.

(a) IN GENERAL.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f–1) is amended—

(1) by striking the section heading and inserting ''**MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND**'';

(2) by striking subsections (a) through (d) and subsections (f) through (h);

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting before subsection (f), as redesignated by paragraph (3), the following:

''(a) DEFINITIONS.—In this section:

''(1) EMERGENCY ASSISTANCE.—

''(A) IN GENERAL.—The term 'emergency assistance' means—

''(i) financial assistance provided to respond to, or that results from, a stranding event or entanglement event that—

''(I) causes an immediate increase in the cost of a response, recovery, or rehabilitation that is greater than the usual cost of a response, recovery, or rehabilitation;

''(II) is cyclical or endemic; or

''(III) involves a marine mammal that is out of the normal range for that marine mammal; or

''(ii) financial assistance provided to respond to, or that results from, a stranding event or an entanglement event that the appropriate Secretary or State or Tribal government considers to be an emergency.

''(B) EXCLUSIONS.—The term 'emergency assistance' does not include financial assistance to respond to an unusual mortality event.

''(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

''(3) STRANDING REGION.—The term 'stranding region' means a geographic region designated by the applicable Secretary for purposes of administration of this title.

''(b) JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM.—

''(1) IN GENERAL.—Subject to the availability of appropriations or other funding, the applicable Secretary shall carry out a grant program, to be known as the 'John H. Prescott Marine Mammal Rescue and Response Grant Program' (referred to in this section as the 'grant program'), to award grants to eligible stranding network participants or stranding network collaborators, as described in this subsection.

''(2) PURPOSES.—The purposes of the grant program are to provide for—

''(A) the recovery, care, or treatment of sick, injured, or entangled marine mammals;

''(B) responses to marine mammal stranding events that require emergency assistance;

''(C) the collection of data and samples from living or dead stranded marine mammals for scientific research or assessments regarding marine mammal health;

''(D) facility operating costs that are directly related to activities described in subparagraph (A), (B), or (C); and

''(E) development of stranding network capacity, including training for emergency response, where facilities do not exist or are sparse.

''(3) CONTRACT, GRANT, AND COOPERATIVE AGREEMENT AUTHORITY.—

''(A) IN GENERAL.—The applicable Secretary may enter into a contract, grant, or cooperative agreement with any eligible stranding network participant or stranding network collaborator, as the Secretary determines to be appropriate, for the purposes described in paragraph (2).

''(B) EMERGENCY AWARD FLEXIBILITY.—Following a request for emergency award flexibility and analysis of the merits of and necessity for such a request, the applicable Secretary may—

''(i) amend any contract, grant, or cooperative agreement entered into under this paragraph, including provisions concerning the period of performance; or

''(ii) waive the requirements under subsection (f) for grant applications submitted during the provision of emergency assistance.

''(4) EQUITABLE DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—The Secretary shall ensure, to the extent practicable, that funds awarded under the grant program are distributed equitably among the stranding regions.

''(B) CONSIDERATIONS.—In determining priorities among the stranding regions under this paragraph, the Secretary may consider—

''(i) equitable distribution within the stranding regions, including the subregions (including the Gulf of Mexico);

''(ii) any episodic stranding, entanglement, or mortality events, except for unusual mortality events, that occurred in any stranding region in the preceding year;

''(iii) any data with respect to average annual stranding, entanglements, and mortality events per stranding region;

''(iv) the size of the marine mammal populations inhabiting a stranding region;

''(v) the importance of the region's marine mammal populations to the well-being of indigenous communities; and

''(vi) the conservation of protected, depleted, threatened, or endangered marine mammal species.

''(C) STRANDINGS.—For the purposes of the grant program, priority is to be given to applications focusing on marine mammal strandings.

''(5) APPLICATION.—To be eligible for a grant under the grant program, a stranding network participant shall—

''(A) submit an application in such form and manner as the applicable Secretary prescribes; and

''(B) be in compliance with the data reporting requirements under section 402(d) and any applicable reporting requirements of the United States Fish and Wildlife Service for species under its management jurisdiction.

''(6) GRANT CRITERIA.—The Secretary shall, in consultation with the Marine Mammal Commission, a representative from each of the stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science with respect to stranded marine mammals under that Department's jurisdiction, develop criteria for awarding grants under their respective grant programs.

''(7) LIMITATIONS.—

''(A) MAXIMUM GRANT AMOUNT.—No grant made under the grant program for a single award may exceed $150,000 in any 12-month period.

''(B) UNEXPENDED FUNDS.—Any funds that have been awarded under the grant program but that are unexpended at the end of the 12-month period described in subparagraph (A) shall remain available until expended.

''(8) ADMINISTRATIVE COSTS AND EXPENSES.—The Secretary's administrative costs and expenses related to reviewing and awarding grants under the grant program, in any fiscal year may not exceed the greater of—

''(A) 6 percent of the amounts made available each fiscal year to carry out the grant program; or

''(B) $80,000.

''(9) TRANSPARENCY.—The Secretary shall make publicly available a list of grant proposals for the upcoming fiscal year, funded grants, and requests for grant flexibility under this subsection.

''(c) JOSEPH R. GERACI MARINE MAMMAL RESCUE AND RAPID RESPONSE FUND.—

''(1) IN GENERAL.—There is established in the Treasury of the United States an interest-bearing fund, to be known as the 'Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund' (referred to in this section as the 'Rapid Response Fund').

''(2) USE OF FUNDS.—Amounts in the Rapid Response Fund shall be available only for use by the Secretary to provide emergency assistance.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the grant program $7,000,000 for each of fiscal years 2021 through 2026, to remain available until expended, of which for each fiscal year—

''(i) $6,000,000 is authorized to be appropriated to the Secretary of Commerce; and

''(ii) $1,000,000 is authorized to be appropriated to the Secretary of the Interior.

''(B) DERIVATION OF FUNDS.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated pursuant to subparagraph (A) that are enacted after the date of enactment of this subsection.

''(2) JOSEPH R. GERACI MARINE MAMMAL RESCUE AND RAPID RESPONSE FUND.—There is authorized to be appropriated to the Rapid Response Fund $500,000 for each of fiscal years 2022 through 2026.

''(e) ACCEPTANCE OF DONATIONS.—For the purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522) is further amended by striking the item related to section 408 and inserting the following:

''Sec. 408. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.''.

SEC. ___13F. HEALTH MAP.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) is amended by inserting after section 408 the following:

''SEC. 408A. MARINE MAMMAL HEALTH MONITORING AND ANALYSIS PLATFORM (HEALTH MAP).

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall—

''(1) establish a marine mammal health monitoring and analysis platform (referred to in this Act as the 'Health MAP');

''(2) incorporate the Health MAP into the Observation System; and

''(3) make the Health MAP—

''(A) publicly accessible through the web portal of the Observation System; and

''(B) interoperable with other national data systems or other data systems for management or research purposes, as practicable.

''(b) PURPOSES.—The purposes of the Health MAP are—

''(1) to promote—

''(A) interdisciplinary research among individuals with knowledge and experience in marine mammal science, marine mammal veterinary and husbandry practices, medical science, and oceanography, and with other marine scientists;

''(B) timely and sustained dissemination and availability of marine mammal health, stranding, entanglement, and mortality data;

''(C) identification of spatial and temporal patterns of marine mammal mortality, disease, and stranding;

''(D) evaluation of marine mammal health in terms of mortality, as well as sublethal marine mammal health impacts;

''(E) improved collaboration and forecasting of marine mammal and larger ecosystem health events;

''(F) rapid communication and dissemination of information regarding marine mammal strandings that may have implications for human health, such as those caused by harmful algal blooms; and

''(G) increased accessibility of data in a user friendly visual interface for public education and outreach; and

''(2) to contribute to an ocean health index that incorporates marine mammal health data.

''(c) REQUIREMENTS.—The Health MAP shall—

''(1) integrate in situ, remote, and other marine mammal health, stranding, and mortality data, including visualizations and metadata, collected by marine mammal stranding networks, Federal, State, local, territorial, and Tribal governments, private partners, and academia; and

''(2) be designed—

''(A) to enhance data and information availability, including data sharing among stranding network participants, scientists, and the public within and across stranding network regions;

''(B) to facilitate data and information access across scientific disciplines, scientists, and managers;

''(C) to facilitate public access to national and regional marine mammal health, stranding, entanglement, and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

''(D) in collaboration with, and with input from, States and stranding network participants.

''(d) PROCEDURES AND GUIDELINES.—The Secretary shall establish and implement policies, protocols, and standards for—

''(1) reporting marine mammal health data collected by stranding networks consistent with subsections (c) and (d) of section 402;

''(2) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

''(3) disseminating and making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

''(4) integrating additional marine mammal health, stranding, or other relevant data as the Secretary determines appropriate.

''(e) CONSULTATION.—The Administrator of the National Oceanic and Atmospheric Administration shall maintain and update the Health MAP in consultation with the Secretary of the Interior and the Marine Mammal Commission.

''(f) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522) is further amended by inserting after the item related to section 408 the following:

''Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform (Health MAP).''.

SEC. ___13G. REPORTS TO CONGRESS.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) is further amended by inserting after section 408A the following:

''SEC. 408B. REPORTS TO CONGRESS.

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

''(1) the Committee on Commerce, Science, and Transportation of the Senate; and

''(2) the Committee on Natural Resources of the House of Representatives.

''(b) HEALTH MAP STATUS REPORT.—

''(1) IN GENERAL.—Not later than 2 year after the date of enactment of this section, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission, the Secretary of the Interior, and the National Ocean Research Leadership Council, shall submit to the appropriate committees of Congress a report describing the status of the Health MAP.

''(2) REQUIREMENTS.—The report under paragraph (1) shall include—

''(A) a detailed evaluation of the data made publicly available through the Health MAP;

''(B) a detailed list of any gaps in data collected pursuant to the Health MAP, a description of the reasons for those gaps, and recommended actions to close those gaps;

''(C) an analysis of the effectiveness of using the website of the Observation System as the platform to collect, organize, visualize, archive, and disseminate marine mammal stranding and health data;

''(D) a list of publications, presentations, or other relevant work product resulting from, or produced in collaboration with, the Health MAP;

''(E) a description of emerging marine mammal health concerns and the applicability of those concerns to human health;

''(F) an analysis of the feasibility of the Observation System being used as an alert system during stranding events, entanglement events, and unusual mortality events for the stranding network, Observation System partners, Health MAP partners, Federal and State agencies, and local, territorial, and Tribal governments;

''(G) an evaluation of the use of Health MAP data to predict broader ecosystem events and changes that may impact marine mammal or human health and specific examples of proven or potential uses of Observation System data for those purposes; and

''(H) recommendations for the Health MAP with respect to—

''(i) filling any identified data gaps;

''(ii) standards that could be used to improve data quality, accessibility, transmission, interoperability, and sharing;

''(iii) any other strategies that would contribute to the effectiveness and usefulness of the Health MAP; and

''(iv) the funding levels needed to maintain and improve the Health MAP.

''(c) DATA GAP ANALYSIS.—

''(1) IN GENERAL.—Not later than 5 years after the date on which the report required under subsection (b)(1) is submitted, and every 10 years thereafter, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Secretary of Commerce, shall—

''(A) make publicly available a report on the data gap analysis described in paragraph (2); and

''(B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

''(2) REQUIREMENTS.—The data gap analysis under paragraph (1) shall include—

''(A) an overview of existing participants within a marine mammal stranding network;

''(B) an identification of coverage needs and participant gaps within a network;

''(C) an identification of data and reporting gaps from members of a network; and

''(D) an analysis of how stranding and health data are shared and made available to scientists, academics, State, local, territorial, and Tribal governments, and the public.

''(d) MARINE MAMMAL RESPONSE CAPABILITIES IN THE ARCTIC.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, and the Director of the United States Geologic Survey, in consultation with the Marine Mammal Commission and the Secretary of the Interior, shall—

''(A) make publicly available a report describing the response capabilities for sick and injured marine mammals in the Arctic regions of the United States; and

''(B) provide a briefing to the appropriate committees of Congress on that report.

''(2) ARCTIC.—The term 'Arctic' has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

''(3) REQUIREMENTS.—The report under paragraph (1) shall include—

''(A) a description, developed in consultation with the Director of the United States Fish and Wildlife Service, of all marine mammal stranding agreements in place for the Arctic region of the United States, including species covered, response capabilities, facilities and equipment, and data collection and analysis capabilities;

''(B) a list of State and local government agencies that have personnel trained to respond to marine mammal strandings in the Arctic region of the United States;

''(C) an assessment of potential response and data collection partners and sources of local information and knowledge, including Alaska Native people and villages;

''(D) an analysis of spatial and temporal trends in marine mammal strandings and unusual mortality events that are correlated with changing environmental conditions in the Arctic region of the United States;

''(E) a description of training and other resource needs to meet emerging response requirements in the Arctic region of the United States;

''(F) an analysis of oiled marine mammal response and rehabilitation capabilities in the Arctic region of the United States, including personnel, equipment, facilities, training, and husbandry capabilities, and an assessment of factors that affect response and rehabilitation success rates; and

''(G) recommendations to address future stranding response needs for marine mammals in the Arctic region of the United States.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522) is further amended by inserting after the item related to section 408A the following:

''Sec. 408B. Reports to Congress.''.

SEC. ___13H. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421g) is amended—

(1) in paragraph (1), by striking ''1993 and 1994;'' and inserting ''2022 through 2026;'';

(2) in paragraph (2), by striking ''1993 and 1994;'' and inserting ''2022 through 2026;''; and

(3) in paragraph (3), by striking ''fiscal year 1993.'' and inserting ''for each of fiscal years 2022 through 2026.''.

SEC. ___13I. DEFINITIONS.

Section 410 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421h) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2), (5), (6), (7), (8), and (9), respectively;

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

''(1) The term 'entangle' or 'entanglement' means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to the marine mammal and is—

''(A) on lands under the jurisdiction of the United States, including beaches and shorelines; or

''(B) in waters under the jurisdiction of the United States, including any navigable waters.'';

(3) in paragraph (2) (as so redesignated) by striking ''The term'' and inserting ''Except as used in section 408, the term'';

(4) by inserting after paragraph (2) (as so redesignated) the following:

''(3) The term 'Health MAP' means the Marine Mammal Health Monitoring and Analysis Platform established under section 408A(a)(1).

''(4) The term 'Observation System' means the National Integrated Coastal and Ocean Observation System established under section 12304 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603).''.

SEC. ___13J. STUDY ON MARINE MAMMAL MORTALITY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall, in consultation with the Secretary of the Interior and the Marine Mammal Commission, conduct a study evaluating the connections among marine heat waves, frequency and intensity of harmful algal blooms, prey availability, and habitat degradation, and the impacts of these conditions on marine mammal mortality.

(b) REPORT.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall prepare, post to a publicly available website, and brief the appropriate committees of Congress on, a report containing the results of the study described in subsection (a). The report shall identify priority research activities, opportunities for collaboration, and current gaps in effort and resource limitations related to advancing scientific understanding of how ocean heat waves, harmful algae blooms, availability of prey, and habitat degradation impact marine mammal mortality. The report shall include recommendations for policies needed to mitigate and respond to mortality events.

Subtitle D—Reauthorization of Coral Reef Conservation Act of 2000

SEC. ___14. REAUTHORIZATION OF CORAL REEF CONSERVATION ACT OF 2000.

(a) PURPOSES; FEDERAL CORAL REEF MANAGEMENT AND RESTORATION ACTIVITIES.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by striking sections 202 and 203 and inserting the following:

''SEC. 202. PURPOSES.

''The purposes of this title are—

''(1) to conserve and restore the condition of United States coral reef ecosystems challenged by natural and human-accelerated changes, including increasing ocean temperatures, ocean acidification, coral bleaching, coral diseases, water quality degradation, invasive species, and illegal, unreported, and unregulated fishing;

''(2) to promote the science-based management and sustainable use of coral reef ecosystems to benefit local communities and the Nation, including through improved integration and cooperation among Federal, State, and locally managed jurisdictions with coral reef equities;

''(3) to develop sound scientific information on the condition of coral reef ecosystems, continuing and emerging threats to such ecosystems, and the efficacy of innovative tools, technologies, and strategies to mitigate stressors and restore such ecosystems, including evaluation criteria to determine the effectiveness of management interventions, and accurate mapping for coral reef restoration;

''(4) to assist in the preservation of coral reefs by supporting science-based, consensus-driven State, Tribal, Pacific Islander, territorial, and community-based coral reef management, including monitoring, conservation, and restoration projects that empower local communities, small businesses, and nongovernmental organizations;

''(5) to provide financial resources, technical assistance, and scientific expertise to supplement and strengthen State, Tribal, Indigenous, and community-based management programs and conservation and restoration projects;

''(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation and restoration projects;

''(7) to support the rapid and effective, science-based assessment and response to emergencies that imminently threaten coral reefs, such as coral disease outbreaks, invasive species, hurricanes, marine heat waves, coral bleaching, and other natural disasters, vessel groundings or chemical spills, and other exigent circumstances; and

''(8) to serve as a model for advancing similar international efforts to monitor, conserve, and restore coral reef ecosystems in the jurisdictions of United States allies and trading partners.

''SEC. 203. FEDERAL CORAL REEF MANAGEMENT AND RESTORATION ACTIVITIES.

''(a) IN GENERAL.—The Administrator or the Secretary of the Interior may conduct activities described in subsection (b) to conserve and restore coral reefs and coral reef ecosystems that are consistent with—

''(1) all applicable laws governing resource management in Federal and State waters, including this Act;

''(2) the national coral reef resilience strategy in effect under section 204A;

''(3) coral reef action plans in effect under section 205, as applicable; and

''(4) coral reef emergency plans in effect under section 209, as applicable.

''(b) ACTIVITIES DESCRIBED.—Activities described in this subsection are activities to conserve, research, monitor, assess, and restore coral reefs and coral reef ecosystems in waters managed under the jurisdiction of a Federal agency specified in subsection (c) or in coordination with a State in waters managed under the jurisdiction of such State, including—

''(1) developing, including through the collection of requisite data, high-quality and digitized maps reflecting—

''(A) current and historical live coral cover data;

''(B) coral reef habitat quality data;

''(C) priority areas for coral reef conservation to maintain biodiversity and ecosystem structure and function, including the reef matrix itself, that benefit coastal communities and living marine resources;

''(D) priority areas for coral reef restoration to enhance biodiversity and ecosystem structure and function, including the reef matrix itself, to benefit coastal communities and living marine resources; and

''(E) areas of concern that may require enhanced monitoring of coral health and cover;

''(2) enhancing compliance with Federal laws that prohibit or regulate—

''(A) the taking of coral products or species associated with coral reefs; or

''(B) the use and management of coral reef ecosystems;

''(3) long-term ecological monitoring of coral reef ecosystems;

''(4) implementing species-specific recovery plans for listed coral species consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(5) restoring degraded coral reef ecosystems;

''(6) promoting ecologically sound navigation and anchorages, including mooring buoy systems to promote enhanced recreational access, near coral reefs;

''(7) monitoring and responding to severe bleaching or mortality events, disease outbreaks, invasive species outbreaks, and significant maritime accidents, including chemical spill cleanup and the removal of grounded vessels;

''(8) conducting scientific research that contributes to the understanding, sustainable use, and long-term conservation of coral reefs;

''(9) enhancing public awareness, understanding, and appreciation of coral reefs and coral reef ecosystems;

''(10) preventing or minimizing the likelihood of vessel impacts or other physical damage to coral reefs through navigational aids and expansion of reef-safe anchorages; and

''(11) centrally archiving, managing, and distributing data sets and coral reef ecosystem assessments and publishing such information on publicly available internet websites of—

''(A) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

''(B) the Task Force.

''(c) FEDERAL AGENCIES SPECIFIED.—A Federal agency specified in this subsection is one of the following:

''(1) The National Oceanic and Atmospheric Administration.

''(2) The National Park Service.

''(3) The United States Fish and Wildlife Service.

''(4) The Office of Insular Affairs.''.

(b) ADDITIONAL PROVISIONS.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by striking sections 205 through 210 and inserting the following:

''SEC. 204A. NATIONAL CORAL REEF RESILIENCE STRATEGY.

''(a) IN GENERAL.—The Administrator shall—

''(1) develop a national coral reef resilience strategy; and

''(2) periodically, but not less frequently than every 15 years, review and revise the strategy.

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

''(1) A discussion addressing—

''(A) continuing and emerging threats to the resilience of United States coral reef ecosystems;

''(B) remaining gaps in coral reef ecosystem research, monitoring, and assessment;

''(C) the status of management cooperation and integration among Federal, State, Tribal, and locally managed jurisdictions with coral reef equities;

''(D) the status of efforts to manage and disseminate critical information, and enhance interjurisdictional data sharing, related to research, reports, datasets, and maps;

''(E) areas of special focus, which may include—

''(i) improving natural coral recruitment;

''(ii) preventing avoidable losses of corals and their habitat;

''(iii) enhancing the resilience of coral populations;

''(iv) supporting a resilience-based management approach;

''(v) developing, coordinating, and implementing watershed management plans;

''(vi) building and sustaining watershed management capacity at the local level;

''(vii) providing data essential for coral reef fisheries management;

''(viii) building capacity for coral reef fisheries management;

''(ix) increasing understanding of coral reef ecosystem services;

''(x) educating the public on the importance of coral reefs, threats to coral reefs, and solutions to such threats; and

''(xi) evaluating intervention efficacy;

''(F) the status of conservation efforts, including the use of marine protected areas to serve as replenishment zones developed consistent with local practices and traditions and in cooperation with, and with respect for the scientific, technical, and management expertise and responsibilities of, State fish and wildlife management agencies; and

''(G) science-based adaptive management and restoration efforts.

''(2) A statement of national goals and objectives designed to guide—

''(A) future Federal coral reef management and restoration activities authorized under section 203;

''(B) conservation and restoration priorities for grants awarded under section 213; and

''(C) research priorities for the cooperative institutes established under section 215(c).

''(3) General templates for use by covered reef managers to guide the development of—

''(A) coral reef action plans under section 205; and

''(B) coral reef emergency plans under section 209.

''(c) CONSULTATIONS.—In developing all elements of the strategy required by subsection (a), the Administrator shall—

''(1) consult with the Secretary of the Interior, the Task Force, covered States, and Tribal organizations;

''(2) engage stakeholders, including coral reef stewardship partnerships, coral reef institutes and research centers described in section 215(c), and coral reef conservation grant awardees; and

''(3) solicit public review and comment regarding scoping and the draft strategy.

''(d) SUBMISSION TO CONGRESS; PUBLICATION.—The Administrator shall—

''(1) submit the strategy required by subsection (a) and any revisions to the strategy to the appropriate congressional committees; and

''(2) publish the strategy and any such revisions on publicly available internet websites of—

''(A) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

''(B) the Task Force.

''(e) TRANSITION RULE.—On and after the date of the enactment of this subsection, the 2018 Coral Reef Conservation Program Strategic Plan of the National Oceanic and Atmospheric Administration shall be considered to be the national coral reef resilience strategy in effect under this section until the earlier of—

''(1) September 30, 2033; or

''(2) the date on which the Administrator develops a national coral reef resilience strategy under this section.

''SEC. 205. CORAL REEF ACTION PLANS.

''(a) CORAL REEF ACTION PLANS.—Except as provided in subsection (h), not later than 3 years after the date of the enactment of this section, and not later than 2 years after the publication of a revised national coral reef resilience strategy under section 204A, each covered reef manager shall prepare and submit to the Task Force a coral reef action plan to guide management and restoration activities to be undertaken within the responsibilities and jurisdiction of the manager.

''(b) REQUIREMENTS.—A covered reef manager preparing a coral reef action plan under subsection (a) shall—

''(1) ensure that the plan is consistent with all elements of the national coral reef resilience strategy in effect; and

''(2) revise the plan not less frequently than once every 5 years.

''(c) PLAN ELEMENTS.—A coral reef action plan under subsection (a) shall include a discussion of the following elements:

''(1) Short- and mid-term coral reef conservation and restoration objectives within the applicable jurisdiction.

''(2) An updated adaptive management framework to inform research, monitoring, and assessment needs.

''(3) The status of any coral reef emergency plans in effect under section 209 covering coral reef ecosystems within the applicable jurisdiction.

''(4) Tools, strategies, and partnerships necessary to identify, monitor, and redress the impacts of pollution, diminished water quality, temperature fluctuations, acidification, overfishing, disease, and other disturbances to coral reef ecosystems within the applicable jurisdiction.

''(5) The status of efforts to improve coral reef ecosystem management cooperation and integration among neighboring Federal, State, Tribal, or locally managed jurisdictions, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the applicable jurisdiction.

''(6) An accounting of annual expenditures on coral reef management and restoration activities within the applicable jurisdiction while the preceding action plan, if any, was in effect.

''(7) Estimated budgetary and resource considerations necessary to carry out the proposed action plan.

''(d) TECHNICAL ASSISTANCE.—The Administrator and the Task Force shall make all reasonable efforts to provide technical assistance upon request by a covered reef manager developing a coral reef action plan under subsection (a).

''(e) ADOPTION OF CORAL REEF ACTION PLANS.—A covered reef manager may adopt a coral reef action plan developed by another covered reef manager, in full or in part, as relevant to the adopting manager's applicable jurisdiction.

''(f) PUBLIC REVIEW.—The development of a coral reef action plan by a covered reef manager under subsection (a), and the adoption of a plan under subsection (e), shall be subject to public review and comment.

''(g) PUBLICATION.—The Administrator shall publish each coral reef action plan prepared and submitted to the Task Force under this section on publicly available internet websites of—

''(1) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

''(2) the Task Force.

''(h) APPLICABILITY TO COVERED STATES AND CORAL REEF STEWARDSHIP PARTNERSHIPS.—A covered State or non-Federal coral reef stewardship partnership is not required to develop a coral reef action plan under subsection (a), but may do so in its own discretion. In developing a coral reef action plan, a covered State or non-Federal coral reef stewardship partnership is encouraged, but not mandated, to comply with the requirements of this section.

''(i) PLAN IN EFFECT.—A coral reef action plan shall be deemed to be in effect if the plan was submitted to the Task Force under this section during the preceding 6 years.

"SEC. 206. CORAL REEF STEWARDSHIP PARTNERSHIPS.

''(a) CORAL REEF STEWARDSHIP PARTNERSHIPS.—The Administrator shall establish standards for the identification of coral reefs and the formation of partnerships among government and community members for the stewardship of coral reefs (in this title referred to as 'coral reef stewardship partnerships') in accordance with this section, including guidance for preparation and submission of coral reef action plans under section 205 for review and approval by the Administrator.

''(b) IDENTIFICATION OF CORAL REEFS.—Each coral reef stewardship partnership shall identify with particularity the coral reef or ecologically significant component of a coral reef that will be the subject of its stewardship activities.

''(c) MEMBERSHIP FOR FEDERAL CORAL REEFS.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef that is fully or partially under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

''(1) That Federal agency, a representative of which shall serve as chair of the coral reef stewardship partnership.

''(2) A State, county, or Tribal organization's resource management agency.

''(3) A coral reef research center described in section 215(c)(4) or another institution of higher education.

''(4) A nongovernmental organization.

''(5) Such other members as the partnership considers appropriate, such as interested stakeholder groups.

''(d) MEMBERSHIP FOR NON-FEDERAL CORAL REEFS.—

''(1) IN GENERAL.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef that is not under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

''(A) A State, county, or Tribal organization's resource management agency, a representative of which shall serve as the chair of the coral reef stewardship partnership.

''(B) A coral reef research center described in section 215(c)(4) or another institution of higher education.

''(C) A nongovernmental organization.

''(D) Such other members as the partnership considers appropriate, such as interested stakeholder groups.

''(2) ADDITIONAL MEMBERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a coral reef stewardship partnership described in paragraph (1) may also include representatives of one or more Federal agencies that have management responsibility in the coral reef that is the subject of the partnership's stewardship activities.

''(B) REQUESTS; APPROVAL.—A representative of a Federal agency described in subparagraph (A) may become a member of a coral reef stewardship partnership described in paragraph (1) if—

''(i) the representative submits a request to become a member to the chair of the partnership referred to in paragraph (1)(A); and

''(ii) the chair consents to the request.

''(e) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coral reef stewardship partnerships.

"SEC. 207. BLOCK GRANTS AND COOPERATIVE AGREEMENTS.

''(a) IN GENERAL.—The Administrator shall provide block grants of financial assistance to covered States to support management and restoration activities and further the implementation of coral reef action plans in effect under section 205 by covered States and non-Federal coral reef stewardship partnerships.

''(b) ELIGIBILITY FOR ADDITIONAL AMOUNTS.—

''(1) IN GENERAL.—A covered State shall qualify for and receive additional grant amounts beyond the base award specified in subsection (c)(1) if there is at least one coral reef action plan in effect within the jurisdiction of the covered State developed by that covered State or a non-Federal coral reef stewardship partnership.

''(2) WAIVER.—In any fiscal year before fiscal year 2025, the Administrator shall waive the requirement to qualify for and receive additional grant amounts described in paragraph (1).

''(c) FUNDING FORMULA.—The amount of each block grant awarded to a covered State under this section shall be the sum of—

''(1) a base award of $100,000; and

''(2) if the State is eligible under subsection (b)—

''(A) an amount that is equal to non-Federal expenditures of up to $3,000,000 on coral reef management and restoration activities within the jurisdiction of the State during the previous fiscal year, and

''(B) an additional amount, from any funds appropriated for activities under this section that remain after distribution under subparagraph (A), paragraph (1), and subsection (g)based on the proportion of the State's share of total non-Federal expenditures on coral reef management and restoration activities, as reported within the previous fiscal year, in excess of $3,000,000, relative to other covered States.

''(d) EXCLUSIONS.—For the purposes of calculating block grant amounts under subsection (c), Federal funds provided to a covered State or non-Federal coral reef stewardship partnership shall not be considered as qualifying non-Federal expenditures, but non-Federal matching funds used to leverage Federal awards may be considered as qualifying non-Federal expenditures.

''(e) RESPONSIBILITIES OF THE ADMINISTRATOR.—The Administrator is responsible for—

''(1) providing guidance on qualifying non-Federal expenditures and the proper documentation of such expenditures;

''(2) issuing annual solicitations to covered States for additional awards under this section; and

''(3) determining the appropriate allocation of additional amounts among covered States in accordance with this section.

''(f) RESPONSIBILITIES OF COVERED STATES.—Each covered State is responsible for documenting non-Federal expenditures within the jurisdiction of the State and formally reporting those expenditures for review in response to annual solicitations by the Administrator under subsection (e).

''(g) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements with States to fund coral reef conservation and restoration activities in waters managed under the jurisdiction of such States that are consistent with the national coral reef resilience strategy in effect under section 204A.

"SEC. 208. CORAL REEF STEWARDSHIP FUND.

''(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Administrator may enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the 'Foundation'), authorizing the Foundation to receive, hold, and administer funds received under this section.

''(b) FUND.—The Foundation shall invest, reinvest, and otherwise administer the funds received under this section and maintain such funds and any interest or revenues earned in a separate interest-bearing account, to be known as the 'Coral Reef Stewardship Fund' (in this section referred to as the 'Fund', and known before the date of the enactment of this section as the Coral Reef Conservation Fund administered through a public-private partnership with the Foundation), established by the Foundation solely to support coral reef stewardship partnership activities that—

''(1) further the purposes of this title; and

''(2) are consistent with—

''(A) the national coral reef resilience strategy in effect under section 204A; and

''(B) coral reef action plans in effect, if any, under section 205 covering a coral reef or ecologically significant component of a coral reef to be impacted by such activities, if applicable.

''(c) AUTHORIZATION TO SOLICIT DONATIONS.—

''(1) IN GENERAL.—Pursuant to an agreement entered into under subsection (a), the Foundation may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, United States Code, donations of services) to further the purposes of this title.

''(2) DEPOSITS IN FUND.—Notwithstanding section 3302 of title 31, United States Code, any funds received as a gift shall be deposited and maintained in the Fund.

''(3) NOTIFICATION REQUIRED.—Not later than 30 days after funds are deposited in the Fund under paragraph (2), the Foundation shall notify the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives of the source and amount of such funds.

''(d) REVIEW OF PERFORMANCE.—The Administrator shall conduct a continuing review of all deposits into, and disbursements from, the Fund. Each review shall include a written assessment concerning the extent to which the Foundation has implemented the goals and requirements of—

''(1) this section; and

''(2) the national coral reef resilience strategy in effect under section 204A.

''(e) ADMINISTRATION.—Under an agreement entered into pursuant to subsection (a), the Administrator may transfer funds appropriated to carry out this title to the Foundation. Amounts received by the Foundation under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the Foundation by private persons, State or local government agencies, or Tribal organizations.

"SEC. 209. CORAL REEF EMERGENCY PLANS.

''(a) IN GENERAL.—A covered reef manager may develop and periodically update a plan (in this title referred to as a 'coral reef emergency plan') consistent with the template described in section 204A(b)(3) to guide the rapid and effective response to circumstances that pose an urgent and immediate threat to the coral reef ecosystems within the manager's responsibilities and jurisdictions, and consistent with any applicable coral reef action plan.

''(b) CORAL REEF EMERGENCIES.—The Administrator shall develop a list of, and criteria for, circumstances that pose an urgent and immediate threat to coral reefs (in this title referred to as 'coral reef emergencies'), including—

''(1) new and ongoing outbreaks of disease;

''(2) new and ongoing outbreaks of invasive or nuisance species;

''(3) new and ongoing coral bleaching events;

''(4) natural disasters;

''(5) man-made disasters, including vessel groundings, hazardous spills, or coastal construction accidents; and

''(6) other exigent circumstances.

''(c) BEST RESPONSE PRACTICES.—The Administrator shall develop guidance on best practices to respond to coral reef emergencies that can be adopted within coral reef emergency plans. Such best practices shall be—

''(1) based on the best available science and integrated with evolving innovative technologies; and

''(2) revised not less frequently than once every 5 years.

''(d) PLAN ELEMENTS.—A coral reef emergency plan shall include the following elements:

''(1) A description of particular threats, and the proposed responses, consistent with the best practices developed under subsection (d).

''(2) A delineation of roles and responsibilities for executing the plan.

''(3) Evidence of engagement with interested stakeholder groups, as applicable, in the development of the plan.

''(4) Any other information the Administrator considers to be necessary for the plan.

''(e) TECHNICAL ASSISTANCE.—The Administrator and the Task Force shall make all reasonable efforts to provide technical assistance upon request by a covered reef manager developing a coral reef emergency plan under subsection (a).

''(f) ADOPTION OF CORAL REEF EMERGENCY PLANS.—A covered reef manager may adopt a coral reef emergency plan developed by another covered reef manager, in full or in part, as relevant to the adopting manager's applicable jurisdiction.

''(g) PUBLIC REVIEW.—The development of a coral reef action plan by a covered reef manager under subsection (a), and the adoption of a plan under subsection (f), shall be subject to public review and comment.

''(h) PUBLICATION.—The Administrator shall publish each coral reef emergency plan prepared and submitted to the Task Force under this section on publicly available internet websites of—

''(1) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

''(2) the Task Force.

''(i) PLAN IN EFFECT.—A coral reef emergency plan shall be deemed to be in effect if the plan was submitted to the Task Force under this section during the preceding 6 years.

''SEC. 210. CORAL REEF EMERGENCY FUND.

''(a) ESTABLISHMENT OF FUND.—There is established in the Treasury an interest-bearing fund to be known as the 'Coral Reef Emergency Fund', consisting of such amounts as are appropriated to the Fund.

''(b) USES.—Amounts in the Fund—

''(1) shall be available only for use by the Administrator to compensate covered coral reef mangers to implement a coral reef emergency plan in effect under sections 210 and 212; and

''(2) shall remain available until expended.

''(c) ACCEPTANCE OF DONATIONS.—

''(1) IN GENERAL.—For purposes of carrying out this title, the Administrator may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, United States Code, donations of services).

''(2) DEPOSITS IN FUND.—Notwithstanding section 3302 of title 31, United States Code, any funds received as a gift shall be deposited and maintained in the Fund.

''SEC. 211. EMERGENCY ASSISTANCE.

''(a) CORAL REEF EMERGENCY DECLARATIONS.—

''(1) SUA SPONTE DECLARATION.—

''(A) IN GENERAL.—The Administrator may determine and declare a coral reef emergency, including at the recommendation of the Secretary of the Interior.

''(B) REQUIREMENTS.—In declaring a coral reef emergency under subparagraph (A), the Administrator shall—

''(i) certify that an emergency has occurred that is ecologically significant and harmful to coral reefs; and

''(ii) submit to the appropriate congressional committees findings and analysis to justify the declaration.

''(2) PETITIONS.—If a covered State or non-Federal coral reef stewardship partnership believes that a coral reef emergency has occurred, and is impacting coral reefs or ecologically significant components of coral reefs subject to the responsibilities or jurisdiction of the State or partnership, the State or partnership may petition the Administrator for a declaration of a coral reef emergency.

''(3) EVALUATION AND ACTION.—

''(A) IN GENERAL.—Not later than 30 days after receiving a petition under paragraph (2) (except as provided in subparagraph (B)), the Administrator shall—

''(i) evaluate the petition to determine whether a coral reef emergency has occurred; and

''(ii) declare a coral reef emergency or deny the petition.

''(B) EXTENSION.—The Administrator may extend the deadline provided for under subparagraph (A) by not more than 15 days.

''(4) APPEAL.—If the Administrator denies a petition for an emergency declaration submitted under paragraph (2), the State or partnership that submitted the petition may, not later than 15 days after receiving notice of the denial, appeal the denial to the Administrator. Not later than 15 days after receiving an appeal under this paragraph, the Administrator shall grant or deny the appeal.

''(5) REVOCATION.—The Administrator may revoke any declaration of a coral reef emergency in whole or in part after determining that circumstances no longer require an emergency response.

''(6) RECOVERY OF EMERGENCY FUNDING.—The Administrator may seek compensation from negligent parties to recover emergency funds expended in excess of $500,000 under this section as a result of an emergency declaration arising from direct impacts to coral reefs from man-made disasters or accidents.

''(b) FINANCIAL ASSISTANCE AUTHORITY.—

''(1) IN GENERAL.—Upon the declaration of a coral reef emergency under subsection (a), the Administrator shall provide grants to carry out proposals that meet the requirements of paragraph (2) to implement coral reef emergency plans in effect under section 209.

''(2) REQUIREMENTS.—A proposal for a grant under this subsection to implement a coral reef emergency plan in effect under section 209 shall include—

''(A) the name of the entity submitting the proposal;

''(B) a copy of the coral reef emergency plan;

''(C) a description of the qualifications of the individuals and entities who will implement the plan;

''(D) an estimate of the funds and time required to complete the implementation of the plan; and

''(E) any other information the Administrator considers to be necessary for evaluating the eligibility of the proposal for a grant under this subsection.

''(3) REVIEW.—Not later than 30 days after receiving a proposal for a grant under this subsection, the Administrator shall review the proposal and determine if the proposal meets the requirements of paragraph (2).

''(4) CONCURRENT REVIEW.—An entity seeking a grant under this subsection may submit a proposal under paragraph (2) to the Administrator at any time following the submission of a petition for an emergency declaration under subsection (a)(2) that is applicable to coral reefs or ecologically significant components of coral reefs subject to the responsibilities or jurisdiction of the entity.

''SEC. 212. VESSEL GROUNDING INVENTORY.

''The Administrator, in coordination with the heads of other Federal agencies, shall establish and maintain an inventory of all vessel grounding incidents involving United States coral reefs, including a description of—

''(1) the impacts of each such incident to coral reefs and related natural resources;

''(2) vessel and ownership information relating to each such incident, if available;

''(3) the estimated cost of removal of the vessel, remediation, or restoration relating to each such incident;

''(4) the response actions taken by the owner of the vessel, the Administrator, the Commandant of the Coast Guard, or representatives of other Federal or State agencies;

''(5) the status of the response actions, including the dates of—

''(A) vessel removal;

''(B) remediation or restoration activities, including whether a coral reef emergency plan was implemented; and

''(C) any actions taken to prevent future grounding incidents; and

''(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

''SEC. 213. RUTH D. GATES CORAL REEF CONSERVATION GRANT PROGRAM.

''(a) GRANTS.—The Administrator shall establish a program (to be known as the 'Ruth D. Gates Coral Reef Conservation Grant Program') to provide grants for projects for the conservation and restoration of coral reef ecosystems (in this section referred to as 'coral reef projects') pursuant to proposals approved by the Administrator in accordance with this section.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—An entity described in paragraph (2) may submit to the Administrator a proposal for a coral reef project.

''(2) ENTITIES DESCRIBED.—An entity described in this paragraph is—

''(A) a natural resource management authority of a State or local government or Tribal organization—

''(i) with responsibility for coral reef management; or

''(ii) the activities of which directly or indirectly affect coral reefs or coral reef ecosystems;

''(B) a regional fishery management council established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

''(C) a coral reef stewardship partnership seeking to implement a coral reef action plan in effect under section 205;

''(D) a coral reef research center designated under section 215(c)(4); or

''(E) another nongovernmental organization or research institution with demonstrated expertise in the conservation or restoration of coral reefs in practice or through significant contributions to the body of existing scientific research on coral reefs.

''(c) PROJECT PROPOSALS.—Each proposal for a grant under this section for a coral reef project shall include the following:

''(1) The name of the individual or entity responsible for conducting the project.

''(2) A description of the qualifications of the individual or entity.

''(3) A succinct statement of the purposes of the project.

''(4) An estimate of the funds and time required to complete the project.

''(5) Evidence of support for the project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

''(6) Information regarding the source and amount of matching funding available to the applicant.

''(7) A description of how the project meets one or more of the criteria under subsection (e)(2).

''(8) In the case of a proposal submitted by a coral reef stewardship partnership, a description of how the project aligns with the applicable coral reef action plan in effect under section 205.

''(9) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for a grant under this subsection.

''(d) PROJECT REVIEW AND APPROVAL.—

''(1) IN GENERAL.—The Administrator shall review each coral reef project proposal submitted under this section to determine if the project meets the criteria set forth in subsection (e).

''(2) PRIORITIZATION OF CONSERVATION PROJECTS.—The Administrator shall prioritize the awarding of grants for projects that meet the criteria for approval under subparagraphs (A) through (G) of subsection (e)(2) that are proposed to be conducted within priority areas identified for coral reef conservation by the Administrator and consistent with the national coral reef resilience strategy in effect under section 204A.

''(3) PRIORITIZATION OF RESTORATION PROJECTS.—The Administrator shall prioritize the awarding of grants for projects that meet the criteria for approval under subparagraphs (E) through (L) of subsection (e)(2) that are proposed to be conducted within priority areas identified for coral reef restoration by the Administrator and consistent with the national coral reef resilience strategy in effect under section 204A.

''(4) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a proposal for a coral reef project under this section, the Administrator shall—

''(A) request and consider written comments on the proposal from each Federal agency, State government, Tribal organization, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary or Marine National Monument, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally established priorities, unless such entities were directly involved in the development of the project proposal;

''(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

''(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

''(D) provide written notification of that approval or disapproval, with summaries of all written comments, recommendations, and peer-reviews, to the entity that submitted the proposal, and each of those States, Tribal organizations, and other government jurisdictions that provided comments under subparagraph (A).

''(e) CRITERIA FOR APPROVAL.—The Administrator may not approve a proposal for a coral reef project under this section unless the project—

''(1) is consistent with—

''(A) the national coral reef resilience strategy in effect under section 204A; and

''(B) any Federal or non-Federal coral reef action plans in effect under section 205 covering a coral reef or ecologically significant component of a coral reef to be affected by the project; and

''(2) will enhance the conservation and restoration of coral reefs by—

''(A) addressing conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products, including supporting consensus-driven, community-based planning and management initiatives for the protection of coral reef ecosystems;

''(B) improving compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems;

''(C) designing and implementing networks of real-time water quality monitoring along coral reefs, including data collection related to turbidity, nutrient availability, harmful algal blooms, and plankton assemblages, with an emphasis on coral reefs impacted by agriculture and urban development;

''(D) promoting ecologically sound navigation and anchorages, including mooring buoy systems to promote enhanced recreational access, near coral reefs;

''(E) furthering the goals and objectives of coral reef action plans in effect under section 205 and coral reef emergency plans in effect under section 209;

''(F) mapping the location and distribution of coral reefs and potential coral reef habitat;

''(G) stimulating innovation to advance the ability of the United States to understand, research, or monitor coral reef ecosystems, or to develop management or adaptation options to preserve, sustain, and restore coral reef ecosystems;

''(H) implementing research to ensure the population viability of listed coral species in United States waters as detailed in the population-based recovery criteria included in species-specific recovery plans consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(I) developing and implementing cost-effective methods to restore degraded coral reef ecosystems or to create geographically appropriate coral reef ecosystems in suitable waters, including by improving habitat or promoting success of keystone species, with an emphasis on novel restoration strategies and techniques to advance coral reef recovery and growth near population centers threatened by rising sea levels and storm surge;

''(J) translating and applying coral genetics research to coral reef ecosystem restoration, including research related to traits that promote resilience to increasing ocean temperatures, ocean acidification, coral bleaching, coral diseases, and invasive species;

''(K) developing and maintaining in situ native coral propagation sites;

''(L) developing and maintaining ex situ coral propagation nurseries and land-based coral gene banks to—

''(i) conserve or augment genetic diversity of native coral populations;

''(ii) support captive breeding of rare coral species; or

''(iii) enhance resilience of native coral populations to increasing ocean temperatures, ocean acidification, coral bleaching, and coral diseases through selective breeding, conditioning, or other approaches that target genes, gene expression, phenotypic traits, or phenotypic plasticity; or

''(M) maintaining the structure and function of coral reefs, including the reef matrix itself.

''(f) FUNDING REQUIREMENTS.—To the extent practicable based upon proposals for coral reef projects submitted to the Administrator, the Administrator shall ensure that funding for grants awarded under this section during a fiscal year is distributed as follows:

''(1) Not less than 40 percent of funds available shall be awarded for projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States.

''(2) Not less than 40 percent of the funds available shall be awarded for projects in the Atlantic Ocean, the Gulf of Mexico, or the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States.

''(g) PROJECT REPORTING.—Each entity receiving a grant under this section shall submit to the Administrator such reports at such times and containing such information for evaluating project performance as the Administrator may require.

''(h) TASK FORCE.—The Administrator may consult with the Secretary of the Interior and the Task Force to obtain guidance in establishing priorities and evaluating proposals for coral reef projects under this section.

''SEC. 214. REPORTS ON ADMINISTRATION.

''(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this section, and every 2 years thereafter, the Administrator shall submit to the committees specified in subsection (b) a report on the administration of this title during the 2-year period preceding submission of the report, including—

''(1) a description of all activities undertaken to implement the most recent national coral reef resilience strategy under section 204A;

''(2) a statement of all funds obligated under the authorities of this title; and

''(3) a summary, disaggregated by State, of Federal and non-Federal contributions toward the costs of each project or activity funded, in full or in part, under the authorities of this title.

''(b) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

''(1) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

''(2) the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives.

''SEC. 215. AUTHORITY TO ENTER INTO AGREEMENTS.

''(a) IN GENERAL.—The Administrator may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this title.

''(b) COOPERATIVE INSTITUTES.—

''(1) DESIGNATION.—The Administrator shall designate 2 cooperative institutes for the purpose of advancing and sustaining essential capabilities in coral reef research, to be known as the 'Atlantic Coral Reef Institute' and the 'Pacific Coral Reef Institute'.

''(2) MEMBERSHIP.—Each institute established under paragraph (1) shall be housed within a single coral reef research center designated by the Administrator under paragraph (4) in the Atlantic and Pacific basins, respectively, and may contract with other coral reef research centers within the same basin to support each institute's capacity and reach.

''(3) FUNCTIONS.—The institutes established under paragraph (1) shall—

''(A) conduct federally directed research to fill national and regional coral reef ecosystem research gaps and improve understanding of, and responses to, continuing and emerging threats to the resilience of United States coral reef ecosystems consistent with the national coral reef resilience strategy in effect under section 204A;

''(B) support ecological research and monitoring to study the effects of conservation and restoration activities funded by this title on promoting more effective coral reef management and restoration; and

''(C) through agreements—

''(i) collaborate directly with governmental resource management agencies, coral reef stewardship partnerships, nonprofit organizations, and other coral reef research centers designated under paragraph (4);

''(ii) assist in the development and implementation of—

''(I) the national coral reef resilience strategy under section 204A;

''(II) coral reef action plans under section 205; and

''(III) coral reef emergency plans under section 209;

''(iii) build capacity within governmental resource management agencies to establish research priorities and translate and apply research findings to management and restoration practices; and

''(iv) conduct public education and awareness programs for policymakers, resource managers, and the general public on—

''(I) coral reefs and coral reef ecosystems;

''(II) best practices for coral reef ecosystem management and restoration;

''(III) the value of coral reefs; and

''(IV) the threats to the sustainability of coral reef ecosystems.

''(4) CORAL REEF RESEARCH CENTERS.—

''(A) IN GENERAL.—The Administrator shall periodically solicit applications and designate all qualifying institutions in a covered State as coral reef research centers.

''(B) CRITERIA.—An institution qualifies for designation as a coral reef research center under subparagraph (A) if the Administrator determines that the institution—

''(i) is operated by an institution of higher education;

''(ii) has established management-driven national or regional coral reef research or restoration programs;

''(iii) has demonstrated abilities to coordinate closely with appropriate Federal and State agencies, as well as other academic and nonprofit organizations; and

''(iv) maintains significant local community engagement and outreach programs related to coral reef ecosystems.

''(c) USE OF RESOURCES OF OTHER AGENCIES.—The Administrator may use, with consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any agency or instrumentality of—

''(1) the United States;

''(2) any State or local government;

''(3) any Indian Tribe; or

''(4) any foreign government not subject to economic sanctions imposed by the United States.

''SEC. 216. CORAL REEF PRIZE COMPETITIONS.

''(a) IN GENERAL.—The head of any Federal agency with a representative serving on the U.S. Coral Reef Task Force established by Executive Order No. 13089 (16 U.S.C. 6401 note; relating to coral reef protection), may, individually or in cooperation with one or more agencies, carry out a program to award prizes competitively under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719).

''(b) PURPOSES.—Any program carried out under this section shall be for the purpose of stimulating innovation to advance the ability of the United States to understand, research, or monitor coral reef ecosystems, or to develop management or adaptation options to preserve, sustain, and restore coral reef ecosystems.

''(c) PRIORITY PROGRAMS.—Priority shall be given to establishing programs under this section that address communities, environments, or industries that are in distress as a result of the decline or degradation of coral reef ecosystems, including—

''(1) scientific research and monitoring that furthers the understanding of causes behind coral reef decline and degradation and the generally slow recovery following disturbances;

''(2) the development of monitoring or management options for communities or industries that are experiencing significant financial hardship;

''(3) the development of adaptation options to alleviate economic harm and job loss caused by damage to coral reef ecosystems;

''(4) the development of measures to help vulnerable communities or industries, with an emphasis on rural communities and businesses; and

''(5) the development of adaptation and management options for impacted tourism industries.

''SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to the Administrator $38,000,000 for each of fiscal years 2022 through 2026 to carry out this title, which shall remain available until expended.

''(b) ADMINISTRATION.—Of the amounts authorized to be appropriated under subsection (a), not more than the lesser of $1,500,000 or 10 percent of such amounts is authorized to be appropriated for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

''(c) FEDERALLY DIRECTED RESEARCH AND CORAL REEF CONSERVATION PROGRAM GRANTS.—From the amounts authorized to be appropriated under subsection (a), not less than $8,000,000 is authorized to be appropriated for each of fiscal years 2022 through 2026 to support purposes consistent with this title, of which—

''(1) not less than $3,500,000 is authorized to be appropriated for each such fiscal year for authorized activities under section 213; and

''(2) not less than $4,500,000 is authorized to be appropriated for each such fiscal year through cooperative agreements with the cooperative institutes designated under section 215(c).

''(d) BLOCK GRANTS AND COOPERATIVE AGREEMENTS.—There is authorized to be appropriated to the Administrator, $15,000,000 for each of fiscal years 2022 through 2026, which shall remain available until expended, to carry out section 207.

''SEC. 218. DEFINITIONS.

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

''(3) CONSERVATION.—The term 'conservation' means the use of methods and procedures necessary to preserve or sustain geographically appropriate corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems with minimal impacts from invasive species, including—

''(A) all activities associated with resource management, such as monitoring, assessment, protection, restoration, sustainable use, management of habitat, and maintenance or augmentation of genetic diversity;

''(B) mapping;

''(C) scientific expertise and technical assistance in the development and implementation of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

''(D) law enforcement;

''(E) conflict resolution initiatives;

''(F) community outreach and education; and

''(G) promotion of safe and ecologically sound navigation and anchoring.

''(4) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

''(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals, organ pipe corals, gorgonians), and Helioporacea (blue coral), of the class Anthozoa; and

''(B) all species of the order Anthoathecata (fire corals and other hydrocorals) of the class Hydrozoa.

''(5) CORAL PRODUCTS.—The term 'coral products' means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (4).

''(6) CORAL REEF.—The term 'coral reef' means calcium carbonate structures in the form of a reef or shoal, composed in whole or in part by living coral, skeletal remains of coral, crustose coralline algae, and other associated sessile marine plants and animals.

''(7) CORAL REEF ECOSYSTEM.—The term 'coral reef ecosystem' means—

''(A) corals and other geographically and ecologically associated marine communities of other reef organisms (including reef plants and animals) associated with coral reef habitat; and

''(B) the biotic and abiotic factors and processes that affect coral physiology, coral-algal symbiosis, and biodiversity in such habitat.

''(8) CORAL REEF ECOSYSTEM SERVICES.—The term 'coral reef ecosystem services' means the attributes and benefits provided by coral reef ecosystems including—

''(A) protection of coastal beaches, structures, and infrastructure;

''(B) habitat for organisms of economic, ecological, biomedical, medicinal, and cultural value;

''(C) serving as centers for the promulgation, performance, and training of cultural practices representative of traditional ecological knowledge; and

''(D) aesthetic value.

''(9) COVERED REEF MANAGER.—

''(A) IN GENERAL.—The term 'covered reef manager' means a management unit of a Federal agency specified in subparagraph (B) with jurisdiction over a coral reef ecosystem, covered State, or coral reef stewardship partnership.

''(B) FEDERAL AGENCIES SPECIFIED.—A Federal agency specified in this subparagraph is one of the following:

''(i) The National Oceanic and Atmospheric Administration.

''(ii) The National Park Service.

''(iii) The United States Fish and Wildlife Service.

''(iv) The Office of Insular Affairs.

''(10) COVERED STATE.—The term 'covered State' means Florida, Hawaii, and the territories of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands.

''(11) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(12) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(13) INTERESTED STAKEHOLDER GROUPS.—The term 'interested stakeholder groups' includes community members such as businesses, commercial and recreational fishermen, other recreationalists, Federal, State, Tribal, and local government units with related jurisdiction, institutions of higher education, and nongovernmental organizations.

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

''(15) RESTORATION.—The term 'restoration' means the use of methods and procedures necessary to enhance, rehabilitate, recreate, or create a functioning coral reef or coral reef ecosystem, in whole or in part, within suitable waters of the historical geographic range of such ecosystems, to provide ecological, economic, cultural, or coastal resiliency services associated with healthy coral reefs and benefit native populations of coral reef organisms.

''(16) RESILIENCE.—The term 'resilience' means the capacity for corals within their native range, coral reefs, or coral reef ecosystems to resist and recover from natural and human disturbances, and maintain structure and function to provide coral reef ecosystem services as determined by clearly identifiable, measurable, and science-based standards.

''(17) STATE.—The term 'State' means—

''(A) any State of the United States that contains a coral reef ecosystem within its seaward boundaries;

''(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the United States Virgin Islands; or

''(C) any other territory of the United States or separate sovereign in free association with the United States that contains a coral reef ecosystem within its seaward boundaries.

''(18) STEWARDSHIP.—The term 'stewardship', with respect to a coral reef, includes conservation, restoration, and public outreach and education.

''(19) TASK FORCE.—The term 'Task Force' means the United States Coral Reef Task Force.

''(20) TRIBAL ORGANIZATION.—The term 'Tribal organization' has the meaning given the term 'tribal organization' in section 3765 of title 38, United States Code.''.

(c) CONFORMING AMENDMENT TO NATIONAL OCEANS AND COASTAL SECURITY ACT.—Section 905(a) of the National Oceans and Coastal Security Act (16 U.S.C. 7504(a)) is amended by striking ''and coastal infrastructure'' and inserting '', coastal infrastructure, and ecosystem services provided by natural systems such as coral reefs''.

SEC. ___14A. MODIFICATION TO SECTION 204 OF THE CORAL REEF CONSERVATION ACT OF 2000.

Section 204 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403) is amended—

(1) in subsection (a), by striking ''this section'' and inserting ''section 213''; and

(2) by striking subsections (c) through (j).

Subtitle E—United States Coral Reef Task Force

SEC. ___15. ESTABLISHMENT.

There is established a task force to lead, coordinate, and strengthen Federal Government actions to better preserve, conserve, and restore coral reef ecosystems, to be known as the ''United States Coral Reef Task Force'' (in this subtitle referred to as the ''Task Force'').

SEC. ___15A. DUTIES.

The duties of the Task Force shall be—

(1) to coordinate, in cooperation with State, Tribal, and local government partners, coral reef research centers designated under section 215(c) of the Coral Reef Conservation Act of 2000 (as amended by subtitle D), and other nongovernmental and academic partners as appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, and restoration of coral reefs and coral reef ecosystems;

(2) to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in—

(A) Executive Order No. 13089 (63 Fed. Reg. 32701; relating to coral reef protection); and

(B) the national coral reef resilience strategy developed under section 204A of the Coral Reef Conservation Act of 2000, as amended by subtitle D;

(3) to work with the Secretary of State and the Administrator of the United States Agency for International Development, and in coordination with the other members of the Task Force—

(A) to assess the United States role in international trade and protection of coral species;

(B) to encourage implementation of appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide; and

(C) to collaborate with international communities successful in managing coral reefs;

(4) to provide technical assistance for the development and implementation, as appropriate, of—

(A) the national coral reef resilience strategy under section 204A of the Coral Reef Conservation Act of 2000, as amended by subtitle D;

(B) coral reef action plans under section 205 of that Act; and

(C) coral reef emergency plans under section 209 of that Act; and

(5) to produce a report each year, for submission to the appropriate congressional committees and publication on a publicly available internet website of the Task Force, highlighting the status of the coral reef equities of a covered State on a rotating basis, including—

(A) a summary of recent coral reef management and restoration activities undertaken in that State; and

(B) updated estimates of the direct and indirect economic activity supported by, and other benefits associated with, those coral reef equities.

SEC. ___15B. MEMBERSHIP.

(a) VOTING MEMBERSHIP.—The Task Force shall have the following voting members:

(1) The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, who shall be co-chairs of the Task Force.

(2) The Administrator of the United States Agency for International Development.

(3) The Secretary of Agriculture.

(4) The Secretary of Defense.

(5) The Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works.

(6) The Secretary of Homeland Security, acting through the Administrator of the Federal Emergency Management Agency.

(7) The Commandant of the Coast Guard.

(8) The Attorney General.

(9) The Secretary of State.

(10) The Secretary of Transportation.

(11) The Administrator of the Environmental Protection Agency.

(12) The Ambassador of the United States Trade Representative.

(13) The Administrator of the National Aeronautics and Space Administration.

(14) The Director of the National Science Foundation.

(15) The Governor, or a representative of the Governor, of each covered State.

(b) NONVOTING MEMBERS.—The Task Force shall have the following nonvoting members:

(1) A member appointed by the President of the Federated States of Micronesia.

(2) A member appointed by the President of the Republic of the Marshall Islands.

(3) A member appointed by the President of the Republic of Palau.

SEC. ___15C. RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.

(a) IN GENERAL.—A member of the Task Force specified in paragraphs (1) through (15) of section ___15B(a) shall—

(1) identify the actions of the agency that member represents that may affect coral reef ecosystems;

(2) utilize the programs and authorities of that agency to protect and enhance the conditions of such ecosystems, including through the promotion of basic and applied scientific research;

(3) collaborate with the Task Force to appropriately reflect budgetary needs for coral reef conservation and restoration activities in all agency budget planning and justification documents and processes; and

(4) engage in any other coordinated efforts approved by the Task Force.

(b) CO-CHAIRS.—In addition to their responsibilities under subsection (a), the co-chairs of the Task Force shall administer performance of the functions of the Task Force and facilitate the coordination of the members of the Task Force specified in paragraphs (1) through (15) of section ___15B(a).

SEC. ___15D. WORKING GROUPS.

(a) IN GENERAL.—The co-chairs of the Task Force may establish working groups as necessary to meet the goals and carry out the duties of the Task Force.

(b) REQUESTS FROM MEMBERS.—The members of the Task Force may request that the co-chairs establish a working group under subsection (a).

(c) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow nongovernmental organizations as appropriate, including academic institutions, conservation groups, and commercial and recreational fishing associations, to participate in a working group established under subsection (a).

(d) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to working groups established under this section.

SEC. ___15E. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) CONSERVATION, CORAL, CORAL REEF, ETC.—The terms ''conservation'', ''coral'', ''coral reef'', ''coral reef ecosystem'', ''covered State'', ''restoration'', ''resilience'', and ''State'' have the meaning given those terms in section 218 of the Coral Reef Conservation Act of 2000, as amended by subtitle D.

Subtitle F—Department of the Interior Coral Reef Authorities

SEC. ___16. CORAL REEF CONSERVATION AND RESTORATION ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Interior, in addition to activities authorized

under section 203 of the Coral Reef Conservation Act of 2000, as amended by this title, may provide scientific expertise, technical assistance, and financial assistance for the conservation and restoration of coral reefs consistent with all applicable laws governing resource management in Federal, State, and Tribal waters, including—

(1) the national coral reef resilience strategy in effect under section 204A of the Coral Reef Conservation Act of 2000, as amended by this title;

(2) coral reef action plans in effect under section 205 of that Act, as applicable; and

(3) coral reef emergency plans in effect under section 209 of that Act, as applicable.

(b) OFFICE OF INSULAR AFFAIRS CORAL REEF INITIATIVE.—The Secretary of the Interior may establish within the Office of Insular Affairs a Coral Reef Initiative Program—

(1) to provide grant funding to support local management, conservation, and protection of coral reef ecosystems in—

(A) insular areas of covered States; and

(B) Freely Associated States;

(2) to complement the other conservation and assistance activities conducted under this subtitle; and

(3) to provide other technical, scientific, and financial assistance and conduct conservation activities that advance the purpose of this subtitle.

(c) CONSULTATION WITH THE DEPARTMENT OF COMMERCE.—The Secretary of the Interior may consult with the Secretary of Commerce regarding the conduct of any activities to conserve and restore coral reefs and coral reef ecosystems in waters managed under the jurisdiction of the Federal agencies specified in paragraphs (2) and (3) of section 203(c) of the Coral Reef Conservation Act of 2000, as amended by this title.

(d) COOPERATIVE AGREEMENTS.—The Secretary of the Interior may enter into cooperative agreements with covered reef managers to fund coral reef conservation and restoration activities in waters managed under the jurisdiction of such managers that—

(1) are consistent with the national coral reef resilience strategy in effect under section 204A of the Coral Reef Conservation Act of 2000, as amended by this title; and

(2) support and enhance the success of—

(A) coral reef action plans in effect under section 205 of that Act; and

(B) coral reef emergency plans in effect under section 209 of that Act.

(e) DEFINITIONS.—In this section, the terms ''conservation'', ''coral reef'', ''covered reef manager'', ''covered State'', ''restoration'', and ''State'' have the meaning given those terms in section 218 of the Coral Reef Conservation Act of 2000, as amended by this title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this subtitle for each of fiscal years 2023 to 2027, $4,000,000.

Subtitle G—Susan L. Williams National Coral Reef Management Fellowship

SEC. ___17. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) FELLOW.—The term ''fellow'' means a National Coral Reef Management Fellow.

(3) FELLOWSHIP.—The term ''fellowship'' means the National Coral Reef Management Fellowship established in section ___17A.

(4) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian Tribe'' and ''Tribal organization'' have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

SEC. ___17A. ESTABLISHMENT OF FELLOWSHIP PROGRAM.

(a) IN GENERAL.—There is established a National Coral Reef Management Fellowship Program.

(b) PURPOSES.—The purposes of the fellowship are—

(1) to encourage future leaders of the United States to develop additional coral reef management capacity in States and local communities with coral reefs;

(2) to provide management agencies of States, Tribal organizations, and Freely Associated States with highly qualified candidates whose education and work experience meet the specific needs of each State, Indian Tribe, and Freely Associated State; and

(3) to provide fellows with professional experience in management of coastal and coral reef resources.

SEC. ___17B. FELLOWSHIP AWARDS.

(a) IN GENERAL.—The Administrator, in coordination with the Secretary of the Interior, shall award the fellowship in accordance with this section.

(b) TERM OF FELLOWSHIP.—A fellowship awarded under this section shall be for a term of not more than 24 months.

(c) QUALIFICATIONS.—The Administrator, in coordination with the Secretary of the Interior, shall award the fellowship to individuals who have demonstrated—

(1) an intent to pursue a career in marine services and outstanding potential for such a career;

(2) leadership potential, actual leadership experience, or both;

(3) a college or graduate degree in biological science, experience that correlates with aptitude and interest for marine management, or both;

(4) proficient writing and speaking skills; and

(5) such other attributes as the Administrator, in coordination with the Secretary of the Interior, consider appropriate.

SEC. ___17C. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out this subtitle for each of fiscal years 2022 through 2026, $1,500,000, to remain available until expended.

Subtitle H—Buy American Seafood

SEC. ___18. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) American wild-caught seafood is integral to the Nation's food supply and to American food security;

(2) the seafood supply chain is often long and complex;

(3) American caught and American-processed seafood especially from small-scale fishery operations, can be a sustainable healthy source of protein and micronutrients;

(4) fresh, frozen, dried, and canned domestic seafood can be produced, processed, packaged, and transported in a manner that has a low carbon footprint;

(5) marine species that are small, at lower trophic levels, and pelagic typically have the smallest carbon footprint; and

(6) therefore, any executive agency that purchases seafood products should, to the extent practicable, buy local American-caught or American-harvested and American-processed seafood products from fisheries that are not overfished or experiencing overfishing, in order to support sustainable local seafood businesses, reduce greenhouse gas emissions associated with the seafood product supply chain, and reduce dependence on imported seafood products.

SEC. ___18A. CAUGHT IN THE USA.

Section 2(c)(1) of the Act of August 11, 1939 (15 U.S.C. 713c–3(c)(1)) is amended to read as follows:

''(1) The Secretary shall make grants from the fund established under subsection (b) to—

''(A) assist persons in carrying out research and development projects addressed to any aspect of United States marine fisheries, including harvesting, processing, packaging, marketing, and associated infrastructures; or

''(B) assist persons to market and promote the consumption of—

''(i) local or domestic marine fishery products;

''(ii) environmentally and climate-friendly marine fishery products that minimize and employ efforts to avoid bycatch and impacts on marine mammals;

''(iii) invasive species; or

''(iv) well-managed but less known species.''.

Subtitle I—Insular Affairs

SEC. ___19. OCEAN AND COASTAL MAPPING INTEGRATION ACT.

Section 12204 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3503) is amended—

(1) in paragraph (12) by striking ''and'';

(2) in paragraph (13) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(14) the study of insular areas and the effects of climate change.''.

Subtitle J—Studies and Reports

SEC. ___20. DEEP SEA MINING.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a comprehensive assessment of the environmental impacts of deep seabed mining, including—

(1) characterization of deep seabed ecosystems;

(2) assessment of potential impacts to deep seabed habitat and species from exploratory or extractive activities;

(3) assessment of the potential impacts of sediment plumes from disturbance of the deep seabed on the pelagic food chain; and

(4) approximate quantification of the greenhouse gas emissions associated with deep seabed mining, including emissions possibly from the release of greenhouse gases sequestered in the seabed.

SEC. ___20A. NATIONAL ACADEMIES ASSESSMENT OF OCEANIC BLUE CARBON.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a comprehensive assessment of oceanic blue carbon, including—

(1) the impacts of marine species decline on carbon sequestration potential in ocean ecosystems, an estimate of the global carbon dioxide mitigation potential of protecting or recovering populations of fish and marine mammals, and the ecological considerations of such conservation strategies;

(2) an analysis of the geologic stores of carbon and deep sea storage of dissolved carbon in the deep seafloor environment, including current and potential natural long-term carbon storage, identification of gaps in scientific understanding, observations, and data regarding such geologic and deep sea carbon storage; and

(3) the potential impacts to oceanic blue carbon storage by human activities including energy development activities, deep sea

mining, deep sea carbon capture technology, and other disturbances to the sea floor and gas hydrate disruption atop the seabed.

SEC. ___20B. NATIONAL ACADEMIES ASSESSMENT OF OIL SPILLS AND PLASTIC INGESTION ON SEA LIFE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a comprehensive assessment of the environmental impacts of plastic ingestion and oil and other fossil fuel spills on sea life, including—

(1) assessment of the potential health and ecological impacts of plastic ingestion on marine life;

(2) assessment of the types of plastics most commonly ingested by marine life and the types that have the most damaging health and ecosystem impacts, and recommendations for preventing and eliminating these plastics from the environment;

(3) quantification of the economic impacts of plastic pollution including the costs of cleanup, impacts on lost tourism, impacts on aquaculture and fishing, and other economic impacts identified by the Academy;

(4) assessment and quantification of the health and ecological impacts oil and other fossil fuel spills, flares, pipeline leaks, and extraction, including greenhouse gas emissions, have on marine life;

(5) quantification of the cost and effectiveness of cleaning up oil and other fossil fuel spills, flares, and pipeline leaks, and repairing damage to marine life, coasts, and businesses;

(6) quantification of the number of people employed in fossil fuel extraction on Federal waters with breakdown by State;

(7) quantification of the number of people employed in marine tourism and the blue economy, including the fishing and seafood industries, impacted by plastic, oil, and other fossil fuel pollution; and

(8) assessment and quantification of riverine sources of coastal plastic pollution in the United States, including a breakdown by sources that includes but is not limited to the Mississippi River.

SEC. ___20C. OFFSHORE AQUACULTURE.

Not later than 24 months after the date of enactment of this Act, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall enter into an agreement with the Board of Ocean Studies and Board Science, Technology, and Economic Policy of the National Academies of Sciences, Engineering, and Medicine to conduct a comprehensive assessment on the development of offshore aquaculture in the exclusive economic zone including—

(1) assessment of the potential environmental impacts of offshore aquaculture operations, including an evaluation on the risks of siting, water pollution, habitat impact, escape of farmed species on wild population stocks, waste treatment and disposal, feed operations, and the cumulative risks of multiple aquaculture operations in shared ecosystems;

(2) evaluation of the potential for offshore aquaculture to serve as a tool for environmental management, including connections to water quality, watershed management, and fishery conservation and management;

(3) identification of existing control technologies, management practices and regulatory strategies to minimize the environmental impact of offshore aquaculture operations, including from traditional aquaculture methods and practices of Native Americans, Alaska Natives, and Native Hawaiians;

(4) recommending best management practices related to sustainable feed for the offshore aquaculture industry, including best practices for sourcing from sustainably managed fisheries and traceability of source fish meal ingredients;

(5) evaluation of the potential impact of offshore aquaculture on the economies of coastal communities, particularly those dependent on traditional fishery resources; and

(6) assessment of the impacts of growing international offshore aquaculture operations on the United States seafood market and domestic seafood producers, including dependence of the United States on foreign-sourced seafood.

SEC. ___20D. EXPANDING OPPORTUNITIES TO INCREASE THE DIVERSITY, EQUITY, AND INCLUSION OF HIGHLY SKILLED SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ("STEM") PROFESSIONALS IN OCEAN RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Commerce shall expand opportunities to increase the number and the diversity, equity, and inclusion of highly skilled science, technology, engineering, and mathematics (''STEM'') professionals working in National Oceanic and Atmospheric Administration mission-relevant disciplines and broaden the recruitment pool to increase diversity, including expanded partnerships with minority-serving institutions, historically Black colleges and universities, Tribal colleges and universities, non-research universities, two-year technical degrees, and scientific societies.

(b) AUTHORIZATION OF INDEPENDENT ORGANIZATION.—The Secretary shall authorize a nonpartisan and independent 501(c)(3) organization to build the public-private partnerships necessary to achieve these priorities.

(c) DEFINITIONS.—In this section:

(1) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' includes the entities described in paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(2) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term ''historically Black colleges and universities'' has the meaning given the term ''part B institution'' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(3) TRIBAL COLLEGES AND UNIVERSITIES.—The term ''Tribal college or university'' has the meaning given such term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

SEC. ___20E. STUDY ON EFFECTS OF 6PPD-QUINONE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a study on the effects of 6PPD-quinone on salmonids, aquatic species, and watersheds, including an economic analysis of declining salmon populations in the United States and the effect of such declining populations have on importation of salmon from other countries.

Subtitle K—Shark Fin Sales Elimination

SEC. ___21. SHARK FIN SALES ELIMINATION.

(a) PROHIBITION ON SALE OF SHARK FINS.—

(1) PROHIBITION.—Except as provided in subsection (c), no person shall possess, acquire, receive, transport, offer for sale, sell, or purchase shark fins or products containing shark fins.

(2) PENALTY.—A violation of paragraph (1) shall be treated as an act prohibited by section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and shall be penalized pursuant to section 308 of that Act (16 U.S.C. 1858).

(b) EXCEPTIONS.—A person may possess a shark fin that was taken lawfully under a State, territorial, or Federal license or permit to take or land sharks, if the shark fin was separated after the first point of landing in a manner consistent with the license or permit and is—

(1) destroyed or disposed of immediately upon separation from the carcass;

(2) used for noncommercial subsistence purposes in accordance with State or territorial law; or

(3) used solely for display or research purposes by a museum, college, or university, or other person under a State or Federal permit to conduct noncommercial scientific research.

(c) DOGFISH.—

(1) IN GENERAL.—It shall not be a violation of subsection (b) for any person to possess, acquire, receive, transport, offer for sale, sell, or purchase any fresh or frozen unprocessed fin or tail from any stock of the species *Mustelus canis* (smooth dogfish) or Squalus acanthias (spiny dogfish).

(2) REPORT.—By not later than January 1, 2027, the Secretary of Commerce shall review the exemption contained in paragraph (1) and shall prepare and submit to Congress a report that includes a recommendation on whether the exemption contained in paragraph (1) should continue or be terminated. In preparing such report and making such recommendation, the Secretary shall analyze factors including—

(A) the economic viability of dogfish fisheries with and without the continuation of the exemption;

(B) the impact to ocean ecosystems of continuing or terminating the exemption;

(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and

(D) the impact of the exemption on shark conservation.

(d) DEFINITION OF SHARK FIN.—In this section, the term ''shark fin'' means—

(1) the unprocessed or dried or otherwise processed detached fin of a shark; or

(2) the unprocessed or dried or otherwise processed detached tail of a shark.

(e) ENFORCEMENT.—The provisions of this section, and any regulations issued pursuant thereto, shall be enforced by the Secretary of Commerce. The Secretary may use 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.

(f) STATE AUTHORITY.—Nothing in this section may be construed to preclude, deny, or limit any right of a State or territory to adopt or enforce any regulation or standard that is more stringent than a regulation or standard in effect under this section.

(g) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

Subtitle L—Bolstering Long-term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries

SEC. ___22. PURPOSE.

The purpose of this subtitle is to promote and support—

(1) the monitoring, understanding, and exploration of the Great Lakes, oceans, bays, estuaries, and coasts; and

(2) the collection, analysis, synthesis, and sharing of data related to the Great Lakes, oceans, bays, estuaries, and coasts to facilitate science and operational decision making.

SEC. ___22A. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) agencies should optimize data collection, management, and dissemination, to the extent practicable, to maximize their impact for research, commercial, regulatory, and educational benefits and to foster innovation, scientific discoveries, the development of commercial products, and the development of sound policy with respect to the Great Lakes, oceans, bays, estuaries, and coasts;

(2) agencies should consider current and future needs relating to supercomputing capacity, data storage capacity, and public access, address gaps in those areas, and coordinate across agencies as needed;

(3) the United States is a leading member of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, a founding member of the Atlantic Ocean Research Alliance, and a key partner in developing the United Nations Decade of Ocean Science for Sustainable Development;

(4) the Integrated Ocean Observing System and the Global Ocean Observing System are key assets and networks that bolster understanding of the marine environment;

(5) the National Oceanographic Partnership Program is a meaningful venue for collaboration and coordination among Federal agencies, scientists, and ocean users;

(6) the National Centers for Environmental Information of the National Oceanic and Atmospheric Administration should be looked to by other Federal agencies as a primary, centralized repository for Federal ocean data;

(7) the Marine Cadastre, a joint effort of the National Oceanic and Atmospheric Administration and the Bureau of Ocean Energy Management, provides access to data and information for specific issues and activities in ocean resources management to meet the needs of offshore energy and planning efforts;

(8) the regional associations of the Integrated Ocean Observing System, certified by the National Oceanic and Atmospheric Administration for the quality and reliability of their data, are important sources of observation information for the Great Lakes, oceans, bays, estuaries, and coasts; and

(9) the Regional Ocean Partnerships and regional data portals, which provide publicly available tools such as maps, data, and other information to inform decisions and enhance marine development, should be supported by and viewed as collaborators with Federal agencies and ocean users.

SEC. ___22B. DEFINITION OF ADMINISTRATOR.

In this subtitle, the term ''Administrator'' means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as Administrator of the National Oceanic and Atmospheric Administration.

SEC. ___22C. INCREASED COORDINATION AMONG AGENCIES WITH RESPECT TO DATA AND MONITORING.

(a) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—In addition to its responsibilities as of the date of the enactment of this Act, and in consultation with the associated advisory committee authorized by section 12304(d) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(d)), the Interagency Ocean Observation Committee shall—

(1) work with international coordinating bodies, as necessary, to ensure robust, direct measurements of the Great Lakes, oceans, bays, estuaries, and coasts, including oceanographic data; and

(2) support cross-agency and multi-platform synergy, by coordinating overlapping data collection by satellites, buoys, submarines, gliders, vessels, and other data collection vehicles and technologies.

(b) FEDERAL GEOGRAPHIC DATA COMMITTEE.—In addition to its responsibilities as of the date of the enactment of this Act, and in consultation with the National Geospatial Advisory Committee, the Federal Geographic Data Committee shall—

(1) work with international coordinating bodies, as necessary, to ensure robust, continuous measurements of the Great Lakes, oceans, bays, estuaries, and coasts, including satellite and geospatial data; and

(2) support new and old data and metadata certification, quality assurance, quality control, integration, and archiving.

(c) INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.—In addition to its responsibilities as of the date of the enactment of this Act, and in consultation with its associated advisory panel authorized by section 12203(g) of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3502(g)), the Interagency Committee on Ocean and Coastal Mapping shall—

(1) work with international coordinating bodies, as necessary, to ensure robust, continuous satellite and direct measurements of the Great Lakes, oceans, bays, estuaries, and coasts, including bathymetric data; and

(2) make recommendations on how to make data, metadata, and model output accessible to a broader public audience, including through geographic information system layers, graphics, and other visuals.

SEC. ___22D. TECHNOLOGY INNOVATION TO COMBAT ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

(a) DEFINITIONS.—Section 3532 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8001) is amended—

(1) by redesignating paragraphs (6) through (13) as paragraphs (7) through (14), respectively; and

(2) by inserting after paragraph (5) the following:

''(6) INNOVATIVE TECHNOLOGIES.—The term 'innovative technologies' includes the following:

''(A) Improved satellite imagery and tracking.

''(B) Advanced electronic monitoring equipment.

''(C) Vessel location data.

''(D) Improved genetic, molecular, or other biological methods of tracking sources of seafood.

''(E) Electronic catch documentation and traceability.

''(F) Such other technologies as the Administrator of the National Oceanic and Atmospheric Administration considers appropriate.''.

(b) TECHNOLOGY PROGRAMS.—Section 3546 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8016) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon;

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

(3) by adding at the end the following:

''(5) coordinating the application of existing innovative technologies and the development of emerging innovative technologies.''.

SEC. ___22E. WORKFORCE STUDY.

(a) IN GENERAL.—Section 303(a) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Secretary of Commerce'' and inserting ''Under Secretary of Commerce for Oceans and Atmosphere'';

(2) in paragraph (2), by inserting '', skillsets, or credentials'' after ''degrees'';

(3) in paragraph (3), by inserting ''or highly qualified technical professionals and tradespeople'' after ''atmospheric scientists'';

(4) in paragraph (4), by inserting '', skillsets, or credentials'' after ''degrees'';

(5) in paragraph (5)—

(A) by striking ''scientist''; and

(B) by striking ''; and'' and inserting '', observations, and monitoring;''

(6) in paragraph (6), by striking ''into Federal'' and all that follows and inserting '', technical professionals, and tradespeople into Federal career positions;''

(7) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(8) by inserting after paragraph (1) the following:

''(2) whether there is a shortage in the number of individuals with technical or trade-based skillsets or credentials suited to a career in oceanic and atmospheric data collection, processing, satellite production, or satellite operations;''; and

(9) by adding at the end the following:

''(8) workforce diversity and actions the Federal Government can take to increase diversity in the scientific workforce; and

''(9) actions the Federal Government can take to shorten the hiring backlog for such workforce.''.

(b) COORDINATION.—Section 303(b) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(b)) is amended by striking ''Secretary of Commerce'' and inserting ''Under Secretary of Commerce for Oceans and Atmosphere''.

(c) REPORT.—Section 303(c) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(c)) is amended—

(1) by striking ''the date of enactment of this Act'' and inserting ''the date of the enactment of the Coast Guard Authorization Act of 2022'';

(2) by striking ''Secretary of Commerce'' and inserting ''Under Secretary of Commerce for Oceans and Atmosphere''; and

(3) by striking ''to each committee'' and all that follows through ''section 302 of this Act'' and inserting ''to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives''.

(d) PROGRAM AND PLAN.—Section 303(d) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(d)) is amended—

(1) by striking ''Administrator of the National Oceanic and Atmospheric Administration'' and inserting ''Under Secretary of Commerce for Oceans and Atmosphere''; and

(2) by striking ''academic partners'' and all that follows and inserting ''academic partners.''.

SEC. ___22F. ACCELERATING INNOVATION AT COOPERATIVE INSTITUTES.

(a) FOCUS ON EMERGING TECHNOLOGIES.—The Administrator of the National Oceanic and Atmospheric Administration shall ensure that the goals of the Cooperative Institutes of the National Oceanic and Atmospheric Administration include focusing on advancing or applying emerging technologies, which may include—

(1) applied uses and development of real-time and other advanced genetic technologies and applications, including such technologies and applications that derive genetic material directly from environmental samples without any obvious signs of biological source material;

(2) deployment of, and improvements to, the durability, maintenance, and other

lifecycle concerns of advanced unmanned vehicles, regional small research vessels, and other research vessels that support and launch unmanned vehicles and sensors; and

(3) supercomputing and big data management, including data collected through electronic monitoring and remote sensing.

(b) DATA SHARING.—Each Cooperative Institute shall ensure that data collected from the work of the institute, other than classified, confidential, or proprietary data, are archived and made publicly accessible.

(c) COORDINATION WITH OTHER PROGRAMS.—The Cooperative Institutes shall work with the Interagency Ocean Observation Committee, the regional associations of the Integrated Ocean Observing System, and other ocean observing programs to coordinate technology needs and the transition of new technologies from research to operations.

SEC. ___22G. OCEAN INNOVATION PRIZE AND PRIORITIZATION.

(a) OCEAN INNOVATIVE PRIZES.—Not later than 4 years after the date of the enactment of this Act, and under the authority provided by section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the heads of relevant Federal agencies, including the Secretary of Defense, and in conjunction with nongovernmental partners, as appropriate and at the discretion of the Administrator, shall establish at least one Ocean Innovation Prize to catalyze the rapid development and deployment of data collection and monitoring technology related to the Great Lakes, oceans, bays, estuaries, and coasts in at least one of the areas specified in subsection (b).

(b) AREAS.—The areas specified in this subsection are the following:

(1) Improved eDNA analytics and deployment with autonomous vehicles.

(2) Plastic pollution detection, quantification, and mitigation, including with respect to used fishing gear and tracking technologies to reduce or eliminate bycatch.

(3) Advanced satellite data and other advanced technology for improving scientific assessment.

(4) New stock assessment methods using satellite data or other advanced technologies.

(5) Advanced electronic fisheries monitoring equipment and data analysis tools, including improved fish species recognition software, confidential data management, data analysis and visualization, and storage of electronic reports, imagery, location information, and other data.

(6) Autonomous and other advanced surface vehicles, underwater vehicles, or airborne platforms for data collection and monitoring.

(7) Artificial intelligence and machine learning applications for data collection and monitoring related to the Great Lakes, oceans, bays, estuaries, and coasts.

(8) Coral reef ecosystem monitoring.

(9) Electronic equipment, chemical or biological sensors, data analysis tools, and platforms to identify and fill gaps in robust and shared continuous data related to the Great Lakes, oceans, bays, estuaries, and coasts to inform global earth system models.

(10) Means for protecting aquatic life from injury or other ill effects caused, in whole or in part, by monitoring or exploration activities.

(11) Discovery and dissemination of data related to the Great Lakes, oceans, bays, estuaries, and coasts.

(12) Water quality monitoring, including improved detection and prediction of harmful algal blooms and pollution.

(13) Enhancing blue carbon sequestration and other ocean acidification mitigation opportunities.

(14) Such other areas as may be identified by the Administrator.

(c) PRIORITIZATION OF PROPOSALS.—In selecting recipients of Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) solicitations and interagency grants for ocean innovation, including the National Oceanographic Partnership Program, the Administrator shall prioritize proposals for fiscal years 2023 and 2024 that address at least one of the areas specified in subsection (b).

SEC. ___22H. REAUTHORIZATION OF NOAA PROGRAMS.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in paragraph (1), by striking ''$70,814,000 for each of fiscal years 2019 through 2023'' and inserting ''$71,000,000 for each of fiscal years 2023 through 2026'';

(2) in paragraph (2), by striking ''$25,000,000 for each of fiscal years 2019 through 2023'' and inserting ''$34,000,000 for each of fiscal years 2023 through 2026'';

(3) in paragraph (3), by striking ''$29,932,000 for each of fiscal years 2019 through 2023'' and inserting ''$38,000,000 for each of fiscal years 2023 through 2026'';

(4) in paragraph (4), by striking ''$26,800,000 for each of fiscal years 2019 through 2023'' and inserting ''$45,000,000 for each of fiscal years 2023 through 2026''; and

(5) in paragraph (5), by striking ''$30,564,000 for each of fiscal years 2019 through 2023'' and inserting ''$35,000,000 for each of fiscal years 2023 through 2026''.

SEC. ___22I. BLUE ECONOMY VALUATION.

(a) MEASUREMENT OF BLUE ECONOMY INDUSTRIES.—The Administrator of the National Oceanic and Atmospheric Administration, the Director of the Bureau of Economic Analysis, the Commissioner of the Bureau of Labor Statistics, the Secretary of the Treasury, and the heads of other relevant Federal agencies, shall prioritize the collection, aggregation, and analysis of data to measure the value and impact of industries related to the Great Lakes, oceans, bays, estuaries, and coasts on the economy of the United States, including living resources, marine construction, marine transportation, offshore mineral extraction, ship and boat building, tourism, recreation, subsistence, and such other industries the Administrator considers appropriate (known as ''Blue Economy'' industries).

(b) COLLABORATION.—In carrying out subsection (a), the Administrator shall—

(1) work with the Director of the Bureau of Economic Analysis and the heads of other relevant Federal agencies to develop a Coastal and Ocean Economy Satellite Account that includes national and State-level statistics to measure the contribution of the Great Lakes, oceans, bays, estuaries, and coasts to the overall economy of the United States; and

(2) collaborate with national and international organizations and governments to promote consistency of methods, measurements, and definitions to ensure comparability of results between countries.

(c) REPORT.—Not less frequently than once every 2 years, the Administrator, in consultation with the Director of the Bureau of Economic Analysis, the Commissioner of the Bureau of Labor Statistics, the Secretary of the Treasury, and the heads of other relevant Federal agencies, shall publish a report that—

(1) defines the Blue Economy, in coordination with Tribal governments, academia, industry, nongovernmental organizations, and other relevant experts;

(2) makes recommendations for updating North American Industry Classification System (NAICS) reporting codes to reflect the Blue Economy; and

(3) provides a comprehensive estimate of the value and impact of the Blue Economy with respect to each State and territory of the United States, including—

(A) the value and impact of—

(i) economic activities that are dependent upon the resources of the Great Lakes, oceans, bays, estuaries, and coasts;

(ii) the population and demographic characteristics of the population along the coasts;

(iii) port and shoreline infrastructure;

(iv) the volume and value of cargo shipped by sea or across the Great Lakes; and

(v) data collected from the Great Lakes, oceans, bays, estuaries, and coasts, including such data collected by businesses that purchase and commodify the data, including weather prediction and seasonal agricultural forecasting; and

(B) to the extent possible, the qualified value and impact of the natural capital of the Great Lakes, oceans, bays, estuaries, and coasts with respect to tourism, recreation, natural resources, and cultural heritage, including other indirect values.

SEC. ___22J. ADVANCED RESEARCH PROJECTS AGENCY–OCEANS.

(a) AGREEMENT.—Not later than 45 days after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall seek to enter into an agreement with the National Academy of Sciences to conduct the comprehensive assessment under subsection (b).

(b) COMPREHENSIVE ASSESSMENT.—

(1) IN GENERAL.—Under an agreement between the Administrator and the National Academy of Sciences under this section, the National Academy of Sciences shall conduct a comprehensive assessment of the need for and feasibility of establishing an Advanced Research Projects Agency–Oceans (ARPA–O) that operates in coordination with and with nonduplication of existing Federal oceanic research programs, including programs of the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration.

(2) ELEMENTS.—The comprehensive assessment carried out pursuant to paragraph (1) shall include—

(A) an assessment of how an ARPA–O could help overcome the long-term and high-risk technological barriers in the development of ocean technologies, with the goal of enhancing the economic, ecological, and national security of the United States through the rapid development of technologies that result in—

(i) improved data collection, monitoring, and prediction of the ocean environment, including sea ice conditions;

(ii) overcoming barriers to the application of new and improved technologies, such as high costs and scale of operational missions;

(iii) improved management practices for protecting ecological sustainability;

(iv) improved national security capacity;

(v) improved technology for fishery population assessments;

(vi) expedited processes between and among Federal agencies to successfully identify, transition, and coordinate research and development output to operations, applications, commercialization, and other uses; and

(vii) ensuring that the United States maintains a technological lead in developing and deploying advanced ocean technologies;

(B) an evaluation of the organizational structures under which an ARPA–O could be organized, which takes into account—

(i) best practices for new research programs;

(ii) consolidation and reorganization of existing Federal oceanic programs to effectuate coordination and nonduplication of such programs;

(iii) metrics and approaches for periodic program evaluation;

(iv) capacity to fund and manage external research awards; and

(v) options for oversight of the activity through a Federal agency, an interagency organization, nongovernmental organization, or other institutional arrangement; and

(C) an estimation of the scale of investment necessary to pursue high priority ocean technology projects.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the comprehensive assessment conducted under subsection (b).

Subtitle M—Climate Change Education

SEC. ___23. FINDINGS.

Congress makes the following findings:

(1) The evidence for human-induced climate change is overwhelming and undeniable.

(2) Atmospheric carbon can be significantly reduced through conservation, by shifting to renewable energy sources such as solar, wind, tidal, and geothermal, and by increasing the efficiency of buildings, including domiciles, and transportation.

(3) Providing clear information about climate change, in a variety of forms, can remove the fear and the sense of helplessness, and encourage individuals and communities to take action.

(4) Implementation of measures that promote energy efficiency, conservation, and renewable energy will greatly reduce human impact on the environment.

(5) Informing people of new technologies and programs as they become available will ensure maximum understanding and maximum effect of those measures.

(6) More than 3,000,000 students graduate from high schools and colleges in the United States each year, armed with attitudes, skills, and knowledge about the climate that inform their actions.

(7) The effect on the climate, positive or negative, of each of those 3,000,000 students lasts beyond a lifetime.

(8) Those students need to be prepared to implement changes in professional and personal practices, to support and help develop new technology and policy, and to address the coming social and economic challenges and opportunities arising from a changing climate.

(9) It has been demonstrated that the people of the United States overwhelmingly support teaching students about the causes, consequences, and potential solutions to climate change in all 50 States and more than 3,000 counties across the United States.

(10) Only 30 percent of middle school and 45 percent of high school science teachers understand the extent of the scientific consensus on climate change.

SEC. ___23A. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CLIMATE CHANGE EDUCATION.—The term ''climate change education'' means nonformal and formal interdisciplinary learning at all age levels about—

(A) climate change, climate adaptation and mitigation, climate resilience, and climate justice; and

(B) the effects of climate change, climate adaptation and mitigation, climate resilience, and climate justice on the environmental, energy, social, and economic systems of the United States.

(3) CLIMATE LITERACY.—The term ''climate literacy'' means competence or knowledge of climate change, its causes and impacts, and the technical, scientific, economic, and social dynamics of promising solutions.

(4) CLIMATE JUSTICE.—The term ''climate justice'' means the fair treatment and meaningful involvement of all people, regardless of race, color, culture, national origin, or income, with respect to the development, implementation, and enforcement of policies and projects to ensure that each person enjoys the same degree of protection from the adverse effects of climate change.

(5) ENVIRONMENTAL JUSTICE.—The term ''environmental justice'' means the fair treatment and meaningful involvement of all people, regardless of race, color, culture, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies to ensure that each person enjoys—

(A) the same degree of protection from environmental and health hazards; and

(B) equal access to any Federal agency action on environmental justice issues in order to have a healthy environment in which to live, learn, work, and recreate.

(6) ENVIRONMENTAL JUSTICE COMMUNITY.—The term ''environmental justice community'' means a community with significant representation of communities of color, low-income communities, or Tribal and indigenous communities that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects as compared to other communities.

(7) GREEN ECONOMY.—The term ''green economy'' means an economy that results in improved human and economic well-being and social equity by significantly reducing environmental risks and ecological scarcities.

(8) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(9) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ''local educational agency'' and ''State educational agency'' have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) NONFORMAL.—The term ''nonformal'' means, with respect to learning, out-of-school educational programming carried out by nonprofit organizations and public agencies.

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

SEC. ___23B. CLIMATE CHANGE EDUCATION PROGRAM.

The Administrator shall establish a Climate Change Education Program to—

(1) increase the climate literacy of the United States by broadening the understanding of climate change, including possible long-term and short-term consequences, disproportionate impacts of those consequences, and potential solutions;

(2) apply the latest scientific and technological discoveries, including through the use of the scientific assets of the Administration, to provide formal and nonformal learning opportunities to individuals of all ages, including individuals of diverse cultural and linguistic backgrounds; and

(3) emphasize actionable information to help people understand and promote implementation of new technologies, programs, and incentives related to climate change, climate adaptation and mitigation, climate resilience, climate justice, and environmental justice.

SEC. ___23C. GRANT PROGRAM.

(a) IN GENERAL.—As part of the Climate Change Education Program established under section ___23B, the Administrator shall establish a program to make grants to the following:

(1) State educational agencies, in partnership with local educational agencies and local nonprofit organizations, for the implementation of aspects of State climate literacy plans for grades 4 through 12 formal and informal climate change education that—

(A) are aligned with State education standards;

(B) ensure that students graduate from high school with climate literacy; and

(C) include at least 1 of the following:

(i) Relevant teacher training and professional development.

(ii) Creation of applied learning project-based models, such as models making optimum use of green features improvements to school facilities, such as energy systems, lighting systems, water management, waste management, and school grounds improvements.

(iii) Incorporation of climate change mitigation and green technologies into new and existing career and technical education career tracks and work-based learning experiences, including development of partnerships with labor organizations, trade organizations, and apprenticeship programs.

(2) Institutions of higher education and networks or partnerships of such institutions to engage teams of faculty and students to develop applied climate research and deliver to local communities direct services related to local climate mitigation and adaptation issues, with priority given to projects that—

(A) foster long-term campus-community partnerships;

(B) show potential to scale work beyond the grant term;

(C) are inclusive for all segments of the population; and

(D) promote equitable and just outcomes.

(3) Professional associations and academic disciplinary societies for projects that build capacity at the State and national levels for continuing education by practicing professionals and the general public in green economy fields.

(4) Youth corps organizations to engage in community-based climate mitigation and adaptation work that includes a substantive educational component.

(b) CONSULTATION.—The Administrator shall annually consult with other relevant agencies of the Federal Government to determine ways in which grant making under subsection (a) can enhance and support other national climate education and training and environmental justice goals.

(c) ENVIRONMENTAL JUSTICE COMMUNITIES.—The Administrator shall ensure that 40 percent of all funds appropriated for grants under paragraphs (2) and (4) of subsection (a) are directed into environmental justice communities.

(d) COMMUNITIES OF PRACTICE.—The Administrator shall establish communities of practice with respect to each of paragraphs (1) through (4) of subsection (a) in order to accelerate learning.

SEC. ___23D. REPORT.

Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Administrator shall submit to Congress a report that evaluates the scientific merits, educational effectiveness, and broader effects of activities carried out under this subtitle.

SEC. ___23E. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this subtitle $50,000,000 for each of fiscal years 2022 through 2027.

(b) ALLOCATION OF AMOUNTS FOR GRANT PROGRAM.—

(1) IN GENERAL.—Amounts appropriated to carry out the grant program required by section ___23C(a) shall be allocated as follows:

(A) Not less than 40 percent and not more than 60 percent for grants made under paragraph (1) of such section.

(B) Not less than 20 percent and not more than 40 percent for grants made under paragraph (2) of such section.

(C) Not less than 5 percent and not more than 20 percent for grants made under paragraph (3) of such section.

(D) Not less than 5 percent and not more than 20 percent for grants made under paragraph (4) of such section.

(E) Such amount as the Administrator determines appropriate for the administration of this subtitle.

(2) EXCEPTION.—If amounts appropriated to carry out the grant program required by section ___23C(a) do not exceed $10,000,000 in any fiscal year, the National Oceanic and Atmospheric Administration may prioritize grants made under subparagraphs (A) and (B) of paragraph (1) of such section.

Subtitle N—Office of Education Technology to Support the Bureau of Indian Education

SEC. ___24. UPDATING BUREAU OF INDIAN AFFAIRS PROGRAMS.

Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2000 et seq.) is amended by striking ''Office of Indian Education Programs'' each place it appears (in any font) and inserting ''Bureau of Indian Education'' (in the corresponding font).

SEC. ___24A. ESTABLISHMENT FOR THE OFFICE OF EDUCATION TECHNOLOGY TO SUPPORT THE BUREAU OF INDIAN EDUCATION.

Section 1133 of the Education Amendments of 1978 (25 U.S.C. 2013) is amended by adding at the end the following:

''(c) BUREAU OF INDIAN EDUCATION OFFICE OF EDUCATION TECHNOLOGY.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 24 months after the date of the enactment of this subsection, the Secretary shall establish the Office of Education Technology under the Assistant Secretary for Indian Affairs to be administered by the Deputy Assistant Secretary of Indian Affairs (Management).

''(B) CAPACITY AND COORDINATION.—Not later than 36 months after the date of the enactment of this subsection, the Office of the Assistant Secretary of Indian Affairs shall coordinate with the Bureau of Indian Education Director to ensure consistent and timely coordination for the Office of Education Technology to be at full capacity.

''(C) TRANSFER.—Not later than 37 months after the date of the enactment of this subsection, the Deputy Assistant Secretary of Indian Affairs (Management), the Secretary (in consultation with the Chief Information Officer for the Department of the Interior), the Assistant Secretary for Indian Affairs, and the Director of the Bureau of Indian Education shall transfer the Office of Educational Technology to the Bureau of Indian Education.

''(2) PURPOSE.—The Office of Education Technology shall ensure that the Bureau of Indian Education has the necessary education technology support to improve educational outcomes.

''(3) DUTIES.—The Office of Education Technology shall—

''(A) manage the procurement, distribution, and updates for information technology and related equipment;

''(B) plan, coordinate, and implement policies related to information technology and related equipment;

''(C) provide technical assistance for the agency school boards, Bureau of Indian Education Funded Schools, and early childhood services; and

''(D) coordinate education technology programs and activities for the Bureau of Indian Education.

''(d) IMPLEMENTATION OF EDUCATION TECHNOLOGY MODERNIZATION SYSTEMS.—

''(1) NEEDS ASSESSMENT.—Not later than 2 years after the date of the enactment of this subsection, the Office of the Assistant Secretary for Indian Affairs and the Bureau of Indian Education shall complete a needs assessment of education technology for Bureau of Indian Education Funded Schools.

''(2) IMPLEMENTATION.—Not later than 3 years after the date of the enactment of this subsection, the Secretary shall complete the implementation of a long-term modernization plan and report progress updates for Bureau of Indian Education Funded Schools.

''(e) REPORTING.—Not later than 3 years after the date of the enactment of this subsection, and each fiscal year thereafter, the Secretary shall submit to the Committee on Natural Resources and Committee on Education and Labor of the House of Representatives and the Committee on Indian Affairs of the Senate, a report that contains—

''(1) a yearly evaluation of the implementation of this Act, including a description of the progress of the Office of Information Technology in carrying out the activities described in subsection (c)(3); and

''(2) such other information the Director of the Bureau of Indian Education, in coordination with the Assistant Secretary for Indian Affairs deems necessary.

''(f) DEFINITIONS.—In this section:

''(1) BUREAU OF INDIAN EDUCATION FUNDED SCHOOLS.—The term 'Bureau of Indian Education Funded Schools' means Bureau of Indian Education operated schools, schools operated pursuant to a grant under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), and schools operated pursuant to a contract under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).

''(2) OFFICE OF EDUCATION TECHNOLOGY.—The term 'Office of Education Technology' means the Office of Education Technology supporting the Bureau of Indian Education established under this subsection.''.

Subtitle O—Public Land Renewable Energy Development Act

SEC. ___25. DEFINITIONS.

In this subtitle:

(1) COVERED LAND.—The term ''covered land'' means land that is—

(A) Federal land administered by the Secretary; and

(B) not excluded from the development of geothermal, solar, or wind energy under—

(i) a land use plan; or

(ii) other Federal law.

(2) EXCLUSION AREA.—The term ''exclusion area'' means covered land that is identified by the Bureau of Land Management as not suitable for development of renewable energy projects.

(3) FEDERAL LAND.—The term ''Federal land'' means—

(A) public lands; and

(B) lands of the National Forest System as described in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(4) FUND.—The term ''Fund'' means the Renewable Energy Resource Conservation Fund established by section ___25C(c)(1).

(5) LAND USE PLAN.—The term ''land use plan'' means—

(A) in regard to Federal land, a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) in regard to National Forest System lands, a land management plan approved, amended, or revised under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(6) PRIORITY AREA.—The term ''priority area'' means covered land identified by the land use planning process of the Bureau of Land Management as being a preferred location for a renewable energy project, including a designated leasing area (as defined in section 2801.5(b) of title 43, Code of Federal Regulations (or a successor regulation)) that is identified under the rule of the Bureau of Land Management entitled ''Competitive Processes, Terms, and Conditions for Leasing Public Lands for Solar and Wind Energy Development and Technical Changes and Corrections'' (81 Fed. Reg. 92122 (December 19, 2016)) (or a successor regulation).

(7) PUBLIC LANDS.—The term ''public lands'' has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(8) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project carried out on covered land that uses wind, solar, or geothermal energy to generate energy.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) VARIANCE AREA.—The term ''variance area'' means covered land that is—

(A) not an exclusion area;

(B) not a priority area; and

(C) identified by the Secretary as potentially available for renewable energy development and could be approved without a plan amendment, consistent with the principles of multiple use (as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)).

SEC. ___25A. LAND USE PLANNING; UPDATES TO PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.

(a) PRIORITY AREAS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish priority areas on covered land for geothermal, solar, and wind energy projects, consistent with the principles of multiple use (as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)) and the renewable energy permitting goal enacted by the Consolidated Appropriations Act of 2021 (Public Law 116–260). Among applications for a given renewable energy source, proposed projects located in priority areas for that renewable energy source shall—

(A) be given the highest priority for incentivizing deployment thereon; and

(B) be offered the opportunity to participate in any regional mitigation plan developed for the relevant priority areas.

(2) ESTABLISHING PRIORITY AREAS.—

(A) GEOTHERMAL ENERGY.—For geothermal energy, the Secretary shall establish priority areas as soon as practicable, but not later than 5 years, after the date of enactment of this Act.

(B) SOLAR ENERGY.—For solar energy—

(i) solar designated leasing areas (including the solar energy zones established by Bureau of Land Management Solar Energy Program, established in October 2012), and any subsequent land use plan amendments, shall be considered to be priority areas for solar energy projects; and

(ii) the Secretary shall complete a process to consider establishing additional solar priority areas as soon as practicable, but not

later than 3 years, after the date of enactment of this Act.

(C) WIND ENERGY.—For wind energy, the Secretary shall complete a process to consider establishing additional wind priority areas as soon as practicable, but not later than 3 years, after the date of enactment of this Act.

(b) VARIANCE AREAS.—Variance areas shall be considered for renewable energy project development, consistent with the principles of multiple use (as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)) and the renewable energy permitting goal enacted by the Consolidated Appropriations Act of 2021 (Public Law 116–260), and applications for a given renewable energy source located in those variance areas shall be timely processed in order to assist in meeting that goal.

(c) REVIEW AND MODIFICATION.—

(1) IN GENERAL.—Not less than once every 10 years, the Secretary shall—

(A) review the adequacy of land allocations for geothermal, solar, and wind energy priority, exclusion, and variance areas for the purpose of encouraging and facilitating new renewable energy development opportunities; and

(B) based on the review carried out under subparagraph (A), add, modify, or eliminate priority, variance, and exclusion areas.

(2) EXCEPTION.—Paragraph (1) shall not apply to the renewable energy land use planning published in the Desert Renewable Energy Conservation Plan developed by the California Energy Commission, the California Department of Fish and Wildlife, the Bureau of Land Management, and the United States Fish and Wildlife Service until January 1, 2031.

(d) COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.—For purposes of this section, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

(1) for geothermal energy, by updating the document entitled ''Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western United States'', dated October 2008, and incorporating any additional regional analyses that have been completed by Federal agencies since that programmatic environmental impact statement was finalized;

(2) for solar energy, by updating the document entitled ''Final Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development in Six Southwestern States'', dated July 2012, and incorporating any additional regional analyses that have been completed by Federal agencies since that programmatic environmental impact statement was finalized; and

(3) for wind energy, by updating the document entitled ''Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM–Administered Lands in the Western United States'', dated July 2005, and incorporating any additional regional analyses that have been completed by Federal agencies since the programmatic environmental impact statement was finalized.

(e) NO EFFECT ON PROCESSING SITE SPECIFIC APPLICATIONS.—Site specific environmental review and processing of permits for proposed projects shall proceed during preparation of an updated programmatic environmental impact statement, resource management plan, or resource management plan amendment.

(f) COORDINATION.—In developing updates required by this section, the Secretary shall coordinate, on an ongoing basis, with appropriate State, Tribal, and local governments, transmission infrastructure owners and operators, developers, and other appropriate entities to ensure that priority areas identified by the Secretary are—

(1) economically viable (including having access to existing and planned transmission lines);

(2) likely to avoid or minimize impacts to habitat for animals and plants, recreation, cultural resources, and other uses of covered land; and

(3) consistent with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), including subsection (c)(9) of that section (43 U.S.C. 1712(c)(9)).

SEC. ___25B. LIMITED GRANDFATHERING.

(a) DEFINITION OF PROJECT.—In this section, the term ''project'' means a system described in section 2801.9(a)(4) of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(b) REQUIREMENT TO PAY RENTS AND FEES.—Unless otherwise agreed to by the owner of a project, the owner of a project that applied for a right-of-way under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) on or before December 19, 2017, shall be obligated to pay with respect to the right-of-way all rents and fees in effect before the effective date of the rule of the Bureau of Land Management entitled ''Competitive Processes, Terms, and Conditions for Leasing Public Lands for Solar and Wind Energy Development and Technical Changes and Corrections'' (81 Fed. Reg. 92122 (December 19, 2016)).

SEC. ___25C. DISPOSITION OF REVENUES.

(a) DISPOSITION OF REVENUES.—

(1) AVAILABILITY.—Subject to future appropriations, and except as provided in paragraph (2), beginning on January 1, 2023, amounts collected from a wind or solar project as bonus bids, rentals, fees, or other payments under a right-of-way, permit, lease, or other authorization, are authorized to be made available as follows:

(A) Twenty-five percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the revenue is derived.

(B) Twenty-five percent shall be paid by the Secretary of the Treasury to the one or more counties within the boundaries of which the revenue is derived, to be allocated among the counties based on the percentage of land from which the revenue is derived.

(C) Twenty-five percent shall be deposited in the Treasury and be made available to the Secretary to carry out the program established under this subtitle, including the transfer of the funds by the Bureau of Land Management to other Federal agencies and State agencies to facilitate the processing of renewable energy permits on Federal land, with priority given to using the amounts, to the maximum extent practicable without detrimental impacts to emerging markets, to expediting the issuance of permits required for the development of renewable energy projects in the States from which the revenues are derived.

(D) Twenty-five percent shall be deposited in the Renewable Energy Resource Conservation Fund established by subsection (c).

(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following:

(A) Amounts collected under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)).

(B) Amounts deposited into the National Parks and Public Land Legacy Restoration Fund under section 200402(b) of title 54, United States Code.

(b) PAYMENTS TO STATES AND COUNTIES.—

(1) IN GENERAL.—Amounts paid to States and counties under subsection (a)(1) shall be used consistent with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(2) PAYMENTS IN LIEU OF TAXES.—A payment to a county under paragraph (1) shall be in addition to a payment in lieu of taxes received by the county under chapter 69 of title 31, United States Code.

(c) RENEWABLE ENERGY RESOURCE CONSERVATION FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund to be known as the ''Renewable Energy Resource Conservation Fund'', which shall be administered by the Secretary, in consultation with the Secretary of Agriculture.

(2) USE OF FUNDS.—The Secretary may make amounts in the Fund available to Federal, State, local, and Tribal agencies to be distributed in regions in which renewable energy projects are located on Federal land. Such amounts may be used to—

(A) restore and protect—

(i) fish and wildlife habitat for affected species;

(ii) fish and wildlife corridors for affected species; and

(iii) wetlands, streams, rivers, and other natural water bodies in areas affected by wind, geothermal, or solar energy development; and

(B) preserve and improve recreational access to Federal land and water in an affected region through an easement, right-of-way, or other instrument from willing landowners for the purpose of enhancing public access to existing Federal land and water that is inaccessible or restricted.

(3) PARTNERSHIPS.—The Secretary may enter into cooperative agreements with State and Tribal agencies, nonprofit organizations, and other appropriate entities to carry out the activities described in paragraph (2).

(4) INVESTMENT OF FUND.—

(A) IN GENERAL.—Amounts deposited in the Fund shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(B) USE.—Interest earned under subparagraph (A) may be expended in accordance with this subsection.

(5) REPORT TO CONGRESS.—At the end of each fiscal year, the Secretary shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that includes a description of—

(A) the amount collected as described in subsection (a), by source, during that fiscal year;

(B) the amount and purpose of payments during that fiscal year to each Federal, State, local, and Tribal agency under paragraph (2); and

(C) the amount remaining in the Fund at the end of the fiscal year.

(6) INTENT OF CONGRESS.—It is the intent of Congress that the revenues deposited and used in the Fund shall supplement (and not supplant) annual appropriations for activities described in paragraph (2).

SEC. ___25D. SAVINGS.

Notwithstanding any other provision of this subtitle, the Secretary shall continue to manage public lands under the principles of multiple use and sustained yield in accordance with title I of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or the Forest and Rangeland Renewable Resources Planning Act of 1974 (43 U.S.C. 1701 et seq.), as applicable, including due consideration of mineral and nonrenewable energy-related projects and other nonrenewable energy uses, for the purposes of land use planning, permit processing, and conducting environmental reviews.

Subtitle P—Increasing Community Access to Resiliency Grants

SEC. ___26. CENTRALIZED WEBSITE FOR RESILIENCY GRANTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall establish and regularly update a publicly available website that includes—

(1) hyperlinks to all grants administered by the National Oceanic and Atmospheric Administration and hyperlinks to other Federal agencies that offer similar grants to assist State, Tribal, and local governments with resiliency, adaptation, and mitigation of climate change and sea level rise; and

(2) with respect to each such grant, the contact information for an individual who can offer assistance to State, Tribal, and local governments.

(b) OUTREACH.—The Administrator shall conduct outreach activities to inform State, Tribal, and local governments of the resiliency, adaptation, and mitigation grants.

(c) ADMINISTRATOR.—In this section, the term ''Administrator'' means the Secretary of Commerce acting through the Administrator of the National Oceanic and Atmospheric Administration.

Subtitle Q—Keep America's Waterfronts Working

SEC. ___27. WORKING WATERFRONTS GRANT PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

''SEC. 320. WORKING WATERFRONTS GRANT PROGRAM.

''(a) WORKING WATERFRONT TASK FORCE.—

''(1) ESTABLISHMENT AND FUNCTIONS.—The Secretary of Commerce shall establish a task force to work directly with coastal States, user groups, and coastal stakeholders to identify and address critical needs with respect to working waterfronts.

''(2) MEMBERSHIP.—The members of the task force shall be appointed by the Secretary of Commerce, and shall include—

''(A) experts in the unique economic, social, cultural, ecological, geographic, and resource concerns of working waterfronts; and

''(B) representatives from the National Oceanic and Atmospheric Administration's Office of Coastal Management, the United States Fish and Wildlife Service, the Department of Agriculture, the Environmental Protection Agency, the United States Geological Survey, the Navy, the National Marine Fisheries Service, the Economic Development Agency, and such other Federal agencies as the Secretary considers appropriate.

''(3) FUNCTIONS.—The task force shall—

''(A) identify and prioritize critical needs with respect to working waterfronts in States that have a management program approved by the Secretary of Commerce pursuant to section 306, in the areas of—

''(i) economic and cultural importance of working waterfronts to communities;

''(ii) changing environments and threats working waterfronts face from environment changes, trade barriers, sea level rise, extreme weather events, ocean acidification, and harmful algal blooms; and

''(iii) identifying working waterfronts and highlighting them within communities;

''(B) outline options, in coordination with coastal States and local stakeholders, to address such critical needs, including adaptation and mitigation where applicable;

''(C) identify Federal agencies that are responsible under existing law for addressing such critical needs; and

''(D) recommend Federal agencies best suited to address any critical needs for which no agency is responsible under existing law.

''(4) INFORMATION TO BE CONSIDERED.—In identifying and prioritizing policy gaps pursuant to paragraph (3), the task force shall consider the findings and recommendations contained in section VI of the report entitled 'The Sustainable Working Waterfronts Toolkit: Final Report', dated March 2013.

''(5) REPORT.—Not later than 18 months after the date of the enactment of this section, the task force shall submit a report to Congress on its findings.

''(6) IMPLEMENTATION.—The head of each Federal agency identified in the report pursuant to paragraph (3)(C) shall take such action as is necessary to implement the recommendations contained in the report by not later than 1 year after the date of the issuance of the report.

''(b) WORKING WATERFRONT GRANT PROGRAM.—

''(1) The Secretary shall establish a Working Waterfront Grant Program, in cooperation with appropriate State, regional, and other units of government, under which the Secretary may make a grant to any coastal State for the purpose of implementing a working waterfront plan approved by the Secretary under subsection (c).

''(2) Subject to the availability of appropriations, the Secretary shall award matching grants under the Working Waterfronts Grant Program to coastal States with approved working waterfront plans through a regionally equitable, competitive funding process in accordance with the following:

''(A) The Governor, or the lead agency designated by the Governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submission to the Secretary.

''(B) In developing guidelines under this section, the Secretary shall consult with coastal States, other Federal agencies, and other interested stakeholders with expertise in working waterfront planning.

''(C) Coastal States may allocate grants to local governments, Indian Tribes, agencies, or nongovernmental organizations eligible for assistance under this section.

''(3) In awarding a grant to a coastal State, the Secretary shall consider—

''(A) the economic, cultural, and historical significance of working waterfront to the coastal State;

''(B) the demonstrated working waterfront needs of the coastal State as outlined by a working waterfront plan approved for the coastal State under subsection (c), and the value of the proposed project for the implementation of such plan;

''(C) the ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other government units, landowners, corporations, or private organizations;

''(D) the potential for rapid turnover in the ownership of working waterfront in the coastal State, and where applicable the need for coastal States to respond quickly when properties in existing or potential working waterfront areas or public access areas as identified in the working waterfront plan submitted by the coastal State come under threat or become available; and

''(E) the impact of the working waterfront plan approved for the coastal State under subsection (c) on the coastal ecosystem and the users of the coastal ecosystem.

''(4) The Secretary shall approve or reject an application for such a grant within 60 days after receiving an application for the grant.

''(c) WORKING WATERFRONT PLANS.—

''(1) To be eligible for a grant under subsection (b), a coastal State must submit and have approved by the Secretary a comprehensive working waterfront plan in accordance with this subsection, or be in the process of developing such a plan and have an established working waterfront program at the State or local level, or the Secretary determines that an existing coastal land use plan for that State is in accordance with this subsection.

''(2) Such plan—

''(A) must provide for preservation and expansion of access to coastal waters to persons engaged in commercial fishing, recreational fishing and boating businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business;

''(B) shall include one or more of—

''(i) an assessment of the economic, social, cultural, and historic value of working waterfront to the coastal State;

''(ii) a description of relevant State and local laws and regulations affecting working waterfront in the geographic areas identified in the working waterfront plan;

''(iii) identification of geographic areas where working waterfronts are currently under threat of conversion to uses incompatible with commercial and recreational fishing, recreational fishing and boating businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business, and the level of that threat;

''(iv) identification of geographic areas with a historic connection to working waterfronts where working waterfronts are not currently available, and, where appropriate, an assessment of the environmental impacts of any expansion or new development of working waterfronts on the coastal ecosystem;

''(v) identification of other working waterfront needs including improvements to existing working waterfronts and working waterfront areas;

''(vi) a strategic and prioritized plan for the preservation, expansion, and improvement of working waterfronts in the coastal State;

''(vii) for areas identified under clauses (iii), (iv), (v), and (vi), identification of current availability and potential for expansion of public access to coastal waters;

''(viii) a description of the degree of community support for such strategic plan; and

''(ix) a contingency plan for properties that revert to the coastal State pursuant to determinations made by the coastal State under subsection (g)(4)(C);

''(C) may include detailed environmental impacts on working waterfronts, including hazards, sea level rise, inundation exposure, and other resiliency issues;

''(D) may be part of the management program approved under section 306;

''(E) shall utilize to the maximum extent practicable existing information contained in relevant surveys, plans, or other strategies to fulfill the information requirements under this paragraph; and

''(F) shall incorporate the policies and regulations adopted by communities under local working waterfront plans or strategies in existence before the date of the enactment of this section.

''(3) A working waterfront plan—

''(A) shall be effective for purposes of this section for the 5-year period beginning on the date it is approved by the Secretary;

''(B) must be updated and re-approved by the Secretary before the end of such period; and

''(C) shall be complimentary to and incorporate the policies and objectives of regional or local working waterfront plans as in effect before the date of enactment of this section or as subsequently revised.

''(4) The Secretary may—

''(A) award planning grants to coastal States for the purpose of developing or revising comprehensive working waterfront plans; and

''(B) award grants consistent with the purposes of this section to States undertaking the working waterfront planning process under this section, for the purpose of preserving and protecting working waterfronts during such process.

''(5) Any coastal State applying for a working waterfront grant under this title shall—

''(A) develop a working waterfront plan, using a process that involves the public and those with an interest in the coastal zone;

''(B) coordinate development and implementation of such a plan with other coastal management programs, regulations, and activities of the coastal State; and

''(C) if the coastal State allows qualified holders (other than the coastal State) to enter into working waterfront covenants, provide as part of the working waterfront plan under this subsection a mechanism or procedure to ensure that the qualified holders are complying their duties to enforce the working waterfront covenant.

''(d) USES, TERMS, AND CONDITIONS.—

''(1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

''(2) A grant under this section may be used—

''(A) to acquire a working waterfront, or an interest in a working waterfront;

''(B) to make improvements to a working waterfront, including the construction or repair of wharfs, boat ramps, or related facilities; or

''(C) for necessary climate adaptation mitigation.

''(e) PUBLIC ACCESS REQUIREMENT.—A working waterfront project funded by grants made under this section must provide for expansion, improvement, or preservation of reasonable and appropriate public access to coastal waters at or in the vicinity of a working waterfront, except for commercial fishing or other industrial access points where the coastal State determines that public access would be unsafe.

''(f) LIMITATIONS.—

''(1) Except as provided in paragraph (2), a grant awarded under this section may be used to purchase working waterfront or an interest in working waterfront, including an easement, only from a willing seller and at fair market value.

''(2) A grant awarded under this section may be used to acquire working waterfront or an interest in working waterfront at less than fair market value only if the owner certifies to the Secretary that the sale is being entered into willingly and without coercion.

''(3) No Federal, State, or local entity may exercise the power of eminent domain to secure title to any property or facilities in connection with a project carried out under this section.

''(g) ALLOCATION OF GRANTS TO LOCAL GOVERNMENTS AND OTHER ENTITIES.—

''(1) The Secretary shall encourage coastal States to broadly allocate amounts received as grants under this section among working waterfronts identified in working waterfront plans approved under subsection (c).

''(2) Subject to the approval of the Secretary, a coastal State may, as part of an approved working waterfront plan, designate as a qualified holder any unit of State or local government or nongovernmental organization, if the coastal State is ultimately responsible for ensuring that the property will be managed in a manner that is consistent with the purposes for which the land entered into the program.

''(3) A coastal State or a qualified holder designated by a coastal State may allocate to a unit of local government, nongovernmental organization, fishing cooperative, or other entity, a portion of any grant made under this section for the purpose of carrying out this section, except that such an allocation shall not relieve the coastal State of the responsibility for ensuring that any funds so allocated are applied in furtherance of the coastal State's approved working waterfront plan.

''(4) A qualified holder may hold title to or interest in property acquired under this section, except that—

''(A) all persons holding title to or interest in working waterfront affected by a grant under this section, including a qualified holder, private citizen, private business, nonprofit organization, fishing cooperative, or other entity, shall enter into a working waterfront covenant;

''(B) such covenant shall be held by the coastal State or a qualified holder designated under paragraph (2);

''(C) if the coastal State determines, on the record after an opportunity for a hearing, that the working waterfront covenant has been violated—

''(i) all right, title, and interest in and to the working waterfront covered by such covenant shall, except as provided in subparagraph (D), revert to the coastal State; and

''(ii) the coastal State shall have the right of immediate entry onto the working waterfront;

''(D) if a coastal State makes a determination under subparagraph (C), the coastal State may convey or authorize the qualified holder to convey the working waterfront or interest in working waterfront to another qualified holder; and

''(E) nothing in this subsection waives any legal requirement under any Federal or State law.

''(h) MATCHING CONTRIBUTIONS.—

''(1) Except as provided in paragraph (2), the Secretary shall require that each coastal State that receives a grant under this section, or a qualified holder designated by that coastal State under subsection (g), shall provide matching funds in an amount equal to at least 25 percent of the total cost of the project carried out with the grant.

''(2) The Secretary may waive the application of paragraph (1) for any qualified holder that is an underserved community, a community that has an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary considers appropriate.

''(3) A local community designated as a qualified holder under subsection (g) may utilize funds or other in-kind contributions donated by a nongovernmental partner to satisfy the matching funds requirement under this subsection.

''(4) As a condition of receipt of a grant under this section, the Secretary shall require that a coastal State provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

''(5) If financial assistance under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

''(6) The Secretary shall treat as non-Federal match the value of a working waterfront or interest in a working waterfront, including conservation and other easements, that is held in perpetuity by a qualified holder, if the working waterfront or interest is identified in the application for the grant and acquired by the qualified holder within 3 years of the grant award date, or within 3 years after the submission of the application and before the end of the grant award period. Such value shall be determined by an appraisal performed at such time before the award of the grant as the Secretary considers appropriate.

''(7) The Secretary shall treat as non-Federal match the costs associated with acquisition of a working waterfront or an interest in a working waterfront, and the costs of restoration, enhancement, or other improvement to a working waterfront, if the activities are identified in the project application and the costs are incurred within the period of the grant award, or, for working waterfront described in paragraph (6), within the same time limits described in that paragraph. These costs may include either cash or in-kind contributions.

''(i) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section may be used by the Secretary for planning or administration of the program under this section.

''(j) OTHER TECHNICAL AND FINANCIAL ASSISTANCE.—

''(1) Up to 5 percent of the funds appropriated under this section may be used by the Secretary for purposes of providing technical assistance as described in this subsection.

''(2) The Secretary shall—

''(A) provide technical assistance to coastal States and local governments in identifying and obtaining other sources of available Federal technical and financial assistance for the development and revision of a working waterfront plan and the implementation of an approved working waterfront plan;

''(B) provide technical assistance to States and local governments for the development, implementation, and revision of comprehensive working waterfront plans, which may include, subject to the availability of appropriations, planning grants and assistance, pilot projects, feasibility studies, research, and other projects necessary to further the purposes of this section;

''(C) assist States in developing other tools to protect working waterfronts;

''(D) collect and disseminate to States guidance for best storm water management practices in regards to working waterfronts;

''(E) provide technical assistance to States and local governments on integrating resilience planning into working waterfront preservation efforts; and

''(F) collect and disseminate best practices on working waterfronts and resilience planning.

''(k) OTHER REQUIREMENTS.— All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration or repair work carried out, in whole or in part, with financial assistance made available under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

''(l) REPORTS.—

''(1) The Secretary shall—

''(A) develop performance measures to evaluate and report on the effectiveness of

the program under this section in accomplishing the purpose of this section; and

''(B) submit to Congress a biennial report that includes such evaluations, an account of all expenditures, and descriptions of all projects carried out using grants awarded under this section.

''(2) The Secretary may submit the biennial report under paragraph (1)(B) by including it in the biennial report required under section 316.

''(m) DEFINITIONS.—In this section:

''(1) The term 'qualified holder' means a coastal State or a unit of local or coastal State government or a non-State organization designated by a coastal State under subsection (g).

''(2) The term 'Secretary' means the Secretary, acting through the National Oceanic and Atmospheric Administration.

''(3) The term 'working waterfront' means real property (including support structures over water and other facilities) that provides access to coastal waters to persons engaged in commercial and recreational fishing, recreational fishing and boating businesses, boatbuilding, aquaculture, or other water-dependent, coastal-related business and is used for, or that supports, commercial and recreational fishing, recreational fishing and boating businesses, boatbuilding, aquaculture, or other water-dependent, coastal-related business.

''(4) The term 'working waterfront covenant' means an agreement in recordable form between the owner of working waterfront and one or more qualified holders, that provides such assurances as the Secretary may require that—

''(A) the title to or interest in the working waterfront will be held by a grant recipient or qualified holder in perpetuity, except as provided in subparagraph (C);

''(B) the working waterfront will be managed in a manner that is consistent with the purposes for which the property is acquired pursuant to this section, and the property will not be converted to any use that is inconsistent with the purpose of this section;

''(C) if the title to or interest in the working waterfront is sold or otherwise exchanged—

''(i) all working waterfront owners and qualified holders involved in such sale or exchange shall accede to such agreement; and

''(ii) funds equal to the fair market value of the working waterfront or interest in working waterfront shall be paid to the Secretary by parties to the sale or exchange, and such funds shall, at the discretion of the Secretary, be paid to the coastal State in which the working waterfront is located for use in the implementation of the working waterfront plan of the State approved by the Secretary under this section; and

''(D) such covenant is subject to enforcement and oversight by the coastal State or by another person as determined appropriate by the Secretary.

''(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Grant Program $15,000,000.''.

Subtitle R—Blue Carbon for Our Planet

SEC. ___28. INTERAGENCY WORKING GROUP.

(a) ESTABLISHMENT.—The National Science and Technology Council Subcommittee on Ocean Science and Technology shall establish an Interagency Working Group on Coastal Blue Carbon.

(b) PURPOSES.—The Interagency Working Group on Coastal Blue Carbon shall oversee the development of a national map of coastal blue carbon ecosystems, establish national coastal blue carbon ecosystem protection and restoration priorities, assess the biophysical, social, and economic impediments to coastal blue carbon ecosystem restoration, study the effects of climate change, environmental stressors, and human stressors on carbon sequestration rates, and preserve the continuity of coastal blue carbon data.

(c) MEMBERSHIP.—The Interagency Working Group on Coastal Blue Carbon shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, the Smithsonian Institution, the Army Corps of Engineers, the Department of Agriculture, the Department of Energy, the Department of Defense, the Department of Transportation, the Department of State, the Federal Emergency Management Agency, and the Council on Environmental Quality.

(d) CHAIR.—The Interagency Working Group shall be chaired by the Administrator.

(e) RESPONSIBILITIES.—The Interagency Working Group shall—

(1) oversee the development, update, and maintenance of a national map and inventory of coastal blue carbon ecosystems, including habitat types with a regional focus in analysis that is usable for local level protection planning and restoration;

(2) develop a strategic assessment of the biophysical, chemical, social, statutory, regulatory, and economic impediments to protection and restoration of coastal blue carbon ecosystems;

(3) develop a national strategy for foundational science necessary to study, synthesize, and evaluate the effects of climate change, environmental, and human stressors on sequestration rates and capabilities of coastal blue carbon ecosystems protection;

(4) establish national coastal blue carbon ecosystem protection and restoration priorities, including an assessment of current Federal funding being used for restoration efforts;

(5) ensure the continuity, use, and interoperability of data assets through the Smithsonian Environmental Research Center's Coastal Carbon Data Clearinghouse; and

(6) assess current legal authorities to protect and restore blue carbon ecosystems.

(f) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Interagency Working Group shall provide to the Committee on Science, Space, and Technology of the House of Representatives, the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(A) A summary of federally funded coastal blue carbon ecosystem research, monitoring, preservation, and restoration activities, including the budget for each of these activities and describe the progress in advancing the national priorities established in section ___28B(a)(4)(A).

(B) An assessment of biophysical, social, and economic impediments to coastal blue carbon ecosystem restoration, including the vulnerability of coastal blue carbon ecosystems to climate impacts, such as sea-level rise, ocean and coastal acidification, and other environmental and human stressors.

(2) STRATEGIC PLAN.—

(A) IN GENERAL.—The Interagency Working group shall create a strategic plan for Federal investments in basic research, development, demonstration, long-term monitoring and stewardship, and deployment of coastal blue carbon ecosystem projects for the 5-year period beginning at the start of the first fiscal year after the date on which the budget assessment is submitted under paragraph (1). The plan shall include an assessment of the use of existing Federal programs to protect and preserve coastal blue carbon ecosystems and identify the need for any additional authorities or programs.

(B) TIMING.—The Interagency Working Group shall—

(i) submit the strategic plan under paragraph (A) to the Committee on Science, Space, and Technology of the House of Representatives, the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on a date that is not later than one year after the enactment of this Act and not earlier than the date on which the report under paragraph (1) is submitted to such committees of Congress; and

(ii) submit a revised version of such plan not less than quinquennially thereafter.

(C) FEDERAL REGISTER.—Not later than 90 days before the strategic plan under this paragraph, or any revision thereof, is submitted under subparagraph (B), the Interagency Working Group shall publish such plan in the Federal Register and provide an opportunity for submission of public comments for a period of not less than 60 days.

SEC. ___28A. NATIONAL MAP OF COASTAL BLUE CARBON ECOSYSTEMS.

(a) NATIONAL MAP.—The Interagency Working Group shall—

(1) produce, update at least once every five years, and maintain a national level map and inventory of coastal blue carbon ecosystems, including—

(A) the species and types of habitats and species in the ecosystem;

(B) the condition of such habitats including whether a habitat is degraded, drained, eutrophic, or tidally restricted;

(C) type of public or private ownership and any protected status;

(D) the size of the ecosystem;

(E) the salinity boundaries;

(F) the tidal boundaries;

(G) an assessment of carbon sequestration potential, methane production, and net greenhouse gas reductions including consideration of—

(i) quantification;

(ii) verifiability;

(iii) comparison to a historical baseline, as available; and

(iv) permanence of those benefits;

(H) an assessment of cobenefits of ecosystem and carbon sequestration;

(I) the potential for landward migration as a result of sea level rise;

(J) any upstream restrictions detrimental to the watershed process and conditions such as dams, dikes, and levees;

(K) the conversion of coastal blue carbon ecosystems to other land uses and the cause of such conversion; and

(L) a depiction of the effects of climate change, including sea level rise, environmental stressors, and human stressors on the sequestration rate, carbon storage, and potential of coastal blue carbon ecosystems; and

(2) in carrying out paragraph (1)—

(A) incorporate, to the extent possible, existing data collected through federally funded research and by a Federal agency, State agency, local agency, Tribe, including data collected from the National Oceanic and Atmospheric Administration Coastal Change Analysis Program, U.S. Fish and Wildlife Service National Wetlands Inventory, United States Geological Survey LandCarbon program, Federal Emergency Management Agency LiDAR information coordination and knowledge program, Department of Energy

Biological and Environmental Research program, and Department of Agriculture National Coastal Blue Carbon Assessment; and

(B) engage regional technical experts in order to accurately account for regional differences in coastal blue carbon ecosystems.

(b) USE.—The Interagency Working Group shall use the national map and inventory—

(1) to assess the carbon sequestration potential of different coastal blue carbon habitats, and account for any regional differences;

(2) to assess and quantify emissions from degraded and destroyed coastal blue carbon ecosystems;

(3) to develop regional assessments and to provide technical assistance to regional, State, Tribal, and local government agencies, and regional information coordination entities as defined in section 123030(6) of the Integrated Coastal and Ocean Observation System Act (33 U.S.C. 3602);

(4) to assess degraded coastal blue carbon ecosystems and their potential for restoration, including developing scenario modeling to identify vulnerable areas where management, protection, and restoration efforts should be focused;

(5) produce future predictions of coastal blue carbon ecosystems and carbon sequestration rates in the context of climate change, environmental stressors, and human stressors; and

(6) use such map to inform the Administrator of the Environmental Protection Agency's creation of the annual Inventory of U.S. Greenhouse Gas Emissions and Sinks.

SEC. ___28B. RESTORATION AND PROTECTIONS FOR EXISTING COASTAL BLUE CARBON ECOSYSTEMS.

(a) IN GENERAL.—The Administrator shall—

(1) lead the Interagency Working Group in implementing the strategic plan under section ___28(f)(2);

(2) coordinate monitoring and research efforts among Federal agencies in cooperation with State, local, and Tribal government and international partners and nongovernmental organizations;

(3) establish a national goal for conserving ocean and coastal blue carbon ecosystems within the territory of the United States, and as appropriate setting targets for restoration of degraded coastal blue carbon ecosystems;

(4) in coordination with the Interagency Working Group and as informed by the report under section ___28(f) on current Federal expenditures on coastal blue carbon ecosystem restoration, identify—

(A) national coastal blue carbon ecosystem protection and restoration priorities that would produce the highest rate of carbon sequestration and greatest ecosystem benefits such as flood protection, soil and beach retention, erosion reduction, biodiversity, water purification, and nutrient cycling in the context of other environmental stressors and climate change; and

(B) ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on coastal blue carbon ecosystems through existing and new coastal management networks; and

(5) in coordination with State, local, and Tribal governments and coastal stakeholders, develop integrated pilot programs to restore degraded coastal blue carbon ecosystems in accordance with subsection (b).

(b) INTEGRATED PILOT PROGRAMS TO RESTORE AND PROTECT DEGRADED COASTAL BLUE CARBON ECOSYSTEMS.—In carrying out subsection (a)(5), the Administrator shall—

(1) establish integrated pilot programs that develop best management practices, including design criteria and performance functions for coastal blue carbon ecosystem restoration and protection, nature-based adaptation strategies, restoration areas that intersect with the built environments as green-gray infrastructure projects, management practices for landward progression or migration of coastal blue carbon ecosystems, and identify potential barriers to restoration efforts, and increase long-term carbon sequestration and storage;

(2) ensure that the pilot programs cover geographically and ecologically diverse locations with significant ecological, economic, and social benefits, such as flood protection, soil and beach retention, erosion reduction, biodiversity, water purification, and nutrient cycling to reduce hypoxic conditions, and maximum potential for greenhouse gas emission reduction;

(3) establish a procedure for reviewing applications for the pilot program, taking into account—

(A) quantification;

(B) verifiability;

(C) additionality as compared to a historical baseline, when feasible; and

(D) permanence of those benefits;

(4) ensure, through consultation with the Interagency Working Group, that the goals and metrics for the pilot programs are communicated to the appropriate State, Tribe, and local governments, and to the general public;

(5) coordinate with relevant Federal agencies on the Interagency Working Group to prevent unnecessary duplication of effort among Federal agencies and departments with respect to restoration and protection programs;

(6) give priority to proposed eligible restoration activities that would—

(A) result in long-term protection and sequestration of carbon stored in coastal and marine environments;

(B) protect key habitats for fish, wildlife, and the maintenance of biodiversity;

(C) provide coastal protection from development, storms, flooding, and land-based pollution;

(D) protect coastal resources of national, historical, and cultural significance; and

(E) benefit communities of color, low-income communities, Tribal or Indigenous communities, or rural communities; and

(7) report to the Interagency Working Group, and Committee on Science, Space, and Technology of the House of Representatives, the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on the total number of acres of land or water protected or restored through the program, the status of restoration projects, and the blue carbon sequestration potential of each restoration pilot project.

SEC. ___28C. NAS ASSESSMENT OF CONTAINMENT OF CARBON DIOXIDE IN DEEP SEAFLOOR ENVIRONMENT.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall seek to enter into an agreement with the National Academy of Sciences to conduct a comprehensive assessment on the long-term effects of geologic stores of carbon dioxide in a deep seafloor environment, including impacts on marine species and ecosystems.

SEC. ___28D. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this subtitle $15,000,000 for each of the fiscal years 2023 through 2027.

SEC. ___28E. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL BLUE CARBON ECOSYSTEM.—The term ''coastal blue carbon ecosystem'' refers to vegetated coastal habitats including mangroves, tidal marshes, seagrasses, kelp forests, and other tidal, freshwater, or saltwater wetlands, and their ability to sequester carbon from the atmosphere, accumulate it in biomass for years to decades, and store it in soils for centuries to millennia. Coastal blue carbon ecosystems include both autochthonous carbon and allochthonous carbon.

(3) STATE.—The term ''State'' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory of the United States.

Subtitle S—Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorization and Improvements

SEC. ___29. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should continue to work with international partners, including nations, nongovernmental organizations, and the private sector, to identify long-standing and emerging areas of concern in wildlife poaching and trafficking related to global supply and demand; and

(2) the activities and required reporting of the Presidential Task Force on Wildlife Trafficking, established by Executive Order No. 13648 (78 Fed. Reg. 40621), and modified by sections 201 and 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621 and 7631) should be reauthorized to minimize the disruption of the work of such Task Force.

SEC. ___29A. DEFINITIONS.

Section 2 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601) is amended—

(1) in paragraph (3), by inserting ''involving local communities'' after ''approach to conservation'';

(2) by amending paragraph (4) to read as follows:

''(4) COUNTRY OF CONCERN.—The term 'country of concern' means a foreign country specially designated by the Secretary of State pursuant to section 201(b) as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which—

''(A) the government has actively engaged in, or knowingly profited from, the trafficking of protected species; or

''(B) the government facilitates such trafficking through conduct that may include a persistent failure to make serious and sustained efforts to prevent and prosecute such trafficking.''; and

(3) in paragraph (11), by striking ''section 201'' and inserting ''section 301''.

SEC. ___29B. FRAMEWORK FOR INTERAGENCY RESPONSE AND REPORTING.

(a) REAUTHORIZATION OF REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES.—Section 201 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621) is amended—

(1) in subsection (a), by striking ''annually thereafter'' and inserting ''biennially thereafter by June 1 of each year in which a report is required''; and

(2) by amending subsection (c) to read as follows:

''(c) DESIGNATION.—A country may be designated as a country of concern under subsection (b) regardless of such country's status as a focus country.''.

(b) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING RESPONSIBILITIES.—Section 301(a) of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631(a)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) by redesignating paragraph (5) as paragraph (10); and

(3) by inserting after paragraph (4) the following:

''(5) pursue programs and develop a strategy—

''(A) to expand the role of technology for anti-poaching and anti-trafficking efforts, in partnership with the private sector, foreign governments, academia, and nongovernmental organizations (including technology companies and the transportation and logistics sectors); and

''(B) to enable local governments to develop and use such technologies;

''(6) consider programs and initiatives that address the expansion of the illegal wildlife trade to digital platforms, including the use of digital currency and payment platforms for transactions by collaborating with the private sector, academia, and nongovernmental organizations, including social media, e-commerce, and search engine companies, as appropriate;

''(7)(A) establish and publish a procedure for removing from the list in the biennial report any country of concern that no longer meets the definition of country of concern under section 2(4);

''(B) include details about such procedure in the next report required under section 201;

''(8)(A) implement interventions to address the drivers of poaching, trafficking, and demand for illegal wildlife and wildlife products in focus countries and countries of concern;

''(B) set benchmarks for measuring the effectiveness of such interventions; and

''(C) consider alignment and coordination with indicators developed by the Task Force;

''(9) consider additional opportunities to increase coordination between law enforcement and financial institutions to identify trafficking activity; and''.

(c) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING STRATEGIC REVIEW.—Section 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631), as amended by subsection (b), is further amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''annually'' and inserting ''biennially'';

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

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

(D) by adding at the end the following:

''(6) an analysis of the indicators developed by the Task Force, and recommended by the Government Accountability Office, to track and measure inputs, outputs, law enforcement outcomes, and the market for wildlife products for each focus country listed in the report, including baseline measures, as appropriate, for each indicator in each focus country to determine the effectiveness and appropriateness of such indicators to assess progress and whether additional or separate indicators, or adjustments to indicators, may be necessary for focus countries.''; and

(2) by striking subsection (e).

SEC. ___29C. FUNDING SAFEGUARDS.

(a) PROCEDURES FOR OBTAINING CREDIBLE INFORMATION.—Section 620M(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d(d)) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) routinely request and obtain such information from the United States Agency for International Development, the United States Fish and Wildlife Service, and other relevant Federal agencies that partner with international nongovernmental conservation groups;''.

(b) REQUIRED IMPLEMENTATION.—The Secretary of State shall implement the procedures established pursuant to section 620M(d) of the Foreign Assistance Act of 1961, as amended by subsection (a), including vetting individuals and units, whenever the United States Agency for International Development, the United States Fish and Wildlife Service, or any other relevant Federal agency that partners with international nongovernmental conservation groups provides assistance to any unit of the security forces of a foreign country.

SEC. ___29D. ISSUANCE OF SUBPOENAS IN WILDLIFE TRAFFICKING CIVIL PENALTY ENFORCEMENT ACTIONS.

(a) ENDANGERED SPECIES ACT OF 1973.—Section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)) is amended by adding at the end the following:

''(7) ISSUANCE OF SUBPOENAS.—

''(A) IN GENERAL.—For the purposes of any inspection or investigation relating to the import into, or the export from, the United States of any fish or wildlife or plants covered under this Act or relating to the delivery, receipt, carrying, transport, shipment, sale, or offer for sale in interstate or foreign commerce of any such fish or wildlife or plants imported into, or exported from, the United States, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of any papers, books, or other records relevant to the subject matter under investigation.

''(B) FEES AND MILEAGE FOR WITNESSES.—A witness summoned under subparagraph (A) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

''(C) REFUSAL TO OBEY SUBPOENAS.—

''(i) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this paragraph, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

''(ii) FAILURE TO OBEY.—Any failure to obey an order issued by a district court of the United States under clause (i) may be punished by that court as a contempt of that court.''.

(b) LACEY ACT AMENDMENTS OF 1981.—Section 6 of the Lacey Act Amendments of 1981 (16 U.S.C. 3375) is amended by adding at the end the following:

''(e) ISSUANCE OF SUBPOENAS.—

''(1) IN GENERAL.—For the purposes of any inspection or investigation relating to the import into, or the export from, the United States of any fish or wildlife or plants covered under this Act or relating to the transport, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any such fish or wildlife or plants imported into or exported from the United States, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of any papers, books, or other records relevant to the subject matter under investigation.

''(2) FEES AND MILEAGE FOR WITNESSES.—A witness summoned under paragraph (1) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

''(3) REFUSAL TO OBEY SUBPOENAS.—

''(A) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subsection, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

''(B) FAILURE TO OBEY.—Any failure to obey an order issued by a district court of the United States under subparagraph (A) may be punished by that court as a contempt of that court.''.

(c) BALD AND GOLDEN EAGLE PROTECTION ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of the first section of the Act of June 8, 1940 (commonly known as the ''Bald and Golden Eagle Protection Act'') (16 U.S.C. 668(b)), is amended—

(A) by striking ''(b) Whoever, within the'' and inserting the following:

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Whoever, within the'';

(B) in paragraph (1) (as so designated), in the first sentence, by striking ''Secretary'' and inserting ''Secretary of the Interior (referred to in this subsection as the 'Secretary')''; and

(C) by adding at the end the following:

''(2) HEARINGS; ISSUANCE OF SUBPOENAS.—

''(A) HEARINGS.—Hearings held during proceedings for the assessment of civil penalties under paragraph (1) shall be conducted in accordance with section 554 of title 5, United States Code.

''(B) ISSUANCE OF SUBPOENAS.—

''(i) IN GENERAL.—For purposes of any hearing held during proceedings for the assessment of civil penalties under paragraph (1), the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths.

''(ii) FEES AND MILEAGE FOR WITNESSES.—A witness summoned pursuant to clause (i) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

''(iii) REFUSAL TO OBEY SUBPOENAS.—

''(I) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subparagraph, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

''(II) FAILURE TO OBEY.—Any failure to obey an order issued by a court of the United States under subclause (I) may be punished by that court as a contempt of that court.''.

(2) INVESTIGATORY SUBPOENAS.—Section 3 of the Act of June 8, 1940 (commonly known as the ''Bald and Golden Eagle Protection Act'') (16 U.S.C. 668b), is amended by adding at the end the following:

''(d) ISSUANCE OF SUBPOENAS.—

''(1) IN GENERAL.—For the purposes of any inspection or investigation relating to the import into or the export from the United

States of any bald or golden eagles covered under this Act, or any parts, nests, or eggs of any such bald or golden eagles, the Secretary of the Interior may issue subpoenas for the attendance and testimony of witnesses and the production of any papers, books, or other records relevant to the subject matter under investigation.

''(2) FEES AND MILEAGE FOR WITNESSES.—A witness summoned under paragraph (1) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

''(3) REFUSAL TO OBEY SUBPOENAS.—

''(A) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subsection, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary of the Interior, to appear and produce documents before the Secretary of the Interior, or both.

''(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court of the United States under subparagraph (A) may be punished by that court as a contempt of that court.''.

SA 5952. Mr. PADILLA (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. BERRYESSA SNOW MOUNTAIN NATIONAL MONUMENT EXPANSION.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Board on Geographic Names established by section 2 of the Act of July 25, 1947 (61 Stat. 456, chapter 330; 43 U.S.C. 364a).

(2) MAP.—The term ''Map'' means the map entitled ''Proposed Walker Ridge (Molok Luyuk) Addition Berryessa Snow Mountain National Monument'' and dated October 26, 2021.

(3) MOLOK LUYUK.—The term ''Molok Luyuk'' means Condor Ridge (in the Patwin language).

(4) NATIONAL MONUMENT.—The term ''National Monument'' means the Berryessa Snow Mountain National Monument established by Presidential Proclamation 9298, dated July 10, 2015 (80 Fed. Reg. 41975), including all land, interests in the land, and objects on the land identified in that Presidential Proclamation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) WALKER RIDGE (MOLOK LUYUK) ADDITION.—The term ''Walker Ridge (Molok Luyuk) Addition'' means the approximately 3,925 acres of Federal land (including any interests in, or objects on, the land) administered by the Bureau of Land Management in Lake County, California, and identified as ''Proposed Walker Ridge (Molok Luyuk) Addition'' on the Map.

(b) NATIONAL MONUMENT EXPANSION.—

(1) BOUNDARY MODIFICATION.—The boundary of the National Monument is modified to include the Walker Ridge (Molok Luyuk) Addition.

(2) MAP.—

(A) CORRECTIONS.—The Secretary may make clerical and typographical corrections to the Map.

(B) PUBLIC AVAILABILITY; EFFECT.—The Map and any corrections to the Map under subparagraph (A) shall—

(i) be publicly available on the website of the Bureau of Land Management; and

(ii) have the same force and effect as if included in this section.

(3) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall administer the Walker Ridge (Molok Luyuk) Addition—

(A) as part of the National Monument;

(B) in accordance with Presidential Proclamation 9298, dated July 10, 2015 (80 Fed. Reg. 41975); and

(C) in accordance with applicable laws (including regulations).

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Agriculture shall jointly develop a comprehensive management plan for the National Monument in accordance with, and in a manner that fulfills the purposes described in, Presidential Proclamation 9298, dated July 10, 2015 (80 Fed. Reg. 41975).

(2) TRIBAL CONSULTATION.—The Secretary and the Secretary of Agriculture shall consult with affected federally recognized Indian Tribes in—

(A) the development of the management plan under paragraph (1); and

(B) making management decisions relating to the National Monument.

(3) CONTINUED ENGAGEMENT WITH INDIAN TRIBES.—The management plan developed under paragraph (1) shall set forth parameters for continued meaningful engagement with affected federally recognized Indian Tribes in the implementation of the management plan.

(4) EFFECT.—Nothing in this section affects the conduct of fire mitigation or suppression activities at the National Monument, including through the use of existing agreements.

(d) AGREEMENTS AND PARTNERSHIPS.—To the maximum extent practicable and in accordance with applicable laws, on request of an affected federally recognized Indian Tribe, the Secretary (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) shall enter into agreements, contracts, and other cooperative and collaborative partnerships with the federally recognized Indian Tribe regarding management of the National Monument under relevant Federal authority, including—

(1) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.);

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(3) the Tribal Self-Governance Act of 1994 (25 U.S.C. 5361 et seq.);

(4) the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.);

(5) the good neighbor authority under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a);

(6) Executive Order 13175 (25 U.S.C. 5301 note; relating to consultation and coordination with Indian Tribal governments);

(7) Secretarial Order 3342, issued by the Secretary on October 21, 2016 (relating to identifying opportunities for cooperative and collaborative partnerships with federally recognized Indian Tribes in the management of Federal lands and resources); and

(8) Joint Secretarial Order 3403, issued by the Secretary and the Secretary of Agriculture on November 15, 2021 (relating to fulfilling the trust responsibility to Indian Tribes in the stewardship of Federal lands and waters).

(e) DESIGNATION OF CONDOR RIDGE (MOLOK LUYUK) IN LAKE AND COLUSA COUNTIES, CALIFORNIA.—

(1) IN GENERAL.—The parcel of Federal land administered by the Bureau of Land Management located in Lake and Colusa Counties in the State of California and commonly referred to as ''Walker Ridge'' shall be known and designated as ''Condor Ridge (Molok Luyuk)''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of Federal land described in paragraph (1) shall be deemed to be a reference to ''Condor Ridge (Molok Luyuk)''.

(3) MAP AND LEGAL DESCRIPTION.—

(A) PREPARATION.—

(i) INITIAL MAP.—The Board shall prepare a map and legal description of the parcel of Federal land designated by paragraph (1).

(ii) CORRECTIONS.—The Board and the Director of the Bureau of Land Management may make clerical and typographical corrections to the map and legal description prepared under clause (i).

(B) CONSULTATION.—In preparing the map and legal description under subparagraph (A)(i), the Board shall consult with—

(i) the Director of the Bureau of Land Management; and

(ii) affected federally recognized Indian Tribes.

(C) PUBLIC AVAILABILITY; EFFECT.—The map and legal description prepared under subparagraph (A)(i) and any correction to the map or legal description made under subparagraph (A)(ii) shall—

(i) be publicly available on the website of the Board, the Bureau of Land Management, or both; and

(ii) have the same force and effect as if included in this section.

SA 5953. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. IRAN HOSTAGES CONGRESSIONAL GOLD MEDAL.

(a) FINDINGS.—Congress finds the following:

(1) On January 20, 1981, United States diplomats, military personnel, and civilians were released after being held hostage for 444 days by militant student supporters of Iran's Ayatollah Ruhollah Khomeini in a violation of international law. The individuals were taken from the United States Embassy in Tehran, Iran, and the ordeal came to be known as the Iran Hostage Crisis.

(2) The hostages were subjected to intense physical and psychological torture throughout their captivity, such as mock executions, beatings, solitary confinement, and inhospitable living conditions.

(3) Throughout their time held, the hostages were routinely told to denounce the United States and, when they refused, they were tortured, but remained strong in their spirit.

(4) One hostage wrote ''Viva la roja, blanco, y azul'', which translates to ''Long live the red, white, and blue'', on the wall of his cell as a reminder of the values he swore to protect.

(5) The hostages showed extraordinary courage by continually engaging in acts of resistance against their captors, such as by refusing to sign condemnations of the United States, in the face of gross violations of their human rights.

(6) Many of the hostages still experience trauma as a result of the events of the crisis and deserve to have their suffering recognized.

(7) While, as of the date of enactment of this Act, 35 of the hostages are living, it is important that the people of the United States reflect on the resilience and strength of the hostages, which serve as an example to current generations.

(8) The people of the United States should—

(A) acknowledge the hostages as heroes who—

(i) experienced great tribulation; and

(ii) endured, so that the people of the United States may know the blessing of living in the United States; and

(B) strive to demonstrate the values shown by the hostages.

(9) On January 22, 1981, President Jimmy Carter met with the hostages in West Germany and stated the following: ''One of the acts in my life which has been the most moving and gratifying in meeting with and discussing the future and the past with the now liberated Americans who were held hostage in Iran for so long. I pointed out to them that, since their capture by the Iranian terrorists and their being held in this despicable act of savagery, that the American people's hearts have gone out to them and the Nation has been united as perhaps never before in history and that the prayers that have gone up from the people throughout the world to God for their safety have finally been answered.''.

(10) On January 28, 1981, when welcoming the hostages home, President Ronald Reagan stated the following: ''You've come home to a people who for 444 days suffered the pain of your imprisonment, prayed for your safety, and most importantly, shared your determination that the spirit of free men and women is not a fit subject for barter. You've represented under great stress the highest traditions of public service. Your conduct is symbolic of the millions of professional diplomats, military personnel, and others who have rendered service to their country.''.

(11) During the 444 days the brave hostages were held, the rest of the United States held its breath, waiting for news of the hostages. The United States hoped and prayed together, as one, for the hostages' safe return.

(12) Bruce Laingen, who served as United States Ambassador to Iran from 1979 to 1980 and was the highest ranking diplomat held hostage, summed up the experience by saying the following: ''Fifty-three Americans who will always have a love affair with this country and who join with you in a prayer of thanksgiving for the way in which this crisis has strengthened the spirit and resilience and strength that is the mark of a truly free society.''. It is now the responsibility of the people of the United States to honor the spirit, resilience, and strength that the hostages displayed during their 444 days of imprisonment.

(13) Now, more than 4 decades later, the United States continues to honor the hostages. The recipients of the award bestowed by this section are heroes in every sense of the word. They are role models who wore their pride in the United States with esteem and have allowed for subsequent generations to appreciate the blessing of living in the United States. Today, as we mark 40 years since their release, the people of the United States acknowledge their endurance, strength, and contributions to seeing a more peaceful world. The hostages suffered for the United States and now it is the duty of the United States to recognize them for it.

(b) DEFINITION.—In this section, the term ''hostage'' means a person of the United States who was taken captive on November 4, 1979, in Tehran, Iran, at the United States embassy and released on—

(1) July 11, 1980; or

(2) January 20, 1981.

(c) CONGRESSIONAL GOLD MEDAL.—

(1) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design to the 53 hostages of the Iran Hostage Crisis, in recognition of their bravery and endurance throughout their captivity, which began on November 4, 1979, and lasted until January 21, 1981.

(2) DESIGN AND STRIKING.—For the purposes of the award referred to in paragraph (1), the Secretary of the Treasury (referred to in this section as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary, in consultation with the Secretary of State.

(3) SMITHSONIAN INSTITUTION.—

(A) IN GENERAL.—Following the award of the gold medal under paragraph (1), the gold medal shall be given to the National Museum of American History of the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medal received under subparagraph (A) available for loan, as appropriate, so that the medal may be displayed elsewhere.

(d) BRONZE DUPLICATE MEDALS.—

(1) IN GENERAL.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to subsection (c), at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

(2) PROCEEDS OF SALES.—The amounts received from the sale of duplicate medals under paragraph (1) shall be deposited in the United States Mint Public Enterprise Fund.

(e) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck under this section.

(f) STATUS OF MEDALS.—

(1) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(2) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this section shall be considered to be numismatic items.

(g) DETERMINATION OF BUDGETARY EFFECTS.—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this section, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 5954. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ASSESSMENT OF TEST INFRASTRUCTURE AND PRIORITIES RELATED TO HYPERSONIC CAPABILITIES AND RELATED TECHNOLOGIES AND HYPERSONIC TEST STRATEGY.

(a) ASSESSMENT.—The Secretary of Defense shall assess the capacity of the Department of Defense to test, evaluate, and qualify hypersonic capabilities and related technologies.

(b) REQUIREMENTS.—The assessment under subsection (a) shall cover the following:

(1) Facilities within the Major Range and Test Facility Base identified pursuant to section 225 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81).

(2) The capability of each facility to simulate various individual and coupled hypersonic conditions in order to accurately simulate a realistic flight-like environment with all relevant aero thermochemical conditions.

(3) An analysis of the test frequency, scheduling lead time, test cost, and capacity of each facility related to testing technologies related to hypersonic flight.

(4) A review of contractor-owned, commercial test flight, and orbital re-entry capsule testbeds that could enhance efforts to test flight vehicles in all phases of hypersonic flight, and other technologies including sensors, communications, thermal protective shields, optical windows, navigation, and environmental sensors.

(c) STRATEGY.—

(1) IN GENERAL.—Based upon the assessment required under subsection (a), the Secretary shall submit to the congressional defense committees, in coordination with hypersonic program management offices, the Air Force Research Laboratory, the Office of Naval Research, the Army Research Laboratory, and the Test Resource Management Center, a strategy on—

(A) how the Department will prioritize Government-owned test facilities and ranges for evaluation of hypersonic technologies, and

(B) to the maximum extent practicable, where the Department should use contractor-owned, commercial flight, and re-entry test capabilities to fill existing testing requirement gaps where they exist to enhance and accelerate flight qualification of critical hypersonic technologies.

(2) ELEMENTS.—The strategy cover the following:

(A) Resources needed to improve the frequency and capacity of hypersonic technologies at ground based-facilities and flight test ranges.

(B) Investments that can be made to incorporate contractor-owned, commercial flight and orbital re-entry capsule testbeds into the overall Department of Defense hypersonic test infrastructure.

(C) Environmental conditions, testing sizes, and duration required for flight qualification of both hypersonic cruise and hypersonic boost-glide technologies.

(d) MAJOR RANGE AND TEST FACILITY BASE.—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 5955. Mr. PADILLA (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—PROTECTION OF CERTAIN FEDERAL LAND IN THE STATE OF CALIFORNIA

TITLE L—NORTHWEST CALIFORNIA WILDERNESS, RECREATION, AND WORKING FORESTS

SEC. 5001. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of California.

Subtitle A—Restoration and Economic Development

SEC. 5011. SOUTH FORK TRINITY-MAD RIVER RESTORATION AREA.

(a) DEFINITIONS.—In this section:

(1) COLLABORATIVELY DEVELOPED.—The term ''collaboratively developed'' means, with respect to a restoration project, the development and implementation of the restoration project through a collaborative process that—

(A) includes—

(i) appropriate Federal, State, and local agencies; and

(ii) multiple interested persons representing diverse interests; and

(B) is transparent and nonexclusive.

(2) PLANTATION.—The term ''plantation'' means a forested area that has been artificially established by planting or seeding.

(3) RESTORATION.—The term ''restoration'' means the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed by establishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial and aquatic ecosystem sustainability, resilience, and health under current and future conditions.

(4) RESTORATION AREA.—The term ''restoration area'' means the South Fork Trinity-Mad River Restoration Area established by subsection (b).

(5) SHADED FUEL BREAK.—The term ''shaded fuel break'' means a vegetation treatment that—

(A) effectively addresses all slash generated by a project; and

(B) retains, to the maximum extent practicable—

(i) adequate canopy cover to suppress plant regrowth in the forest understory following treatment;

(ii) the longest living trees that provide the most shade over the longest period of time;

(iii) the healthiest and most vigorous trees with the greatest potential for crown growth in—

(I) plantations; and

(II) natural stands adjacent to plantations; and

(iv) mature hardwoods.

(6) STEWARDSHIP CONTRACT.—The term ''stewardship contract'' means an agreement or contract entered into under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c).

(7) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) ESTABLISHMENT.—Subject to valid existing rights, there is established the South Fork Trinity-Mad River Restoration Area, comprising approximately 871,414 acres of Federal land administered by the Forest Service and the Bureau of Land Management, as generally depicted on the map entitled ''South Fork Trinity-Mad River Restoration Area'' and dated May 15, 2020.

(c) PURPOSES.—The purposes of the restoration area are—

(1) to establish, restore, and maintain fire-resilient late successional forest structures characterized by large trees and multistoried canopies, as ecologically appropriate, in the restoration area;

(2) to protect late successional reserves in the restoration area;

(3) to enhance the restoration of Federal land in the restoration area;

(4) to reduce the threat posed by wildfires to communities in or in the vicinity of the restoration area;

(5) to protect and restore aquatic habitat and anadromous fisheries;

(6) to protect the quality of water within the restoration area; and

(7) to allow visitors to enjoy the scenic, recreational, natural, cultural, and wildlife values of the restoration area.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the restoration area—

(A) in a manner—

(i) consistent with the purposes described in subsection (c); and

(ii) in the case of the Forest Service, that prioritizes the restoration of the restoration area over other nonemergency vegetation management projects on the portions of the Six Rivers and Shasta-Trinity National Forests in Humboldt and Trinity Counties, California;

(B) in accordance with an agreement entered into by the Chief of the Forest Service and the Director of the United States Fish and Wildlife Service—

(i) for cooperation to ensure the timely consultation required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) on restoration projects within the restoration area; and

(ii) to maintain and exchange information on planning schedules and priorities with respect to the restoration area on a regular basis;

(C) in accordance with—

(i) the laws (including regulations) and rules applicable to the National Forest System, with respect to land managed by the Forest Service;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), with respect to land managed by the Bureau of Land Management;

(iii) this title; and

(iv) any other applicable law (including regulations); and

(D) in a manner consistent with congressional intent that consultation for restoration projects within the restoration area be completed in a timely and efficient manner.

(2) CONFLICT OF LAWS.—

(A) IN GENERAL.—The establishment of the restoration area shall not modify the management status of any land or water that is designated as a component of the National Wilderness Preservation System or the National Wild and Scenic Rivers System, including land or water designated as a component of the National Wilderness Preservation System or the National Wild and Scenic Rivers System by this title (including an amendment made by this title).

(B) RESOLUTION OF CONFLICT.—If there is a conflict between a law applicable to a component described in subparagraph (A) and this section, the more restrictive provision shall control.

(3) USES.—

(A) IN GENERAL.—The Secretary shall only allow uses of the restoration area that the Secretary determines would further the purposes described in subsection (c).

(B) PRIORITY.—The Secretary shall give priority to restoration activities within the restoration area.

(C) LIMITATION.—Nothing in this section limits the ability of the Secretary to plan, approve, or prioritize activities outside of the restoration area.

(4) WILDLAND FIRE.—

(A) IN GENERAL.—Nothing in this section prohibits the Secretary, in cooperation with Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the restoration area, consistent with the purposes of this section.

(B) PRIORITY.—To the maximum extent practicable, the Secretary may use prescribed burning and managed wildland fire to achieve the purposes of this section.

(5) ROAD DECOMMISSIONING.—

(A) DEFINITION OF DECOMMISSION.—In this paragraph, the term ''decommission'' means, with respect to a road—

(i) to reestablish vegetation on the road; and

(ii) to restore any natural drainage, watershed function, or other ecological process that is disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism.

(B) DECOMMISSIONING.—To the maximum extent practicable, the Secretary shall decommission any unneeded National Forest System road or any unauthorized road identified for decommissioning within the restoration area—

(i) subject to appropriations;

(ii) consistent with the analysis required under subparts A and B of part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(iii) in accordance with existing law.

(C) ADDITIONAL REQUIREMENT.—In making determinations with respect to the decommissioning of a road under subparagraph (B), the Secretary shall consult with—

(i) appropriate State, Tribal, and local governmental entities; and

(ii) members of the public.

(6) VEGETATION MANAGEMENT.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Secretary may carry out any vegetation management projects in the restoration area that the Secretary determines to be necessary—

(i) to maintain or restore the characteristics of ecosystem composition and structure;

(ii) to reduce wildfire risk to the community by promoting forests that are fire resilient;

(iii) to improve the habitat of threatened species, endangered species, or sensitive species;

(iv) to protect or improve water quality; or

(v) to enhance the restoration of land within the restoration area.

(B) ADDITIONAL REQUIREMENTS.—

(i) SHADED FUEL BREAKS.—In carrying out subparagraph (A), the Secretary shall prioritize, as practicable, the establishment in the restoration area of a network of shaded fuel breaks within—

(I) any portion of the wildland-urban interface that is within 150 feet of private property contiguous to Federal land;

(II) on the condition that the Secretary includes vegetation treatments within a minimum of 25 feet of a road that is open to motorized vehicles as of the date of enactment of this Act if practicable, feasible, and appropriate as part of any shaded fuel break—

(aa) 150 feet of the road; or

(bb) as topography or other conditions require, 275 feet of the road, if the combined total width of the shaded fuel breaks for both sides of the road does not exceed 300 feet; or

(III) 150 feet of any plantation.

(ii) PLANTATIONS; RIPARIAN RESERVES.—The Secretary may carry out vegetation management projects—

(I) in an area within the restoration area in which a fish or wildlife habitat is significantly compromised as a result of past management practices (including plantations); and

(II) in designated riparian reserves in the restoration area, as the Secretary determines to be necessary—

(aa) to maintain the integrity of fuel breaks; or

(bb) to enhance fire resilience.

(C) APPLICABLE LAW.—The Secretary shall carry out vegetation management projects in the restoration area—

(i) in accordance with—

(I) this section; and

(II) applicable law (including regulations);

(ii) after providing an opportunity for public comment; and

(iii) subject to appropriations.

(D) BEST AVAILABLE SCIENCE.—The Secretary shall use the best available science in planning and carrying out vegetation management projects in the restoration area.

(7) GRAZING.—

(A) EXISTING GRAZING.—The grazing of livestock in the restoration area, where established before the date of enactment of this Act, shall be permitted to continue—

(i) subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary;

(ii) in accordance with applicable law (including regulations); and

(iii) in a manner consistent with the purposes described in subsection (c).

(B) TARGETED NEW GRAZING.—The Secretary may issue annual targeted grazing permits for the grazing of livestock in an area of the restoration area in which the grazing of livestock is not authorized before the date of enactment of this Act to control noxious weeds, aid in the control of wildfire within the wildland-urban interface, or provide other ecological benefits—

(i) subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary; and

(ii) in a manner consistent with the purposes described in subsection (c).

(C) BEST AVAILABLE SCIENCE.—The Secretary shall use the best available science in determining whether to issue targeted grazing permits under subparagraph (B) within the restoration area.

(e) WITHDRAWAL.—Subject to valid existing rights, the restoration area is withdrawn from—

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

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

(3) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(f) USE OF STEWARDSHIP CONTRACTS.—To the maximum extent practicable, the Secretary shall—

(1) use stewardship contracts to carry out this section; and

(2) use revenue derived from stewardship contracts under paragraph (1) to carry out restoration and other activities within the restoration area, including staff and administrative costs to support timely consultation activities for restoration projects.

(g) COLLABORATION.—In developing and carrying out restoration projects in the restoration area, the Secretary shall consult with collaborative groups with an interest in the restoration area.

(h) ENVIRONMENTAL REVIEW.—A collaboratively developed restoration project within the restoration area may be carried out in accordance with the provisions for hazardous fuel reduction projects in sections 104, 105, and 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6514, 6515, 6516), as applicable.

(i) MULTIPARTY MONITORING.—The Secretary of Agriculture shall—

(1) in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of restoration projects within the restoration area; and

(2) incorporate the monitoring results into the management of the restoration area.

(j) AVAILABLE AUTHORITIES.—The Secretary shall use any available authorities to secure the funding necessary to fulfill the purposes of the restoration area.

(k) FOREST RESIDUES UTILIZATION.—

(1) IN GENERAL.—In accordance with applicable law (including regulations) and this section, the Secretary may use forest residues from restoration projects, including shaded fuel breaks, in the restoration area for research and development of biobased products that result in net carbon sequestration.

(2) PARTNERSHIPS.—In carrying out paragraph (1), the Secretary may enter into partnerships with institutions of higher education, nongovernmental organizations, industry, Tribes, and Federal, State, and local governmental agencies.

SEC. 5012. REDWOOD NATIONAL AND STATE PARKS RESTORATION.

(a) PARTNERSHIP AGREEMENTS.—The Secretary of the Interior may carry out initiatives to restore degraded redwood forest ecosystems in Redwood National and State Parks in partnership with the State, local agencies, and nongovernmental organizations.

(b) APPLICABLE LAW.—In carrying out an initiative under subsection (a), the Secretary of the Interior shall comply with applicable law.

SEC. 5013. CALIFORNIA PUBLIC LAND REMEDIATION PARTNERSHIP.

(a) DEFINITIONS.—In this section:

(1) PARTNERSHIP.—The term ''partnership'' means the California Public Land Remediation Partnership established by subsection (b).

(2) PRIORITY LAND.—The term ''priority land'' means Federal land in the State that is determined by the partnership to be a high priority for remediation.

(3) REMEDIATION.—

(A) IN GENERAL.—The term ''remediation'' means to facilitate the recovery of land or water that has been degraded, damaged, or destroyed by illegal marijuana cultivation or another illegal activity.

(B) INCLUSIONS.—The term ''remediation'' includes—

(i) the removal of trash, debris, or other material; and

(ii) establishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial or aquatic ecosystem sustainability, resilience, or health under current and future conditions.

(b) ESTABLISHMENT.—There is established the California Public Land Remediation Partnership.

(c) PURPOSES.—The purposes of the partnership are—

(1) to coordinate the activities of Federal, State, Tribal, and local authorities and the private sector in the remediation of priority land in the State affected by illegal marijuana cultivation or another illegal activity; and

(2) to use the resources and expertise of each agency, authority, or entity referred to in paragraph (1) in implementing remediation activities on priority land in the State.

(d) MEMBERSHIP.—The members of the partnership shall include the following:

(1) The Secretary of Agriculture (or a designee) to represent the Forest Service.

(2) The Secretary of the Interior (or a designee) to represent—

(A) the United States Fish and Wildlife Service;

(B) the Bureau of Land Management; and

(C) the National Park Service.

(3) The Director of the Office of National Drug Control Policy (or a designee).

(4) The Secretary of the State Natural Resources Agency (or a designee) to represent the California Department of Fish and Wildlife.

(5) A designee of the California State Water Resources Control Board.

(6) A designee of the California State Sheriffs' Association.

(7) One member to represent federally recognized Indian Tribes, to be appointed by the Secretary of Agriculture.

(8) One member to represent nongovernmental organizations with an interest in Federal land remediation, to be appointed by the Secretary of Agriculture.

(9) One member to represent local governmental interests, to be appointed by the Secretary of Agriculture.

(10) A law enforcement official from each of the following:

(A) The Department of the Interior.

(B) The Department of Agriculture.

(11) A scientist to provide expertise and advice on methods needed for remediation efforts, to be appointed by the Secretary of Agriculture.

(12) A designee of the National Guard Counterdrug Program.

(e) DUTIES.—To further the purposes of this section, the partnership shall—

(1) identify priority land for remediation in the State;

(2) secure resources from Federal sources and non-Federal sources for remediation of priority land in the State;

(3) support efforts by Federal, State, Tribal, and local agencies and nongovernmental organizations in carrying out remediation of priority land in the State;

(4) support research and education on the impacts of, and solutions to, illegal marijuana cultivation and other illegal activities on priority land in the State;

(5) involve other Federal, State, Tribal, and local agencies, nongovernmental organizations, and the public in remediation efforts on priority land in the State, to the maximum extent practicable; and

(6) carry out any other administrative or advisory activities necessary to address remediation of priority land in the State.

(f) AUTHORITIES.—Subject to the prior approval of the Secretary of Agriculture, the partnership may—

(1) provide grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested persons;

(3) hire and compensate staff;

(4) obtain funds or services from any source, including—

(A) Federal funds (including funds and services provided under any other Federal law or program); and

(B) non-Federal funds;

(5) contract for goods or services; and

(6) support—

(A) activities of partners; and

(B) any other activities that further the purposes of this section.

(g) PROCEDURES.—The partnership shall establish any rules and procedures that the partnership determines to be necessary or appropriate.

(h) LOCAL HIRING.—The partnership shall, to the maximum extent practicable and in accordance with existing law, give preference to local entities and individuals in carrying out this section.

(i) SERVICE WITHOUT COMPENSATION.—A member of the partnership shall serve without pay.

(j) DUTIES AND AUTHORITIES OF THE SECRETARIES.—

(1) IN GENERAL.—The Secretary of Agriculture shall convene the partnership on a regular basis to carry out this section.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary of Agriculture and the Secretary of the Interior may provide technical and financial assistance, on a reimbursable or nonreimbursable basis, as determined to be appropriate by the Secretary of Agriculture or the Secretary of the Interior, as applicable, to the partnership or any members of the partnership to carry out this section.

(3) COOPERATIVE AGREEMENTS.—The Secretary of Agriculture and the Secretary of the Interior may enter into cooperative agreements with the partnership, any member of the partnership, or other public or private entities to provide technical, financial, or other assistance to carry out this section.

SEC. 5014. TRINITY LAKE VISITOR CENTER.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the ''Secretary''), may establish, in cooperation with any other public or private entity that the Secretary determines to be appropriate, a visitor center in Weaverville, California—

(1) to serve visitors; and

(2) to assist in fulfilling the purposes of the Whiskeytown-Shasta-Trinity National Recreation Area.

(b) REQUIREMENTS.—The Secretary shall ensure that the visitor center authorized under subsection (a) is designed to provide for the interpretation of the scenic, biological, natural, historical, scientific, paleontological, recreational, ecological, wilderness, and cultural resources of the Whiskeytown-Shasta-Trinity National Recreation Area and other Federal land in the vicinity of the visitor center.

(c) COOPERATIVE AGREEMENTS.—In a manner consistent with this section, the Secretary may enter into cooperative agreements with the State and any other appropriate institutions and organizations to carry out the purposes of this section.

SEC. 5015. DEL NORTE COUNTY VISITOR CENTER.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior, acting jointly or separately (referred to in this section as the ''Secretaries''), may establish, in cooperation with any other public or private entity that the Secretaries determine to be appropriate, a visitor center in Del Norte County, California—

(1) to serve visitors; and

(2) to assist in fulfilling the purposes of Redwood National and State Parks, the Smith River National Recreation Area, and any other Federal land in the vicinity of the visitor center.

(b) REQUIREMENTS.—The Secretaries shall ensure that the visitor center authorized under subsection (a) is designed to interpret the scenic, biological, natural, historical, scientific, paleontological, recreational, ecological, wilderness, and cultural resources of Redwood National and State Parks, the Smith River National Recreation Area, and any other Federal land in the vicinity of the visitor center.

SEC. 5016. MANAGEMENT PLANS.

(a) IN GENERAL.—In revising the land and resource management plan for each of the Shasta-Trinity, Six Rivers, Klamath, and Mendocino National Forests, the Secretary shall—

(1) consider the purposes of the South Fork Trinity-Mad River Restoration Area established by section 5011(b); and

(2) include or update the fire management plan for a wilderness area or wilderness addition established by this title.

(b) REQUIREMENT.—In making the revisions under subsection (a), the Secretary shall—

(1) develop spatial fire management plans in accordance with—

(A) the Guidance for Implementation of Federal Wildland Fire Management Policy, dated February 13, 2009, including any amendments to the guidance; and

(B) other appropriate policies;

(2) ensure that a fire management plan—

(A) considers how prescribed or managed fire can be used to achieve ecological management objectives of wilderness and other natural or primitive areas; and

(B) in the case of a wilderness area to which land is added under section 5031, provides consistent direction regarding fire management to the entire wilderness area, including the wilderness addition;

(3) consult with—

(A) appropriate State, Tribal, and local governmental entities; and

(B) members of the public; and

(4) comply with applicable law (including regulations).

SEC. 5017. STUDY; PARTNERSHIPS RELATED TO OVERNIGHT ACCOMMODATIONS.

(a) STUDY.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with interested Federal, State, Tribal, and local entities and private and nonprofit organizations, shall conduct a study to evaluate the feasibility and suitability of establishing overnight accommodations near Redwood National and State Parks on—

(1) Federal land that is—

(A) at the northern boundary of Redwood National and State Parks; or

(B) on land within 20 miles of the northern boundary of Redwood National and State Parks; and

(2) Federal land that is—

(A) at the southern boundary of Redwood National and State Parks; or

(B) on land within 20 miles of the southern boundary of Redwood National and State Parks.

(b) PARTNERSHIPS.—

(1) AGREEMENTS AUTHORIZED.—If the Secretary determines, based on the study conducted under subsection (a), that establishing the accommodations described in that subsection is suitable and feasible, the Secretary may, in accordance with applicable law, enter into 1 or more agreements with qualified private and nonprofit organizations for the development, operation, and maintenance of the accommodations.

(2) CONTENTS.—Any agreement entered into under paragraph (1) shall clearly define the role and responsibility of the Secretary and the private or nonprofit organization entering into the agreement.

(3) EFFECT.—Nothing in this subsection—

(A) reduces or diminishes the authority of the Secretary to manage land and resources under the jurisdiction of the Secretary; or

(B) amends or modifies the application of any law (including regulations) applicable to land under the jurisdiction of the Secretary.

Subtitle B—Recreation

SEC. 5021. HORSE MOUNTAIN SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established the Horse Mountain Special Management Area (referred to in this section as the ''special management area'') comprising approximately 7,482 acres of Federal land administered by the Forest Service in Humboldt County, California, as generally depicted on the map entitled ''Horse Mountain Special Management Area'' and dated May 15, 2020.

(b) PURPOSE.—The purpose of the special management area is to enhance the recreational and scenic values of the special management area while conserving the plants, wildlife, and other natural resource values of the area.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary of Agriculture (referred to in this section as the ''Secretary'') shall develop a comprehensive plan for the long-term management of the special management area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, Tribal, and local governmental entities; and

(B) members of the public.

(3) ADDITIONAL REQUIREMENT.—The management plan required under paragraph (1) shall ensure that recreational use within the special management area does not cause significant adverse impacts on the plants and wildlife of the special management area.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the special management area—

(A) in furtherance of the purpose described in subsection (b); and

(B) in accordance with—

(i) the laws (including regulations) generally applicable to the National Forest System;

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) RECREATION.—The Secretary shall continue to authorize, maintain, and enhance the recreational use of the special management area, including hunting, fishing, camping, hiking, hang gliding, sightseeing, nature study, horseback riding, rafting, mountain bicycling, motorized recreation on authorized routes, and other recreational activities, if the recreational use is consistent with—

(A) the purpose of the special management area;

(B) this section;

(C) other applicable law (including regulations); and

(D) any applicable management plans.

(3) MOTORIZED VEHICLES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the use of motorized vehicles in the special management area shall be permitted only on roads and trails designated for the use of motorized vehicles.

(B) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the special management area—

(i) during periods of adequate snow coverage during the winter season; and

(ii) subject to any terms and conditions determined to be necessary by the Secretary.

(4) NEW TRAILS.—

(A) IN GENERAL.—The Secretary may construct new trails for motorized or nonmotorized recreation within the special management area in accordance with—

(i) the laws (including regulations) generally applicable to the National Forest System;

(ii) this section; and

(iii) any other applicable law (including regulations).

(B) PRIORITY.—In establishing new trails within the special management area, the Secretary shall—

(i) prioritize the establishment of loops that provide high-quality, diverse recreational experiences; and

(ii) consult with members of the public.

(e) WITHDRAWAL.—Subject to valid existing rights, the special management area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

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

(3) disposition under laws relating to mineral and geothermal leasing.

SEC. 5022. BIGFOOT NATIONAL RECREATION TRAIL.

(a) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the ''Secretary''), in cooperation with the Secretary of the Interior, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a study that describes the feasibility of establishing a nonmotorized Bigfoot National Recreation Trail that follows the route described in paragraph (2).

(2) ROUTE.—The route referred to in paragraph (1) shall extend from the Ides Cove Trailhead in the Mendocino National Forest to Crescent City, California, following the route as generally depicted on the map entitled ''Bigfoot National Recreation Trail—Proposed'' and dated July 25, 2018.

(3) ADDITIONAL REQUIREMENT.—In completing the study required under paragraph (1), the Secretary shall consult with—

(A) appropriate Federal, State, Tribal, regional, and local agencies;

(B) private landowners;

(C) nongovernmental organizations; and

(D) members of the public.

(b) DESIGNATION.—

(1) IN GENERAL.—On a determination by the Secretary that the Bigfoot National Recreation Trail is feasible and meets the requirements for a National Recreation Trail under section 4 of the National Trails System Act (16 U.S.C. 1243), the Secretary shall designate the Bigfoot National Recreation Trail (referred to in this section as the ''trail'') in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.)

(B) this title; and

(C) other applicable law (including regulations).

(2) ADMINISTRATION.—On designation by the Secretary, the trail shall be administered by the Secretary, in consultation with—

(A) other Federal, State, Tribal, regional, and local agencies;

(B) private landowners; and

(C) other interested organizations.

(3) PRIVATE PROPERTY RIGHTS.—

(A) IN GENERAL.—No portions of the trail may be located on non-Federal land without the written consent of the landowner.

(B) PROHIBITION.—The Secretary shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally managed area without the consent of the owner of the land or interest in the land.

(C) EFFECT.—Nothing in this section—

(i) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(ii) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(c) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into cooperative agreements with State, Tribal, and local government entities and private entities—

(1) to complete necessary trail construction, reconstruction, realignment, or maintenance; or

(2) carry out education projects relating to the trail.

(d) MAP.—

(1) MAP REQUIRED.—On designation of the trail, the Secretary shall prepare a map of the trail.

(2) PUBLIC AVAILABILITY.—The map referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 5023. ELK CAMP RIDGE RECREATION TRAIL.

(a) DESIGNATION.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary of Agriculture (referred to in this section as the ''Secretary''), after providing an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(A) for use by off-highway vehicles, mountain bicycles, or both; and

(B) to be known as the ''Elk Camp Ridge Recreation Trail'' (referred to in this section as the ''trail'').

(2) REQUIREMENTS.—In designating the trail under paragraph (1), the Secretary shall only include routes that are—

(A) as of the date of enactment of this Act, authorized for use by off-highway vehicles, mountain bicycles, or both; and

(B) located on land that is managed by the Forest Service in Del Norte County in the State.

(3) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(b) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the trail—

(A) in accordance with applicable law (including regulations);

(B) in a manner that ensures the safety of citizens who use the trail; and

(C) in a manner that minimizes any damage to sensitive habitat or cultural resources.

(2) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary shall annually assess the effects of the use of off-highway vehicles and mountain bicycles on—

(A) the trail;

(B) land located in proximity to the trail; and

(C) plants, wildlife, and wildlife habitat.

(3) CLOSURE.—The Secretary, in consultation with the State and Del Norte County in the State and subject to paragraph (4), may temporarily close or permanently reroute a portion of the trail if the Secretary determines that—

(A) the trail is having an adverse impact on—

(i) wildlife habitat;

(ii) natural resources;

(iii) cultural resources; or

(iv) traditional uses;

(B) the trail threatens public safety; or

(C) closure of the trail is necessary—

(i) to repair damage to the trail; or

(ii) to repair resource damage.

(4) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary under paragraph (3) may be permanently rerouted along any road or trail—

(A) that is—

(i) in existence as of the date of the closure of the portion of the trail;

(ii) located on public land; and

(iii) open to motorized or mechanized use; and

(B) if the Secretary determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(5) NOTICE OF AVAILABLE ROUTES.—The Secretary shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(A) the placement of appropriate signage along the trail; and

(B) the distribution of maps, safety education materials, and other information that the Secretary determines to be appropriate.

(c) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 5024. TRINITY LAKE TRAIL.

(a) TRAIL CONSTRUCTION.—

(1) FEASIBILITY STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary shall study the feasibility and public interest of constructing a recreational trail for nonmotorized uses around Trinity Lake (referred to in this section as the ''trail'').

(2) CONSTRUCTION.—

(A) CONSTRUCTION AUTHORIZED.—Subject to appropriations, and in accordance with paragraph (3), if the Secretary determines under paragraph (1) that the construction of the trail is feasible and in the public interest, the Secretary may provide for the construction of the trail.

(B) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—The trail may be constructed under this section through the acceptance of volunteer services and contributions from non-Federal sources to reduce or eliminate the need for Federal expenditures to construct the trail.

(3) COMPLIANCE.—In carrying out this section, the Secretary shall comply with—

(A) the laws (including regulations) generally applicable to the National Forest System; and

(B) this title.

(b) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 5025. TRAILS STUDY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, in accordance with subsection (b) and in consultation with interested parties, shall conduct a study to improve motorized and nonmotorized recreation trail opportunities (including mountain bicycling) on land not designated as wilderness within the portions of the Six Rivers, Shasta-Trinity, and Mendocino National Forests located in Del Norte, Humboldt,

Trinity, and Mendocino Counties in the State.

(b) CONSULTATION.—In carrying out the study under subsection (a), the Secretary of Agriculture shall consult with the Secretary of the Interior regarding opportunities to improve, through increased coordination, recreation trail opportunities on land under the jurisdiction of the Secretary of the Interior that shares a boundary with the National Forest System land described in subsection (a).

SEC. 5026. CONSTRUCTION OF MOUNTAIN BICYCLING ROUTES.

(a) TRAIL CONSTRUCTION.—

(1) FEASIBILITY STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the ''Secretary'') shall study the feasibility and public interest of constructing recreational trails for mountain bicycling and other nonmotorized uses on the routes as generally depicted in the report entitled ''Trail Study for Smith River National Recreation Area Six Rivers National Forest'' and dated 2016.

(2) CONSTRUCTION.—

(A) CONSTRUCTION AUTHORIZED.—Subject to appropriations and in accordance with paragraph (3), if the Secretary determines under paragraph (1) that the construction of 1 or more routes described in that paragraph is feasible and in the public interest, the Secretary may provide for the construction of the routes.

(B) MODIFICATIONS.—The Secretary may modify the routes, as determined to be necessary by the Secretary.

(C) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—Routes may be constructed under this section through the acceptance of volunteer services and contributions from non-Federal sources to reduce or eliminate the need for Federal expenditures to construct the route.

(3) COMPLIANCE.—In carrying out this section, the Secretary shall comply with—

(A) the laws (including regulations) generally applicable to the National Forest System; and

(B) this title.

(b) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 5027. PARTNERSHIPS.

(a) AGREEMENTS AUTHORIZED.—The Secretary may enter into agreements with qualified private and nonprofit organizations to carry out the following activities on Federal land in Mendocino, Humboldt, Trinity, and Del Norte Counties in the State:

(1) Trail and campground maintenance.

(2) Public education, visitor contacts, and outreach.

(3) Visitor center staffing.

(b) CONTENTS.—An agreement entered into under subsection (a) shall clearly define the role and responsibility of the Secretary and the private or nonprofit organization.

(c) COMPLIANCE.—The Secretary shall enter into agreements under subsection (a) in accordance with existing law.

(d) EFFECT.—Nothing in this section—

(1) reduces or diminishes the authority of the Secretary to manage land and resources under the jurisdiction of the Secretary; or

(2) amends or modifies the application of any existing law (including regulations) applicable to land under the jurisdiction of the Secretary.

Subtitle C—Conservation

SEC. 5031. DESIGNATION OF WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BLACK BUTTE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 11,155 acres, as generally depicted on the map entitled ''Black Butte Wilderness—Proposed'' and dated May 15, 2020, which shall be known as the ''Black Butte River Wilderness''.

(2) CHANCHELULLA WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 6,382 acres, as generally depicted on the map entitled ''Chanchelulla Wilderness Additions—Proposed'' and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Chanchelulla Wilderness designated by section 101(a)(4) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1619).

(3) CHINQUAPIN WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 27,164 acres, as generally depicted on the map entitled ''Chinquapin Wilderness—Proposed'' and dated May 15, 2020, which shall be known as the ''Chinquapin Wilderness''.

(4) ELKHORN RIDGE WILDERNESS ADDITION.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 37 acres, as generally depicted on the map entitled ''Proposed Elkhorn Ridge Wilderness Additions'' and dated October 24, 2019, which is incorporated in, and considered to be a part of, the Elkhorn Ridge Wilderness designated by section 6(d) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109–362; 120 Stat. 2070).

(5) ENGLISH RIDGE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 6,204 acres, as generally depicted on the map entitled ''English Ridge Wilderness—Proposed'' and dated March 29, 2019, which shall be known as the ''English Ridge Wilderness''.

(6) HEADWATERS FOREST WILDERNESS.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 4,360 acres, as generally depicted on the map entitled ''Headwaters Forest Wilderness—Proposed'' and dated October 15, 2019, which shall be known as the ''Headwaters Forest Wilderness''.

(7) MAD RIVER BUTTES WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 6,097 acres, as generally depicted on the map entitled ''Mad River Buttes Wilderness—Proposed'' and dated May 15, 2020, which shall be known as the ''Mad River Buttes Wilderness''.

(8) MOUNT LASSIC WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 1,288 acres, as generally depicted on the map entitled ''Mt. Lassic Wilderness Additions—Proposed'' and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Mount Lassic Wilderness designated by section 3(6) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109–362; 120 Stat. 2065).

(9) NORTH FORK WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service and the Bureau of Land Management in the State, comprising approximately 16,342 acres, as generally depicted on the map entitled ''North Fork Eel Wilderness Additions'' and dated May 15, 2020, which is incorporated in, and considered to be a part of, the North Fork Wilderness designated by section 101(a)(19) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1621).

(10) PATTISON WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 29,451 acres, as generally depicted on the map entitled ''Pattison Wilderness—Proposed'' and dated May 15, 2020, which shall be known as the ''Pattison Wilderness''.

(11) SANHEDRIN WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 112 acres, as generally depicted on the map entitled ''Sanhedrin Wilderness Addition—Proposed'' and dated March 29, 2019, which is incorporated in, and considered to be a part of, the Sanhedrin Wilderness designated by section 3(2) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109–362; 120 Stat. 2065).

(12) SISKIYOU WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 23,913 acres, as generally depicted on the maps entitled ''Siskiyou Wilderness Additions—Proposed (North)'' and ''Siskiyou Wilderness Additions—Proposed (South)'' and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Siskiyou Wilderness, as designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1623).

(13) SOUTH FORK EEL RIVER WILDERNESS ADDITION.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 603 acres, as generally depicted on the map entitled ''South Fork Eel River Wilderness Additions—Proposed'' and dated October 24, 2019, which is incorporated in, and considered to be a part of, the South Fork Eel River Wilderness designated by section 3(10) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109–362; 120 Stat. 2066).

(14) SOUTH FORK TRINITY RIVER WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 26,115 acres, as generally depicted on the map entitled ''South Fork Trinity River Wilderness Additions—Proposed'' and dated May 15, 2020, which shall be known as the ''South Fork Trinity River Wilderness''.

(15) TRINITY ALPS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 61,187 acres, as generally depicted on the maps entitled ''Trinity Alps Proposed Wilderness Additions EAST'' and ''Trinity Alps Wilderness Additions West—Proposed'' and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Trinity Alps Wilderness designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1623).

(16) UNDERWOOD WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 15,068 acres, as generally depicted on the map entitled ''Underwood Wilderness—Proposed'' and dated May 15, 2020, which shall be known as the ''Underwood Wilderness''.

(17) YOLLA BOLLY-MIDDLE EEL WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service and the Bureau of Land Management in the State, comprising approximately 11,243 acres, as generally depicted on the maps entitled ''Yolla Bolly Wilderness Proposed—NORTH'', ''Yolla Bolly Wilderness Proposed—SOUTH'', and ''Yolla Bolly Wilderness Proposed—WEST'' and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Yolla Bolly-Middle Eel Wilderness designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(18) YUKI WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service

and the Bureau of Land Management in the State, comprising approximately 11,076 acres, as generally depicted on the map entitled ''Yuki Wilderness Additions—Proposed'' and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Yuki Wilderness designated by section 3(3) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109–362; 120 Stat. 2065).

(b) REDESIGNATION OF NORTH FORK WILDERNESS AS NORTH FORK EEL RIVER WILDERNESS.—

(1) IN GENERAL.—Section 101(a)(19) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1621) is amended by striking ''which shall be known as the North Fork Wilderness'' and inserting ''which shall be known as the 'North Fork Eel River Wilderness' ''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ''North Fork Wilderness'' shall be considered to be a reference to the ''North Fork Eel River Wilderness''.

(c) ELKHORN RIDGE WILDERNESS MODIFICATION.—The boundary of the Elkhorn Ridge Wilderness established by section 6(d) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109–362; 120 Stat. 2070) is modified by removing approximately 30 acres of Federal land, as generally depicted on the map entitled ''Proposed Elkhorn Ridge Wilderness Additions'' and dated October 24, 2019.

SEC. 5032. ADMINISTRATION OF WILDERNESS.

(a) IN GENERAL.—Subject to valid existing rights, a wilderness area or wilderness addition established by section 5031(a) (referred to in this section as a ''wilderness area or addition'') shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may carry out any activities in a wilderness area or addition as are necessary for the control of fire, insects, or disease in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 1437 of the 98th Congress (House Report 98–40).

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire or fuels management in a wilderness area or addition.

(3) ADMINISTRATION.—In accordance with paragraph (1) and any other applicable Federal law, to ensure a timely and efficient response to a fire emergency in a wilderness area or addition, the Secretary of Agriculture shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(c) GRAZING.—The grazing of livestock in a wilderness area or addition, if established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2)(A) for land under the jurisdiction of the Secretary of Agriculture, the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96–617); and

(B) for land under the jurisdiction of the Secretary of the Interior, the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(d) FISH AND WILDLIFE.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction or responsibilities of the State with respect to fish and wildlife on public land in the State.

(2) MANAGEMENT ACTIVITIES.—In support of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activity that the Secretary determines to be necessary to maintain or restore a fish, wildlife, or plant population or habitat in a wilderness area or addition, if the management activity is conducted in accordance with—

(A) an applicable wilderness management plan;

(B) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(C) appropriate policies, such as the policies established in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(e) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle establishes a protective perimeter or buffer zone around a wilderness area or addition.

(2) OUTSIDE ACTIVITIES OR USES.—The fact that a nonwilderness activity or use can be seen or heard from within a wilderness area or addition shall not preclude the activity or use outside the boundary of the wilderness area or addition.

(f) MILITARY ACTIVITIES.—Nothing in this subtitle precludes—

(1) low-level overflights of military aircraft over a wilderness area or addition;

(2) the designation of a new unit of special airspace over a wilderness area or addition; or

(3) the use or establishment of a military flight training route over a wilderness area or addition.

(g) HORSES.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, a wilderness area or addition—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(h) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas and additions are withdrawn from—

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

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

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

(i) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of wilderness areas and additions by members of Indian Tribes for traditional cultural and religious purposes, the Secretary shall ensure that Indian Tribes have access to the wilderness areas and additions for traditional cultural and religious purposes.

(2) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian Tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area or addition to protect the privacy of the members of the Indian Tribe in the conduct of the traditional cultural and religious activities in the wilderness area or addition.

(B) REQUIREMENT.—Any closure under subparagraph (A) shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) APPLICABLE LAW.—Access to the wilderness areas and wilderness additions under this subsection shall be in accordance with—

(A) Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996 et seq.); and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(j) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area or addition that is acquired by the United States shall—

(1) become part of the wilderness area or addition in which the land is located;

(2) be withdrawn in accordance with subsection (h); and

(3) be managed in accordance with—

(A) this section;

(B) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(C) any other applicable law.

(k) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in a wilderness area or addition if the Secretary determines that the devices and access to the devices are essential to a flood warning, flood control, or water reservoir operation activity.

(l) AUTHORIZED EVENTS.—The Secretary may continue to authorize the competitive equestrian event permitted since 2012 in the Chinquapin Wilderness established by section 5031(a)(3) in a manner compatible with the preservation of the area as wilderness.

(m) RECREATIONAL CLIMBING.—Nothing in this title prohibits recreational rock climbing activities in the wilderness areas or additions, such as the placement, use, and maintenance of fixed anchors, including any fixed anchor established before the date of enactment of this Act—

(1) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 5033. DESIGNATION OF POTENTIAL WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as potential wilderness areas:

(1) Certain Federal land managed by the Forest Service, comprising approximately 4,005 acres, as generally depicted on the map entitled ''Chinquapin Proposed Potential Wilderness'' and dated May 15, 2020.

(2) Certain Federal land administered by the National Park Service, compromising approximately 31,000 acres, as generally depicted on the map entitled ''Redwood National Park—Potential Wilderness'' and dated October 9, 2019.

(3) Certain Federal land managed by the Forest Service, comprising approximately 5,681 acres, as generally depicted on the map entitled ''Siskiyou Proposed Potential Wildernesses'' and dated May 15, 2020.

(4) Certain Federal land managed by the Forest Service, comprising approximately 446 acres, as generally depicted on the map entitled ''South Fork Trinity River Proposed Potential Wilderness'' and dated May 15, 2020.

(5) Certain Federal land managed by the Forest Service, comprising approximately 1,256 acres, as generally depicted on the map entitled ''Trinity Alps Proposed Potential Wilderness'' and dated May 15, 2020.

(6) Certain Federal land managed by the Forest Service, comprising approximately 4,386 acres, as generally depicted on the map entitled ''Yolla Bolly Middle-Eel Proposed Potential Wilderness'' and dated May 15, 2020.

(7) Certain Federal land managed by the Forest Service, comprising approximately 2,918 acres, as generally depicted on the map entitled ''Yuki Proposed Potential Wilderness'' and dated May 15, 2020.

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage each potential wilderness area designated by subsection (a) (referred to in this section as a ''potential wilderness area'') as wilderness until the date on which the potential wilderness area is designated as wilderness under subsection (d).

(c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, repair of skid tracks, and any other activities necessary to restore the natural ecosystems in a potential wilderness area and consistent with paragraph (2)), the Secretary may use motorized equipment and mechanized transport in a potential wilderness area until the date on which the potential wilderness area is designated as wilderness under subsection (d).

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) WILDERNESS DESIGNATION.—A potential wilderness area shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; and

(2) the date that is 10 years after the date of enactment of this Act, in the case of a potential wilderness area located on land managed by the Forest Service.

(e) ADMINISTRATION AS WILDERNESS.—

(1) IN GENERAL.—On the designation of a potential wilderness area as wilderness under subsection (d), the wilderness shall be administered in accordance with—

(A) section 5032; and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) DESIGNATION.—On the designation as wilderness under subsection (d)—

(A) the land described in subsection (a)(1) shall be incorporated in, and considered to be a part of, the Chinquapin Wilderness established by section 5031(a)(3);

(B) the land described in subsection (a)(3) shall be incorporated in, and considered to be a part of, the Siskiyou Wilderness designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1623);

(C) the land described in subsection (a)(4) shall be incorporated in, and considered to be a part of, the South Fork Trinity River Wilderness established by section 5031(a)(14);

(D) the land described in subsection (a)(5) shall be incorporated in, and considered to be a part of, the Trinity Alps Wilderness designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1623);

(E) the land described in subsection (a)(6) shall be incorporated in, and considered to be a part of, the Yolla Bolly-Middle Eel Wilderness designated by section 3 of the Wilderness Act (16 U.S.C. 1132); and

(F) the land described in subsection (a)(7) shall be incorporated in, and considered to be a part of, the Yuki Wilderness designated by section 3(3) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109–362; 120 Stat. 2065) and expanded by section 5031(a)(18).

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter until the date on which the potential wilderness areas are designated as wilderness under subsection (d), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the status of ecological restoration within the potential wilderness areas; and

(2) the progress toward the eventual designation of the potential wilderness areas as wilderness under subsection (d).

SEC. 5034. DESIGNATION OF WILD AND SCENIC RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(231) SOUTH FORK TRINITY RIVER.—The following segments from the source tributaries in the Yolla Bolly-Middle Eel Wilderness, to be administered by the Secretary of Agriculture:

''(A) The 18.3-mile segment from its multiple source springs in the Cedar Basin of the Yolla Bolly-Middle Eel Wilderness in sec. 15, T. 27 N., R. 10 W., to 0.25 miles upstream of the Wild Mad Road, as a wild river.

''(B) The 0.65-mile segment from 0.25 miles upstream of Wild Mad Road to the confluence with the unnamed tributary approximately 0.4 miles downstream of the Wild Mad Road in sec. 29, T. 28 N., R. 11 W., as a scenic river.

''(C) The 9.8-mile segment from 0.75 miles downstream of Wild Mad Road to Silver Creek, as a wild river.

''(D) The 5.4-mile segment from Silver Creek confluence to Farley Creek, as a scenic river.

''(E) The 3.6-mile segment from Farley Creek to Cave Creek, as a recreational river.

''(F) The 5.6-mile segment from Cave Creek to the confluence of the unnamed creek upstream of Hidden Valley Ranch in sec. 5, T. 15, R. 7 E., as a wild river.

''(G) The 2.5-mile segment from the unnamed creek confluence upstream of Hidden Valley Ranch to the confluence with the unnamed creek flowing west from Bear Wallow Mountain in sec. 29, T. 1 N., R. 7 E., as a scenic river.

''(H) The 3.8-mile segment from the unnamed creek confluence in sec. 29, T. 1 N., R. 7 E., to Plummer Creek, as a wild river.

''(I) The 1.8-mile segment from Plummer Creek to the confluence with the unnamed tributary north of McClellan Place in sec. 6, T. 1 N., R. 7 E., as a scenic river.

''(J) The 5.4-mile segment from the unnamed tributary confluence in sec. 6, T. 1 N., R. 7 E., to Hitchcock Creek, as a wild river.

''(K) The 7-mile segment from Eltapom Creek to the Grouse Creek, as a scenic river.

''(L) The 5-mile segment from Grouse Creek to Coon Creek, as a wild river.

''(232) EAST FORK SOUTH FORK TRINITY RIVER.—The following segments, to be administered by the Secretary of Agriculture:

''(A) The 8.4-mile segment from its source in the Pettijohn Basin in the Yolla Bolly-Middle Eel Wilderness in sec. 10, T. 3 S., R. 10 W., to 0.25 miles upstream of the Wild Mad Road, as a wild river.

''(B) The 3.4-mile segment from 0.25 miles upstream of the Wild Mad Road to the South Fork Trinity River, as a recreational river.

''(233) RATTLESNAKE CREEK.—The 5.9-mile segment from the confluence with the unnamed tributary in the southeast corner of sec. 5, T. 1 S., R. 12 W., to the South Fork Trinity River, to be administered by the Secretary of Agriculture as a recreational river.

''(234) BUTTER CREEK.—The 7-mile segment from 0.25 miles downstream of the Road 3N08 crossing to the South Fork Trinity River, to be administered by the Secretary of Agriculture as a scenic river.

''(235) HAYFORK CREEK.—The following segments, to be administered by the Secretary of Agriculture:

''(A) The 3.2-mile segment from Little Creek to Bear Creek, as a recreational river.

''(B) The 13.2-mile segment from Bear Creek to the northern boundary of sec. 19, T. 3 N., R. 7 E., as a scenic river.

''(236) OLSEN CREEK.—The 2.8-mile segment from the confluence of its source tributaries in sec. 5, T. 3 N., R. 7 E., to the northern boundary of sec. 24, T. 3 N., R. 6 E., to be administered by the Secretary of the Interior as a scenic river.

''(237) RUSCH CREEK.—The 3.2-mile segment from 0.25 miles downstream of the 32N11 Road crossing to Hayfork Creek, to be administered by the Secretary of Agriculture as a recreational river.

''(238) ELTAPOM CREEK.—The 3.4-mile segment from Buckhorn Creek to the South Fork Trinity River, to be administered by the Secretary of Agriculture as a wild river.

''(239) GROUSE CREEK.—The following segments, to be administered by the Secretary of Agriculture:

''(A) The 3.9-mile segment from Carson Creek to Cow Creek, as a scenic river.

''(B) The 7.4-mile segment from Cow Creek to the South Fork Trinity River, as a recreational river.

''(240) MADDEN CREEK.—The following segments, to be administered by the Secretary of Agriculture:

''(A) The 6.8-mile segment from the confluence of Madden Creek and its unnamed tributary in sec. 18, T. 5 N., R. 5 E., to Fourmile Creek, as a wild river.

''(B) The 1.6-mile segment from Fourmile Creek to the South Fork Trinity River, as a recreational river.

''(241) CANYON CREEK.—The following segments, to be administered by the Secretary of Agriculture and the Secretary of the Interior:

''(A) The 6.6-mile segment from the outlet of lower Canyon Creek Lake to Bear Creek upstream of Ripstein, as a wild river.

''(B) The 11.2-mile segment from Bear Creek upstream of Ripstein to the southern boundary of sec. 25, T. 34 N., R. 11 W., as a recreational river.

''(242) NORTH FORK TRINITY RIVER.—The following segments, to be administered by the Secretary of Agriculture:

''(A) The 12-mile segment from the confluence of source tributaries in sec. 24, T. 8 N., R. 12 W., to the Trinity Alps Wilderness boundary upstream of Hobo Gulch, as a wild river.

''(B) The 0.5-mile segment from where the river leaves the Trinity Alps Wilderness to where it fully reenters the Trinity Alps Wilderness downstream of Hobo Gulch, as a scenic river.

''(C) The 13.9-mile segment from where the river fully reenters the Trinity Alps Wilderness downstream of Hobo Gulch to the Trinity Alps Wilderness boundary upstream of the County Road 421 crossing, as a wild river.

''(D) The 1.3-mile segment from the Trinity Alps Wilderness boundary upstream of the County Road 421 crossing to the Trinity River, as a recreational river.

''(243) EAST FORK NORTH FORK TRINITY RIVER.—The following segments, to be administered by the Secretary of Agriculture:

''(A) The 9.5-mile segment from the source north of Mt. Hilton in sec. 19, T. 36 N., R. 10 W., to the end of Road 35N20 approximately 0.5 miles downstream of the confluence with the East Branch East Fork North Fork Trinity River, as a wild river.

''(B) The 3.25-mile segment from the end of Road 35N20 to 0.25 miles upstream of Coleridge, as a scenic river.

''(C) The 4.6-mile segment from 0.25 miles upstream of Coleridge to the confluence of Fox Gulch, as a recreational river.

''(244) NEW RIVER.—The following segments, to be administered by the Secretary of Agriculture:

''(A) The 12.7-mile segment of Virgin Creek from its source spring in sec. 22, T. 9 N., R. 7 E., to Slide Creek, as a wild river.

''(B) The 2.3-mile segment of the New River where it begins at the confluence of Virgin and Slide Creeks to Barron Creek, as a wild river.

''(245) MIDDLE EEL RIVER.—The following segments, to be administered by the Secretary of Agriculture:

''(A) The 37.7-mile segment from its source in Frying Pan Meadow to Rose Creek, as a wild river.

''(B) The 1.5-mile segment from Rose Creek to the Black Butte River, as a recreational river.

''(C) The 10.5-mile segment of Balm of Gilead Creek from its source in Hopkins Hollow to the Middle Eel River, as a wild river.

''(D) The 13-mile segment of the North Fork Middle Fork Eel River from the source on Dead Puppy Ridge in sec. 11, T. 26 N., R. 11 W., to the confluence of the Middle Eel River, as a wild river.

''(246) NORTH FORK EEL RIVER, CALIFORNIA.—The 14.3-mile segment from the confluence with Gilman Creek to the Six Rivers National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

''(247) RED MOUNTAIN CREEK, CALIFORNIA.—The following segments, to be administered by the Secretary of Agriculture:

''(A) The 5.25-mile segment from its source west of Mike's Rock in sec. 23, T. 26 N., R. 12 E., to the confluence with Littlefield Creek, as a wild river.

''(B) The 1.6-mile segment from the confluence with Littlefield Creek to the confluence with the unnamed tributary in sec. 32, T. 26 N., R. 8 E., as a scenic river.

''(C) The 1.25-mile segment from the confluence with the unnamed tributary in sec. 32, T. 4 S., R. 8 E., to the confluence with the North Fork Eel River, as a wild river.

''(248) REDWOOD CREEK.—The following segments, to be administered by the Secretary of the Interior:

''(A) The 6.2-mile segment from the confluence with Lacks Creek to the confluence with Coyote Creek, as a scenic river, on publication by the Secretary of the Interior of a notice in the Federal Register that sufficient inholdings within the boundaries of the segments have been acquired in fee title to establish a manageable addition to the National Wild and Scenic Rivers System.

''(B) The 19.1-mile segment from the confluence with Coyote Creek in sec. 2, T. 8 N., R. 2 E., to the Redwood National Park boundary upstream of Orick in sec. 34, T. 11 N., R. 1 E., as a scenic river.

''(C) The 2.3-mile segment of Emerald Creek (also known as Harry Weir Creek) from its source in sec. 29, T. 10 N., R. 2 E., to the confluence with Redwood Creek, as a scenic river.

''(249) LACKS CREEK.—The following segments, to be administered by the Secretary of the Interior:

''(A) The 5.1-mile segment from the confluence with 2 unnamed tributaries in sec. 14, T. 7 N., R. 3 E., to Kings Crossing in sec. 27, T. 8 N., R. 3 E., as a wild river.

''(B) The 2.7-mile segment from Kings Crossing to the confluence with Redwood Creek, as a scenic river, on publication by the Secretary of a notice in the Federal Register that sufficient inholdings within the segment have been acquired in fee title or as scenic easements to establish a manageable addition to the National Wild and Scenic Rivers System.

''(250) LOST MAN CREEK.—The following segments, to be administered by the Secretary of the Interior:

''(A) The 6.4-mile segment of Lost Man Creek from its source in sec. 5, T. 10 N., R. 2 E., to 0.25 miles upstream of the Prairie Creek confluence, as a recreational river.

''(B) The 2.3-mile segment of Larry Damm Creek from its source in sec. 8, T. 11 N., R. 2 E., to the confluence with Lost Man Creek, as a recreational river.

''(251) LITTLE LOST MAN CREEK.—The 3.6-mile segment of Little Lost Man Creek from its source in sec. 6, T. 10 N., R. 2 E., to 0.25 miles upstream of the Lost Man Creek road crossing, to be administered by the Secretary of the Interior as a wild river.

''(252) SOUTH FORK ELK RIVER.—The following segments, to be administered by the Secretary of the Interior through a cooperative management agreement with the State of California:

''(A) The 3.6-mile segment of the Little South Fork Elk River from the source in sec. 21, T. 3 N., R. 1 E., to the confluence with the South Fork Elk River, as a wild river.

''(B) The 2.2-mile segment of the unnamed tributary of the Little South Fork Elk River from its source in sec. 15, T. 3 N., R. 1 E., to the confluence with the Little South Fork Elk River, as a wild river.

''(C) The 3.6-mile segment of the South Fork Elk River from the confluence of the Little South Fork Elk River to the confluence with Tom Gulch, as a recreational river.

''(253) SALMON CREEK.—The 4.6-mile segment from its source in sec. 27, T. 3 N., R. 1 E., to the Headwaters Forest Reserve boundary in sec. 18, T. 3 N., R. 1 E., to be administered by the Secretary of the Interior as a wild river through a cooperative management agreement with the State of California.

''(254) SOUTH FORK EEL RIVER.—The following segments, to be administered by the Secretary of the Interior:

''(A) The 6.2-mile segment from the confluence with Jack of Hearts Creek to the southern boundary of the South Fork Eel Wilderness in sec. 8, T. 22 N., R. 16 W., as a recreational river to be administered by the Secretary through a cooperative management agreement with the State of California.

''(B) The 6.1-mile segment from the southern boundary of the South Fork Eel Wilderness to the northern boundary of the South Fork Eel Wilderness in sec. 29, T. 23 N., R. 16 W., as a wild river.

''(255) ELDER CREEK.—The following segments, to be administered by the Secretary of the Interior through a cooperative management agreement with the State of California:

''(A) The 3.6-mile segment from its source north of Signal Peak in sec. 6, T. 21 N., R. 15 W., to the confluence with the unnamed tributary near the center of sec. 28, T. 22 N., R. 16 W., as a wild river.

''(B) The 1.3-mile segment from the confluence with the unnamed tributary near the center of sec. 28, T. 22 N., R. 15 W., to the confluence with the South Fork Eel River, as a recreational river.

''(C) The 2.1-mile segment of Paralyze Canyon from its source south of Signal Peak in sec. 7, T. 21 N., R. 15 W., to the confluence with Elder Creek, as a wild river.

''(256) CEDAR CREEK.—The following segments, to be administered as a wild river by the Secretary of the Interior:

''(A) The 7.7-mile segment from its source in sec. 22, T. 24 N., R. 16 W., to the southern boundary of the Red Mountain unit of the South Fork Eel Wilderness.

''(B) The 1.9-mile segment of North Fork Cedar Creek from its source in sec. 28, T. 24 N., R. 16 E., to the confluence with Cedar Creek.

''(257) EAST BRANCH SOUTH FORK EEL RIVER.—The following segments, to be administered by the Secretary of the Interior as a scenic river on publication by the Secretary of a notice in the Federal Register that sufficient inholdings within the boundaries of the segments have been acquired in fee title or as scenic easements to establish a manageable addition to the National Wild and Scenic Rivers System:

''(A) The 2.3-mile segment of Cruso Cabin Creek from the confluence of 2 unnamed tributaries in sec. 18, T. 24 N., R. 15 W., to the confluence with Elkhorn Creek.

''(B) The 1.8-mile segment of Elkhorn Creek from the confluence of 2 unnamed tributaries in sec. 22, T. 24 N., R. 16 W., to the confluence with Cruso Cabin Creek.

''(C) The 14.2-mile segment of the East Branch South Fork Eel River from the confluence of Cruso Cabin and Elkhorn Creeks to the confluence with Rays Creek.

''(D) The 1.7-mile segment of the unnamed tributary from its source on the north flank of Red Mountain's north ridge in sec. 2, T. 24 N., R. 17 W., to the confluence with the East Branch South Fork Eel River.

''(E) The 1.3-mile segment of the unnamed tributary from its source on the north flank of Red Mountain's north ridge in sec. 1, T. 24 N., R. 17 W., to the confluence with the East Branch South Fork Eel River.

''(F) The 1.8-mile segment of Tom Long Creek from the confluence with the unnamed tributary in sec. 12, T. 5 S., R. 4 E., to the confluence with the East Branch South Fork Eel River.

''(258) MATTOLE RIVER ESTUARY.—The 1.5-mile segment from the confluence of Stansberry Creek to the Pacific Ocean, to be administered as a recreational river by the Secretary of the Interior.

''(259) HONEYDEW CREEK.—The following segments, to be administered as a wild river by the Secretary of the Interior:

''(A) The 5.1-mile segment of Honeydew Creek from its source in the southwest corner of sec. 25, T. 3 S., R. 1 W., to the eastern boundary of the King Range National Conservation Area in sec. 18, T. 3 S., R. 1 E.

''(B) The 2.8-mile segment of West Fork Honeydew Creek from its source west of North Slide Peak to the confluence with Honeydew Creek.

''(C) The 2.7-mile segment of Upper East Fork Honeydew Creek from its source in sec. 23, T. 3 S., R. 1 W., to the confluence with Honeydew Creek.

''(260) BEAR CREEK.—The following segments, to be administered by the Secretary of the Interior:

''(A) The 1.9-mile segment of North Fork Bear Creek from the confluence with the unnamed tributary immediately downstream of the Horse Mountain Road crossing to the confluence with the South Fork, as a scenic river.

''(B) The 6.1-mile segment of South Fork Bear Creek from the confluence in sec. 2, T. 5 S., R. 1 W., with the unnamed tributary

flowing from the southwest flank of Queen Peak to the confluence with the North Fork, as a scenic river.

''(C) The 3-mile segment of Bear Creek from the confluence of the North and South Forks to the southern boundary of sec. 11, T. 4 S., R. 1 E., as a wild river.

''(261) GITCHELL CREEK.—The 3-mile segment of Gitchell Creek from its source near Saddle Mountain to the Pacific Ocean, to be administered by the Secretary of the Interior as a wild river.

''(262) BIG FLAT CREEK.—The following segments, to be administered by the Secretary of the Interior as a wild river:

''(A) The 4-mile segment of Big Flat Creek from its source near King Peak in sec. 36, T. 3 S., R. 1 W., to the Pacific Ocean.

''(B) The 0.8-mile segment of the unnamed tributary from its source in sec. 35, T. 3 S., R. 1 W., to the confluence with Big Flat Creek.

''(C) The 2.7-mile segment of North Fork Big Flat Creek from the source in sec. 34, T. 3 S., R. 1 W., to the confluence with Big Flat Creek.

''(263) BIG CREEK.—The following segments, to be administered by the Secretary of the Interior as a wild river:

''(A) The 2.7-mile segment of Big Creek from its source in sec. 26, T. 3 S., R. 1 W., to the Pacific Ocean.

''(B) The 1.9-mile unnamed southern tributary from its source in sec. 25, T. 3 S., R. 1 W., to the confluence with Big Creek.

''(264) ELK CREEK.—The 11.4-mile segment from its confluence with Lookout Creek to its confluence with Deep Hole Creek, to be jointly administered by the Secretaries of Agriculture and the Interior as a wild river.

''(265) EDEN CREEK.—The 2.7-mile segment from the private property boundary in the northwest quarter of sec. 27, T. 21 N., R. 12 W., to the eastern boundary of sec. 23, T. 21 N., R. 12 W., to be administered by the Secretary of the Interior as a wild river.

''(266) DEEP HOLE CREEK.—The 4.3-mile segment from the private property boundary in the southwest quarter of sec. 13, T. 20 N., R. 12 W., to the confluence with Elk Creek, to be administered by the Secretary of the Interior as a wild river.

''(267) INDIAN CREEK.—The 3.3-mile segment from 300 feet downstream of the jeep trail in sec. 13, T. 20 N., R. 13 W., to the confluence with the Eel River, to be administered by the Secretary of the Interior as a wild river.

''(268) FISH CREEK.—The 4.2-mile segment from the source at Buckhorn Spring to the confluence with the Eel River, to be administered by the Secretary of the Interior as a wild river.''.

SEC. 5035. SANHEDRIN SPECIAL CONSERVATION MANAGEMENT AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established the Sanhedrin Special Conservation Management Area (referred to in this section as the ''conservation management area''), comprising approximately 12,254 acres of Federal land administered by the Forest Service in Mendocino County, California, as generally depicted on the map entitled ''Sanhedrin Conservation Management Area'' and dated May 15, 2020.

(b) PURPOSES.—The purposes of the conservation management area are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, roadless, cultural, historical, natural, educational, and scientific resources of the conservation management area;

(2) to protect and restore late-successional forest structure, oak woodlands and grasslands, aquatic habitat, and anadromous fisheries within the conservation management area;

(3) to protect and restore the wilderness character of the conservation management area; and

(4) to allow visitors to enjoy the scenic, natural, cultural, and wildlife values of the conservation management area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the conservation management area—

(A) in a manner consistent with the purposes described in subsection (b); and

(B) in accordance with—

(i) the laws (including regulations) generally applicable to the National Forest System;

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the conservation management area that the Secretary determines would further the purposes described in subsection (b).

(d) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as provided in paragraph (3), the use of motorized vehicles in the conservation management area shall be permitted only on existing roads, trails, and areas designated for use by such vehicles as of the date of enactment of this Act.

(2) NEW OR TEMPORARY ROADS.—Except as provided in paragraph (3), no new or temporary roads shall be constructed within the conservation management area.

(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prevents the Secretary from—

(A) rerouting or closing an existing road or trail to protect natural resources from degradation, or to protect public safety, as determined to be appropriate by the Secretary;

(B) designating routes of travel on land acquired by the Secretary and incorporated into the conservation management area if the designations are—

(i) consistent with the purposes described in subsection (b); and

(ii) completed, to the maximum extent practicable, not later than 3 years after the date of acquisition;

(C) constructing a temporary road on which motorized vehicles are permitted as part of a vegetation management project carried out in accordance with paragraph (4);

(D) authorizing the use of motorized vehicles for administrative purposes; or

(E) responding to an emergency.

(4) DECOMMISSIONING OF TEMPORARY ROADS.—

(A) DEFINITION OF DECOMMISSION.—In this paragraph, the term ''decommission'' means, with respect to a road—

(i) to reestablish vegetation on the road; and

(ii) to restore any natural drainage, watershed function, or other ecological processes that are disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism.

(B) REQUIREMENT.—Not later than 3 years after the date on which the applicable vegetation management project is completed, the Secretary shall decommission any temporary road constructed under paragraph (3)(C).

(e) TIMBER HARVEST.—

(1) IN GENERAL.—Except as provided in paragraph (2), no harvesting of timber shall be allowed within the conservation management area.

(2) EXCEPTIONS.—The Secretary may authorize harvesting of timber in the conservation management area—

(A) if the Secretary determines that the harvesting is necessary to further the purposes of the conservation management area;

(B) in a manner consistent with the purposes described in subsection (b); and

(C) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary determines to be appropriate; and

(ii) all applicable laws (including regulations).

(f) GRAZING.—The grazing of livestock in the conservation management area, where established before the date of enactment of this Act, shall be permitted to continue—

(1) subject to—

(A) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(B) applicable law (including regulations); and

(2) in a manner consistent with the purposes described in subsection (b).

(g) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with this section, the Secretary may carry out any activities within the conservation management area that the Secretary determines to be necessary to control fire, insects, or diseases, including the coordination of those activities with a State or local agency.

(h) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(1) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within or adjacent to the boundaries of the conservation management area by purchase from a willing seller, donation, or exchange.

(2) INCORPORATION.—Any land or interest in land acquired by the Secretary under paragraph (1) shall be—

(A) incorporated into, and administered as part of, the conservation management area; and

(B) withdrawn in accordance with subsection (i).

(i) WITHDRAWAL.—Subject to valid existing rights, all Federal land located in the conservation management area is withdrawn from—

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

(2) location, entry, and patenting under the mining laws; and

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

Subtitle D—Miscellaneous

SEC. 5041. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare maps and legal descriptions of—

(1) the South Fork Trinity-Mad River Restoration Area established by section 5011(b);

(2) the Horse Mountain Special Management Area established by section 5021(a);

(3) the wilderness areas and wilderness additions designated by section 5031(a);

(4) the potential wilderness areas designated by section 5033(a); and

(5) the Sanhedrin Special Conservation Management Area established by section 5035(a).

(b) SUBMISSION OF MAPS AND LEGAL DESCRIPTIONS.—The Secretary shall file the maps and legal descriptions prepared under subsection (a) with—

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

(2) the Committee on Natural Resources of the House of Representatives.

(c) FORCE OF LAW.—The maps and legal descriptions prepared under subsection (a) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the maps and legal descriptions.

(d) PUBLIC AVAILABILITY.—The maps and legal descriptions prepared under subsection

(a) shall be on file and available for public inspection in the appropriate offices of the Forest Service, the Bureau of Land Management, or the National Park Service, as applicable.

SEC. 5042. UPDATES TO LAND AND RESOURCE MANAGEMENT PLANS.

As soon as practicable after the date of enactment of this Act, in accordance with applicable law (including regulations), the Secretary shall incorporate the designations and studies required by this title into updated management plans for units covered by this title.

SEC. 5043. PACIFIC GAS AND ELECTRIC COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.

(a) EFFECT OF TITLE.—Nothing in this title—

(1) affects any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized activity (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way acquired by or issued, granted, or permitted to Pacific Gas and Electric Company (including any predecessor or successor in interest or assign) that is located on land included in—

(A) the South Fork Trinity-Mad River Restoration Area established by section 5011(b);

(B) the Horse Mountain Special Management Area established by section 5021(a);

(C) the Bigfoot National Recreation Trail established under section 5022(b)(1);

(D) the Sanhedrin Special Conservation Management Area established by section 5035(a); or

(2) prohibits the upgrading or replacement of any—

(A) utility facilities of the Pacific Gas and Electric Company, including those utility facilities in existence on the date of enactment of this Act within—

(i) the South Fork Trinity-Mad River Restoration Area known as—

(I) ''Gas Transmission Line 177A or rights-of-way'';

(II) ''Gas Transmission Line DFM 1312-02 or rights-of-way'';

(III) ''Electric Transmission Line Bridgeville-Cottonwood 115 kV or rights-of-way'';

(IV) ''Electric Transmission Line Humboldt-Trinity 60 kV or rights-of-way'';

(V) ''Electric Transmission Line Humboldt-Trinity 115 kV or rights-of-way'';

(VI) ''Electric Transmission Line Maple Creek-Hoopa 60 kV or rights-of-way'';

(VII) ''Electric Distribution Line-Willow Creek 1101 12 kV or rights-of-way'';

(VIII) ''Electric Distribution Line-Willow Creek 1103 12 kV or rights-of-way'';

(IX) ''Electric Distribution Line-Low Gap 1101 12 kV or rights-of-way'';

(X) ''Electric Distribution Line-Fort Seward 1121 12 kV or rights-of-way'';

(XI) ''Forest Glen Border District Regulator Station or rights-of-way'';

(XII) ''Durret District Gas Regulator Station or rights-of-way'';

(XIII) ''Gas Distribution Line 4269C or rights-of-way'';

(XIV) ''Gas Distribution Line 43991 or rights-of-way'';

(XV) ''Gas Distribution Line 4993D or rights-of-way'';

(XVI) ''Sportsmans Club District Gas Regulator Station or rights-of-way'';

(XVII) ''Highway 36 and Zenia District Gas Regulator Station or rights-of-way'';

(XVIII) ''Dinsmore Lodge 2nd Stage Gas Regulator Station or rights-of-way'';

(XIX) ''Electric Distribution Line-Wildwood 1101 12kV or rights-of-way'';

(XX) ''Low Gap Substation'';

(XXI) ''Hyampom Switching Station''; or

(XXII) ''Wildwood Substation'';

(ii) the Bigfoot National Recreation Trail known as—

(I) ''Gas Transmission Line 177A or rights-of-way'';

(II) ''Electric Transmission Line Humboldt-Trinity 115 kV or rights-of-way'';

(III) ''Electric Transmission Line Bridgeville-Cottonwood 115 kV or rights-of-way''; or

(IV) ''Electric Transmission Line Humboldt-Trinity 60 kV or rights-of-way'';

(iii) the Sanhedrin Special Conservation Management Area known as ''Electric Distribution Line-Willits 1103 12 kV or rights-of-way''; or

(iv) the Horse Mountain Special Management Area known as ''Electric Distribution Line Willow Creek 1101 12 kV or rights-of-way''; or

(B) utility facilities of the Pacific Gas and Electric Company in rights-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in subparagraph (A).

(b) PLANS FOR ACCESS.—Not later than the later of the date that is 1 year after the date of enactment of this Act or the date of issuance of a new utility facility right-of-way within the South Fork Trinity-Mad River Restoration Area, Bigfoot National Recreation Trail, Sanhedrin Special Conservation Management Area, or Horse Mountain Special Management Area, the Secretary, in consultation with the Pacific Gas and Electric Company, shall publish plans for regular and emergency access by the Pacific Gas and Electric Company to the rights-of-way of the Pacific Gas and Electric Company.

TITLE LI—CENTRAL COAST HERITAGE PROTECTION

SEC. 5101. DEFINITIONS.

In this title:

(1) SCENIC AREA.—The term ''scenic area'' means a scenic area designated by section 5107(a).

(2) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary of the Interior; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) STATE.—The term ''State'' means the State of California.

(4) WILDERNESS AREA.—The term ''wilderness area'' means a wilderness area or wilderness addition designated by section 5102(a).

SEC. 5102. DESIGNATION OF WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 35,116 acres, as generally depicted on the map entitled ''Proposed Caliente Mountain Wilderness'' and dated November 13, 2019, which shall be known as the ''Caliente Mountain Wilderness''.

(2) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 13,332 acres, as generally depicted on the map entitled ''Proposed Soda Lake Wilderness'' and dated June 25, 2019, which shall be known as the ''Soda Lake Wilderness''.

(3) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 12,585 acres, as generally depicted on the map entitled ''Proposed Temblor Range Wilderness'' and dated June 25, 2019, which shall be known as the ''Temblor Range Wilderness''.

(4) Certain land in the Los Padres National Forest comprising approximately 23,670 acres, as generally depicted on the map entitled ''Chumash Wilderness Area Additions—Proposed'' and dated March 29, 2019, which shall be incorporated into and managed as part of the Chumash Wilderness as designated by section 2(5) of the Los Padres Condor Range and River Protection Act (16 U.S.C. 1132 note; Public Law 102–301; 106 Stat. 243).

(5) Certain land in the Los Padres National Forest comprising approximately 54,036 acres, as generally depicted on the maps entitled ''Dick Smith Wilderness Area Additions—Proposed Map 1 of 2 (Bear Canyon and Cuyama Peak Units)'' and ''Dick Smith Wilderness Area Additions—Proposed Map 2 of 2 (Buckhorn and Mono Units)'' and dated November 14, 2019, which shall be incorporated into and managed as part of the Dick Smith Wilderness as designated by section 101(a)(6) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1620).

(6) Certain land in the Los Padres National Forest and the Bakersfield Field Office of the Bureau of Land Management comprising approximately 7,289 acres, as generally depicted on the map entitled ''Garcia Wilderness Area Additions—Proposed'' and dated March 29, 2019, which shall be incorporated into and managed as part of the Garcia Wilderness as designated by section 2(4) of the Los Padres Condor Range and River Protection Act (16 U.S.C. 1132 note; Public Law 102–301; 106 Stat. 243).

(7) Certain land in the Los Padres National Forest and the Bakersfield Field Office of the Bureau of Land Management comprising approximately 8,774 acres, as generally depicted on the map entitled ''Machesna Mountain Wilderness—Proposed Additions'' and dated October 30, 2019, which shall be incorporated into and managed as part of the Machesna Mountain Wilderness as designated by section 101(a)(38) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1624).

(8) Certain land in the Los Padres National Forest comprising approximately 30,184 acres, as generally depicted on the map entitled ''Matilija Wilderness Area Additions—Proposed'' and dated March 29, 2019, which shall be incorporated into and managed as part of the Matilija Wilderness as designated by section 2(2) of the Los Padres Condor Range and River Protection Act (16 U.S.C. 1132 note; Public Law 102–301; 106 Stat. 242).

(9) Certain land in the Los Padres National Forest comprising approximately 23,969 acres, as generally depicted on the map entitled ''San Rafael Wilderness Area Additions—Proposed'' and dated February 2, 2021, which shall be incorporated into and managed as part of the San Rafael Wilderness as designated by Public Law 90–271 (16 U.S.C. 1132 note; 82 Stat. 51).

(10) Certain land in the Los Padres National Forest comprising approximately 2,921 acres, as generally depicted on the map entitled ''Santa Lucia Wilderness Area Additions—Proposed'' and dated March 29, 2019, which shall be incorporated into and managed as part of the Santa Lucia Wilderness as designated by section 2(c) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; Public Law 95–237; 92 Stat. 41).

(11) Certain land in the Los Padres National Forest comprising approximately 14,313 acres, as generally depicted on the map entitled ''Sespe Wilderness Area Additions—Proposed'' and dated March 29, 2019, which shall be incorporated into and managed as part of the Sespe Wilderness as designated by section 2(1) of the Los Padres Condor Range

and River Protection Act (16 U.S.C. 1132 note; Public Law 102–301; 106 Stat. 242).

(12) Certain land in the Los Padres National Forest comprising approximately 17,870 acres, as generally depicted on the map entitled ''Diablo Caliente Wilderness Area—Proposed'' and dated March 29, 2019, which shall be known as the ''Diablo Caliente Wilderness''.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the wilderness areas with—

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

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

SEC. 5103. DESIGNATION OF THE MACHESNA MOUNTAIN POTENTIAL WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Los Padres National Forest comprising approximately 2,359 acres, as generally depicted on the map entitled ''Machesna Mountain Potential Wilderness'' and dated March 29, 2019, is designated as the Machesna Mountain Potential Wilderness Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Machesna Mountain Potential Wilderness Area (referred to in this section as the ''potential wilderness area'') with—

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

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) TRAIL USE, CONSTRUCTION, RECONSTRUCTION, AND REALIGNMENT.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary may reconstruct, realign, or reroute the Pine Mountain Trail.

(2) REQUIREMENT.—In carrying out the reconstruction, realignment, or rerouting under paragraph (1), the Secretary shall—

(A) comply with all existing laws (including regulations); and

(B) to the maximum extent practicable, use the minimum tool or administrative practice necessary to accomplish the reconstruction, realignment, or rerouting with the least amount of adverse impact on wilderness character and resources.

(3) MOTORIZED VEHICLES AND MACHINERY.—In accordance with paragraph (2), the Secretary may use motorized vehicles and machinery to carry out the trail reconstruction, realignment, or rerouting authorized by this subsection.

(4) MOTORIZED AND MECHANIZED VEHICLES.—The Secretary may permit the use of motorized and mechanized vehicles on the existing Pine Mountain Trail in accordance with existing law (including regulations) and this subsection until such date as the potential wilderness area is designated as wilderness in accordance with subsection (h).

(e) WITHDRAWAL.—Subject to valid existing rights, the Federal land in the potential wilderness area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into cooperative agreements with State, Tribal, and local governmental entities and private entities to complete the trail reconstruction, realignment, or rerouting authorized by subsection (d).

(g) BOUNDARIES.—The Secretary shall modify the boundary of the potential wilderness area to exclude any area within 150 feet of the centerline of the new location of any trail that has been reconstructed, realigned, or rerouted under subsection (d).

(h) WILDERNESS DESIGNATION.—

(1) IN GENERAL.—The potential wilderness area, as modified under subsection (g), shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the trail reconstruction, realignment, or rerouting authorized by subsection (d) has been completed; and

(B) the date that is 20 years after the date of enactment of this Act.

(2) ADMINISTRATION OF WILDERNESS.—On designation as wilderness under this section, the potential wilderness area shall be—

(A) incorporated into the Machesna Mountain Wilderness Area, as designated by section 101(a)(38) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1624) and expanded by section 5102; and

(B) administered in accordance with section 5104 and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 5104. ADMINISTRATION OF WILDERNESS.

(a) IN GENERAL.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness area.

(b) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take any measures in a wilderness area as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this title limits funding for fire and fuels management in the wilderness areas.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local information in the Fire Management Reference System or individual operational plan that applies to the land designated as a wilderness area.

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas, the Secretary shall enter into agreements with appropriate State or local firefighting agencies.

(c) GRAZING.—The grazing of livestock in the wilderness areas, if established before the date of enactment of this Act, shall be permitted to continue, subject to any reasonable regulations as the Secretary considers necessary in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4));

(2) the guidelines set forth in Appendix A of House Report 101–405, accompanying H.R. 2570 of the 101st Congress for land under the jurisdiction of the Secretary of the Interior;

(3) the guidelines set forth in House Report 96–617, accompanying H.R. 5487 of the 96th Congress for land under the jurisdiction of the Secretary of Agriculture; and

(4) all other laws governing livestock grazing on Federal public land.

(d) FISH AND WILDLIFE.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects the jurisdiction or responsibilities of the State with respect to fish and wildlife on public land in the State.

(2) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas, if the management activities are—

(A) consistent with relevant wilderness management plans;

(B) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405; and

(C) in accordance with memoranda of understanding between the Federal agencies and the State Department of Fish and Wildlife.

(e) BUFFER ZONES.—

(1) IN GENERAL.—Congress does not intend for the designation of wilderness areas by this title to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(f) MILITARY ACTIVITIES.—Nothing in this title precludes—

(1) low-level overflights of military aircraft over the wilderness areas;

(2) the designation of new units of special airspace over the wilderness areas; or

(3) the use or establishment of military flight training routes over wilderness areas.

(g) HORSES.—Nothing in this title precludes horseback riding in, or the entry of recreational saddle or pack stock into, a wilderness area—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(h) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas are withdrawn from—

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

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(i) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area that is acquired by the United States shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with—

(A) this section;

(B) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(C) any other applicable law.

(j) TREATMENT OF EXISTING WATER DIVERSIONS IN THE SAN RAFAEL WILDERNESS ADDITIONS.—

(1) AUTHORIZATION FOR CONTINUED USE.—The Secretary of Agriculture may issue a special use authorization to the owners of the 2 existing water transport or diversion facilities, including administrative access roads (each referred to in this subsection as a ''facility''), located on National Forest System land in the San Rafael Wilderness Additions in the Moon Canyon unit (T. 11 N., R. 30 W., secs. 13 and 14) and the Peak Mountain unit (T. 10 N., R. 28 W., secs. 23 and 26) for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(A) the facility was in existence on the date on which the land on which the facility is located was designated as part of the National Wilderness Preservation System (referred to in this subsection as ''the date of designation'');

(B) the facility has been in substantially continuous use to deliver water for the beneficial use on the non-Federal land of the owner since the date of designation;

(C) the owner of the facility holds a valid water right for use of the water on the non-Federal land of the owner under State law, with a priority date that predates the date of designation; and

(D) it is not practicable or feasible to relocate the facility to land outside of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

(2) TERMS AND CONDITIONS.—

(A) REQUIRED TERMS AND CONDITIONS.—In a special use authorization issued under paragraph (1), the Secretary may—

(i) allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of a facility, if the Secretary determines that—

(I) the use is the minimum necessary to allow the facility to continue delivery of water to the non-Federal land for the beneficial uses recognized by the water right held under State law; and

(II) the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible; and

(ii) preclude use of the facility for the diversion or transport of water in excess of the water right recognized by the State on the date of designation.

(B) DISCRETIONARY TERMS AND CONDITIONS.—In a special use authorization issued under paragraph (1), the Secretary may require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131) if the beneficial use of water on the non-Federal land is not diminished.

(k) TREATMENT OF EXISTING ELECTRICAL DISTRIBUTION LINE IN THE SAN RAFAEL WILDERNESS ADDITIONS.—

(1) AUTHORIZATION FOR CONTINUED USE.—The Secretary of Agriculture may issue a special use authorization to the owners of the existing electrical distribution line to the Plowshare Peak communication site (referred to in this subsection as a ''facility'') located on National Forest System land in the San Rafael Wilderness Additions in the Moon Canyon unit (T. 11 N., R. 30 W., secs. 2, 3, and 4) for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(A) the facility was in existence on the date on which the land on which the facility is located was designated as part of the National Wilderness Preservation System (referred to in this subsection as ''the date of designation'');

(B) the facility has been in substantially continuous use to deliver electricity to the communication site; and

(C) it is not practicable or feasible to relocate the distribution line to land outside of the wilderness.

(2) TERMS AND CONDITIONS.—

(A) REQUIRED TERMS AND CONDITIONS.—In a special use authorization issued under paragraph (1), the Secretary may allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of the electrical distribution line, if the Secretary determines that the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible.

(B) DISCRETIONARY TERMS AND CONDITIONS.—In a special use authorization issued under paragraph (1), the Secretary may require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131).

(l) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

SEC. 5105. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) INDIAN CREEK, MONO CREEK, AND MATILIJA CREEK, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5034) is amended by adding at the end the following:

''(269) INDIAN CREEK, CALIFORNIA.—The following segments of Indian Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 9.5-mile segment of Indian Creek from its source in sec. 19, T. 7 N., R. 26 W., to the Dick Smith Wilderness boundary, as a wild river.

''(B) The 1-mile segment of Indian Creek from the Dick Smith Wilderness boundary to 0.25 miles downstream of Road 6N24, as a scenic river.

''(C) The 3.9-mile segment of Indian Creek from 0.25 miles downstream of Road 6N24 to the southern boundary of sec. 32, T. 6 N., R. 26 W., as a wild river.

''(270) MONO CREEK, CALIFORNIA.—The following segments of Mono Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 4.2-mile segment of Mono Creek from its source in sec. 1, T. 7 N., R. 26 W., to 0.25 miles upstream of Don Victor Fire Road in sec. 28, T. 7 N., R. 25 W., as a wild river.

''(B) The 2.1-mile segment of Mono Creek from 0.25 miles upstream of the Don Victor Fire Road in sec. 28, T. 7 N., R. 25 W., to 0.25 miles downstream of Don Victor Fire Road in sec. 34, T. 7 N., R. 25 W., as a recreational river.

''(C) The 14.7-mile segment of Mono Creek from 0.25 miles downstream of Don Victor Fire Road in sec. 34, T. 7 N., R. 25 W., to the Ogilvy Ranch private property boundary in sec. 22, T. 6 N., R. 26 W., as a wild river.

''(D) The 3.5-mile segment of Mono Creek from the Ogilvy Ranch private property boundary to the southern boundary of sec. 33, T. 6 N., R. 26 W., as a recreational river.

''(271) MATILIJA CREEK, CALIFORNIA.—The following segments of Matilija Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 7.2-mile segment of the Matilija Creek from its source in sec. 25, T. 6 N., R. 25 W., to the private property boundary in sec. 9, T. 5 N., R. 24 W., as a wild river.

''(B) The 7.25-mile segment of the Upper North Fork Matilija Creek from its source in sec. 36, T. 6 N., R. 24 W., to the Matilija Wilderness boundary, as a wild river.''.

(b) SESPE CREEK, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (142) and inserting the following:

''(142) SESPE CREEK, CALIFORNIA.—The following segments of Sespe Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.7-mile segment of Sespe Creek from the private property boundary in sec. 10, T. 6 N., R. 24 W., to the Hartman Ranch private property boundary in sec. 14, T. 6 N., R. 24 W., as a wild river.

''(B) The 15-mile segment of Sespe Creek from the Hartman Ranch private property boundary in sec. 14, T. 6 N., R. 24 W., to the western boundary of sec. 6, T. 5 N., R. 22 W., as a recreational river.

''(C) The 6.1-mile segment of Sespe Creek from the western boundary of sec. 6, T. 5 N., R. 22 W., to the confluence with Trout Creek, as a scenic river.

''(D) The 28.6-mile segment of Sespe Creek from the confluence with Trout Creek to the southern boundary of sec. 35, T. 5 N., R. 20 W., as a wild river.''.

(c) SISQUOC RIVER, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (143) and inserting the following:

''(143) SISQUOC RIVER, CALIFORNIA.—The following segments of the Sisquoc River and its tributaries in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 33-mile segment of the main stem of the Sisquoc River extending from its origin downstream to the Los Padres Forest boundary, as a wild river.

''(B) The 4.2-mile segment of the South Fork Sisquoc River from its source northeast of San Rafael Mountain in sec. 2, T. 7 N., R. 28 W., to its confluence with the Sisquoc River, as a wild river.

''(C) The 10.4-mile segment of Manzana Creek from its source west of San Rafael Peak in sec. 4, T. 7 N., R. 28 W., to the San Rafael Wilderness boundary upstream of Nira Campground, as a wild river.

''(D) The 0.6-mile segment of Manzana Creek from the San Rafael Wilderness boundary upstream of the Nira Campground to the San Rafael Wilderness boundary downstream of the confluence of Davy Brown Creek, as a recreational river.

''(E) The 5.8-mile segment of Manzana Creek from the San Rafael Wilderness boundary downstream of the confluence of Davy Brown Creek to the private property boundary in sec. 1, T. 8 N., R. 30 W., as a wild river.

''(F) The 3.8-mile segment of Manzana Creek from the private property boundary in sec. 1, T. 8 N., R. 30 W., to the confluence of the Sisquoc River, as a recreational river.

''(G) The 3.4-mile segment of Davy Brown Creek from its source west of Ranger Peak in sec. 32, T. 8 N., R. 29 W., to 300 feet upstream of its confluence with Munch Canyon, as a wild river.

''(H) The 1.4-mile segment of Davy Brown Creek from 300 feet upstream of its confluence with Munch Canyon to its confluence with Manzana Creek, as a recreational river.

''(I) The 2-mile segment of Munch Canyon from its source north of Ranger Peak in sec. 33, T. 8 N., R. 29 W., to 300 feet upstream of its confluence with Sunset Valley Creek, as a wild river.

''(J) The 0.5-mile segment of Munch Canyon from 300 feet upstream of its confluence with Sunset Valley Creek to its confluence with Davy Brown Creek, as a recreational river.

''(K) The 2.6-mile segment of Fish Creek from 500 feet downstream of Sunset Valley Road to its confluence with Manzana Creek, as a wild river.

''(L) The 1.5-mile segment of East Fork Fish Creek from its source in sec. 26, T. 8 N., R. 29 W., to its confluence with Fish Creek, as a wild river.''.

(d) PIRU CREEK, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (199) and inserting the following:

''(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 9.1-mile segment of Piru Creek from its source in sec. 3, T. 6 N., R. 22 W., to the private property boundary in sec. 4, T. 6 N., R. 21 W., as a wild river.

''(B) The 17.2-mile segment of Piru Creek from the private property boundary in sec. 4, T. 6 N., R. 21 W., to 0.25 miles downstream of the Gold Hill Road, as a scenic river.

''(C) The 4.1-mile segment of Piru Creek from 0.25 miles downstream of Gold Hill Road to the confluence with Trail Canyon, as a wild river.

''(D) The 7.25-mile segment of Piru Creek from the confluence with Trail Canyon to the confluence with Buck Creek, as a scenic river.

''(E) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

''(F) The 13-mile segment of Piru Creek from the boundary of the Sespe Wilderness to the boundary of the Sespe Wilderness, as a wild river.

''(G) The 2.2-mile segment of Piru Creek from the boundary of the Sespe Wilderness to the upper limit of Piru Reservoir, as a recreational river.''.

(e) EFFECT.—The designation of additional miles of Piru Creek under subsection (d) shall not affect valid water rights in existence on the date of enactment of this Act.

(f) MOTORIZED USE OF TRAILS.—Nothing in this section (including the amendments made by this section) affects the motorized use of trails designated by the Forest Service for motorized use that are located adjacent to and crossing upper Piru Creek, if the use is consistent with the protection and enhancement of river values under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

SEC. 5106. DESIGNATION OF THE FOX MOUNTAIN POTENTIAL WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Los Padres National Forest comprising approximately 41,082 acres, as generally depicted on the map entitled ''Fox Mountain Potential Wilderness Area'' and dated November 14, 2019, is designated as the Fox Mountain Potential Wilderness Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of the Fox Mountain Potential Wilderness Area (referred to in this section as the ''potential wilderness area'') with—

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

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct any clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) TRAIL USE CONSTRUCTION, RECONSTRUCTION, AND REALIGNMENT.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary of Agriculture may—

(A) construct a new trail for use by hikers, equestrians, and mechanized vehicles that connects the Aliso Park Campground to the Bull Ridge Trail; and

(B) reconstruct or realign—

(i) the Bull Ridge Trail; and

(ii) the Rocky Ridge Trail.

(2) REQUIREMENT.—In carrying out the construction, reconstruction, or alignment under paragraph (1), the Secretary shall—

(A) comply with all existing laws (including regulations); and

(B) to the maximum extent practicable, use the minimum tool or administrative practice necessary to accomplish the construction, reconstruction, or alignment with the least amount of adverse impact on wilderness character and resources.

(3) MOTORIZED VEHICLES AND MACHINERY.—In accordance with paragraph (2), the Secretary may use motorized vehicles and machinery to carry out the trail construction, reconstruction, or realignment authorized by this subsection.

(4) MECHANIZED VEHICLES.—The Secretary may permit the use of mechanized vehicles on the existing Bull Ridge Trail and Rocky Ridge Trail in accordance with existing law (including regulations) and this subsection until such date as the potential wilderness area is designated as wilderness in accordance with subsection (h).

(e) WITHDRAWAL.—Subject to valid existing rights, the Federal land in the potential wilderness area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into cooperative agreements with State, Tribal, and local governmental entities and private entities to complete the trail construction, reconstruction, and realignment authorized by subsection (d).

(g) BOUNDARIES.—The Secretary shall modify the boundary of the potential wilderness area to exclude any area within 50 feet of the centerline of the new location of any trail that has been constructed, reconstructed, or realigned under subsection (d).

(h) WILDERNESS DESIGNATION.—

(1) IN GENERAL.—The potential wilderness area, as modified under subsection (g), shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the trail construction, reconstruction, or alignment authorized by subsection (d) has been completed; and

(B) the date that is 20 years after the date of enactment of this Act.

(2) ADMINISTRATION OF WILDERNESS.—On designation as wilderness under this section, the potential wilderness area shall be—

(A) incorporated into the San Rafael Wilderness, as designated by Public Law 90–271 (16 U.S.C. 1132 note; 82 Stat. 51) and expanded by section 5102; and

(B) administered in accordance with section 5104 and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 5107. DESIGNATION OF SCENIC AREAS.

(a) IN GENERAL.—Subject to valid existing rights, there are established the following scenic areas:

(1) CONDOR RIDGE SCENIC AREA.—Certain land in the Los Padres National Forest comprising approximately 18,666 acres, as generally depicted on the map entitled ''Condor Ridge Scenic Area—Proposed'' and dated March 29, 2019, which shall be known as the ''Condor Ridge Scenic Area''.

(2) BLACK MOUNTAIN SCENIC AREA.—Certain land in the Los Padres National Forest and the Bakersfield Field Office of the Bureau of Land Management comprising approximately 16,216 acres, as generally depicted on the map entitled ''Black Mountain Scenic Area—Proposed'' and dated March 29, 2019, which shall be known as the ''Black Mountain Scenic Area''.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the Condor Ridge Scenic Area and Black Mountain Scenic Area with—

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

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct any clerical and typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(c) PURPOSE.—The purpose of the scenic areas is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the scenic areas.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the scenic areas—

(A) in a manner that conserves, protects, and enhances the resources of the scenic areas, and in particular the scenic character attributes of the scenic areas; and

(B) in accordance with—

(i) this section;

(ii) the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) for land under the jurisdiction of the Secretary of the Interior;

(iii) any laws (including regulations) relating to the National Forest System, for land

under the jurisdiction of the Secretary of Agriculture; and

(iv) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow those uses of the scenic areas that the Secretary determines would further the purposes described in subsection (c).

(e) WITHDRAWAL.—Subject to valid existing rights, the Federal land in the scenic areas is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) PROHIBITED USES.—The following shall be prohibited on the Federal land within the scenic areas:

(1) Permanent roads.

(2) Permanent structures.

(3) Timber harvesting except when necessary for the purposes described in subsection (g).

(4) Transmission lines.

(5) Except as necessary to meet the minimum requirements for the administration of the scenic areas and to protect public health and safety—

(A) the use of motorized vehicles; or

(B) the establishment of temporary roads.

(6) Commercial enterprises, except as necessary for realizing the purposes of the scenic areas.

(g) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with this section, the Secretary may take any measures in the scenic areas that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines to be appropriate, the coordination of those activities with the State or a local agency.

(h) ADJACENT MANAGEMENT.—The fact that an otherwise authorized activity or use can be seen or heard within a scenic area shall not preclude the activity or use outside the boundary of the scenic area.

SEC. 5108. CONDOR NATIONAL SCENIC TRAIL.

(a) FINDING.—Congress finds that the Condor National Scenic Trail established under paragraph (31) of section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is named after the California Condor, a critically endangered bird species that lives along the corridor of the Condor National Scenic Trail.

(b) PURPOSES.—The purposes of the Condor National Scenic Trail are—

(1) to provide a continual extended hiking corridor that connects the southern and northern portions of the Los Padres National Forest, spanning the entire length of the forest along the coastal mountains of southern and central California; and

(2) to provide for the public enjoyment of the nationally significant scenic, historic, natural, and cultural resources of the Los Padres National Forest.

(c) AMENDMENT.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(31) CONDOR NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—The Condor National Scenic Trail, a trail extending approximately 400 miles from Lake Piru in the southern portion of the Los Padres National Forest to the Bottchers Gap Campground in the northern portion of the Los Padres National Forest.

''(B) ADMINISTRATION.—The Condor National Scenic Trail shall be administered by the Secretary of Agriculture, in consultation with—

''(i) other Federal, State, Tribal, regional, and local agencies;

''(ii) private landowners; and

''(iii) other interested organizations.

''(C) RECREATIONAL USES.—Notwithstanding section 7(c), the use of motorized vehicles on roads or trails included in the Condor National Scenic Trail on which motorized vehicles are permitted as of the date of enactment of this paragraph may be permitted.

''(D) PRIVATE PROPERTY RIGHTS.—

''(i) PROHIBITION.—The Secretary shall not acquire for the Condor National Scenic Trail any land or interest in land outside the exterior boundary of any federally managed area without the consent of the owner of land or interest in land.

''(ii) EFFECT.—Nothing in this paragraph—

''(I) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

''(II) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

''(E) REALIGNMENT.—The Secretary of Agriculture may realign segments of the Condor National Scenic Trail as necessary to fulfill the purposes of the Condor National Scenic Trail.''.

(d) STUDY.—

(1) STUDY REQUIRED.—Not later than 3 years after the date of enactment of this Act, in accordance with this subsection, the Secretary of Agriculture shall conduct a study that—

(A) addresses the feasibility of, and alternatives for, connecting the northern and southern portions of the Los Padres National Forest by establishing a trail across the applicable portions of the northern and southern Santa Lucia Mountains of the southern California Coastal Range; and

(B) considers realignment of the Condor National Scenic Trail or construction of new segments for the Condor National Scenic Trail to avoid existing segments of the Condor National Scenic Trail that allow motorized vehicles.

(2) CONTENTS.—In carrying out the study required under paragraph (1), the Secretary of Agriculture shall—

(A) comply with the requirements for studies for a national scenic trail described in section 5(b) of the National Trails System Act (16 U.S.C. 1244(b));

(B) provide for a continual hiking route through and connecting the southern and northern sections of the Los Padres National Forest;

(C) promote recreational, scenic, wilderness, and cultural values;

(D) enhance connectivity with the overall system of National Forest System trails;

(E) consider new connectors and realignment of existing trails;

(F) emphasize safe and continuous public access, dispersal from high-use areas, and suitable water sources; and

(G) to the extent practicable, provide all-year use.

(3) ADDITIONAL REQUIREMENT.—In completing the study required under paragraph (1), the Secretary of Agriculture shall consult with—

(A) appropriate Federal, State, Tribal, regional, and local agencies;

(B) private landowners;

(C) nongovernmental organizations; and

(D) members of the public.

(4) SUBMISSION.—The Secretary of Agriculture shall submit the study required under paragraph (1) to—

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

(B) the Committee on Natural Resources of the House of Representatives.

(5) ADDITIONS AND ALTERATIONS TO THE CONDOR NATIONAL SCENIC TRAIL.—

(A) IN GENERAL.—On completion of the study required under paragraph (1), if the Secretary of Agriculture determines that additional or alternative trail segments are feasible for inclusion in the Condor National Scenic Trail, the Secretary of Agriculture shall include the segments in the Condor National Scenic Trail.

(B) EFFECTIVE DATE.—An addition or alteration to the Condor National Scenic Trail determined to be feasible under subparagraph (A) shall take effect on the date on which the Secretary of Agriculture publishes in the Federal Register notice that the additional or alternative segments are included in the Condor National Scenic Trail.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section (including the amendments made by this section), the Secretary of Agriculture may enter into cooperative agreements with State, Tribal, and local government entities and private entities to complete necessary construction, reconstruction, and realignment projects authorized for the Condor National Scenic Trail under this section (including the amendments made by this section).

SEC. 5109. FOREST SERVICE STUDY.

Not later than 6 years after the date of enactment of this Act, the Secretary of Agriculture (acting through the Chief of the Forest Service) shall study the feasibility of opening a new trail, for vehicles measuring 50 inches or less, connecting Forest Service Highway 95 to the existing off-highway vehicle trail system in the Ballinger Canyon off-highway vehicle area.

SEC. 5110. NONMOTORIZED RECREATION OPPORTUNITIES.

Not later than 6 years after the date of enactment of this Act, the Secretary of Agriculture, in consultation with interested parties, shall conduct a study to improve nonmotorized recreation trail opportunities (including mountain bicycling) on land not designated as wilderness within the Santa Barbara, Ojai, and Mt. Pinos ranger districts.

SEC. 5111. USE BY MEMBERS OF INDIAN TRIBES.

(a) ACCESS.—The Secretary shall ensure that Indian Tribes have access, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), to the wilderness areas, scenic areas, and potential wilderness areas designated by this title for traditional cultural and religious purposes.

(b) TEMPORARY CLOSURES.—

(1) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian Tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area, scenic area, or potential wilderness area designated by this title to protect the privacy of the members of the Indian Tribe in the conduct of traditional cultural and religious activities.

(2) REQUIREMENT.—Any closure under paragraph (1) shall be—

(A) made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out; and

(B) be consistent with—

(i) Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996 et seq.); and

(ii) the Wilderness Act (16 U.S.C. 1131 et seq.).

TITLE LII—SAN GABRIEL MOUNTAINS FOOTHILLS AND RIVERS PROTECTION

SEC. 5201. DEFINITION OF STATE.

In this title, the term ''State'' means the State of California.

Subtitle A—San Gabriel National Recreation Area

SEC. 5211. PURPOSES.

The purposes of this subtitle are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Recreation Area;

(2) to provide environmentally responsible, well-managed recreational opportunities within the Recreation Area;

(3) to improve access to and from the Recreation Area;

(4) to provide expanded educational and interpretive services to increase public understanding of, and appreciation for, the natural and cultural resources of the Recreation Area;

(5) to facilitate the cooperative management of the land and resources within the Recreation Area, in collaboration with—

(A) the State;

(B) political subdivisions of the State;

(C) historical, business, cultural, civic, recreational, tourism, and other nongovernmental organizations; and

(D) the public; and

(6) to allow the continued use of the Recreation Area by all individuals, entities, and local government agencies in activities relating to integrated water management, flood protection, water conservation, water quality, water rights, water supply, groundwater recharge and monitoring, wastewater treatment, public roads and bridges, and utilities within or adjacent to the Recreation Area.

SEC. 5212. DEFINITIONS.

In this subtitle:

(1) ADJUDICATION.—The term ''adjudication'' means any final judgment, order, ruling, or decree entered in any judicial proceeding adjudicating or affecting—

(A) a water right;

(B) surface water management; or

(C) groundwater management.

(2) ADVISORY COUNCIL.—The term ''Advisory Council'' means the San Gabriel National Recreation Area Public Advisory Council established under section 5217(a).

(3) FEDERAL LAND.—The term ''Federal land'' means—

(A) public land under the jurisdiction of the Secretary; and

(B) land under the jurisdiction of the Secretary of Defense, acting through the Chief of Engineers.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Recreation Area required under section 5214(d).

(5) PARTNERSHIP.—The term ''Partnership'' means the San Gabriel National Recreation Area Partnership established by section 5218(a).

(6) PUBLIC WATER SYSTEM.—The term ''public water system'' has the meaning given the term in—

(A) section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f); or

(B) section 116275 of the California Health and Safety Code.

(7) RECREATION AREA.—The term ''Recreation Area'' means the San Gabriel National Recreation Area established by section 5213(a).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) UTILITY FACILITY.—The term ''utility facility'' means—

(A)(i) any electric substation, communication facility, tower, pole, line, ground wire, communication circuit, or other structure; and

(ii) any related infrastructure; and

(B) any facility associated with a public water system.

(10) WATER RESOURCE FACILITY.—The term ''water resource facility'' means—

(A) an irrigation or pumping facility;

(B) a dam or reservoir;

(C) a flood control facility;

(D) a water conservation works (including a debris protection facility);

(E) a sediment placement site;

(F) a rain gauge or stream gauge;

(G) a water quality facility;

(H) a water storage tank or reservoir;

(I) a recycled water facility or water pumping, conveyance, or distribution system;

(J) a water or wastewater treatment facility;

(K) an aqueduct, canal, ditch, pipeline, well, hydropower project, or transmission or other ancillary facility;

(L) a groundwater recharge facility;

(M) a water conservation facility;

(N) a water filtration plant; and

(O) any other water diversion, conservation, groundwater recharge, storage, or carriage structure.

SEC. 5213. SAN GABRIEL NATIONAL RECREATION AREA.

(a) ESTABLISHMENT; BOUNDARIES.—Subject to valid existing rights, there is established as a unit of the National Park System in the State the San Gabriel National Recreation Area depicted as the ''Proposed San Gabriel National Recreation Area'' on the map entitled ''San Gabriel National Recreation Area Proposed Boundary'', numbered 503/152,737, and dated July 2019.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Recreation Area with—

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

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION AND JURISDICTION.—

(1) PUBLIC LAND.—The public land included in the Recreation Area shall be administered by the Secretary, acting through the Director of the National Park Service.

(2) DEPARTMENT OF DEFENSE LAND.—Notwithstanding the inclusion of Federal land under the jurisdiction of the Secretary of Defense in the Recreation Area, nothing in this subtitle—

(A) transfers administrative jurisdiction of that Federal land from the Secretary of Defense; or

(B) otherwise affects any Federal land under the jurisdiction of the Secretary of Defense.

(3) STATE AND LOCAL JURISDICTION.—Nothing in this subtitle alters, modifies, or diminishes any right, responsibility, power, authority, jurisdiction, or entitlement of the State, a political subdivision of the State, including a court of competent jurisdiction, regulatory commission, board, or department, or any State or local agency under any applicable Federal, State, or local law (including regulations).

SEC. 5214. MANAGEMENT.

(a) NATIONAL PARK SYSTEM.—Subject to valid existing rights, the Secretary shall manage the public land included in the Recreation Area in a manner that protects and enhances the natural resources and values of the public land, in accordance with—

(1) this subtitle;

(2) the laws generally applicable to units of the National Park System, including section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(3) other applicable law (including regulations), adjudications, and orders.

(b) COOPERATION WITH SECRETARY OF DEFENSE.—The Secretary shall cooperate with the Secretary of Defense to develop opportunities for the management of the Federal land under the jurisdiction of the Secretary of Defense included in the Recreation Area in accordance with the purposes described in section 5211, to the maximum extent practicable.

(c) TREATMENT OF NON-FEDERAL LAND.—

(1) IN GENERAL.—Nothing in this subtitle—

(A) authorizes the Secretary to take any action that would affect the use of any land not owned by the United States within the Recreation Area;

(B) affects the use of, or access to, any non-Federal land within the Recreation Area;

(C) modifies any provision of Federal, State, or local law with respect to public access to, or use of, non-Federal land;

(D) requires any owner of non-Federal land to allow public access (including Federal, State, or local government access) to private property or any other non-Federal land;

(E) alters any duly adopted land use regulation, approved land use plan, or any other regulatory authority of any State or local agency or unit of Tribal government;

(F) creates any liability, or affects any liability under any other law, of any private property owner or other owner of non-Federal land with respect to any person injured on the private property or other non-Federal land;

(G) conveys to the Partnership any land use or other regulatory authority;

(H) causes any Federal, State, or local regulation or permit requirement intended to apply to units of the National Park System to affect—

(i) the Federal land under the jurisdiction of the Secretary of Defense; or

(ii) non-Federal land within the boundaries of the Recreation Area; or

(I) requires any local government to participate in any program administered by the Secretary.

(2) COOPERATION.—The Secretary is encouraged to work with owners of non-Federal land who have agreed to cooperate with the Secretary to advance the purposes of this subtitle.

(3) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this subtitle establishes any protective perimeter or buffer zone around the Recreation Area.

(B) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that an activity or use of land can be seen or heard from within the Recreation Area shall not preclude the activity or land use up to the boundary of the Recreation Area.

(4) FACILITIES.—Nothing in this subtitle affects the operation, maintenance, modification, construction, destruction, removal, relocation, improvement, or expansion of—

(A) any water resource facility or public water system;

(B) any solid waste, sanitary sewer, water, or wastewater treatment, groundwater recharge or conservation, hydroelectric, or conveyance distribution system;

(C) any recycled water facility; or

(D) any other utility facility located within or adjacent to the Recreation Area.

(5) EXEMPTION.—Section 100903 of title 54, United States Code, shall not apply to—

(A) the Puente Hills landfill; or

(B) any materials recovery facility or intermodal facility associated with the Recreation Area.

(d) MANAGEMENT PLAN.—

(1) DEADLINE.—Not later than 3 years after the date of enactment of this Act, the Secretary and the Advisory Council shall establish a comprehensive management plan for the Recreation Area that supports the purposes described in section 5211.

(2) USE OF EXISTING PLANS.—In developing the management plan, to the extent consistent with this section, the Secretary may incorporate any provision of a land use or other plan applicable to the public land included in the Recreation Area.

(3) INCORPORATION OF VISITOR SERVICES PLAN.—To the maximum extent practicable, the Secretary shall incorporate into the management plan the visitor services plan under section 5219(a)(2).

(4) PARTNERSHIP.—In developing the management plan, the Secretary shall—

(A) consider recommendations of the Partnership; and

(B) to the maximum extent practicable, incorporate recommendations of the Partnership into the management plan, if the Secretary determines that the recommendations are feasible and consistent with—

(i) the purposes described in section 5211;

(ii) this subtitle; and

(iii) applicable law (including regulations).

(e) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish or wildlife located on public land in the State.

SEC. 5215. ACQUISITION OF NON-FEDERAL LAND WITHIN RECREATION AREA.

(a) LIMITED ACQUISITION AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire non-Federal land within the boundaries of the Recreation Area only through exchange, donation, or purchase from a willing seller.

(2) DETERMINATION REQUIRED.—Before acquiring any land or interest in land pursuant to this subsection, the Secretary shall make a determination that the land contains an important biological, cultural, historic, or recreational value.

(b) PROHIBITION ON USE OF EMINENT DOMAIN.—Nothing in this subtitle authorizes the use of eminent domain to acquire land or an interest in land.

(c) TREATMENT OF ACQUIRED LAND.—Any land or interest in land acquired by the United States within the boundaries of the Recreation Area shall be—

(1) included in the Recreation Area; and

(2) administered by the Secretary in accordance with—

(A) this subtitle; and

(B) other applicable laws (including regulations).

SEC. 5216. WATER RIGHTS; WATER RESOURCE FACILITIES; PUBLIC ROADS; UTILITY FACILITIES.

(a) NO EFFECT ON WATER RIGHTS.—Nothing in this subtitle or section 5222—

(1) affects the use or allocation, as in existence on the date of enactment of this Act, of any water, water right, or interest in water (including potable, recycled, reclaimed, waste, imported, exported, banked, or stored water, surface water, groundwater, and public trust interest);

(2) affects any public or private contract in existence on the date of enactment of this Act for the sale, lease, loan, or transfer of any water (including potable, recycled, reclaimed, waste, imported, exported, banked, or stored water, surface water, and groundwater);

(3) relinquishes or reduces any water right reserved or appropriated by the United States in the State on or before the date of enactment of this Act;

(4) authorizes or imposes any new reserved Federal water right or expands water usage pursuant to any existing Federal reserved riparian or appropriative right;

(5) relinquishes or reduces any water right (including potable, recycled, reclaimed, waste, imported, exported, banked, or stored water, surface water, and groundwater) held, reserved, or appropriated by any public entity or other individual or entity on or before the date of enactment of this Act;

(6) interferes or conflicts with the exercise of the powers or duties of any watermaster, public agency, public water system, court of competent jurisdiction, or other body or entity responsible for groundwater or surface water management or groundwater replenishment as designated or established pursuant to any adjudication or Federal or State law, including the management of the San Gabriel River watershed and basin, to provide water supply or other environmental benefits;

(7) impedes or adversely impacts any previously adopted Los Angeles County Drainage Area project, as described in the report of the Chief of Engineers dated June 30, 1992 (including any supplement or addendum to that report), or any maintenance agreement to operate that project;

(8) interferes or conflicts with any action by a watermaster, water agency, public water system, court of competent jurisdiction, or public agency pursuant to any Federal or State law, water right, or adjudication, including any action relating to—

(A) water conservation;

(B) water quality;

(C) surface water diversion or impoundment;

(D) groundwater recharge;

(E) water treatment;

(F) conservation or storage of water;

(G) the pollution, waste discharge, or pumping of groundwater; or

(H) the spreading, injection, pumping, storage, or use, in connection with the management or regulation of the San Gabriel River, of water from—

(i) a local source;

(ii) a storm water flow;

(iii) runoff; or

(iv) imported or recycled water;

(9) interferes with, obstructs, hinders, or delays the exercise of, or access to, any water right by the owner of a public water system or any other individual or entity, including the construction, operation, maintenance, replacement, removal, repair, location, or relocation of—

(A) a well;

(B) a pipeline;

(C) a water pumping, treatment, diversion, impoundment, or storage facility; or

(D) any other facility or property necessary or useful—

(i) to access any water right; or

(ii) to operate any public water system;

(10) requires the initiation or reinitiation of consultation with the United States Fish and Wildlife Service under, or the application of any provision of, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to any action affecting any water, water right, or water management or water resource facility in the San Gabriel River watershed and basin; or

(11) authorizes any agency or employee of the United States, or any other person, to take any action inconsistent with any of paragraphs (1) through (10).

(b) WATER RESOURCE FACILITIES.—

(1) NO EFFECT ON EXISTING WATER RESOURCE FACILITIES.—Nothing in this subtitle or section 5222 affects—

(A) the use, operation, maintenance, repair, construction, destruction, removal, reconfiguration, expansion, improvement, or replacement of a water resource facility or public water system within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument; or

(B) access to a water resource facility within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument.

(2) NO EFFECT ON NEW WATER RESOURCE FACILITIES.—Nothing in this subtitle or section 5222 precludes the establishment of a new water resource facility (including instream sites, routes, and areas) within the Recreation Area or the San Gabriel Mountains National Monument if the water resource facility or public water system is necessary to preserve or enhance the health, safety, reliability, quality, or accessibility of water supply, or utility services to residents of Los Angeles County.

(3) FLOOD CONTROL.—Nothing in this subtitle or section 5222—

(A) imposes any new restriction or requirement on flood protection, water conservation, water supply, groundwater recharge, water transfers, or water quality operations or maintenance; or

(B) increases the liability of an agency or public water system carrying out flood protection, water conservation, water supply, groundwater recharge, water transfers, or water quality operations.

(4) DIVERSION OR USE OF WATER.—Nothing in this subtitle or section 5222 authorizes or requires the use of water or water rights in, or the diversion of water to, the Recreation Area or San Gabriel Mountains National Monument.

(c) UTILITY FACILITIES AND RIGHTS OF WAY.—Nothing in this subtitle or section 5222—

(1) affects the use, operation, maintenance, repair, construction, destruction, reconfiguration, expansion, inspection, renewal, reconstruction, alteration, addition, relocation, improvement, removal, or replacement of a utility facility or appurtenant right-of-way within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument;

(2) affects access to a utility facility or right-of-way within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument; or

(3) precludes the establishment of a new utility facility or right-of-way (including instream sites, routes, and areas) within the Recreation Area or the San Gabriel Mountains National Monument if such a facility or right-of-way is necessary for public health and safety, electricity supply, or other utility services.

(d) ROADS; PUBLIC TRANSIT.—

(1) DEFINITIONS.—In this subsection:

(A) PUBLIC ROAD.—The term ''public road'' means any paved road or bridge (including any appurtenant structure and right-of-way) that is—

(i) operated or maintained by a non-Federal entity; and

(ii)(I) open to vehicular use by the public; or

(II) used by a public agency or utility for the operation, maintenance, improvement, repair, removal, relocation, construction, destruction, or rehabilitation of infrastructure, a utility facility, or a right-of-way.

(B) PUBLIC TRANSIT.—The term ''public transit'' means any transit service (including operations and rights-of-way) that is—

(i) operated or maintained by a non-Federal entity; and

(ii)(I) open to the public; or

(II) used by a public agency or contractor for the operation, maintenance, repair, construction, or rehabilitation of infrastructure, a utility facility, or a right-of-way.

(2) NO EFFECT ON PUBLIC ROADS OR PUBLIC TRANSIT.—Nothing in this subtitle or section 5222—

(A) authorizes the Secretary to take any action that would affect the operation, maintenance, repair, or rehabilitation of public roads or public transit (including activities necessary to comply with Federal or State safety or public transit standards); or

(B) creates any new liability, or increases any existing liability, of an owner or operator of a public road.

SEC. 5217. SAN GABRIEL NATIONAL RECREATION AREA PUBLIC ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the ''San Gabriel National Recreation Area Public Advisory Council''.

(b) DUTIES.—The Advisory Council shall advise the Secretary regarding the development and implementation of—

(1) the management plan; and

(2) the visitor services plan under section 5219(a)(2).

(c) APPLICABLE LAW.—The Advisory Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) all other applicable laws (including regulations).

(d) MEMBERSHIP.—The Advisory Council shall consist of 22 members, to be appointed by the Secretary after taking into consideration recommendations of the Partnership, of whom—

(1) 2 shall represent local, regional, or national environmental organizations;

(2) 2 shall represent the interests of outdoor recreation, including off-highway vehicle recreation, within the Recreation Area;

(3) 2 shall represent the interests of community-based organizations, the missions of which include expanding access to the outdoors;

(4) 2 shall represent business interests;

(5) 1 shall represent Indian Tribes within or adjacent to the Recreation Area;

(6) 1 shall represent the interests of homeowners' associations within the Recreation Area;

(7) 3 shall represent the interests of holders of adjudicated water rights, public water systems, water agencies, wastewater and sewer agencies, recycled water facilities, and water management and replenishment entities;

(8) 1 shall represent energy and mineral development interests;

(9) 1 shall represent owners of Federal grazing permits or other land use permits within the Recreation Area;

(10) 1 shall represent archaeological and historical interests;

(11) 1 shall represent the interests of environmental educators;

(12) 1 shall represent cultural history interests;

(13) 1 shall represent environmental justice interests;

(14) 1 shall represent electrical utility interests; and

(15) 2 shall represent the affected public at large.

(e) TERMS.—

(1) STAGGERED TERMS.—A member of the Advisory Council shall be appointed for a term of 3 years, except that, of the members first appointed—

(A) 7 shall be appointed for a term of 1 year; and

(B) 7 shall be appointed for a term of 2 years.

(2) REAPPOINTMENT.—A member may be reappointed to serve on the Advisory Council on the expiration of the term of service of the member.

(3) VACANCY.—A vacancy on the Advisory Council shall be filled in the same manner in which the original appointment was made.

(f) QUORUM.—

(1) IN GENERAL.—Ten members of the Advisory Council shall constitute a quorum.

(2) NO EFFECT ON OPERATIONS.—The operations of the Advisory Council shall not be impaired by the fact that a member has not yet been appointed if a quorum has been attained under paragraph (1).

(g) CHAIRPERSON; PROCEDURES.—The Advisory Council shall—

(1) select a chairperson from among the members of the Advisory Council; and

(2) establish such rules and procedures as the Advisory Council considers to be necessary or desirable.

(h) SERVICE WITHOUT PAY.—A member of the Advisory Council shall serve without pay.

(i) TERMINATION.—The Advisory Council shall terminate on—

(1) the date that is 5 years after the date on which the management plan is adopted by the Secretary; or

(2) such later date as the Secretary considers to be appropriate.

SEC. 5218. SAN GABRIEL NATIONAL RECREATION AREA PARTNERSHIP.

(a) ESTABLISHMENT.—There is established a partnership, to be known as the ''San Gabriel National Recreation Area Partnership''.

(b) PURPOSES.—The purposes of the Partnership are—

(1) to coordinate the activities of Federal, State, Tribal, and local authorities and the private sector in advancing the purposes of this subtitle; and

(2) to use the resources and expertise of each agency in improving management and recreational opportunities within the Recreation Area.

(c) MEMBERSHIP.—The Partnership shall include the following:

(1) The Secretary (or a designee) to represent the National Park Service.

(2) The Secretary of Defense (or a designee) to represent the Corps of Engineers.

(3) The Secretary of Agriculture (or a designee) to represent the Forest Service.

(4) The Secretary of the Natural Resources Agency of the State (or a designee) to represent—

(A) the California Department of Parks and Recreation; and

(B) the Rivers and Mountains Conservancy.

(5) One designee of the Los Angeles County Board of Supervisors.

(6) One designee of the Puente Hills Habitat Preservation Authority.

(7) Four designees of the San Gabriel Council of Governments, of whom 1 shall be selected from a local land conservancy.

(8) One designee of the San Gabriel Valley Economic Partnership.

(9) One designee of the Los Angeles County Flood Control District.

(10) One designee of the San Gabriel Valley Water Association.

(11) One designee of the Central Basin Water Association.

(12) One designee of the Main San Gabriel Basin Watermaster.

(13) One designee of a public utility company, to be appointed by the Secretary.

(14) One designee of the Watershed Conservation Authority.

(15) One designee of the Advisory Council for the period during which the Advisory Council remains in effect.

(16) One designee of San Gabriel Mountains National Monument Community Collaborative.

(d) DUTIES.—To advance the purposes described in section 5211, the Partnership shall—

(1) make recommendations to the Secretary regarding the development and implementation of the management plan;

(2) review and comment on the visitor services plan under section 5219(a)(2), and facilitate the implementation of that plan;

(3) assist units of local government, regional planning organizations, and nonprofit organizations in advancing the purposes of the Recreation Area by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Recreation Area;

(B) establishing and maintaining interpretive exhibits and programs within the Recreation Area;

(C) developing recreational and educational opportunities in the Recreation Area in accordance with the purposes of this subtitle;

(D) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Recreation Area;

(E) ensuring that signs identifying points of public access and sites of interest are posted throughout the Recreation Area;

(F) promoting a wide range of partnerships among governments, organizations, and individuals to advance the purposes of the Recreation Area; and

(G) ensuring that management of the Recreation Area takes into consideration—

(i) local ordinances and land-use plans; and

(ii) adjacent residents and property owners;

(4) make recommendations to the Secretary regarding the appointment of members to the Advisory Council; and

(5) carry out any other actions necessary to achieve the purposes of this subtitle.

(e) AUTHORITIES.—Subject to approval by the Secretary, for the purposes of preparing and implementing the management plan, the Partnership may use Federal funds made available under this section—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with, or provide grants or technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(3) to hire and compensate staff;

(4) to obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(5) to contract for goods or services; and

(6) to support activities of partners and any other activities that—

(A) advance the purposes of the Recreation Area; and

(B) are in accordance with the management plan.

(f) TERMS OF OFFICE; REAPPOINTMENT; VACANCIES.—

(1) TERMS.—A member of the Partnership shall be appointed for a term of 3 years.

(2) REAPPOINTMENT.—A member may be reappointed to serve on the Partnership on the expiration of the term of service of the member.

(3) VACANCY.—A vacancy on the Partnership shall be filled in the same manner in which the original appointment was made.

(g) QUORUM.—

(1) IN GENERAL.—11 members of the Partnership shall constitute a quorum.

(2) NO EFFECT ON OPERATIONS.—The operations of the Partnership shall not be impaired by the fact that a member has not yet been appointed if a quorum has been attained under paragraph (1).

(h) CHAIRPERSON; PROCEDURES.—The Partnership shall—

(1) select a chairperson from among the members of the Partnership; and

(2) establish such rules and procedures as the Partnership considers to be necessary or desirable.

(i) SERVICE WITHOUT COMPENSATION.—A member of the Partnership shall serve without compensation.

(j) DUTIES AND AUTHORITIES OF SECRETARY.—

(1) IN GENERAL.—The Secretary shall convene the Partnership on a regular basis to carry out this subtitle.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide to the Partnership or any member of the Partnership, on a reimbursable or nonreimbursable basis, such technical and financial assistance as the Secretary determines to be appropriate to carry out this subtitle.

(3) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with the Partnership, a member of the Partnership, or any other public or private entity to provide technical, financial, or other assistance to carry out this subtitle.

(4) CONSTRUCTION OF FACILITIES ON NON-FEDERAL LAND.—

(A) IN GENERAL.—To facilitate the administration of the Recreation Area, the Secretary may, subject to valid existing rights, construct administrative or visitor use facilities on land owned by a nonprofit organization, local agency, or other public entity in accordance with this subtitle and applicable law (including regulations).

(B) ADDITIONAL REQUIREMENTS.—A facility under this paragraph may only be developed—

(i) with the consent of the owner of the non-Federal land; and

(ii) in accordance with applicable Federal, State, and local laws (including regulations) and plans.

(5) PRIORITY.—The Secretary shall give priority to actions that—

(A) conserve the significant natural, historic, cultural, and scenic resources of the Recreation Area; and

(B) provide educational, interpretive, and recreational opportunities consistent with the purposes of the Recreation Area.

(k) COMMITTEES.—The Partnership shall establish—

(1) a Water Technical Advisory Committee to advise the Secretary regarding water-related issues relating to the Recreation Area; and

(2) a Public Safety Advisory Committee to advise the Secretary regarding public safety issues relating to the Recreation Area.

SEC. 5219. VISITOR SERVICES AND FACILITIES.

(a) VISITOR SERVICES.—

(1) PURPOSE.—The purpose of this subsection is to facilitate the development of an integrated visitor services plan to improve visitor experiences in the Recreation Area through—

(A) expanded recreational opportunities; and

(B) increased interpretation, education, resource protection, and enforcement.

(2) VISITOR SERVICES PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop and carry out an integrated visitor services plan for the Recreation Area in accordance with this paragraph.

(B) CONTENTS.—The visitor services plan shall—

(i) assess current and anticipated future visitation to the Recreation Area, including recreation destinations;

(ii) consider the demand for various types of recreation (including hiking, picnicking, horseback riding, and the use of motorized and mechanized vehicles), as permissible and appropriate;

(iii) evaluate—

(I) the impacts of recreation on natural and cultural resources, water rights and water resource facilities, public roads, adjacent residents and property owners, and utilities within the Recreation Area; and

(II) the effectiveness of current enforcement efforts;

(iv) assess the current level of interpretive and educational services and facilities;

(v) include recommendations—

(I) to expand opportunities for high-demand recreational activities, in accordance with the purposes described in section 5211;

(II) to better manage Recreation Area resources and improve the experience of Recreation Area visitors through—

(aa) expanded interpretive and educational services and facilities; and

(bb) improved enforcement; and

(III) to better manage Recreation Area resources to reduce negative impacts on the environment, ecology, and integrated water management activities in the Recreation Area;

(vi) in coordination and consultation with affected owners of non-Federal land, assess options to incorporate recreational opportunities on non-Federal land into the Recreation Area—

(I) in a manner consistent with the purposes and uses of the non-Federal land; and

(II) with the consent of the non-Federal landowner;

(vii) assess opportunities to provide recreational opportunities that connect with adjacent National Forest System land; and

(viii) be developed and carried out in accordance with applicable Federal, State, and local laws and ordinances.

(C) CONSULTATION.—In developing the visitor services plan, the Secretary shall—

(i) consult with—

(I) the Partnership;

(II) the Advisory Council;

(III) appropriate State and local agencies; and

(IV) interested nongovernmental organizations; and

(ii) involve members of the public.

(b) VISITOR USE FACILITIES.—

(1) IN GENERAL.—The Secretary may construct visitor use facilities in the Recreation Area.

(2) REQUIREMENTS.—Each facility under paragraph (1) shall be developed in accordance with applicable Federal, State, and local—

(A) laws (including regulations); and

(B) plans.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donated funds, property, in-kind contributions, and services to carry out this subtitle.

(2) PROHIBITION.—Nothing in paragraph (1) permits the Secretary to accept non-Federal land that has been acquired after the date of enactment of this Act through the use of eminent domain.

(d) COOPERATIVE AGREEMENTS.—In carrying out this subtitle, the Secretary may make grants to, or enter into cooperative agreements with, units of State, Tribal, and local governments and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the management of, and visitation to, the Recreation Area.

Subtitle B—San Gabriel Mountains

SEC. 5221. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(2) WILDERNESS AREA OR ADDITION.—The term ''wilderness area or addition'' means any wilderness area or wilderness addition designated by section 5223(a).

SEC. 5222. NATIONAL MONUMENT BOUNDARY MODIFICATION.

(a) IN GENERAL.—The San Gabriel Mountains National Monument established by Presidential Proclamation 9194 (54 U.S.C. 320301 note) (referred to in this section as the ''Monument'') is modified to include the approximately 109,167 acres of additional National Forest System land depicted as the ''Proposed San Gabriel Mountains National Monument Expansion'' on the map entitled ''Proposed San Gabriel Mountains National Monument Expansion'' and dated June 26, 2019.

(b) ADMINISTRATION.—The Secretary shall administer the Monument (including the land added to the Monument by subsection (a)), in accordance with—

(1) Presidential Proclamation 9194 (54 U.S.C. 320301 note);

(2) the laws generally applicable to the Monument; and

(3) this subtitle.

(c) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall consult with the State, local governments, and interested members of the public to update the San Gabriel Mountains National Monument Plan to provide management direction and protection for the land added to the Monument by subsection (a).

SEC. 5223. DESIGNATION OF WILDERNESS AREAS AND ADDITIONS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of National Forest System land in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) CONDOR PEAK WILDERNESS.—Certain Federal land in the Angeles National Forest, comprising approximately 8,207 acres, as generally depicted on the map entitled ''Condor Peak Wilderness—Proposed'' and dated June 6, 2019, which shall be known as the ''Condor Peak Wilderness''.

(2) SAN GABRIEL WILDERNESS ADDITIONS.—Certain Federal land in the Angeles National Forest, comprising approximately 2,032 acres, as generally depicted on the map entitled ''San Gabriel Wilderness Additions'' and dated June 6, 2019, which is incorporated in, and considered to be a part of, the San Gabriel Wilderness designated by Public Law 90–318 (16 U.S.C. 1132 note; 82 Stat. 131).

(3) SHEEP MOUNTAIN WILDERNESS ADDITIONS.—Certain Federal land in the Angeles National Forest, comprising approximately 13,726 acres, as generally depicted on the map entitled ''Sheep Mountain Wilderness Additions'' and dated June 6, 2019, which is incorporated in, and considered to be a part of, the Sheep Mountain Wilderness designated by section 101(a)(29) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425; 98 Stat. 1623).

(4) YERBA BUENA WILDERNESS.—Certain Federal land in the Angeles National Forest, comprising approximately 6,694 acres, as generally depicted on the map entitled ''Yerba Buena Wilderness—Proposed'' and dated June 6, 2019, which shall be known as the ''Yerba Buena Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the wilderness areas and additions with—

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

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may

correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 5224. ADMINISTRATION OF WILDERNESS AREAS AND ADDITIONS.

(a) IN GENERAL.—Subject to valid existing rights, the wilderness areas and additions shall be administered by the Secretary in accordance with this section and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(b) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may carry out such activities in a wilderness area or addition as are necessary for the control of fire, insects, or diseases in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) House Report 98–40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire or fuels management in a wilderness area or addition.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend, as applicable, any local fire management plan that applies to a wilderness area or addition.

(4) ADMINISTRATION.—In accordance with paragraph (1) and any other applicable Federal law, to ensure a timely and efficient response to a fire emergency in a wilderness area or addition, the Secretary shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(c) GRAZING.—The grazing of livestock in a wilderness area or addition, if established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines contained in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(d) FISH AND WILDLIFE.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction or responsibility of the State with respect to fish or wildlife on public land in the State.

(2) MANAGEMENT ACTIVITIES.—

(A) IN GENERAL.—In support of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activity that the Secretary determines to be necessary to maintain or restore a fish or wildlife population or habitat in a wilderness area or addition, if the activity is conducted in accordance with—

(i) applicable wilderness management plans; and

(ii) appropriate policies, such as the policies established in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(B) INCLUSIONS.—A management activity under subparagraph (A) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) EXISTING ACTIVITIES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and other appropriate policies (such as the policies established in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405)), the State may use aircraft (including helicopters) in a wilderness area or addition to survey, capture, transplant, monitor, or provide water for a wildlife population, including bighorn sheep.

(e) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle establishes any protective perimeter or buffer zone around a wilderness area or addition.

(2) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that a nonwilderness activity or use can be seen or heard from within a wilderness area or addition shall not preclude the activity or use up to the boundary of the wilderness area or addition.

(f) MILITARY ACTIVITIES.—Nothing in this title precludes—

(1) low-level overflights of military aircraft over a wilderness area or addition;

(2) the designation of a new unit of special airspace over a wilderness area or addition; or

(3) the use or establishment of a military flight training route over a wilderness area or addition.

(g) HORSES.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, a wilderness area or addition—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to such terms and conditions as the Secretary determines to be necessary.

(h) LAW ENFORCEMENT.—Nothing in this subtitle precludes any law enforcement or drug interdiction effort within a wilderness area or addition, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(i) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas and additions are withdrawn from—

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

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

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

(j) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area or addition that is acquired by the United States shall—

(1) become part of the wilderness area or addition in which the land is located; and

(2) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law (including regulations).

(k) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in a wilderness area or addition if the Secretary determines that the device and access to the device is essential to a flood warning, flood control, or water reservoir operation activity.

(l) AUTHORIZED EVENT.—The Secretary may authorize the Angeles Crest 100 competitive running event to continue in substantially the same manner in which the event was operated and permitted in 2015 within the land added to the Sheep Mountain Wilderness by section 5223(a)(3) and the Pleasant View Ridge Wilderness Area designated by section 1802(8) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11; 123 Stat. 1054), if the event is authorized and conducted in a manner compatible with the preservation of the areas as wilderness.

SEC. 5225. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5105(a)) is amended by adding at the end the following:

''(272) EAST FORK SAN GABRIEL RIVER, CALIFORNIA.—The following segments of the East Fork San Gabriel River, to be administered by the Secretary of Agriculture in the following classes:

''(A) The 10-mile segment from the confluence of the Prairie Fork and Vincent Gulch to 100 yards upstream of the Heaton Flats trailhead and day use area, as a wild river.

''(B) The 2.7-mile segment from 100 yards upstream of the Heaton Flats trailhead and day use area to 100 yards upstream of the confluence with Williams Canyon, as a recreational river.

''(273) NORTH FORK SAN GABRIEL RIVER, CALIFORNIA.—The 4.3-mile segment of the North Fork San Gabriel River from the confluence with Cloudburst Canyon to 0.25 miles upstream of the confluence with the West Fork San Gabriel River, to be administered by the Secretary of Agriculture as a recreational river.

''(274) WEST FORK SAN GABRIEL RIVER, CALIFORNIA.—The following segments of the West Fork San Gabriel River, to be administered by the Secretary of Agriculture in the following classes:

''(A) The 6.7-mile segment from 0.25 miles downstream of its source near Red Box Gap in sec. 14, T. 2 N., R. 12 W., to the confluence with the unnamed tributary 0.25 miles downstream of the power lines in sec. 22, T. 2 N., R. 11 W., as a recreational river.

''(B) The 1.6-mile segment of the West Fork from 0.25 miles downstream of the powerlines in sec. 22, T. 2 N., R. 11 W., to the confluence with Bobcat Canyon, as a wild river.

''(275) LITTLE ROCK CREEK, CALIFORNIA.—The following segments of Little Rock Creek and tributaries, to be administered by the Secretary of Agriculture in the following classes:

''(A) The 10.3-mile segment from its source on Mt. Williamson in sec. 6, T. 3 N., R. 9 W., to 100 yards upstream of the confluence with the South Fork Little Rock Creek, as a wild river.

''(B) The 6.6-mile segment from 100 yards upstream of the confluence with the South Fork Little Rock Creek to the confluence with Santiago Canyon, as a recreational river.

''(C) The 1-mile segment of Cooper Canyon Creek from 0.25 miles downstream of Highway 2 to 100 yards downstream of Cooper Canyon Campground, as a scenic river.

''(D) The 1.3-mile segment of Cooper Canyon Creek from 100 yards downstream of Cooper Canyon Campground to the confluence with Little Rock Creek, as a wild river.

''(E) The 1-mile segment of Buckhorn Creek from 100 yards downstream of the Buckhorn Campground to its confluence with Cooper Canyon Creek, as a wild river.''.

(b) WATER RESOURCE FACILITIES; WATER USE.—

(1) WATER RESOURCE FACILITIES.—

(A) DEFINITIONS.—In this paragraph:

(i) WATER RESOURCE FACILITY.—The term ''water resource facility'' means—

(I) an irrigation or pumping facility;
(II) a dam or reservoir;
(III) a flood control facility;
(IV) a water conservation works (including a debris protection facility);
(V) a sediment placement site;
(VI) a rain gauge or stream gauge;
(VII) a water quality facility;
(VIII) a recycled water facility or water pumping, conveyance, or distribution system;
(IX) a water storage tank or reservoir;
(X) a water treatment facility;
(XI) an aqueduct, canal, ditch, pipeline, well, hydropower project, or transmission or other ancillary facility;
(XII) a groundwater recharge facility;
(XIII) a water filtration plant; and
(XIV) any other water diversion, conservation, storage, or carriage structure.

(ii) WILD AND SCENIC RIVER SEGMENT.—The term ''wild and scenic river segment'' means a component of the national wild and scenic rivers system designated by paragraph (272), (273), (274), or (275) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)).

(B) NO EFFECT ON EXISTING WATER RESOURCE FACILITIES.—Nothing in this section alters, modifies, or affects—

(i) the use, operation, maintenance, repair, construction, destruction, reconfiguration, expansion, relocation, or replacement of a water resource facility downstream of a wild and scenic river segment, subject to the condition that the physical structures of such a facility or reservoir shall not be located within the wild and scenic river segment; or

(ii) access to a water resource facility downstream of a wild and scenic river segment.

(C) NO EFFECT ON NEW WATER RESOURCE FACILITIES.—Nothing in this section precludes the establishment of a new water resource facility (including instream sites, routes, and areas) downstream of a wild and scenic river segment.

(2) LIMITATION.—Any new reservation of water or new use of water pursuant to existing water rights held by the United States to advance the purposes of the National Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) shall be for nonconsumptive instream use only within the wild and scenic river segments (as defined in paragraph (1)(A)).

(3) EXISTING LAW.—Nothing in this section affects the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 5226. WATER RIGHTS.

(a) STATUTORY CONSTRUCTION.—Nothing in this title, and no action carried out pursuant to this title—

(1) constitutes an express or implied reservation of any water or water right, or authorizes an expansion of water use pursuant to existing water rights held by the United States, with respect to—

(A) the San Gabriel Mountains National Monument;

(B) the wilderness areas and additions; and

(C) the components of the national wild and scenic rivers system designated by paragraphs (272), (273), (274), and (275) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by section 5225(a)) and land adjacent to the components;

(2) affects, alters, modifies, or conditions any water right in the State in existence on the date of enactment of this Act, including any water rights held by the United States;

(3) establishes a precedent with respect to any designation of wilderness or wild and scenic rivers after the date of enactment of this Act;

(4) affects, alters, or modifies the interpretation of, or any designation, decision, adjudication, or action carried out pursuant to, any other Act; or

(5) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among or between the State and any other State.

(b) STATE WATER LAW.—The Secretary shall comply with applicable procedural and substantive requirements under State law to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to—

(1) the San Gabriel Mountains National Monument;

(2) the wilderness areas and additions; and

(3) the components of the national wild and scenic rivers system designated by paragraphs (272), (273), (274), and (275) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by section 5225(a)).

SA 5956. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Abrams Upgrade Program, strike the amount in the Senate Authorized column and insert ''1,289,934''.

SA 5957. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4201, in the item relating to Combat Vehicle Improvement Programs, strike the amount in the Senate Authorized column and insert ''289,510''.

SA 5958. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GOVERNMENT ACCOUNTABILITY OFFICE UNIMPLEMENTED PRIORITY RECOMMENDATIONS.

The Comptroller General of the United States shall, as part of the Comptroller General's annual reporting to committees of Congress—

(1) consolidate Matters for Congressional Consideration from the Government Accountability Office in one report organized by policy topic that includes the amount of time such Matters have been unimplemented and submit such report to congressional leadership and the oversight committees of each House;

(2) with respect to the annual letters sent by the Comptroller General to individual agency heads and relevant congressional committees on the status of unimplemented priority recommendations, identify any additional congressional oversight actions that can help agencies implement such priority recommendations and address any underlying issues relating to such implementation;

(3) make publicly available the information described in paragraphs (1) and (2); and

(4) publish any known costs of unimplemented priority recommendations, if applicable.

SA 5959. Mr. PORTMAN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FENTANYL-RELATED SUBSTANCES.

(a) IN GENERAL.—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

''(e)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of fentanyl-related substances, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

''(2) In paragraph (1), the term 'fentanyl-related substances' includes any substance that is structurally related to fentanyl by 1 or more of the following modifications:

''(A) By replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

''(B) By substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups.

''(C) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups.

''(D) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

''(E) By replacement of the N-propionyl group by another acyl group.''.

(b) NO MINIMUM SENTENCE.—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C 841(b)(1)(C)) is amended by adding at the end the following: ''Any minimum term of imprisonment required to be imposed under this subparagraph shall not apply with respect to a controlled substance described in subsection (e)(1) of schedule I.''.

SA 5960. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. REPORT ON BULK FUEL STRATEGY AND DELIVERY CAPABILITIES OF UNITED STATES INDO-PACIFIC COMMAND.

(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 appropriate committees of Congress a report on the current state of the bulk fuel strategy and delivery capabilities of the United States Indo-Pacific Command, including the use by the United States Indo-Pacific Command of commercial solutions.

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

(1) A description of the current state of pre-positioned fuel in the area of responsibility of the United States Indo-Pacific Command, including the relevant equipment and infrastructure needed for disbursed placement and delivery for a scalable and resilient contingency response, including projects that have been completed, projects that are underway, and associated timelines.

(2) A plan to ensure fuel security and sustainment in such area of responsibility for the duration of a prolonged conflict and an assessment of the improvements necessary to address fuel storage and the consistent movement and availability of fuel via air and waterways in the region.

(3) A description of existing commercial capabilities that the Department of Defense is leveraging to rapidly meet fuel requirements.

(4) An assessment of further investments required to ensure logistical superiority and uninterrupted sustainment of operations in such area of responsibility.

SA 5961. Ms. KLOBUCHAR (for herself, Mr. COONS, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—AFGHAN ADJUSTMENT ACT

TITLE I—AFGHAN ADJUSTMENT ACT

SECTION 5101. SHORT TITLE.

This title may be cited as the ''Afghan Adjustment Act''.

SEC. 5102. DEFINITIONS.

(a) IN GENERAL.—Except as otherwise specifically provided, any term used in this title that is used in the immigration laws shall have the meaning given the term in the immigration laws.

(b) DEFINITIONS.—In this title:

(1) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given the term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(2) SPECIAL IMMIGRANT STATUS.—The term ''special immigrant status'' means special immigrant status provided under—

(A) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8); or

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163).

(3) SPECIFIED APPLICATION.—The term ''specified application'' means—

(A) an application for special immigrant status;

(B) an application to seek admission to the United States through the United States Refugee Admission Program for an individual who has received a Priority 1 or Priority 2 referral to such program; and

(C) an application for a special immigrant visa under section 5107 or an amendment made by that section.

(4) UNITED STATES REFUGEE ADMISSIONS PROGRAM.—The term ''United States Refugee Admissions Program'' means the program to resettle refugees in the United States pursuant to the authorities provided in sections 101(a)(42), 207, and 412 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42), 1157, and 1522).

SEC. 5103. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) nationals of Afghanistan residing outside the United States who meet the requirements for admission to the United States through a specified application have aided the United States mission in Afghanistan during the past 20 years; and

(2) the United States should increase support for such nationals.

SEC. 5104. SUPPORT FOR AFGHAN ALLIES OUTSIDE OF THE UNITED STATES.

(a) RESPONSE TO CONGRESSIONAL INQUIRIES.—The Secretary of State shall respond to inquiries by Members of Congress regarding a specified application submitted by, or on behalf of, a national of Afghanistan who has provided a confidentiality release.

(b) OFFICE IN LIEU OF EMBASSY.—During the period in which there is no operational United States embassy in Afghanistan, the Secretary of State shall establish and maintain an office capable of—

(1) reviewing specified applications submitted by nationals of Afghanistan residing in Afghanistan;

(2) issuing visas to such nationals;

(3) to the greatest extent practicable, providing services to such nationals that would normally be provided by an embassy; and

(4) carrying out any other function the Secretary considers necessary.

SEC. 5105. INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall establish an Interagency Task Force on Afghan Ally Strategy (referred to in this section as the ''Task Force'')—

(1) to develop and oversee the implementation of the strategy described in subsection (d)(1)(B)(iv); and

(2) to submit the report, and provide a briefing on the report, described in subsection (d).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be comprised of—

(A) the Secretary of State;

(B) the Secretary of Homeland Security;

(C) the Secretary of Defense;

(D) the Director of the Federal Bureau of Investigation;

(E) the Director of National Intelligence; and

(F) any other Government official, as designated by the President.

(2) DELEGATION.—A member of the Task Force may designate a representative to carry out the duties under this section.

(c) CHAIR.—The Task Force shall be chaired by the Secretary of State.

(d) DUTIES.—

(1) REPORT AND STRATEGY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Task Force shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives a report that includes a strategy for supporting nationals of Afghanistan residing outside the United States who meet the requirements for admission to the United States through a specified application.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) Estimates of—

(I)(aa) the total number of nationals of Afghanistan residing in Afghanistan who have submitted specified applications that are pending and, as of the date on which the report is submitted, have not been adjudicated; and

(bb) the number of such nationals, disaggregated by type of specified application described in subparagraphs (A), (B), and (C) of section 5102(b)(3); and

(II)(aa) the total number of nationals of Afghanistan residing in Afghanistan who meet the requirements for admission to the United States through specified applications; and

(bb) the number of such nationals, disaggregated by type of specified application described in subparagraphs (A), (B), and (C) of section 5102(b)(3).

(ii) A description of the steps the Secretary of State has taken and is taking to facilitate the relocation and resettlement of nationals of Afghanistan who—

(I) supported the United States mission in Afghanistan; and

(II) remain in Afghanistan or in third countries.

(iii) An identification of all considerations, including resource constraints, that limit the ability of the Secretary of State to facilitate such relocations and resettlements.

(iv) A strategy and detailed plan that—

(I) sets forth the manner in which members of the Task Force will address such considerations in order to facilitate such relocations and resettlements over different periods of time (including 1-year, 5-year, and 10-year periods) and an analysis of the expected number of nationals of Afghanistan who would be relocated or resettled through such strategy; and

(II) addresses the constraints and opportunities for expanding support for such relocations and resettlements, including—

(aa) the availability of remote processing for individuals residing in Afghanistan;

(bb) the availability and capacity of mechanisms for individuals to be relocated from Afghanistan, including air charter or land passage;

(cc) the availability and capacity of sites in third countries to process applications and conduct any required vetting, including identifying and establishing additional sites;

(dd) resource, personnel, and equipment requirements to increase the capacity to better support such nationals of Afghanistan and reduce application processing times;

(ee) the provision of updates and necessary information to affected individuals and relevant nongovernmental organizations; and

(ff) any other matter the Task Force considers relevant to the implementation of the strategy.

(v) Recommendations for how Congress can expand the number of nationals of Afghanistan who can be relocated or resettled over such periods of time by providing additional authorities or resources.

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

(2) BRIEFING.—Not later than 60 days after submitting the report required by paragraph (1), the Task Force shall brief the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives on the contents of such report.

(e) TERMINATION.—The Task Force shall remain in effect until the earlier of—

(1) the date on which the strategy required by subsection (d)(1) has been fully implemented; or

(2) the date that is 10 years after the date of the enactment of this Act.

SEC. 5106. ADJUSTMENT OF STATUS FOR ELIGIBLE AFGHAN NATIONALS.

(a) DEFINITION OF ELIGIBLE AFGHAN NATIONAL.—In this section, the term ''eligible Afghan national'' means—

(1) an alien—

(A)(i) who is a citizen or national of Afghanistan; or

(ii) in the case of an alien having no nationality, whose former or last habitual residence was in Afghanistan; and

(B)(i) who was inspected and admitted to the United States on or before the date of the enactment of this Act;

(ii) who was paroled into the United States during the period beginning on July 30, 2021, and ending on the date of the enactment of this Act, provided that such parole has not been terminated by the Secretary of Homeland Security;

(iii) whose travel to the United States was facilitated by, or coordinated with, the United States Government; or

(iv) who arrived in the United States after the date of the enactment of this Act, provided that the Secretary of Homeland Security, in cooperation with other Federal agency partners, determines that the alien supported the United States mission in Afghanistan;

(2) an alien who is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))) of an alien described in paragraph (1); and

(3) an alien who is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))) of an alien described in paragraph (1) who is deceased.

(b) STREAMLINED ADJUSTMENT PROCESS FOR ELIGIBLE AFGHAN NATIONALS WHO SUPPORTED THE UNITED STATES MISSION IN AFGHANISTAN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust the status of an eligible Afghan national to the status of an alien lawfully admitted for permanent residence if—

(A) the eligible Afghan national—

(i) has—

(I) received Chief of Mission approval as part of their application for special immigrant status;

(II) received a Priority 1 or Priority 2 referral to the United States Refugee Admissions Program; or

(III) a pending application for special immigrant status that was submitted on or before July 31, 2018;

(ii) submits an application for adjustment of status in accordance with procedures established by the Secretary of Homeland Security;

(iii) subject to paragraph (2), is otherwise admissible to the United States as an immigrant, except that the grounds of inadmissibility under paragraphs (4), (5), and (7)(A) of section 212(a) the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply; and

(iv) has complied with the vetting requirements under subsection (d)(1) to the satisfaction of the Secretary of Homeland Security; and

(B) the Secretary of Homeland Security determines that the adjustment of status of the eligible Afghan national is not contrary to the national welfare, safety, or security of the United States.

(2) APPLICABILITY OF REFUGEE ADMISSIBILITY REQUIREMENTS.—The provisions relating to admissibility for a refugee seeking adjustment of status under section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) shall apply to an applicant for adjustment of status under this subsection.

(c) ADJUSTMENT PROCESS FOR OTHER ELIGIBLE AFGHAN NATIONALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust the status of an eligible Afghan national who does not meet the requirements set forth in subsection (b)(1)(A)(i) to the status of an alien lawfully admitted for permanent residence if—

(A) the eligible Afghan national—

(i) has been physically present in the United States for a period not less than 2 years;

(ii) submits an application for adjustment of status in accordance with procedures established by the Secretary of Homeland Security;

(iii) subject to paragraph (2), is otherwise admissible to the United States as an immigrant, except that the grounds of inadmissibility under paragraphs (4), (5), and (7)(A) of section 212(a) the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply; and

(iv) has complied with the vetting requirements under paragraphs (1) and (2) of subsection (d) to the satisfaction of the Secretary of Homeland Security; and

(B) the Secretary of Homeland Security determines that the adjustment of status of the eligible Afghan national is not contrary to the national welfare, safety, or security of the United States.

(2) WAIVER.—

(A) IN GENERAL.—With respect to an applicant for adjustment of status under this subsection, subject to subparagraph (B), the Secretary of Homeland Security may waive any applicable ground of inadmissibility under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) (other than paragraphs 2(C) or (3) of such section) for humanitarian purposes, to ensure family unity, or if a waiver is otherwise in the public interest.

(B) LIMITATIONS.—The Secretary of Homeland Security may not waive under this paragraph any applicable ground of inadmissibility under section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) that arises due to criminal conduct that was committed—

(i) on or after July 30, 2021;

(ii) within the United States; and

(iii) by an applicant for adjustment of status under this subsection.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit any other waiver authority.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Secretary of Homeland Security to complete the vetting process with respect to an applicant for adjustment of status under this subsection within the 2-year period described in paragraph (1)(A)(i).

(d) INTERVIEW AND VETTING REQUIREMENTS.—

(1) VETTING REQUIREMENTS FOR ALL APPLICANTS.—The Secretary of Homeland Security shall establish vetting requirements for applicants seeking adjustment of status under this section that are equivalent to the vetting requirements for refugees admitted to the United States through the United States Refugee Admissions Program, including an interview.

(2) ADDITIONAL VETTING REQUIREMENTS FOR OTHER ELIGIBLE AFGHAN NATIONALS.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall maintain records that contain, for each applicant under subsection (c) for the duration of the pendency of their application for adjustment of status—

(A) personal biographic information, including name and date of birth;

(B) biometric information;

(C) any criminal conviction occurring after the date on which the applicant entered the United States; and

(D) the history of the United States Government vetting to which the applicant has submitted, including whether the individual has undergone in-person vetting.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the authority of the Secretary of Homeland Security to maintain records under any other law.

(e) PROTECTION FOR BATTERED SPOUSES.—

(1) IN GENERAL.—An alien whose marriage to an eligible Afghan national described in paragraph (1) of subsection (a) has been terminated shall be eligible for adjustment of status under this section as an alien described in paragraph (2) of that subsection for not more than 2 years after the date on which such marriage is terminated if there is a demonstrated connection between the termination of the marriage and battering or extreme cruelty perpetrated by the principal applicant.

(2) APPLICABILITY OF OTHER LAW.—In reviewing an application for adjustment of status under this section with respect to spouses and children who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply section 204(a)(1)(J) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(J)) and section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

(f) DATE OF APPROVAL.—Upon the approval of an application for adjustment of status under this section, the Secretary of Homeland Security shall create a record of the alien's admission as a lawful permanent resident as of the date on which the alien was inspected and admitted or paroled into the United States.

(g) PROHIBITION ON FURTHER AUTHORIZATION OF PAROLE.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual who is a national of Afghanistan shall not be authorized for an additional period of parole if such individual—

(A) is eligible to apply for adjustment of status under this section; and

(B) fails to submit an application for adjustment of status by the later of—

(i) the date that is 1 year after the date on which final guidance described in subsection (h)(2) is published; or

(ii) the date that is 1 year after the date on which such individual becomes eligible to apply for adjustment of status under this section.

(2) EXCEPTION.—An individual described in paragraph (1)(A) may be authorized for an additional period of parole if such individual—

(A) within the period described in paragraph (1)(B), seeks an extension to file an application for adjustment of status under this section; or

(B) has previously submitted to a vetting equivalent of the vetting required under subsection (d).

(3) DEADLINE FOR APPLICATION.—Except as provided in paragraph (2), a national of Afghanistan who does not submit an application for adjustment of status within the timeline provided in paragraph (1)(B) may not later adjust status under this section.

(h) IMPLEMENTATION.—

(1) INTERIM GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue guidance implementing this section.

(B) PUBLICATION.—Notwithstanding section 553 of title 5, United States Code, such guidance—

(i) may be published on the internet website of the Department of Homeland Security; and

(ii) shall be effective on an interim basis immediately upon such publication but may be subject to change and revision after notice and an opportunity for public comment.

(2) FINAL GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall finalize guidance implementing this section.

(i) ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide applicants for adjustment of status under this section with the same right to, and procedures for, administrative review as are provided to applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(j) PROHIBITION ON FEES.—The Secretary of Homeland Security may not charge a fee to any eligible Afghan national in connection with—

(1) an application for adjustment of status or employment authorization under this section; or

(2) the issuance of a permanent resident card or an employment authorization document.

(k) PENDING APPLICATIONS.—During the period beginning on the date on which an alien files a bona fide application for adjustment of status under this section and ending on the date on which the Secretary of Homeland Security makes a final administrative decision regarding such application, any alien and any dependent included in such application who remains in compliance with all application requirements may not be—

(1) removed from the United States unless the Secretary of Homeland Security makes a prima facie determination that the alien is, or has become, ineligible for adjustment of status under this section;

(2) considered unlawfully present under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)); or

(3) considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))).

(l) VAWA SELF PETITIONERS.—Section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) is amended—

(1) in subparagraph (F), by striking ''or'';

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

(3) by adding at the end the following:

''(H) subsections (b) and (c) of section 5106 of the Afghan Adjustment Act.''.

(m) EXEMPTION FROM NUMERICAL LIMITATIONS.—Aliens granted adjustment of status under this section shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(n) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude an eligible Afghan national from applying for or receiving any immigration benefit to which the eligible Afghan national is otherwise entitled.

SEC. 5107. SPECIAL IMMIGRANT STATUS FOR AT-RISK AFGHAN ALLIES AND RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.

(a) AT-RISK AFGHAN ALLIES.—

(1) IN GENERAL.—Subject to paragraph (4)(C), the Secretary of Homeland Security may provide an alien described in paragraph (2) (and the spouse, children of the alien if accompanying or following to join the alien) with the status of special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) if the alien—

(A) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise admissible to the United States and eligible for lawful permanent residence (excluding the grounds of inadmissibility under section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)));

(C) clears a background check and appropriate screening, as determined by the Secretary of Homeland Security; and

(D) the Secretary of Homeland Security determines that the adjustment of status of the alien is not contrary to the national welfare, safety, or security of the United States.

(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

(A) is a citizen or national of Afghanistan;

(B) was a member of—

(i) the Afghanistan National Army Special Operations Command;

(ii) the Afghan Air Force;

(iii) the Special Mission Wing of Afghanistan; or

(iv) the Female Tactical Teams of Afghanistan; and

(C) provided faithful and valuable service to an entity or organization described in subparagraph (B) for not less than 1 year.

(3) DEPARTMENT OF DEFENSE ASSESSMENT.—

(A) IN GENERAL.—Not later than 30 days after receiving a request for an assessment from the Secretary of Homeland Security, the Secretary of Defense shall—

(i) review the service record of the principal applicant;

(ii) submit an assessment to the Secretary of Homeland Security as to whether—

(I) the principal applicant meets the requirements under paragraph (2); and

(II) the adjustment of status of such alien, and the spouse, children, and parents of such alien, if accompanying or following to join the alien, is not contrary to the national welfare, safety, or security of the United States; and

(iii) submit with such assessment—

(I) any service record concerned; and

(II) any biometrics for the principal applicant that have been collected by the Department of Defense.

(B) EFFECT OF ASSESSMENT.—A favorable assessment under subparagraph (A)(ii) shall create a presumption that—

(i) the principal applicant meets the requirements under paragraph (2); and

(ii) the admission of such alien, and the spouse, children, and parents of the alien, if accompanying or following to join the alien, is not contrary to the national welfare, safety, or security of the United States.

(C) EFFICIENT PROCESSING.—For purposes of a background check and appropriate screening required to be granted special immigrant status under this subsection, the Secretary of Homeland Security, as appropriate, shall use biometric data collected by the Secretary of Defense or the Secretary of State not more than 5 years before the date on which an application for such status is filed.

(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L)(iii), by adding a semicolon at the end;

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

(3) by adding at the end the following:

''(N) a citizen or national of Afghanistan who is the spouse, child, or unmarried son or daughter of—

''(i) a member of the armed forces (as defined in section 101(a) of title 10, United States Code); or

''(ii) a veteran (as defined in section 101 of title 38, United States Code).''.

(c) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary of Homeland Security, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with an application for, or issuance of, a special immigrant visa under this section or an amendment made by this section.

(2) REPRESENTATION.—An alien applying for admission to the United States under this section, or an amendment made by this section, may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

(3) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant visas under this section, or an amendment made by this section, shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)) or section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note).

(4) ASSISTANCE WITH PASSPORT ISSUANCE.—The Secretary of State shall make a reasonable effort to ensure that an alien who is issued a special immigrant visa under this section, or an amendment made by this section, is provided with the appropriate series Afghan passport necessary to enter the United States.

(5) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other appropriate Federal agencies, shall make a reasonable effort to provide an alien who is seeking special immigrant status under this section, or an amendment made by this section, protection or to immediately remove such alien from Afghanistan, if possible.

(6) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this section, or an amendment made by this section, solely because the alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(7) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act

(8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

(8) ADJUSTMENT OF STATUS.—Notwithstanding paragraph (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) or subsection (a)(2) of this section to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(A) was paroled or admitted as a nonimmigrant into the United States; and

(B) is otherwise eligible for special immigrant status under—

(i) this section; or

(ii) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(9) APPEALS.—

(A) ADMINISTRATIVE REVIEW.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to aliens who have applied for special immigrant status under this section a process by which an applicant may seek administrative appellate review of a denial of an applicant for special immigrant status or a revocation of such status.

(B) JUDICIAL REVIEW.—Except as provided in subparagraph (C), and notwithstanding any other provision of law, an alien may seek judicial review of a denial of an application for special immigrant status or a revocation of such status under this title, in an appropriate United States district court.

(C) STAY OF REMOVAL.—

(i) IN GENERAL.—Except as provided in clause (ii), an alien seeking administrative or judicial review under this title may not be removed from the United States until a final decision is rendered establishing that the alien is ineligible for special immigrant status under this section.

(ii) EXCEPTION.—The Secretary may remove an alien described in clause (i) pending judicial review if such removal is based on national security concerns. Such removal shall not affect the alien's right to judicial review under this title. The Secretary shall promptly return a removed alien if a decision to deny an application for special immigrant status under this title, or to revoke such status, is reversed.

SEC. 5108. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this title, and the application of the remaining provisions of this title, to any person or circumstance, shall not be affected.

SA 5962. Mr. MENENDEZ (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. COONS, Mr. BROWN, Mr. DURBIN, Ms. HASSAN, Mrs. FEINSTEIN, Mr. CASEY, and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—JUDICIAL SECURITY AND PRIVACY

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Daniel Anderl Judicial Security and Privacy Act of 2021''.

SEC. ___02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Members of the Federal judiciary perform the important function of interpreting the Constitution of the United States and administering justice in a fair and impartial manner.

(2) In recent years, partially as a result of the rise in the use of social media and online access to information, members of the Federal judiciary have been exposed to an increased number of personal threats in connection to their role. The ease of access to free or inexpensive sources of covered information has considerably lowered the effort required for malicious actors to discover where individuals live and where they spend leisure hours and to find information about their family members. Such threats have included calling a judge a traitor with references to mass shootings and serial killings, a murder attempt on a justice of the Supreme Court of the United States, calling for an ''angry mob'' to gather outside a home of a judge and, in reference to a judge on the court of appeals of the United States, stating how easy it would be to ''get them''.

(3) Between 2015 and 2019, threats and other inappropriate communications against Federal judges and other judiciary personnel increased from 926 in 2015 to approximately 4,449 in 2019.

(4) Over the past decade, several members of the Federal judiciary have experienced acts of violence against themselves or a family member in connection to their Federal judiciary role, including the murder in 2005 of the family of Joan Lefkow, a judge for the United States District Court for the Northern District of Illinois.

(5) On Sunday July 19, 2020, an assailant went to the home of Esther Salas, a judge for the United States District Court for the District of New Jersey, impersonating a package delivery driver, opening fire upon arrival, and killing Daniel Anderl, the 20-year-old only son of Judge Salas, and seriously wounding Mark Anderl, her husband.

(6) In the aftermath of the recent tragedy that occurred to Judge Salas and in response to the continuous rise of threats against members of the Federal judiciary, there is an immediate need for enhanced security procedures and increased availability of tools to protect Federal judges and their families.

(b) PURPOSE.—The purpose of this title is to improve the safety and security of Federal judges, including senior, recalled, or retired Federal judges, and their immediate family members to ensure Federal judges are able to administer justice fairly without fear of personal reprisal from individuals affected by the decisions they make in the course of carrying out their public duties.

SEC. ___03. DEFINITIONS.

In this title:

(1) AT-RISK INDIVIDUAL.—The term ''at-risk individual'' means—

(A) a Federal judge;

(B) a senior, recalled, or retired Federal judge;

(C) any individual who is the spouse, parent, sibling, or child of an individual described in subparagraph (A) or (B);

(D) any individual to whom an individual described in subparagraph (A) or (B) stands in loco parentis; or

(E) any other individual living in the household of an individual described in subparagraph (A) or (B).

(2) COVERED INFORMATION.—The term ''covered information''—

(A) means—

(i) a home address, including primary residence or secondary residences;

(ii) a home or personal mobile telephone number;

(iii) a personal email address;

(iv) a social security number or driver's license number;

(v) a bank account or credit or debit card information;

(vi) a license plate number or other unique identifiers of a vehicle owned, leased, or regularly used by an at-risk individual;

(vii) the identification of children of an at-risk individual under the age of 18;

(viii) the full date of birth;

(ix) information regarding current or future school or day care attendance, including the name or address of the school or day care, schedules of attendance, or routes taken to or from the school or day care by an at-risk individual; or

(x) information regarding the employment location of an at-risk individual, including the name or address of the employer, employment schedules, or routes taken to or from the employer by an at-risk individual; and

(B) does not include information regarding employment with a Government agency.

(3) DATA BROKER.—

(A) IN GENERAL.—The term ''data broker'' means a commercial entity engaged in collecting, assembling, or maintaining personal information concerning an individual who is not a customer, client, or an employee of that entity in order to sell the information or otherwise profit from providing third-party access to the information.

(B) EXCLUSION.—The term ''data broker'' does not include a commercial entity engaged in the following activities:

(i) Engaging in reporting, news-gathering, speaking, or other activities intended to inform the public on matters of public interest or public concern.

(ii) Providing 411 directory assistance or directory information services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier.

(iii) Using personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for a transaction or service requested by or concerning the individual whose personal information is being transferred.

(iv) Providing publicly available information via real-time or near-real-time alert services for health or safety purposes.

(v) A consumer reporting agency subject to the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(vi) A financial institution to subject to the Gramm-Leach-Bliley Act (Public Law 106–102) and regulations implementing that title.

(vii) A covered entity for purposes of the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

(viii) The collection and sale or licensing of covered information incidental to conducting the activities described in clauses (i) through (vii).

(4) FEDERAL JUDGE.—The term ''Federal judge'' means—

(A) a justice of the United States or a judge of the United States, as those terms are defined in section 451 of title 28, United States Code;

(B) a bankruptcy judge appointed under section 152 of title 28, United States Code;

(C) a United States magistrate judge appointed under section 631 of title 28, United States Code;

(D) a judge confirmed by the United States Senate and empowered by statute in any commonwealth, territory, or possession to perform the duties of a Federal judge;

(E) a judge of the United States Court of Federal Claims appointed under section 171 of title 28, United States Code;

(F) a judge of the United States Court of Appeals for Veterans Claims appointed under section 7253 of title 38, United States Code;

(G) a judge of the United States Court of Appeals for the Armed Forces appointed under section 942 of title 10, United States Code;

(H) a judge of the United States Tax Court appointed under section 7443 of the Internal Revenue Code of 1986; and

(I) a special trial judge of the United States Tax Court appointed under section 7443A of the Internal Revenue Code of 1986.

(5) GOVERNMENT AGENCY.—The term ''Government agency'' includes—

(A) an Executive agency, as defined in section 105 of title 5, United States Code; and

(B) any agency in the judicial branch or legislative branch.

(6) IMMEDIATE FAMILY MEMBER.—The term ''immediate family member'' means—

(A) any individual who is the spouse, parent, sibling, or child of an at-risk individual;

(B) any individual to whom an at-risk individual stands in loco parentis; or

(C) any other individual living in the household of an at-risk individual.

(7) TRANSFER.—The term ''transfer'' means to sell, license, trade, or exchange for consideration the covered information of an at-risk individual or immediate family member.

SEC. ___04. PROTECTING COVERED INFORMATION IN PUBLIC RECORDS.

(a) GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Each at-risk individual may—

(A) file written notice of the status of the individual as an at-risk individual, for themselves and immediate family members, with each Government agency that includes information necessary to ensure compliance with this section, as determined by the Administrative Office of the United States Courts; and

(B) request that each Government agency described in subparagraph (A) mark as private their covered information and that of their immediate family members.

(2) NO PUBLIC POSTING.—Government agencies shall not publicly post or display publicly available content that includes covered information of an at-risk individual or immediate family member. Government agencies, upon receipt of a written request under paragraph (1)(A), shall remove the covered information of the at-risk individual or immediate family member from publicly available content not later than 72 hours after such receipt.

(3) EXCEPTIONS.—Nothing in this section shall prohibit a Government agency from providing access to records containing the covered information of a Federal judge to a third party if the third party—

(A) possesses a signed release from the Federal judge or a court order;

(B) is subject to the requirements of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); or

(C) executes a confidentiality agreement with the Government agency.

(b) DELEGATION OF AUTHORITY.—

(1) IN GENERAL.—An at-risk individual may directly, or through an agent designated by the at-risk individual, make any notice or request required or authorized by this section on behalf of the at-risk individual. The notice or request shall include information necessary to ensure compliance with this section.

(2) AUTHORIZATION OF GOVERNMENT AGENCIES TO MAKE REQUESTS.—

(A) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Upon written request of an at-risk individual, the Director of the Administrative Office of the United States Courts is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. The notice or request shall include information necessary to ensure compliance with this section, as determined by the Administrative Office of the United States Courts. The Director may delegate this authority under section 602(d) of title 28, United States Code. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(B) UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.—Upon written request of an at-risk individual described in section ___03(4)(F), the chief judge of the United States Court of Appeals for Veterans Claims is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(C) UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—Upon written request of an at-risk individual described in section ___03(4)(G), the chief judge of the United States Court of Appeals for the Armed Forces is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(D) UNITED STATES TAX COURT.—Upon written request of an at-risk individual described in subparagraph (H) or (I) of section ___03(4), the chief judge of the United States Tax Court is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(c) STATE AND LOCAL GOVERNMENTS.—

(1) GRANT PROGRAM TO PREVENT DISCLOSURE OF PERSONAL INFORMATION OF AT-RISK INDIVIDUALS OR IMMEDIATE FAMILY MEMBERS.—

(A) AUTHORIZATION.—The Attorney General may make grants to prevent the release of covered information of at-risk individuals and immediate family members (in this subsection referred to as ''judges' covered information'') to the detriment of such individuals or their immediate family members to an entity that—

(i) is—

(I) a State or unit of local government, as defined in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251); or

(II) an agency of a State or unit of local government; and

(ii) operates a State or local database or registry that contains covered information.

(B) APPLICATION.—An entity seeking a grant under this subsection shall submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(2) SCOPE OF GRANTS.—Grants made under this subsection may be used to create or expand programs designed to protect judges' covered information, including through—

(A) the creation of programs to redact or remove judges' covered information, upon the request of an at-risk individual, from public records in State agencies, including hiring a third party to redact or remove judges' covered information from public records;

(B) the expansion of existing programs that the State may have enacted in an effort to protect judges' covered information;

(C) the development or improvement of protocols, procedures, and policies to prevent the release of judges' covered information;

(D) the defrayment of costs of modifying or improving existing databases and registries to ensure that judges' covered information is covered from release; and

(E) the development of confidential opt out systems that will enable at-risk individuals to make a single request to keep judges' covered information out of multiple databases or registries.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Comptroller General of the United States, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an annual report that includes—

(i) a detailed amount spent by States and local governments on protecting judges' covered information;

(ii) where the judges' covered information was found; and

(iii) the collection of any new types of personal data found to be used to identify judges who have received threats, including prior home addresses, employers, and institutional affiliations such as nonprofit boards.

(B) STATES AND LOCAL GOVERNMENTS.—States and local governments that receive funds under this subsection shall submit to the Comptroller General of the United States a report on data described in clauses (i) and (ii) of subparagraph (A) to be included in the report required under that subparagraph.

(d) DATA BROKERS AND OTHER BUSINESSES.—

(1) PROHIBITIONS.—

(A) DATA BROKERS.—It shall be unlawful for a data broker to knowingly sell, license, trade for consideration, or purchase covered information of an at-risk individual or immediate family members.

(B) OTHER BUSINESSES.—

(i) IN GENERAL.—Except as provided in clause (ii), no person, business, or association shall publicly post or publicly display on the internet covered information of an at-risk individual or immediate family member if the at-risk individual has made a written request to that person, business, or association not to disclose the covered information of the at-risk individual or immediate family member.

(ii) EXCEPTIONS.—Clause (i) shall not apply to—

(I) the display on the internet of the covered information of an at-risk individual or immediate family member if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(II) covered information that the at-risk individual voluntarily publishes on the internet after the date of enactment of this Act; or

(III) covered information received from a Federal Government source (or from an employee or agent of the Federal Government).

(2) REQUIRED CONDUCT.—

(A) IN GENERAL.—After receiving a written request under paragraph (1)(B), the person, business, or association shall—

(i) remove within 72 hours the covered information from the internet and ensure that the information is not made available on any website or subsidiary website controlled by that person, business, or association; and

(ii) ensure that the covered information of the at-risk individual or immediate family member is not made available on any website or subsidiary website controlled by that person, business, or association.

(B) TRANSFER.—

(i) IN GENERAL.—Except as provided in clause (ii), after receiving a written request under paragraph (1)(B), the person, business, or association shall not transfer the covered information of the at-risk individual or immediate family member to any other person, business, or association through any medium.

(ii) EXCEPTIONS.—Clause (i) shall not apply to—

(I) the transfer of the covered information of the at-risk individual or immediate family member if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(II) covered information that the at-risk individual or immediate family member voluntarily publishes on the internet after the date of enactment of this Act; or

(III) a transfer made at the request of the at-risk individual or that is necessary to effectuate a request to the person, business, or association from the at-risk individual.

(e) CIVIL ACTION.— An at-risk individual or their immediate family member whose covered information is made public as a result of a violation of this section may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction.

SEC. ___05. TRAINING AND EDUCATION.

Amounts appropriated to the Federal judiciary for fiscal year 2022, and each fiscal year thereafter, may be used for biannual judicial security training for active, senior, or recalled Federal judges described in subparagraph (A), (B), (C), (D), or (E) of section ___03(4) and their immediate family members, including—

(1) best practices for using social media and other forms of online engagement and for maintaining online privacy;

(2) home security program and maintenance;

(3) understanding removal programs and requirements for covered information; and

(4) any other judicial security training that the United States Marshals Services and the Administrative Office of the United States Courts determines is relevant.

SEC. ___06. VULNERABILITY MANAGEMENT CAPABILITY.

(a) AUTHORIZATION.—

(1) VULNERABILITY MANAGEMENT CAPABILITY.—The Federal judiciary is authorized to perform all necessary functions consistent with the provisions of this title and to support existing threat management capabilities within the United States Marshals Service and other relevant Federal law enforcement and security agencies for Federal judges described in subparagraphs (A), (B), (C), (D), and (E) of section ___03(4), including—

(A) monitoring the protection of at-risk individuals and judiciary assets;

(B) managing the monitoring of websites for covered information of at-risk individuals and immediate family members and remove or limit the publication of such information;

(C) receiving, reviewing, and analyzing complaints by at-risk individuals of threats, whether direct or indirect, and report such threats to law enforcement partners; and

(D) providing training described in section ___05.

(2) VULNERABILITY MANAGEMENT FOR CERTAIN ARTICLE I COURTS.—The functions and support authorized in paragraph (1) shall be authorized as follows:

(A) The chief judge of the United States Court of Appeals for Veterans Claims is authorized to perform such functions and support for the Federal judges described in section ___03(4)(F).

(B) The United States Court of Appeals for the Armed Forces is authorized to perform such functions and support for the Federal judges described in section ___03(4)(G).

(C) The United States Tax Court is authorized to perform such functions and support for the Federal judges described in subparagraphs (H) and (I) of section ___03(4).

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a) of title 28, United States Code is amended—

(A) in paragraph (23), by striking ''and'' at the end;

(B) by redesignating paragraph (24) as paragraph (25); and

(C) by inserting after paragraph (23) the following:

''(24) Establish and administer a vulnerability management program in the judicial branch; and''.

(b) EXPANSION OF CAPABILITIES OF OFFICE OF PROTECTIVE INTELLIGENCE.—

(1) IN GENERAL.—The United States Marshals Service is authorized to expand the current capabilities of the Office of Protective Intelligence of the Judicial Security Division to increase the workforce of the Office of Protective Intelligence to include additional intelligence analysts, United States deputy marshals, and any other relevant personnel to ensure that the Office of Protective Intelligence is ready and able to perform all necessary functions, consistent with the provisions of this title, in order to anticipate and deter threats to the Federal judiciary, including—

(A) assigning personnel to State and major urban area fusion and intelligence centers for the specific purpose of identifying potential threats against the Federal judiciary and coordinating responses to such potential threats;

(B) expanding the use of investigative analysts, physical security specialists, and intelligence analysts at the 94 judicial districts and territories to enhance the management of local and distant threats and investigations; and

(C) increasing the number of United States Marshal Service personnel for the protection of the Federal judicial function and assigned to protective operations and details for the Federal judiciary.

(2) INFORMATION SHARING.—If any of the activities of the United States Marshals Service uncover information related to threats to individuals other than Federal judges, the United States Marshals Service shall, to the maximum extent practicable, share such information with the appropriate Federal, State, and local law enforcement agencies.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Department of Justice, in consultation with the Administrative Office of the United States Courts, the United States Court of Appeals for Veterans Claims, the United States Court of Appeals for the Armed Forces, and the United States Tax Court, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of Federal judges arising from Federal prosecutions and civil litigation.

(2) DESCRIPTION.—The report required under paragraph (1) shall describe—

(A) the number and nature of threats and assaults against at-risk individuals handling prosecutions and other matters described in paragraph (1) and the reporting requirements and methods;

(B) the security measures that are in place to protect at-risk individuals handling prosecutions described in paragraph (1), including threat assessments, response procedures, the availability of security systems and other devices, firearms licensing such as deputations, and other measures designed to protect the at-risk individuals and their immediate family members; and

(C) for each requirement, measure, or policy described in subparagraphs (A) and (B), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(3) PUBLIC POSTING.—The report described in paragraph (1) shall, in whole or in part, be exempt from public disclosure if the Attorney General determines that such public disclosure could endanger an at-risk individual.

SEC. ___07. RULES OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title shall be construed—

(1) to prohibit, restrain, or limit—

(A) the lawful investigation or reporting by the press of any unlawful activity or misconduct alleged to have been committed by an at-risk individual or their immediate family member; or

(B) the reporting on an at-risk individual or their immediate family member regarding matters of public concern;

(2) to impair access to decisions and opinions from a Federal judge in the course of carrying out their public functions;

(3) to limit the publication or transfer of covered information with the written consent of the at-risk individual or their immediate family member; or

(4) to prohibit information sharing by a data broker to a Federal, State, Tribal, or local government, or any unit thereof.

(b) PROTECTION OF COVERED INFORMATION.—This title shall be broadly construed to favor the protection of the covered information of at-risk individuals and their immediate family members.

SEC. ___08. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the remaining provisions of this title and amendments to any person or circumstance shall not be affected.

SEC. ___09. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of enactment of this Act.

(b) EXCEPTION.—Subsections (c)(1), (d), and (e) of section ___04 shall take effect on the date that is 120 days after the date of enactment of this Act.

SA 5963. Mr. MENENDEZ (for himself and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. EXPANSION OF ELIGIBILITY FOR HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE VETERANS OF WORLD WAR II.

Section 1710(a)(2)(E) of title 38, United States Code, is amended by striking ''of the Mexican border period or of World War I;'' and inserting ''of—

''(i) the Mexican border period;

''(ii) World War I; or

''(iii) World War II;''.

SA 5964. Mr. MENENDEZ (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. SLAUGHTER OF HORSES FOR HUMAN CONSUMPTION.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

''§ 50. Slaughter of horses for human consumption

''(a) OFFENSE.—It shall be unlawful to knowingly—

''(1) possess, ship, transport, purchase, sell, deliver, or receive, in or affecting interstate or foreign commerce, any horse with the intent that it is to be slaughtered for human consumption; or

''(2) possess, ship, transport, purchase, sell, deliver, or receive, in or affecting interstate or foreign commerce, any horse flesh or carcass or part of a carcass, with the intent that it is to be used for human consumption.

''(b) PENALTY.—Any person who violates subsection (a)—

''(1) shall be fined under this title, imprisoned not more than 2 years, or both; or

''(2) in the case of a covered offense, shall be fined under this title, imprisoned not more than 1 year, or both.

''(c) DEFINITIONS.—In this section—

''(1) the term 'covered offense' means a violation of subsection (a) in which—

''(A) the defendant has no prior conviction under this section; and

''(B) the conduct involves fewer than 5 horses or fewer than 2,000 pounds of horse flesh or carcass or part of a carcass; and

''(2) the term 'horse' means any member of the family Equidae.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by adding at the end the following:

''50. Slaughter of horses for human consumption.''.

SA 5965. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ADDITIONAL AMOUNT FOR TECHNOLOGY MATURATION INITIATIVES.

The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation is hereby increased by $70,000,000, with the amount of the increase to be available for Technology Maturation Initiatives (PE 0604115A) for the Strategic Long Range Canon.

SA 5966. Mr. MENENDEZ (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. ESTABLISHMENT OF INSPECTOR GENERAL OF THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) DEFINITIONS.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or the Director of the National Reconnaissance Office;'' and inserting ''the Director of the National Reconnaissance Office; or the United States Trade Representative;'' and

(2) in paragraph (2), by striking ''or the National Reconnaissance Office,'' and inserting ''the National Reconnaissance Office, or the Office of the United States Trade Representative,''.

(b) APPOINTMENT OF INSPECTOR GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall appoint an individual to serve as the Inspector General of the Office for the United States Trade Representative in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.).

SA 5967. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. INCREASED NUMBER OF CERTAIN NOMINATIONS FOR CADETS AT THE UNITED STATES MILITARY ACADEMY.

Section 7442 of title 10, United States Code, is amended—

(1) in subsection (a), in the matter following paragraph (10), by striking ''10'' and inserting ''15''; and

(2) in subsection (b)(5), by striking ''150'' and inserting ''200''.

SA 5968. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUBMISSION OF DATA RELATING TO DIVERSITY BY ISSUERS AND DIVERSITY ADVISORY GROUP.

(a) SUBMISSION OF DATA RELATING TO DIVERSITY.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(s) SUBMISSION OF DATA RELATING TO DIVERSITY.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'executive officer' has the meaning given the term in section 230.501(f) of title 17, Code of Federal Regulations, as in effect on the date of enactment of this subsection; and

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

''(2) SUBMISSION OF DISCLOSURE.—Each issuer required to file an annual report under subsection (a) shall disclose in any proxy statement and any information statement relating to the election of directors filed with the Commission the following:

''(A) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of—

''(i) the board of directors of the issuer;

''(ii) nominees for the board of directors of the issuer; and

''(iii) the executive officers of the issuer.

''(B) The status of any member of the board of directors of the issuer, any nominee for the board of directors of the issuer, or any executive officer of the issuer, based on voluntary self-identification, as a veteran.

''(C) Whether the board of directors of the issuer, or any committee of that board of directors, has, as of the date on which the issuer makes a disclosure under this paragraph, adopted any policy, plan, or strategy to promote racial, ethnic, and gender diversity among—

''(i) the board of directors of the issuer;

''(ii) nominees for the board of directors of the issuer; or

''(iii) the executive officers of the issuer.

''(3) ALTERNATIVE SUBMISSION.—In any 1-year period in which an issuer required to file an annual report under subsection (a) does not file with the Commission a proxy statement or an information statement relating to the election of directors, the issuer shall disclose the information required under paragraph (2) in the first annual report of issuer that the issuer submits to the Commission after the end of that 1-year period.

''(4) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this subsection, and annually thereafter, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives,

and publish on the website of the Commission, a report that analyzes the information disclosed under paragraphs (2) and (3) and identifies any trends with respect to such information.

''(5) BEST PRACTICES.—

''(A) IN GENERAL.—The Director of the Office of Minority and Women Inclusion of the Commission shall, not later than 3 years after the date of enactment of this subsection, and every 3 years thereafter, publish best practices for compliance with this subsection.

''(B) COMMENTS.—The Director of the Office of Minority and Women Inclusion of the Commission may, pursuant to subchapter II of chapter 5 of title 5, United States Code, solicit public comments related to the best practices published under subparagraph (A).''.

(b) DIVERSITY ADVISORY GROUP.—

(1) DEFINITIONS.—In this section:

(A) ADVISORY GROUP.—The term ''Advisory Group'' means the Diversity Advisory Group established under paragraph (2).

(B) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission.

(C) ISSUER.—The term ''issuer'' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(2) ESTABLISHMENT.—The Commission shall establish a Diversity Advisory Group, which shall be composed of representatives from—

(A) the Federal Government and State and local governments;

(B) academia; and

(C) the private sector.

(3) STUDY AND RECOMMENDATIONS.—The Advisory Group shall—

(A) carry out a study that identifies strategies that can be used to increase gender, racial, and ethnic diversity among members of boards of directors of issuers; and

(B) not later than 270 days after the date on which the Advisory Group is established, submit to the Commission, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report that—

(i) describes any findings from the study conducted under subparagraph (A); and

(ii) makes recommendations regarding strategies that issuers could use to increase gender, racial, and ethnic diversity among board members.

(4) ANNUAL REPORT.—Not later than 1 year after the date on which the Advisory Group submits the report required under paragraph (3)(B) and annually thereafter, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that describes the status of gender, racial, and ethnic diversity among members of the boards of directors of issuers.

(5) PUBLIC AVAILABILITY OF REPORTS.—The Commission shall make all reports of the Advisory Group available to issuers and the public, including on the website of the Commission.

(6) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Advisory Group or the activities of the Advisory Group.

SA 5969. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—VIEQUES RECOVERY AND REDEVELOPMENT

SEC. _____01. SHORT TITLE.

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

SEC. _____02. FINDINGS.

The Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) AMOUNTS OF AWARD.—

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

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

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

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

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

(A) the amount that the individual would have been eligible to receive had the disease

been contracted before the individual filed an initial claim under subsection (a); and

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

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

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

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

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

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

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

(c) APPOINTMENT OF SPECIAL MASTER.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) medical coordination personnel and case managers;

(iii) telemedicine communication abilities; and

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

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

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

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

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

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

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

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

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

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

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

(2) SOURCE.—

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

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

(3) DETERMINATION AND PAYMENT OF CLAIMS.—

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

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

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

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

(1) be final and conclusive;

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

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

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

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

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

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

SA 5970. Mr. COONS (for himself, Ms. MURKOWSKI, Mr. BENNET, Ms. ROSEN, Mr. CASSIDY, Ms. COLLINS, Mrs. SHAHEEN, Mr. PADILLA, Mr. KAINE, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10___. NATIONAL CLIMATE ADAPTATION AND RESILIENCE STRATEGY.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION.—The term ''adaptation'' means an adjustment in a natural or human system in response to a new or changing environmental condition, including such an adjustment associated with climate change, that exploits beneficial opportunities or moderates negative effects.

(2) ADAPTIVE CAPACITY.—The term ''adaptive capacity'' means the ability of a system—

(A) to adjust to climate vulnerabilities to moderate potential damage or harm;

(B) to take advantage of new, and potentially beneficial, opportunities; or

(C) to cope with change.

(3) CASCADING CLIMATE HAZARDS.—The term ''cascading climate hazards'' means a series

of successive environmental hazards triggered by an initial hazard that is driven or exacerbated by climate change, such that the impacts to vulnerable systems are amplified.

(4) CHIEF RESILIENCE OFFICER.—The term ''Chief Resilience Officer'' means the Chief Resilience Officer of the United States appointed by the President under subsection (b)(1)(A).

(5) CLIMATE CHANGE.—The term ''climate change'' means changes in average atmospheric and oceanic conditions that persist over multiple decades or longer and are natural or anthropogenic in origin, including—

(A) both increases and decreases in temperature;

(B) shifts in precipitation;

(C) shifts in ecoregion or biome geography and phenology, as applicable;

(D) changing risk from certain types of rapid-onset climate hazards and slow-onset climate hazards; and

(E) changes to other features of the climate system.

(6) CLIMATE INFORMATION.—The term ''climate information'' means information, data, or products that enhance knowledge and understanding of climate science, risk, conditions, vulnerability, or impact, including—

(A) climate data products;

(B) historic or future climate projections or scenarios;

(C) climate risk or vulnerability information;

(D) data or information related to climate adaptation and mitigation; and

(E) other best available climate science.

(7) COMPOUND CLIMATE HAZARDS.—The term ''compound climate hazards'' means 2 or more environmental hazards driven or exacerbated by climate change that occur simultaneously or successively, such that the impacts to vulnerable systems are amplified.

(8) COUNCIL.—The term ''Council'' means the Partners Council on Climate Adaptation and Resilience established by subsection (c)(1).

(9) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(10) FREELY ASSOCIATED STATE.—The term ''Freely Associated State'' means—

(A) the Federated States of Micronesia;

(B) the Republic of the Marshall Islands; and

(C) the Republic of Palau.

(11) FRONTLINE COMMUNITIES.—The term ''frontline communities'' means human communities that—

(A) are highly vulnerable to climate change or exposed to climate risk;

(B) experience the earliest, most adverse impacts of climate change; and

(C) may have a reduced ability to adapt to climate change due to a lack of resources, political power, or adaptive capacity.

(12) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means the Implementation Plan jointly developed by the Chief Resilience Officer and the Working Groups under subsection (e)(2).

(13) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(14) NATIONAL CLIMATE ASSESSMENT.—The term ''National Climate Assessment'' means the assessment delivered to Congress and the President pursuant to section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936).

(15) NATURAL INFRASTRUCTURE.—The term ''natural infrastructure'' means infrastructure that—

(A) uses, restores, or emulates natural ecological, geological, or physical processes; and

(B)(i) is created through the action of natural physical, geological, biological, and chemical processes over time;

(ii) is created by human design, engineering, and construction to emulate or act in concert with natural processes; or

(iii) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of natural areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, to manage erosion and saltwater intrusion, and for other related purposes.

(16) NON-FEDERAL PARTNER.—The term ''non-Federal partner'' means a member of a unit of State, local, or territorial government, the government of an Indian Tribe, the government of a Freely Associated State, a private sector entity, or another individual or organization not affiliated with the Federal Government.

(17) OPERATIONS REPORT.—The term ''Operations Report'' means the National Climate Adaptation and Resilience Operations Report jointly developed by the Chief Resilience Officer and the Working Groups under subsection (d).

(18) RAPID-ONSET CLIMATE HAZARD.—The term ''rapid-onset climate hazard'' means an abrupt environmental hazard driven or exacerbated by climate change that occurs quickly or unexpectedly and triggers impacts that materialize rapidly and interact with conditions of exposure and vulnerability to result in a disaster.

(19) REPRESENTED AGENCY.—The term ''represented agency'' means each Federal agency from which the Chief Resilience Officer appoints a member to a Working Group under subsection (b)(2)(D)(ii)(II).

(20) RESILIENCE.—The term ''resilience'' means the capacity of a social, physical, economic, or environmental system to cope with an environmental hazard event, trend, or disturbance that is driven or exacerbated by climate change by responding or reorganizing in ways that maintain, to the greatest extent practicable, the essential function, identity, and structure of the system and ensure that, in the event of a rapid-onset climate hazard or a slow-onset climate hazard, basic human needs are met, while also maintaining the capacity for adaptation and transformation.

(21) RISK.—

(A) IN GENERAL.—The term ''risk'' means the potential for consequences in a situation in which—

(i) something of value is at stake; and

(ii) the outcome is uncertain.

(B) INCLUSION.—The term ''risk'' includes the potential for consequences described in subparagraph (A) that is evaluated as the product obtained by multiplying—

(i) the probability of a hazard occurring; by

(ii) the consequence that would result if the hazard occurred.

(22) SLOW-ONSET CLIMATE HAZARD.—

(A) IN GENERAL.—The term ''slow-onset climate hazard'' means an environmental hazard driven or exacerbated by climate change that evolves gradually through time due to incremental change or because of an increasing frequency or intensity of recurring climate impacts.

(B) INCLUSIONS.—The term ''slow-onset climate hazard'' includes hazards such as—

(i) sea level rise;

(ii) desertification;

(iii) biodiversity loss or the alteration of or shift in habitat range of individual species or entire biomes;

(iv) increasing temperatures;

(v) ocean acidification;

(vi) saltwater intrusion;

(vii) soil salinization;

(viii) drought and water scarcity;

(ix) reduced snow pack;

(x) sea ice retreat;

(xi) glacial ice retreat;

(xii) permafrost thaw; and

(xiii) coastal and river bank erosion.

(23) STRATEGY.—The term ''Strategy'' means the National Climate Adaptation and Resilience Strategy required to be developed jointly by the Chief Resilience Officer and the Working Groups under subsection (e)(1).

(24) TERRITORIAL GOVERNMENT.—The term ''territorial government'' means the government of a territory (as defined in section 602(g) of the Social Security Act (42 U.S.C. 802(g))).

(25) VULNERABILITY.—The term ''vulnerability'' means the propensity or predisposition of a human individual or community or physical, biological, or socioeconomic system to be susceptible to and adversely affected by the impacts of climate change.

(26) WORKING GROUP.—The term ''Working Group'' means a National Climate Adaptation and Resilience Working Group established by the Chief Resilience Officer under subsection (b)(2).

(b) CHIEF RESILIENCE OFFICER AND NATIONAL CLIMATE ADAPTATION AND RESILIENCE WORKING GROUPS.—

(1) CHIEF RESILIENCE OFFICER.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall identify or appoint a Chief Resilience Officer of the United States to serve in the Executive Office of the President.

(B) DUTIES.—The Chief Resilience Officer shall—

(i) serve the President by directing a whole-of-government effort to build resilience to climate change vulnerabilities in the United States (as described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer) in collaboration with existing Federal initiatives and interagency adaptation efforts;

(ii) establish Working Groups in accordance with paragraph (2) to facilitate interagency coordination with respect to climate resilience and adaptation; and

(iii) at the end of a presidential administration, delegate the duties of the Chief Resilience Officer to the Executive Secretary of the Working Groups designated under paragraph (2)(F)(i)(I) until a new Chief Resilience Officer is appointed.

(C) COMPENSATION.—The Chief Resilience Officer shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(2) WORKING GROUPS.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—Subject to clause (ii), the Chief Resilience Officer shall establish the minimum number of National Climate Adaptation and Resilience Working Groups that is necessary to carry out the duties and purposes described in subparagraph (C).

(ii) LIMITATION.—The Chief Resilience Officer shall not establish more than 5 Working Groups.

(B) FOCUS.—Each Working Group shall focus on a topic or series of related topics with respect to climate adaptation and resilience, as determined by the Chief Resilience Officer.

(C) DUTIES AND PURPOSE.—Each Working Group shall, under the leadership of the Chief Resilience Officer, with respect to the focus of the Working Group—

(i) coordinate a whole-of-government plan to build resilience to the applicable climate change vulnerabilities described in the National Climate Assessment or other relevant

analyses identified by the Chief Resilience Officer;

(ii) assist in the development of the applicable portions of—

(I) the Operations Report;

(II) the Strategy; and

(III) the Implementation Plan; and

(iii) assist in the standardization across represented agencies of, with respect to climate change, the term ''resilience'' to promote greater consistency in Federal resilience leadership.

(D) STRUCTURE.—

(i) CHAIRPERSON.—

(I) IN GENERAL.—Subject to a designation under subclause (III), the Chief Resilience Officer shall serve as chairperson of each Working Group.

(II) TEMPORARY CHAIRPERSON.—The President or the Chief Resilience Officer may designate another staff member or member of a Working Group to act temporarily as the chairperson of that Working Group in the absence of the Chief Resilience Officer.

(III) DESIGNATED AGENCY CHAIRPERSON.—The Chief Resilience Officer may designate as chairperson of a Working Group the head of a represented agency that serves on that Working Group.

(ii) MEMBERSHIP.—In establishing a Working Group, the Chief Resilience Officer shall—

(I) identify each Federal agency with operations or organizational units that are relevant to the focus of the Working Group; and

(II) appoint 1 member of each Federal agency identified under subclause (I) to represent that Federal agency on the Working Group.

(iii) REQUIREMENT.—In appointing a member of a Working Group under clause (ii)(II), the Chief Resilience Officer shall, to the maximum extent practicable, appoint the head of the portion of the represented agency that is most relevant to the focus of the Working Group.

(iv) DUTIES OF MEMBERS.—Each member of a Working Group—

(I) shall attend meetings of the Working Group; and

(II) work to support the duties of the Working Group.

(E) MEETINGS.—

(i) IN GENERAL.—Each Working Group shall meet not less frequently than once every 180 days.

(ii) QUORUM.—¾ of the members of a Working Group shall constitute a quorum of the Working Group.

(iii) REMOTE PARTICIPATION.—A member of a Working Group may participate in a meeting of that Working Group through teleconference or similar means.

(F) SUPPORT PERSONNEL.—

(i) EXECUTIVE SECRETARY.—

(I) IN GENERAL.—The Chief Resilience Officer shall designate a permanent employee of a represented agency to serve as Executive Secretary of the Working Groups.

(II) EMPLOYMENT.—The employee designated as Executive Secretary under subclause (I) shall remain an employee of the agency, department, or program from which the employee was appointed.

(ii) NECESSARY ASSISTANCE.—To carry out the purposes of each Working Group, as described in subparagraph (C), each represented agency with a member on the Working Group shall furnish necessary assistance to that Working Group, such as—

(I) a detail of employees to the Working Group to perform such functions, consistent with the purposes of the Working Group described in subparagraph (C), as the Chief Resilience Officer may assign, including support staff for the Executive Secretary appointed under clause (i)(I); and

(II) on request of the Chief Resilience Officer, undertaking special studies for the Working Group as may be appropriate to carry out the functions of the Working Group.

(c) PARTNERS COUNCIL ON CLIMATE ADAPTATION AND RESILIENCE.—

(1) ESTABLISHMENT.—There is established a council, to be known as the ''Partners Council on Climate Adaptation and Resilience''.

(2) MISSION AND FUNCTION.—The Council shall work to improve the climate adaptation and resilience operations of the Federal Government by providing recommendations through the Chief Resilience Officer, including those recommendations contained in the report required under paragraph (3), that identify how the Federal Government can better support non-Federal partners with equitable resources, technical assistance, improved policies, and other assistance to help frontline communities build resilience to climate change.

(3) REPORT.—Not later than 16 months after the date of enactment of this Act, and every 3 years thereafter, the Council, acting through the Chief Resilience Officer, shall submit to the President and the Working Groups a report that includes—

(A) an analysis of the deficiencies or gaps in the climate resilience operations of the Federal Government that reduce or fail to increase the capacity of non-Federal partners to adapt to climate change;

(B) an identification of the resources, including Federal funding, necessary for non-Federal partners to adequately adapt to climate change; and

(C) recommendations with respect to how the Federal Government could better support efforts by non-Federal partners to expeditiously address vulnerabilities associated with climate change and build climate resilience.

(4) CHAIR AND VICE-CHAIR.—The Chief Resilience Officer shall serve as chairperson of the Council and shall appoint a vice-chairperson from among the members of the Council appointed pursuant to paragraph (5).

(5) MEMBERSHIP.—

(A) IN GENERAL.—In addition to the Chief Resilience Officer, the Council shall consist of not more than 23 members appointed by the Chief Resilience Officer.

(B) APPOINTMENT.—

(i) IN GENERAL.—The Chief Resilience Officer shall appoint members of the Council who can support the Working Groups by articulating how the Federal Government can better support State governments, local governments, territorial governments, the governments of Indian Tribes, the governments of Freely Associated States, nonprofit organizations, or private sector entities to build resilience to climate change.

(ii) NON-FEDERAL PARTNER MEMBERS.—The Chief Resilience Officer shall appoint 20 non-Federal partner members of the Council as follows:

(I) 12 members who are employees of State governments, local governments, territorial governments, the governments of Indian Tribes, or the governments of Freely Associated States, of which—

(aa) not fewer than 2 shall be employees of a State government;

(bb) not fewer than 2 shall be employees of a unit of local government;

(cc) not fewer than 2 shall be employees of the government of an Indian Tribe; and

(dd) not fewer than 2 shall be employees of a territorial government or the government of a Freely Associated State; and

(II) 8 members who represent nongovernmental organizations and the private sector, of which—

(aa) 3 shall represent nongovernmental organizations;

(bb) 3 shall represent the private sector; and

(cc) 2 shall represent academic institutions.

(iii) REPRESENTED AGENCY MEMBERS.—The Chief Resilience Officer may, with the consent of those representatives, appoint not more than 3 representatives of represented agencies to the Council that the Chief Resilience Officer determines would promote dialogue useful for implementation of the duties of the Council while keeping the size of the Council manageable.

(iv) SELECTION.—To the maximum extent practicable, the Chief Resilience Officer shall seek to select members of the Council who—

(I) possess first-hand, lived experience of climate vulnerability in the United States, including direct experience working with, or as members of, frontline communities; and

(II) represent a diversity of—

(aa) perspectives;

(bb) demographics;

(cc) geographies;

(dd) political affiliations; and

(ee) institution sizes, including representatives of both small and large units of government and businesses.

(v) TERM.—Members appointed to the Council shall serve a single term of not more than 3 years, except that—

(I) of the initial members appointed to the Council, the Chief Resilience Officer shall appoint—

(aa) ½ of the members to serve for a term of 18 months; and

(bb) ½ of the members to serve a term of 3 years; and

(II) the Chief Resilience Officer may extend the term of any member of the Council by a period of not more than 1 year on a one-time basis, if the Chief Resilience Officer determines it necessary to support the work of the Council.

(vi) VACANCIES.—

(I) IN GENERAL.—A vacancy in the Council shall be filled in the same manner in which the original selection was made.

(II) APPOINTMENT OF NEW MEMBERS.—After the expiration of the term for which a member of the Council is appointed, the member may continue to serve until a successor is appointed.

(6) MEETINGS.—

(A) IN GENERAL.—The Council shall meet not less frequently than once every 180 days.

(B) QUORUM.—¾ of the members of the Council shall constitute a quorum of the Council.

(C) REMOTE PARTICIPATION.—A member of the Council may participate in a meeting of the Council through teleconference or similar means.

(7) APPLICABILITY OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(d) NATIONAL CLIMATE ADAPTATION AND RESILIENCE OPERATIONS REPORT.—Not later than 16 months after the date of enactment of this Act, and every 3 years thereafter, the Chief Resilience Officer and the Working Groups shall jointly and simultaneously submit to the President and Congress a National Climate Adaptation and Resilience Operations Report that includes—

(1) a summary of the existing climate resilience operations of each represented agency that includes—

(A) the roles and responsibilities of each represented agency in building national resilience to the climate vulnerabilities described in the National Climate Assessment or other analyses relevant to each represented agency;

(B) the major findings and conclusions from climate adaptation plans or risk or vulnerability assessments prepared by each represented agency;

(C) the mechanisms by which each represented agency supports the resilience efforts of non-Federal partners, such as by providing funding, resources, and technical assistance; and

(D) an assessment of how each represented agency is working to ensure equitable adaptation outcomes; and

(2) a cross-agency analysis of the resilience operations identified under paragraph (1) that—

(A) identifies—

(i) the challenges, barriers, or disincentives for the Federal Government to build resilience to climate change in the United States;

(ii) the inconsistencies in goals, priorities, or strategies underlying climate resilience operations and policy across represented agencies that may inhibit effective interagency coordination to support national climate resilience, including—

(I) the areas of necessary differences in those goals, priorities, or strategies; and

(II) the justifications for those inconsistencies;

(iii) areas of overlap or redundant use of resources between or among represented agencies, including recommendations to eliminate any unnecessary or unintentional redundancy;

(iv) gaps or deficiencies in resilience operations and policy that need to be addressed in the context of the Strategy;

(v) opportunities for greater collaboration between or among represented agencies to improve Federal Government resilience operations and policy; and

(vi) opportunities for greater collaboration between the Federal Government and non-Federal partners to build local-level adaptive capacity and resilience; and

(B) includes a review and summary of all available Federal funding from represented agencies that is specifically allocated for climate adaptation activities to be undertaken by non-Federal partners, including—

(i) a summary of Federal funding available in appropriations accounts and subaccounts;

(ii) disparities between the supply and demand for adaptation funding available to non-Federal partners; and

(iii) existing mechanisms to ensure Federal funding allocations are being directed to frontline communities with the greatest level of vulnerability.

(e) NATIONAL CLIMATE ADAPTATION AND RESILIENCE STRATEGY.—

(1) STRATEGY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Chief Resilience Officer and the Working Groups shall jointly submit and simultaneously to the President and Congress a National Climate Adaptation and Resilience Strategy.

(B) UPDATES.—Not later than the date that is 3 years after the date on which the Chief Resilience Officer and the Working Groups jointly and simultaneously submit the Strategy to the President and Congress under subparagraph (A), and every 3 years thereafter, the Chief Resilience Officer and the Working Groups shall jointly submit an updated version of the Strategy to the President and Congress to account for—

(i) new science related to climate change, resilience, and adaptation;

(ii) relevant changes in Federal Government structure, congressional authorities, or appropriations; and

(iii) any other necessary improvements or changes identified by the Chief Resilience Officer.

(C) PURPOSE AND SCOPE.—The Strategy shall describe strategies for the Federal Government, in partnership with non-Federal partners, to address the vulnerabilities of the United States to climate change described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer to ensure that—

(i) the United States has an overarching strategic vision to respond to climate change that—

(I) identifies national climate resilience goals and guides national climate adaptation efforts;

(II) facilitates the incorporation of the climate resilience goals identified under subclause (I) into relevant national programs, operations, and strategies;

(III) develops proactive, long-term, scenario-based strategies to plan for and respond to current and future climate impacts to human communities, natural resources and public land, and infrastructure and other physical assets;

(IV) emphasizes forward-thinking adaptation strategies, including predisaster mitigation, that seek to overcome repeated climate impacts to vulnerable systems and communities;

(V) prioritizes climate resilience efforts to support the most vulnerable human communities and the most urgent national resilience challenges, as determined by the Chief Resilience Officer in consultation with the Working Groups;

(VI) avoids unnecessary redundancies and inefficiencies in the national planning for and response to climate change; and

(VII) recognizes the vulnerability of natural systems to climate change and underscores the importance of promoting ecosystem resilience to preserve the intrinsic value of nature and support ecosystem services relied on by human beings;

(ii) Federal investments in Federal and non-Federal infrastructure and assets promote climate resilience to the maximum extent practicable; and

(iii) the adaptive capacity and resilience of State governments, local governments, territorial governments, the governments of Indian Tribes, and governments of Freely Associated States are maximized to the maximum extent practicable.

(D) COUNCIL RECOMMENDATIONS.—In developing the Strategy, the Chief Resilience Officer and Working Groups shall consider the recommendations of the Council.

(E) INCLUSIONS.—In addition to the overarching strategies developed in accordance with subparagraph (C), the Strategy shall include information with respect to the following:

(i) DIRECT FEDERAL GOVERNMENT RESPONSE TO CLIMATE CHANGE.—

(I) Addressing the limitations, redundancies, and opportunities for improved resilience operations of the Federal Government that are identified in the Operations Report.

(II) Better preparing the United States for the adverse impacts experienced or anticipated to be experienced as a result of—

(aa) rapid-onset climate hazards;

(bb) slow-onset climate hazards;

(cc) compound climate hazards; and

(dd) cascading climate hazards.

(III) Educating, engaging, or developing the skills of the workforce of the represented agencies with respect to topics related to climate change vulnerability and resilience to promote effective Federal resilience operations.

(IV) An identification of opportunities and appropriate circumstances for represented agencies to better utilize natural infrastructure as an adaptation strategy.

(ii) SUPPORT OF NON-FEDERAL PARTNERS' RESPONSE TO CLIMATE CHANGE.—

(I) Methods for represented agencies to better collaborate and work directly with non-Federal partners to increase the resilience and adaptive capacity of State governments, local governments, territorial governments, the governments of Indian Tribes, the governments of Freely Associated States, and other non-Federal partners.

(II) Educating non-Federal partners about the availability of Federal funding opportunities identified in the Operations Report under subsection (d)(2)(B), including the development of a centralized, cross-agency portal that allows non-Federal partners to easily identify and apply for appropriate Federal funding opportunities for the specific resilience needs of those non-Federal partners.

(III) Clarifying, simplifying, and harmonizing the planning requirements and application processes for State governments, local governments, territorial governments, the governments of Indian Tribes, and the governments of Freely Associated States to access Federal funds for climate adaptation and resilience efforts across represented agencies.

(IV) Identifying under-resourced communities and communities with low adaptive capacity and resilience and to directly support those communities in applying for Federal funds for climate adaptation and resilience efforts.

(V) Supporting the retreat or relocation of human communities in areas that are at increasing risk from climate change, in particular from slow-onset climate hazards, including strategies to better manage equitable property buyouts, managed retreat, or relocation options for communities in those areas.

(iii) CLIMATE INFORMATION.—

(I) Increasing the accessibility and utility of climate information that is produced, published, or hosted by the Federal Government, including strategies to better collaborate across the represented agencies and work with non-Federal partners—

(aa) to provide the high-quality, locally relevant climate information and, where practicable and useful, transparent and replicable downscaled climate projections that are necessary to support local-level adaptation efforts;

(bb) to establish improved methods of communicating climate risk and other relevant climate information;

(cc) to better educate non-Federal partners about the available resources for climate information; and

(dd) to assist non-Federal partners in selecting and using appropriate climate information or related tools.

(II) Standardized procedures to synthesize, align, and update climate information produced, published, or hosted by the Federal Government to create arrays of standardized national, regional, and, where applicable, local climate information for adaptation planning.

(III) An assessment of the necessity and utility of developing or improving a centralized clearinghouse and dedicated Federal program for climate information to better provide climate information to end users.

(IV) Developing the centralized clearinghouse or dedicated Federal program described in subclause (III), if such an effort is determined to be necessary by the Chief Resilience Officer.

(iv) RESILIENCE METRICS AND INDICATORS.—At the discretion of the Chief Resilience Officer, developing or improving resilience metrics and indicators to assist the Federal Government and non-Federal partners—

(I) to the maximum extent practicable, to consistently measure the resilience of human communities, natural systems, and physical assets to climate change;

(II) to set baselines and targets to measurably increase climate resilience over time; and

(III) to better monitor and assess the effectiveness of various resilience-building activities after implementation.

(v) FUNDING CLIMATE ADAPTATION.—

(I) Helping to prioritize Federal funding expenditures for adaptation and resilience in consideration of the greatest vulnerabilities.

(II) Creating financial incentives for adaptation and resilience efforts.

(III) A review of the cost-benefit analysis methodologies and discount rates used by represented agencies for all Federal investments, including a review of the implications of those methodologies and discount rates for climate adaptation and resilience.

(IV) Recommendations to improve the methodologies described in subclause (III) to reflect—

(aa) the added value of resilience planning and construction methodologies over the lifetime of a project or unit of infrastructure;

(bb) the benefits of natural infrastructure investments;

(cc) the potential value of retreat and relocation as adaptation solutions; and

(dd) to what extent existing cost-benefit analysis methodologies lead to inequitable outcomes or outcomes that increase climate vulnerability.

(vi) SOCIAL EQUITY.—

(I) Ensuring that the costs, benefits, and risks resulting from climate resilience efforts, including funding allocations, the methodologies for determining funding allocations, and existing and future policies, are equitably distributed among sectors of society, types of communities, and geographies.

(II) Ensuring that federally supported climate resilience efforts are—

(aa) designed in consultation with the communities that will be affected by those efforts; and

(bb) centered on the needs of those communities.

(III) To the greatest extent practicable, integrating social equity considerations across all aspects of the Strategy.

(2) IMPLEMENTATION PLAN.—Concurrently with the Strategy and each update of the Strategy, the Chief Resilience Officer and the Working Groups shall jointly and simultaneously submit to the President and Congress an Implementation Plan that describes how represented agencies intend to carry out the Strategy, which shall include—

(A) a description of the roles and responsibilities of each represented agency in carrying out each element of the Strategy described in paragraph (1);

(B) a plan to enter into such interagency agreements between and among represented agencies, partnerships with non-Federal entities, and other agreements for coordination between and among the Federal Government and non-Federal partners as may be necessary to facilitate a unified national plan to build resilience to climate change; and

(C) the use of any relevant metrics and indicators described in paragraph (1)(E)(iv).

(3) ASSESSMENT.—Not later than 2 years following the completion of each Strategy under paragraph (1)(A) and each Implementation Plan, the Comptroller General of the United States shall simultaneously submit to the President and Congress a report that assesses—

(A) the extent to which the Strategy and Implementation Plan have been carried out by the Federal Government, which shall be judged, as appropriate, based on any metrics and indicators developed to track progress in increasing resilience under paragraph (1)(E)(iv);

(B) the effectiveness of the actions taken under the Strategy and Implementation Plan and the resulting outcomes of those actions in building national resilience to climate change; and

(C) the progress made towards the development of an effective whole-of-government effort to build resilience to the climate vulnerabilities described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer, including recommendations for additional steps necessary to reach this goal.

(4) PUBLIC COMMENT.—The Chief Resilience Officer shall—

(A) publish draft and final versions of the Strategy and Implementation Plan, and each update to the Strategy and Implementation Plan; and

(B) through publication in the Federal Register, solicit comments from the public on the draft versions of the documents published under subparagraph (A) for a period of 60 days, which the Chief Resilience Officer and the Working Groups shall consider before submitting final versions of the Strategy and Implementation Plan, and updates to the Strategy and Implementation Plan, to the President and Congress.

(f) SUNSET.—This section ceases to be effective on the date that is the earlier of—

(1) the date on which the Comptroller General of the United States submits to the President and Congress the third assessment report under subsection (e)(3); and

(2) the date that is the last day of fiscal year 2033.

SA 5971. Mr. DAINES (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AMENDMENTS TO ACQUIRED FUND FEES AND EXPENSES REPORTING ON INVESTMENT COMPANY REGISTRATION STATEMENTS.

(a) DEFINITIONS.—In this section:

(1) ACQUIRED FUND.—The term ''acquired fund'' has the meaning given the term in Form N–1A, Form N–2, and Form N–3.

(2) ACQUIRED FUND FEES AND EXPENSES.—The term ''acquired fund fees and expenses'' means the acquired fund fees and expenses subcaption in the fee table disclosure.

(3) BUSINESS DEVELOPMENT COMPANY.—The term ''business development company'' has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).

(4) FEE TABLE DISCLOSURE.—The term ''fee table disclosure'' means the fee table described in item 3 of Form N–1A, item 3 of Form N–2, or item 4 of Form N–3 (as applicable, and with respect to each, in any successor fee table disclosure that the Securities and Exchange Commission adopts).

(5) FORM N–1A.—The term ''Form N–1A'' means the form described in section 274.11A of title 17, Code of Federal Regulations, or any successor regulation.

(6) FORM N–2.—The term ''Form N–2'' means the form described in section 274.11a–1 of title 17, Code of Federal Regulations, or any successor regulation.

(7) FORM N–3.—The term ''Form N–3'' means the form described in section 274.11b of title 17, Code of Federal Regulations, or any successor regulation.

(8) REGISTERED INVESTMENT COMPANY.—The term ''registered investment company'' means an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3), registered with the Securities and Exchange Commission under that Act.

(b) EXCLUDING BUSINESS DEVELOPMENT COMPANIES FROM ACQUIRED FUND FEES AND EXPENSES.—A registered investment company may, on any investment company registration statement filed pursuant to section 8(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–8(b))—

(1) omit from the calculation of acquired fund fees and expenses those fees and expenses that the investment company incurred indirectly as a result of investment in shares of 1 or more acquired funds that is a business development company; and

(2) instead disclose in a footnote to the fee table disclosure those fees and expenses described in paragraph (1), calculated according to the acquired fund fees and expenses formula.

SA 5972. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Indo-Pacific Strategic Energy Initiative

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Indo-Pacific Strategic Energy Initiative Act''.

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) The United States currently has an approximately 100-year supply of natural gas.

(2) Natural gas will see increasing global demand and use beyond 2050.

(3) United States natural gas production increased by 54 percent from 2005 to 2017. At the same time, total United States carbon dioxide emissions decreased by 14 percent. The natural gas share of electricity production increased from 19 percent in 2005 to 32 percent in 2017.

(4) Between 2005 and 2019, carbon dioxide emissions from the United States power sector declined by 33 percent, with fuel switching to natural gas, accounting for more than half of those reductions. During that period, the United States economy grew by 20 percent, United States energy consumption fell by 2 percent, and per capita emissions dropped to their lowest levels since 1950.

(5) Between 1990 and 2018, the natural gas and oil industry reduced methane emissions by 23.6 percent through voluntary actions, while expanding production by 70 percent.

(6) Demand in the United States and globally for clean-burning natural gas and liquefied natural gas will continue to increase over the next several decades, even as renewable energy resources increase.

(7) Demand for natural gas is rising in the Indo-Pacific region, particularly as countries look to make emissions cuts and transition from higher emissions fuel sources.

(8) The expanding number of infrastructure projects in the Indo-Pacific region, carried

out under the Belt and Road Initiative, is leading to higher emissions in the region.

(9) According to the International Energy Agency, ''The number of countries and territories with [liquefied natural gas] import terminals has grown from nine in 2000 to 42 in 2020.''. Further, the International Energy Agency has found that ''transition[s] in Asian gas markets [are] even more important in the wider context of global clean energy transitions, where natural gas will be required to make a more flexible contribution as the share of variable renewable energy sources grows and coal use progressively declines''.

(10) The United States saw a 66.3-percent increase in liquefied natural gas exports and an 11.2-percent increase in oil production in 2019.

(11) As a result of the natural gas revolution, the United States petroleum trade deficit in dollars fell from about $320,000,000,000 in 2007 to about $3,000,000,000 in 2020, as net imports declined.

(12) Australia and the United States are both important global energy exporters and thus have a shared interest in supplying the growing energy demand in the Indo-Pacific region.

(13) Japanese companies have long invested in United States liquefied natural gas projects, including the Government of Japan shifting from relying on liquefied natural gas from the Middle East to liquefied natural gas from the United States.

(14) The People's Republic of China currently is one of the largest financiers of overseas energy and greenhouse gas intensive projects. The People's Republic of China also uses those investments to project its influence and secure critical minerals supply chains and infrastructure.

SEC. 1283. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States reaffirms its commitment to quadrilateral cooperation with Japan, India, and Australia (collectively, with the United States, known as the ''Quad''), and that United States should continue to pursue strengthening cooperation in the energy sector in light of the global threats and challenges facing all 4 countries;

(2) the Association of Southeast Asian Nations (commonly referred to as ''ASEAN'') and its 10 members (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam) have worked with the United States toward stability, prosperity, and peace in Southeast Asia, and ASEAN will continue to remain a strong, reliable, and active economic and strategic partner in the Indo-Pacific region;

(3) the United States and the Republic of Korea enjoy a comprehensive alliance partnership, founded in shared strategic interests and cemented by a commitment to democratic values, which includes recognizing the important role of energy cooperation through the United States-Republic of Korea Energy Security Dialogue; and

(4) the United States has economic, national security, and domestic interests in assisting allies and partners in Indo-Pacific countries to reduce greenhouse gas emissions and achieve energy security through diversification of their energy sources and supply routes.

SEC. 1284. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to engage and lead on international emissions reductions and adaptation, including assisting allies and partners in reducing higher emissions fuel sources through exports of cleaner-burning United States-produced fuels and emission-reduction technologies;

(2) to advance United States foreign policy and development goals by assisting allies and partners of the United States in the Indo-Pacific region to decrease their dependence on energy resources from countries that use energy dependence to coerce, intimidate, and influence other countries;

(3) to develop strategies to counter competition from the Russian Federation and the People's Republic of China to protect the energy and national security of the United States and the energy and national security of allies and partners of the United States in the Indo-Pacific region;

(4) to support free and open trade in clean-burning energy products and promote the continued development of lower-emissions energy fuels and technologies in the Indo-Pacific region;

(5) to improve free, fair, and reciprocal energy trading relationships with allies and partners of the United States in the Indo-Pacific region;

(6) to promote the energy security of allies and partners of the United States in the Indo-Pacific region by encouraging the development of energy infrastructure and accessible, transparent, and competitive energy markets that provide diversified sources, types, and routes of energy;

(7) to encourage public and private sector investment in lower-emissions energy infrastructure projects in the Indo-Pacific region;

(8) to supply countries that rely on higher emitting fuel sources with cleaner burning and abundant alternatives; and

(9) to help facilitate the export of United States energy resources, technology, and expertise to global markets in a way that benefits the energy security of allies and partners of the United States in the Indo-Pacific region.

SEC. 1285. ENERGY INFRASTRUCTURE PROJECT SUPPORT.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Energy, the heads of other relevant United States agencies, and energy-importing allies and partners of the United States, shall, as appropriate, prioritize and expedite the efforts of the Department of State, the Department of Energy, and such other agencies in supporting the governments of Japan, India, Australia, and other like-minded Indo-Pacific countries (including member countries of ASEAN and the Republic of Korea) to increase their energy security and reduce energy emissions, including through—

(1) providing diplomatic and political support to those governments, as necessary—

(A) to facilitate international negotiations concerning cross-border infrastructure;

(B) to enhance the regulatory environment with respect to energy projects in the Indo-Pacific region; and

(C) to develop accessible, transparent, and competitive energy markets supplied by diverse sources, types, and routes of energy; and

(2) providing support—

(A) to improve energy markets in the Indo-Pacific region, including early-stage project support and late-stage project support for the construction or improvement of energy projects and related infrastructure pertaining to emissions reduction;

(B) to diversify the energy sources and supply routes of Indo-Pacific countries; and

(C) to enhance energy market integration across the region.

(b) PROJECT SELECTION.—

(1) IDENTIFICATION.—The Secretary of State, the Secretary of Commerce, and the Secretary of Energy shall identify energy infrastructure projects that would be appropriate for United States assistance under this section.

(2) ELIGIBILITY.—A project is eligible for United States assistance under this section if the project—

(A) has been identified by the Secretary of State, the Secretary of Commerce, and the Secretary of Energy as promoting energy security in the Indo-Pacific region or the country in which the project is located;

(B) promotes the reduction of greenhouse gas and carbon dioxide emissions; and

(C) is located in an Indo-Pacific country.

(3) PREFERENCE.—In selecting projects for United States assistance under this section, the Secretary of State, the Secretary of Commerce, and the Secretary of Energy shall give preference to projects that—

(A) are expected to enhance energy market integration; or

(B) have the potential to use goods and services of the United States, another Quad country, a member country of ASEAN, or the Republic of Korea, during project implementation.

(c) DIPLOMATIC AND POLITICAL SUPPORT.—The Secretary of State shall provide diplomatic and political support to the governments of Japan, India, Australia, and other like-minded Indo-Pacific countries (including member countries of ASEAN and the Republic of Korea), as necessary, including by using the diplomatic and political influence and expertise of the Department of State to build the capacity of those countries to resolve any impediments to the development of projects selected under subsection (b).

(d) PROJECT SUPPORT.—The Director of the Trade and Development Agency shall provide early-stage project support with respect to projects selected under subsection (b).

SEC. 1286. INFRASTRUCTURE FUNDING.

(a) ESTABLISHMENT OF STRATEGIC ENERGY PORTFOLIO OF THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—Title V of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9671 et seq.) is amended by adding at the end the following:

''SEC. 1455. STRATEGIC ENERGY PORTFOLIO.

''The Corporation—

''(1) may provide support under title II for projects related to importation of liquefied natural gas and generation of low emission electricity and other energy, including for such projects of entities owned or controlled by the government of a foreign country;

''(2) may not prohibit, restrict, or otherwise impede the provision of support on the basis of the type of energy involved in a project; and

''(3) should, in providing support authorized by paragraph (1), coordinate with the Japan Bank for International Cooperation and the Government of Australia pursuant to the trilateral memorandum of understanding on development finance signed on November 12, 2018.''.

(b) PROMOTION OF ENERGY EXPORTS BY EXPORT-IMPORT BANK OF THE UNITED STATES.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following:

''SEC. 16. STRATEGIC ENERGY PORTFOLIO.

''(a) IN GENERAL.—The Bank shall establish a strategic energy portfolio focused on providing financing (including loans, guarantees, and insurance) for projects described in subsection (b) that may facilitate—

''(1) increases in exports of United States energy commodities; or

''(2) the export of United States equipment, materials, and technology.

''(b) PROJECTS DESCRIBED.—A project described in this subsection is a project related to—

''(1) construction of liquefied natural gas import terminals;

''(2) commercialization of carbon capture, utilization, and storage;

''(3) development of blue hydrogen infrastructure; or

''(4) other low emission energy infrastructure.''.

(c) PRIVATE AND FOREIGN PUBLIC SECTOR INVESTMENT.—

(1) PRIVATE SECTOR INVESTMENT.—The Secretary of Commerce and the Secretary of State shall promote the funding of projects selected under section 1285 among United States energy producers and exporters.

(2) FOREIGN PUBLIC SECTOR INVESTMENT.—The heads of the agencies described in section 1285(a) may, for the purposes of this subtitle, partner and coordinate with public and multilateral financial institutions and export credit agencies of Japan, India, Australia, and other Indo-Pacific countries (including member countries of ASEAN and the Republic of Korea), such as the Japan Bank for International Cooperation.

SEC. 1287. REPORTING.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on progress made in providing assistance for projects under this subtitle that includes—

(1) a description of the energy infrastructure projects the United States has identified for such assistance; and

(2) for each such project—

(A) a description of the role of the United States in the project, including in early-stage project support and late-stage project support;

(B) the amount and form of any debt financing and insurance provided by the United States Government for the project as well as any coordination with foreign public financial institutions or export credit agencies;

(C) the amount and form of any debt financing and insurance provided by foreign public financial institutions or export credit agencies;

(D) the amount and form of any early-stage project support; and

(E) an update on the progress made on the project as of the date of the report.

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

(1) the Committee on Foreign Relations, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.

SA 5973. Mr. SULLIVAN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 866. CONSIDERATION OF NATIVE SMALL BUSINESS SISTER SUBSIDIARY PAST PERFORMANCE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend section 215.305 of the Defense Federal Acquisition Supplement (or any successor regulation) to require that when Native-owned small businesses bid on Department of Defense contracts, the past performance evaluation and source selection processes shall consider the past performance information of sister subsidiary predecessor companies of the Native-owned small businesses.

SA 5974. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 606. ALLOWANCE FOR BROADBAND FOR CERTAIN MEMBERS OF THE ARMED FORCES ASSIGNED TO PERMANENT DUTY STATIONS IN ALASKA.

(a) ESTABLISHMENT.—Chapter 7 of title 37, United States Code, is amended by inserting after section 425 the following new section:

''§ 426. Allowance for broadband for certain members of the armed forces assigned to permanent duty stations in Alaska

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned shall pay, to a member of the armed forces in the grade of E–5 or below who is assigned to a permanent duty station in Alaska, a monthly allowance for broadband.

''(b) AMOUNT.—The monthly allowance to a member under this section shall be—

''(1) $125 during calendar year 2023; and

''(2) in subsequent calendar years, an amount determined by the Secretary of Defense based on the difference between the average costs of unlimited broadband plans in Alaska and in the continental United States.

''(c) SUNSET.—No allowance may be paid under this section after December 31, 2028.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 425 the following:

''426. Allowance for broadband for certain members of the armed forces assigned to permanent duty stations in Alaska.''.

(c) EFFECTIVE DATE.—Section 426 of such title, as added by subsection (a), shall take effect on the day the Secretary of Defense prescribes regulations under subsection (d).

(d) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out section 426 of such title, as added by subsection (a).

(e) REPORT.—Not later than December 31, 2027, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) the evaluation of the Secretary of the allowance under section 426 of such title, as added by subsection (a); and

(2) any recommendation of the Secretary regarding whether such allowance should be amended, extended, or made permanent.

SA 5975. Mr. MENENDEZ (for himself and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RETAIL BUSINESSES PROHIBITED FROM REFUSING CASH PAYMENTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that every consumer has the right to use cash at retail businesses who accept in-person payments.

(b) PROHIBITION.—Subchapter I of chapter 51 of title 31, United States Code, is amended by adding at the end the following:

''§ 5104. Retail businesses prohibited from refusing cash payments

''(a) IN GENERAL.—Any person engaged in the business of selling or offering goods or services at retail to the public with a person accepting in-person payments at a physical location (including a person accepting payments for telephone, mail, or internet-based transactions who is accepting in-person payments at a physical location)—

''(1) shall accept cash as a form of payment for sales of less than $2,000 made at such physical location; and

''(2) may not charge cash-paying customers a higher price compared to the price charged to customers not paying with cash.

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—Subsection (a) shall not apply to a person if such person—

''(A) is unable to accept cash because of—

''(i) a sale system failure that temporarily prevents the processing of cash payments; or

''(ii) a temporary insufficiency in cash on hand needed to provide change; or

''(B) provides customers with the means, on the premises, to convert cash into a card that is either a general-use prepaid card, a gift card, or an access device for electronic fund transfers for which—

''(i) there is no fee for the use of the card;

''(ii) there is not a minimum deposit amount greater than 1 dollar;

''(iii) amounts loaded on the card do not expire, as required under paragraph (2);

''(iv) there is no collection of any personal identifying information from the customer;

''(v) there is no fee to use the card; and

''(vi) there may be a limit to the number of transactions on such cards.

''(2) INACTIVITY .—A person seeking exception from subsection (a) may charge an inactivity fee in association with a prepaid card offered by such person if—

''(A) there has been no activity with respect to the card during the 12-month period ending on the date on which the inactivity fee is imposed;

''(B) not more than 1 inactivity fee is imposed in any 1-month period; and

''(C) it is clearly and conspicuously stated, on the face of the mechanism that issues the card and on the card—

''(i) that an inactivity fee or charge may be imposed;

''(ii) the frequency at which such inactivity fee may be imposed; and

''(iii) the amount of such inactivity fee.

''(c) RIGHT TO NOT ACCEPT LARGE BILLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), for the 5-year period beginning on the date of enactment of this section, this section shall not require a person to accept cash payments in $50 bills or any larger bill.

''(2) RULEMAKING.—

''(A) IN GENERAL.—The Secretary shall issue a rule on the date that is 5 years after the date of the enactment of this section with respect to any bills a person is not required to accept.

''(B) REQUIREMENT.—When issuing a rule under subparagraph (A), the Secretary shall require persons to accept $1, $5, $10, $20 and $50 bills.

''(d) ENFORCEMENT.—

''(1) PREVENTATIVE RELIEF.—Whenever any person has engaged, or there are reasonable grounds to believe that any person is about to engage, in any act or practice prohibited by this section, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order may be brought against such person.

''(2) CIVIL PENALTIES.—Any person who violates this section shall—

''(A) be liable for actual damages;

''(B) be fined not more than $2,500 for a first offense; and

''(C) be fined not more than $5,000 for a second or subsequent offense.

''(3) JURISDICTION.—An action under this section may be brought in any United States district court, or in any other court of competent jurisdiction.

''(4) INTERVENTION OF ATTORNEY GENERAL.—Upon timely application, a court may, in its discretion, permit the Attorney General to intervene in a civil action brought under this subsection, if the Attorney General certifies that the action is of general public importance.

''(5) AUTHORITY TO APPOINT COURT-PAID ATTORNEY.—Upon application by an individual and in such circumstances as the court may determine just, the court may appoint an attorney for such individual and may authorize the commencement of a civil action under this subsection without the payment of fees, costs, or security.

''(6) ATTORNEY'S FEES.—In any action commenced pursuant to this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

''(7) REQUIREMENTS IN CERTAIN STATES AND LOCAL AREAS.—In the case of an alleged act or practice prohibited by this section which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such act or practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no civil action may be brought hereunder before the expiration of 30 days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

''(e) GREATER PROTECTION UNDER STATE LAW.—This section shall not preempt any law of a State, the District of Columbia, a Tribal government, or a territory of the United States if the protections that such law affords to consumers are greater than the protections provided under this section.

''(f) RULEMAKING.—The Secretary shall issue such rules as the Secretary determines are necessary to implement this section, which may prescribe additional exceptions to the application of the requirements described in subsection (a).

''(g) ANNUAL REPORTS ON THE GEOGRAPHIC DISTRIBUTION OF AUTOMATED TELLER MACHINES OWNED BY FEDERALLY INSURED DEPOSITORY INSTITUTIONS.—Beginning on the date that is 1 year after the date of enactment of this section, and annually thereafter, the Federal Deposit Insurance Corporation, with respect to depository institutions insured by the Corporation, and the National Credit Union Administration, with respect to credit unions insured by the National Credit Union Share Insurance Fund, shall submit the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that provides—

''(1) the number of automated teller machines owned and in service by each institution insured by such agency;

''(2) the location of each such automated teller machine that is installed at a fixed site; and

''(3) the approximate geographic range or radius within which mobile automated teller machines owned by any such institution are deployed.''.

(c) CLERICAL AMENDMENT.—The table of contents for chapter 51 of title 31, United States Code, is amended by inserting after the item relating to section 5103 the following:

''5104. Retail businesses prohibited from refusing cash payments.''.

SA 5976. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Stryker Upgrade, strike the amount in the Senate Authorized column and insert ''891,171''.

SA 5977. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLOSED-END COMPANY AUTHORITY TO INVEST IN PRIVATE FUNDS.

(a) IN GENERAL.—Section 5 of the Investment Company Act of 1940 (15 U.S.C. 80a–5) is amended by adding at the end the following:

''(d) CLOSED-END COMPANY AUTHORITY TO INVEST IN PRIVATE FUNDS.—

''(1) IN GENERAL.—The Commission may not limit a closed-end company from investing any or all of the assets of the company in a private fund solely or primarily because of the status of the fund as a private fund.

''(2) APPLICATION.—Notwithstanding section 6(f), this subsection shall apply to a closed-end company that elects to be treated as a business development company pursuant to section 54.''.

(b) DEFINITION OF PRIVATE FUND.—

(1) INVESTMENT COMPANY ACT OF 1940.—Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)) is amended by adding at the end the following:

''(55) The term 'private fund' means an issuer that would be an investment company but for the exception provided for in paragraph (1) or (7) of section 3(c).''.

(2) INVESTMENT ADVISERS ACT OF 1940.—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended—

(A) by redesignating the second paragraph (29) (relating to ''commodity pool'' and other terms) as paragraph (31); and

(B) by amending paragraph (29) to read as follows:

''(29) The term 'private fund' has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).''.

(c) TREATMENT BY NATIONAL SECURITIES EXCHANGES.—Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following:

''(11)(A) The rules of the exchange do not prohibit the listing or trading of securities of a closed-end company by reason of the amount of the investment by the company of assets in private funds.

''(B) In this paragraph—

''(i) the term 'closed-end company'—

''(I) has the meaning given the term in section 5(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–5(a)); and

''(II) includes a closed-end company that elects to be treated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–53); and

''(ii) the term 'private fund' has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).''.

(d) INVESTMENT LIMITATION.—Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), in the second sentence, by striking ''subparagraphs (A)(i) and (B)(i)'' and inserting ''subparagraphs (A)(i), (B)(i), and (C)''; and

(2) in paragraph (7)(D), by striking ''subparagraphs (A)(i) and (B)(i)'' and inserting ''subparagraphs (A)(i), (B)(i), and (C)''.

SA 5978. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 633, strike line 1 and all that follows through page 634, line 8, and insert the following:

(b) EXTENSION OF PROHIBITION ON IN-FLIGHT REFUELING TO NON-UNITED STATES AIRCRAFT THAT ENGAGE IN HOSTILITIES IN THE ONGOING CIVIL WAR IN YEMEN.—Section 1273 of the National Defense Author-

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SA 5979. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities

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

Strike section 2808.

SA 5980. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2810.

SA 5981. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2867.

SA 5982. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 327, strike lines 9 through 13.

SA 5983. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 924, strike subsection (c).

SA 5984. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1221.

SA 5985. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 521, strike subsection (d) through (g) and insert the following:

(d) MAINTAINING THE HEALTH OF THE SELECTIVE SERVICE SYSTEM.—Section 10(a) (50 U.S.C. 3809(a)) is amended by adding at the end the following new paragraph:

''(5) The Selective Service System shall conduct exercises periodically of all mobilization plans, systems, and processes to evaluate and test the effectiveness of such plans, systems, and processes. Once every 4 years, the exercise shall include the full range of internal and interagency procedures to ensure functionality and interoperability and may take place as part of the Department of Defense mobilization exercise under section 10208 of title 10, United States Code. The Selective Service System shall conduct a public awareness campaign in conjunction with each exercise to communicate the purpose of the exercise to the public.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 5986. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 220.

SA 5987. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, strike lines 6 through 16.

SA 5988. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, strike lines 19 through 21 and insert the following:

(B) may enhance efficiency and reliability as compared to currently used systems.

SA 5989. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 319.

SA 5990. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1244 and insert the following:

SEC. 1244. STATEMENT OF POLICY ON DEFENSE OF TAIWAN.

Consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), it shall be the policy of the United States to supply Taiwan with defensive arms and to maintain the capacity to defend Taiwan, without an express obligation or commitment to do so.

SA 5991. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PORTABILITY OF PROFESSIONAL LICENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by inserting after section 705 (50 U.S.C. 4025) the following new section:

''SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES.

''(a) IN GENERAL.—In any case in which a servicemember has a professional license in good standing in a jurisdiction or the spouse of a servicemember has a professional license in good standing in a jurisdiction and such servicemember or spouse relocates his or her residency because of military orders for military service to a location that is not in such jurisdiction, the professional license or certification of such servicemember or spouse shall be considered valid at a similar scope of practice and in the discipline applied for in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

''(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located;

''(2) remains in good standing with the licensing authority that issued the license; and

''(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

''(b) INTERSTATE LICENSURE COMPACTS.—If a servicemember or spouse of a servicemember is licensed and able to operate in multiple jurisdictions through an interstate licensure compact, with respect to services provided in the jurisdiction of the interstate licensure compact by a licensee covered by such compact, the servicemember or spouse of a servicemember shall be subject to the requirements of the compact or the applicable provisions of law of the applicable State and not this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 705 the following new item:

''Sec. 705A. Portability of professional licenses of servicemembers and their spouses.''.

SA 5992. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—DEEPFAKE AND DIGITAL PROVENANCE TASK FORCE

SEC. ___01 SHORT TITLE.

This title may be cited as the ''Deepfake Task Force Act''.

SEC. ___02. NATIONAL DEEPFAKE AND DIGITAL PROVENANCE TASK FORCE.

(a) DEFINITIONS.—In this section:

(1) DIGITAL CONTENT FORGERY.—The term ''digital content forgery'' means audio, visual, or text content fabricated or manipulated with the intent to mislead and be indistinguishable from reality, created through the use of technologies, including those that apply artificial intelligence techniques such as generative adversarial networks.

(2) DIGITAL CONTENT PROVENANCE.—The term ''digital content provenance'' means the verifiable chronology of the origin and history of a piece of digital content, such as an image, video, audio recording, or electronic document.

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

(A) a private sector or nonprofit organization; or

(B) an institution of higher education.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

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

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

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

(C) the Committee on Commerce, Science, and Transportation of the Senate;

(D) the Committee on Science, Space, and Technology of the House of Representatives;

(E) the Committee on the Judiciary of the Senate; and

(F) the Committee on the Judiciary of the House of Representatives.

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

(7) TASK FORCE.—The term ''Task Force'' means the National Deepfake and Provenance Task Force established under subsection (b)(1).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the National Telecommunications and Information Administration, shall establish a task force, to be known as ''the National Deepfake Provenance Task Force'', to—

(A) investigate the feasibility of, and obstacles to, developing and deploying standards and technologies for determining digital content provenance;

(B) propose policy changes to reduce the proliferation and impact of digital content forgeries, such as the adoption of digital content provenance and technology standards;

(C) serve as a formal mechanism for interagency coordination and information sharing to facilitate the creation and implementation of a national strategy to address the growing threats posed by digital content forgeries; and

(D) investigate existing digital content forgery generation technologies, potential detection methods, and disinformation mitigation solutions.

(2) MEMBERSHIP.—

(A) CHAIRPERSON.—The Secretary, or a designee of the Secretary, shall serve as chairperson of the Task Force.

(B) COMPOSITION.—The Task Force shall be composed of not fewer than 13 members, of whom—

(i) not fewer than 5 shall be representatives from the Federal Government, including the chairperson of the Task Force, the Director of the National Institute of Standards and Technology, and the Administrator of the National Telecommunications and Information Administration;

(ii) not fewer than 4 shall be representatives from institutions of higher education; and

(iii) not fewer than 4 shall be representatives from private or nonprofit organizations.

(C) APPOINTMENT.—Not later than 120 days after the date of enactment of this Act, the chairperson of the Task Force shall appoint members to the Task Force in accordance with subparagraph (B) from among technical experts in—

(i) artificial intelligence;

(ii) media manipulation;

(iii) digital forensics;

(iv) secure digital content and delivery;

(v) cryptography;

(vi) privacy;

(vii) civil rights; or

(viii) related subjects.

(D) TERM OF APPOINTMENT.—The term of a member of the Task Force shall end on the date described in subsection (g)(1).

(E) VACANCY.—Any vacancy occurring in the membership of the Task Force shall be filled in the same manner in which the original appointment was made.

(F) EXPENSES FOR NON-FEDERAL MEMBERS.—Members of the Task Force described in clauses (ii) and (iii) of subparagraph (B) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(c) COORDINATED PLAN.—

(1) IN GENERAL.—The Task Force shall develop a coordinated plan to—

(A) reduce the proliferation and impact of digital content forgeries, including by exploring how the adoption of a digital content provenance standard could assist with reducing the proliferation of digital content forgeries;

(B) develop mechanisms for content creators to—

(i) cryptographically certify the authenticity of original media and non-deceptive manipulations; and

(ii) enable the public to validate the authenticity of original media and non-deceptive manipulations to establish digital content provenance; and

(C) increase the ability of internet companies, journalists, watchdog organizations, other relevant entities, and members of the public to meaningfully scrutinize and identify potential digital content forgeries.

(2) CONTENTS.—The plan required under paragraph (1) shall include the following:

(A) A Government-wide research and development agenda to—

(i) improve technologies and systems to detect digital content forgeries; and

(ii) relay information about digital content provenance to content consumers.

(B) An assessment of the feasibility of, and obstacles to, the deployment of technologies and systems to capture, preserve, and display digital content provenance.

(C) A framework for conceptually distinguishing between digital content with benign or helpful alternations and digital content forgeries.

(D) An assessment of the technical feasibility of, and challenges in, distinguishing between—

(i) benign or helpful alterations to digital content; and

(ii) intentionally deceptive or obfuscating alterations to digital content.

(E) A discussion of best practices, including any necessary standards, for the adoption and effective use of technologies and systems to determine digital content provenance and detect digital content forgeries while protecting fair use.

(F) Conceptual proposals for necessary research projects and experiments to further develop successful technology to ascertain digital content provenance.

(G) Proposed policy changes, including changes in law, to—

(i) incentivize the adoption of technologies, systems, open standards, or other means to detect digital content forgeries and determine digital content provenance; and

(ii) reduce the incidence, proliferation, and impact of digital content forgeries.

(H) Recommendations for models for public-private partnerships to fight disinformation and reduce digital content forgeries, including partnerships that support and collaborate on—

(i) industry practices and standards for determining digital content provenance;

(ii) digital literacy education campaigns and user-friendly detection tools for the public to reduce the proliferation and impact of disinformation and digital content forgeries;

(iii) industry practices and standards for documenting relevant research and progress in machine learning; and

(iv) the means and methods for identifying and addressing the technical and financial infrastructure that supports the proliferation of digital content forgeries, such as inauthentic social media accounts and bank accounts.

(I) An assessment of privacy and civil liberties requirements associated with efforts to deploy technologies and systems to determine digital content provenance or reduce the proliferation of digital content forgeries, including statutory or other proposed policy changes.

(J) A determination of metrics to define the success of—

(i) technologies or systems to detect digital content forgeries;

(ii) technologies or systems to determine digital content provenance; and

(iii) other efforts to reduce the incidence, proliferation, and impact of digital content forgeries.

(d) CONSULTATIONS.—In carrying out subsection (c), the Task Force shall consult with the following:

(1) The Director of the National Science Foundation.

(2) The National Academies of Sciences, Engineering, and Medicine.

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

(4) The Director of the Defense Advanced Research Projects Agency.

(5) The Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence.

(6) The Secretary of Energy.

(7) The Secretary of Defense.

(8) The Attorney General.

(9) The Secretary of State.

(10) The Federal Trade Commission.

(11) The United States Trade Representative.

(12) Representatives from private industry and nonprofit organizations.

(13) Representatives from institutions of higher education.

(14) Such other individuals as the Task Force considers appropriate.

(e) STAFF.—

(1) IN GENERAL.—Staff of the Task Force shall be comprised of detailees with expertise in artificial intelligence or related fields from—

(A) the Department of Homeland Security;

(B) the National Telecommunications and Information Administration;

(C) the National Institute of Standards and Technology; or

(D) any other Federal agency the chairperson of the Task Force consider appropriate with the consent of the head of the Federal agency.

(2) OTHER ASSISTANCE.—

(A) IN GENERAL.—The chairperson of the Task Force may enter into an agreement with an eligible entity for the temporary assignment of employees of the eligible entity to the Task Force in accordance with this paragraph.

(B) APPLICATION OF ETHICS RULES.—An employee of an eligible entity assigned to the Task Force under subparagraph (A)—

(i) shall be considered a special Government employee for the purpose of Federal law, including—

(I) chapter 11 of title 18, United States Code; and

(II) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(ii) notwithstanding section 202(a) of title 18, United States Code, may be assigned to the Task Force for a period of not more than 2 years.

(C) FINANCIAL LIABILITY.—An agreement entered into with an eligible entity under subparagraph (A) shall require the eligible entity to be responsible for any costs associated with the assignment of an employee to the Task Force.

(D) TERMINATION.—The chairperson of the Task Force may terminate the assignment of an employee to the Task Force under subparagraph (A) at any time and for any reason.

(f) TASK FORCE REPORTS.—

(1) INTERIM REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which all of the appointments have been made under subsection (b)(2)(C), the Task Force shall submit to the President and the relevant congressional committees an interim report containing the findings, conclusions, and recommendations of the Task Force.

(B) CONTENTS.—The report required under subparagraph (A) shall include specific recommendations for ways to reduce the proliferation and impact of digital content forgeries, including the deployment of technologies and systems to determine digital content provenance.

(2) FINAL REPORT.—Not later than 180 days after the date of the submission of the interim report under paragraph (1)(A), the Task Force shall submit to the President and the relevant congressional committees a final report containing the findings, conclusions, and recommendations of the Task Force, including the plan developed under subsection (c).

(3) REQUIREMENTS.—With respect to each report submitted under this subsection—

(A) the Task Force shall make the report publicly available; and

(B) the report—

(i) shall be produced in an unclassified form; and

(ii) may include a classified annex.

(g) TERMINATION.—

(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the final report under subsection (f)(2).

(2) RECORDS.—Upon the termination of the Task Force under paragraph (1), each record of the Task Force shall become a record of the National Archives and Records Administration.

SA 5993. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEPARTMENT OF DEFENSE SPECTRUM AUDIT.

(a) AUDIT AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information and the Secretary of Defense shall jointly—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(b) CONTENTS OF REPORT.—The Assistant Secretary of Commerce for Communications and Information and the Secretary of Defense shall include in the report submitted under subsection (a)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit—

(1) each particular band of spectrum being used by the Department of Defense;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the geographic area in which a particular band described in paragraph (1) is being used;

(4) whether a particular band described in paragraph (1) is used exclusively by the Department of Defense or shared with a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Department of Defense.

(c) FORM OF REPORT.—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

SA 5994. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10____. GREATER SAGE-GROUSE PROTECTION AND RECOVERY.

(a) PURPOSES.—The purposes of this section are—

(1) to facilitate implementation of State management plans over a period of multiple, consecutive greater sage-grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the greater sage-grouse.

(b) DEFINITIONS.—In this section:

(1) FEDERAL RESOURCE MANAGEMENT PLAN.—The term ''Federal resource management plan'' means—

(A) a land use plan prepared by the Bureau of Land Management for public land pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) a land and resource management plan prepared by the Forest Service for National

Forest System land pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(2) GREATER SAGE-GROUSE.—The term ''greater sage-grouse'' means a sage-grouse of the species *Centrocercus urophasianus*.

(3) STATE MANAGEMENT PLAN.—The term ''State management plan'' means a State-approved plan for the protection and recovery of the greater sage-grouse.

(c) PROTECTION AND RECOVERY OF GREATER SAGE-GROUSE.—

(1) ENDANGERED SPECIES ACT OF 1973 FINDINGS.—

(A) DELAY REQUIRED.—The Secretary of the Interior may not modify or invalidate the finding of the Director of the United States Fish and Wildlife Service announced in the proposed rule entitled ''Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List Greater Sage-Grouse (Centrocercus urophasianus) as an Endangered or Threatened Species'' (80 Fed. Reg. 59858 (October 2, 2015)) during the 10-year period beginning on the date of enactment of this Act.

(B) EFFECT ON OTHER LAWS.—The delay required under subparagraph (A) is and shall remain effective without regard to any other statute, regulation, court order, legal settlement, or any other provision of law or in equity.

(C) EFFECT ON CONSERVATION STATUS.—The conservation status of the greater sage-grouse shall be considered not to warrant listing of the greater sage-grouse as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) during the 10-year period beginning on the date of enactment of this Act.

(2) COORDINATION OF FEDERAL LAND MANAGEMENT AND STATE CONSERVATION AND MANAGEMENT PLANS.—

(A) PROHIBITION ON WITHDRAWAL AND MODIFICATION OF FEDERAL RESOURCE MANAGEMENT PLANS.—On notification by the Governor of a State with a State management plan, the Secretary of the Interior and the Secretary of Agriculture may not make, modify, or extend any withdrawal or amend or otherwise modify any Federal resource management plan applicable to Federal land in the State in a manner inconsistent with the State management plan for, as specified by the Governor in the notification, a period of not fewer than 5 years beginning on the date of the notification.

(B) RETROACTIVE EFFECT.—In the case of any State that provides notification under subparagraph (A), if any withdrawal was made, modified, or extended or any amendment or modification of a Federal resource management plan applicable to Federal land in the State was issued after June 1, 2014, and the withdrawal, amendment, or modification altered the management of the greater sage-grouse or the habitat of the greater sage-grouse—

(i) implementation and operation of the withdrawal, amendment, or modification shall be stayed to the extent that the withdrawal, amendment, or modification is inconsistent with the State management plan; and

(ii) the Federal resource management plan, as in effect immediately before the withdrawal, amendment, or modification, shall apply instead with respect to the management of the greater sage-grouse and the habitat of the greater sage-grouse, to the extent consistent with the State management plan.

(C) DETERMINATION OF INCONSISTENCY.—Any disagreement regarding whether a withdrawal, amendment, or other modification of a Federal resource management plan is inconsistent with a State management plan shall be resolved by the Governor of the affected State.

(3) RELATION TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—With regard to any major Federal action consistent with a State management plan, any findings, analyses, or conclusions regarding the greater sage-grouse and the habitat of the greater sage-grouse under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not have a preclusive effect on the approval or implementation of the major Federal action in that State.

(4) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the date that is 10 years after that date of enactment, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation by the Secretaries of, and the effectiveness of, systems to monitor the status of greater sage-grouse on Federal land under the jurisdiction of the Secretaries.

(5) JUDICIAL REVIEW.—Notwithstanding any other provision of law (including regulations), this subsection, including any determination made under paragraph (2)(C), shall not be subject to judicial review.

SEC. 10____. IMPLEMENTATION OF LESSER PRAIRIE-CHICKEN RANGE-WIDE CONSERVATION PLAN AND OTHER CONSERVATION MEASURES.

(a) DEFINITIONS.—In this section:

(1) CANDIDATE CONSERVATION AGREEMENT; CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES.—The terms ''Candidate Conservation Agreement'' and ''Candidate Conservation Agreement with Assurances'' have the meanings given those terms in the announcement of the Department of the Interior and the Department of Commerce entitled ''Announcement of Final Policy for Candidate Conservation Agreements with Assurances'' (64 Fed. Reg. 32726 (June 17, 1999)).

(2) LESSER PRAIRIE-CHICKEN.—The term ''lesser prairie-chicken'' means a prairie-chicken of the species *Tympanuchus pallidicinctus*.

(3) RANGE-WIDE PLAN.—The term ''Range-Wide Plan'' means the lesser prairie-chicken Range-Wide Conservation Plan of the Western Association of Fish and Wildlife Agencies, as described in the proposed rule of the United States Fish and Wildlife Service entitled ''Endangered and Threatened Wildlife and Plants; Listing the Lesser-Prairie Chicken as a Threatened Species with a Special Rule'' (79 Fed. Reg. 4652 (January 29, 2014)).

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

(b) PROHIBITION ON TREATMENT AS THREATENED OR ENDANGERED SPECIES.—

(1) IN GENERAL.—Notwithstanding any prior action by the Secretary, the lesser prairie-chicken shall not be treated as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) before the date that is 10 years after the date of enactment of this Act.

(2) PROHIBITION ON PROPOSAL.—Effective beginning on the date that is 10 years after the date of enactment of this Act, the lesser prairie-chicken may not be treated as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) unless the Secretary publishes a determination, based on the totality of the scientific evidence, that conservation (as that term is used in that Act) under the Range-Wide Plan and the agreements, programs, and efforts described in subsection (c) have not achieved the conservation goals established by the Range-Wide Plan.

(c) MONITORING OF PROGRESS OF CONSERVATION PROGRAMS.—The Secretary shall monitor and annually submit to Congress a report on the conservation progress of the lesser prairie-chicken under the Range-Wide Plan and all related—

(1) Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances;

(2) Federal conservation programs administered by the Director of the United States Fish and Wildlife Service, the Director of the Bureau of Land Management, and the Secretary of Agriculture;

(3) State conservation programs; and

(4) private conservation efforts.

SEC. 10____. REMOVAL OF ENDANGERED SPECIES STATUS FOR AMERICAN BURYING BEETLE.

Notwithstanding the final rule of the United States Fish and Wildlife Service entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the American Burying Beetle'' (54 Fed. Reg. 29652 (July 13, 1989)), the American burying beetle (*Nicrophorus americanus*) may not be listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SA 5995. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPORT ON ENERGY PRODUCT SUPPLY CHAINS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the strength and vitality of United States energy product supply chains, including—

(1) the level of dependence of the United States on foreign nations for energy products;

(2) the impact of Federal regulations and statutes, including subtitle II of title 46, United States Code, on United States energy product supply chains; and

(3) recommendations on how to secure and protect United States energy product supply chains.

SA 5996. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. WAIVER OF COASTWISE ENDORSEMENT REQUIREMENTS.

Section 12112 of title 46, United States Code, is amended by adding at the end the following:

''(c) WAIVERS IN CASES OF PRODUCT CARRIER SCARCITY OR UNAVAILABILITY.—

''(1) IN GENERAL.—The head of an agency shall, upon request, temporarily waive the requirements of subsection (a), including the requirement to satisfy section 12103, if the person requesting that waiver reasonably demonstrates to the head of an agency that—

''(A) there is no product carrier, with respect to a specified good, that meets such requirements, exists, and is available to carry such good; and

''(B) the person made a good faith effort to locate a product carrier that complies with such requirements.

''(2) DURATION.—Any waiver issued under paragraph (1) shall be limited in duration, and shall expire by a specified date that is not less than 30 days after the date on which the waiver is issued.

''(3) EXTENSION.—Upon request, if the circumstances under which a waiver was issued under paragraph (1) have not substantially changed, the head of an agency shall, without delay, grant one or more extensions to a waiver issued under paragraph (1), for periods of not less than 15 days each.

''(4) DEADLINE FOR WAIVER RESPONSE.—

''(A) RESPONSE DEADLINE.—Not later than 60 days after receiving a request for a waiver under paragraph (1), the head of an agency shall approve or deny such request.

''(B) FINDINGS IN SUPPORT OF DENIED WAIVER.—If the head of an agency denies such a request, the head of an agency shall, not later than 14 days after denying the request, submit to the requester a report that includes the findings that served as the basis for denying the request.

''(C) REQUEST DEEMED GRANTED.—If the head of an agency has neither granted nor denied the request before the response deadline described in subparagraph (A), the request shall be deemed granted on the date that is 61 days after the date on which the head of an agency received the request. A waiver that is deemed granted under this subparagraph shall be valid for a period of 30 days.

''(5) NOTICE TO CONGRESS.—

''(A) IN GENERAL.—The head of an agency shall notify Congress—

''(i) of any request for a temporary waiver under this subsection, not later than 48 hours after receiving such request; and

''(ii) of the issuance of any such waiver, not later than 48 hours after such issuance.

''(B) CONTENTS.—The head of an agency shall include in each notification under subparagraph (A)(ii) a detailed explanation of the reasons the waiver is necessary.

''(6) DEFINITIONS.—In this subsection:

''(A) PRODUCT CARRIER.—The term 'product carrier', with respect to a good, means a vessel constructed or adapted primarily to carry such good in bulk in the cargo spaces.

''(B) HEAD OF AN AGENCY.—The term ''head of an agency'' means an individual, or such individual acting in that capacity, who is responsible for the administration of the navigation or vessel inspection laws.''.

SA 5997. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. LIMITATION ON THE EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN THE STATE OF UTAH.

Section 320301(d) of title 54, United States Code, is amended—

(1) in the heading, by striking ''WYOMING'' and inserting ''THE STATE OF WYOMING OR UTAH''; and

(2) by striking ''Wyoming'' and inserting ''the State of Wyoming or Utah''.

SA 5998. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. CLARIFICATION OF EMERGENCY WAR FUNDING FOR PURPOSES OF DETERMINING ELIGIBLE COSTS.

(a) DEFINITION OF EMERGENCY WAR FUNDING.—For purposes of determining eligible costs for emergency war funding, the term ''emergency war funding''—

(1) means a contingency operation (as defined in section 101(a) of title 10, United States Code) conducted by the Department of Defense that—

(A) is conducted in a foreign country;

(B) has geographical limits;

(C) is not longer than 60 days; and

(D) provides only—

(i) replacement of ground equipment lost or damaged in conflict;

(ii) equipment modifications;

(iii) munitions;

(iv) replacement of aircraft lost or damaged in conflict;

(v) military construction for short-term temporary facilities;

(vi) direct war operations; and

(vii) fuel; and

(2) does not include any operation that provides for—

(A) research and development; or

(B) training, equipment, and sustainment activities for foreign military forces.

(b) REPORT TO BE INCLUDED IN THE PRESIDENT'S BUDGET SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of the Office of Management and Budget shall submit to Congress a report on the effect of the clarified definition of emergency war funding under subsection (a) on the process for determining eligible costs for emergency war funding.

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

(A) For the subsequent fiscal year, a plan for transferring to the base budget any activities that do not meet such definition.

(B) For each of the subsequent five fiscal years, the anticipated emergency war funding based on such clarified definition.

(c) POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.—

(1) IN GENERAL.—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''SEC. 441. POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.

''(a) DEFINITIONS.—In this section—

''(1) the term 'contingency operation' has the meaning given that term in section 101 of title 10, United States Code; and

''(2) the term 'emergency war funding' has the meaning given that term in section 1276 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.

''(b) POINT OF ORDER.—

''(1) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that provides new budget authority for a contingency operation, unless the provision of new budget authority meets the requirements to constitute emergency war funding.

''(2) POINT OF ORDER SUSTAINED.—If a point of order is made by a Senator against a provision described in paragraph (1), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

''(c) FORM OF THE POINT OF ORDER.—A point of order under subsection (b)(1) may be raised by a Senator as provided in section 313(e).

''(d) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subsection (b)(1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

''(e) SUPERMAJORITY WAIVER AND APPEAL.—

''(1) WAIVER.—Subsection (b)(1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(2) APPEALS.—Debate on appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b)(1).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget Act of 1974 is amended by inserting after the item relating to section 428 the following:

SA 5999. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. CATEGORICAL EXCLUSIONS IN ENVIRONMENTAL REVIEWS.

(a) DEFINITIONS.—In this section:

(1) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(2) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means a detailed statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) PROPOSED ACTION.—The term ''proposed action'' means an action (within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) proposed to be carried out by the Secretary under this Act.

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

(b) CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), the Secretary may, with respect to a proposed action and without further approval, use a categorical exclusion under title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) that has been approved by—

(A)(i) another Federal agency; and

(ii) the Council on Environmental Quality; or

(B) an Act of Congress.

(2) REQUIREMENTS.—The Secretary may use a categorical exclusion described in paragraph (1) if the Secretary—

(A) carefully reviews the description of the proposed action to ensure that it fits within the category of actions described in the categorical exclusion; and

(B) considers the circumstances associated with the proposed action to ensure that there are no extraordinary circumstances that warrant the preparation of an environmental assessment or an environmental impact statement.

SA 6000. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DESIGNATION OF OVERLAND SUPERSONIC AND HYPERSONIC TESTING CORRIDOR.

(a) DESIGNATION.—

(1) IN GENERAL.—Notwithstanding section 91.817 of title 14, Code of Federal Regulations, not later than 180 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration (in this section referred to as the ''Administrator''), in consultation with the Secretary of Defense, shall designate an overland supersonic and hypersonic testing corridor in the United States that runs from Edwards Air Force Base, California to the Utah Test and Training Range and Dugway Proving Ground in Utah for the purposes described in subsection (b).

(2) REQUIREMENTS.—

(A) MILITARY OPERATION AREAS.—In designating the corridor under paragraph (1), the Administrator shall—

(i) to the extent practicable, designate the corridor within existing military operation areas (in this section referred to as ''MOA'') in the area described in such paragraph; or

(ii) if necessary, designate new MOA airspace to complete the corridor and ensure that the corridor is suitable for testing.

(B) INCREASED ALTITUDE.—The Administrator shall—

(i) set the vertical limits in the corridor designated under paragraph (1) at FL 600; and

(ii) increase, as necessary, the vertical limit of any existing MOA in the corridor to FL 600.

(b) PURPOSES OF DESIGNATED CORRIDOR.—The corridor designated under subsection (a)(1) shall be used for the following purposes:

(1) To test supersonic and hypersonic military passenger aircraft and military non-passenger aircraft.

(2) To test supersonic and hypersonic civil aircraft subject to subsection (e).

(c) TESTING REQUIREMENTS.—Any supersonic or hypersonic aircraft testing in the corridor designated under subsection (a)(1) shall meet the following requirements:

(1) The testing shall only occur between the hours of 7:00 AM and 7:00 PM (in the time zone in which the testing occurs).

(2) The testing shall not include any commercial passengers or commercial cargo.

(d) SPECIAL FLIGHT AUTHORIZATION REQUIREMENTS.—With respect to special flight authorizations under section 91.818(c) of title 14, Code of Federal Regulations, for civil aircraft testing as described in subsection (b)(2), the Administrator shall do the following:

(1) PERMIT SONIC BOOM OVERPRESSURE.—In considering the environmental findings to grant a special flight authorization, the Administrator shall permit a measurable amount of sonic boom overpressure outside of the corridor designated under subsection (a)(1), as long as the available data is sufficient for the Administrator to determine that the sonic boom overpressure does not significantly affect the quality of the human environment.

(2) NOISE IMPACT DATA.—

(A) IN GENERAL.—Subject to subparagraph (B), in considering the environmental findings to grant a special flight authorization, the Administrator shall not require any additional environmental impact analysis regarding noise impact if—

(i) an applicant presents data generated from FAA-approved software; and

(ii) such data reasonably demonstrates that there is no additional noise impact due to the applicant's testing of supersonic or hypersonic civil aircraft.

(B) EXCEPTION.—The Administrator may require an additional environmental impact analysis regarding noise impact if the Administrator certifies that extraordinary circumstances exist to justify such additional analysis.

(3) REUSE OF RESEARCH AND FINDINGS.—The Administrator shall reuse any applicable research and findings from a prior supersonic or hypersonic civil aircraft test and incorporate such research and findings into any applicable analysis necessary to grant a special flight authorization if the prior supersonic or hypersonic civil aircraft test—

(A) was under similar conditions to the testing proposed by the applicant for the special flight authorization; and

(B) considered similar issues or decisions as the testing proposed by the applicant for the special flight authorization.

(e) CIVIL TESTING.—The Secretary of Defense shall allow civil aircraft testing as described in subsection (b)(2), unless—

(1) such testing would interfere with any military operations or testing in the corridor; or

(2) the Administrator has not granted a special flight authorization under section 91.818(c) of title 14, Code of Federal Regulations, for such testing.

SA 6001. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1226. PROHIBITION ON USE OF FUNDS TO PROVIDE ASSISTANCE TO VETTED SYRIAN OPPOSITION.

None of the funds authorized to be appropriated by this Act may be obligated or expended for activities under section 1209 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3541).

SA 6002. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1026. CONSTRUCTION OF NAVAL VESSELS IN SHIPYARDS IN NORTH ATLANTIC TREATY ORGANIZATION COUNTRIES.

Section 8679 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)'';

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

(3) by inserting after subsection (b) the following new subsection (c):

''(c) CONSTRUCTION OF NAVAL VESSELS IN SHIPYARDS IN NATO COUNTRIES.—The Secretary of the Navy may construct a naval vessel in a foreign shipyard if—

''(1) the shipyard is located within the boundaries of a member country of the North Atlantic Treaty Organization; and

''(2) the cost of construction of such vessel in such shipyard will be less than the cost of construction of such vessel in a domestic shipyard.''.

SA 6003. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Military Humanitarian Operations

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Military Humanitarian Operations Act of 2022''.

SEC. 1282. MILITARY HUMANITARIAN OPERATION DEFINED.

(a) IN GENERAL.—In this subtitle, the term ''military humanitarian operation'' means a military operation involving the deployment of members or weapons systems of the United States Armed Forces where hostile activities are reasonably anticipated and with the aim of preventing or responding to a humanitarian catastrophe, including its regional consequences, or addressing a threat posed to international peace and security. The term includes—

(1) operations undertaken pursuant to the principle of the ''responsibility to protect'' as referenced in United Nations Security Council Resolution 1674 (2006);

(2) operations specifically authorized by the United Nations Security Council, or other international organizations; and

(3) unilateral deployments and deployments made in coordination with international organizations, treaty-based organizations, or coalitions formed to address specific humanitarian catastrophes.

(b) OPERATIONS NOT INCLUDED.—The term ''military humanitarian operation'' does not mean a military operation undertaken for the following purposes:

(1) Responding to or repelling attacks, or preventing imminent attacks, on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces.

(2) Direct acts of reprisal for attacks on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces.

(3) Invoking the inherent right to individual or collective self-defense in accordance with Article 51 of the Charter of the United Nations.

(4) Military missions to rescue United States citizens or military or diplomatic personnel abroad.

(5) Humanitarian missions in response to natural disasters where no civil unrest or combat with hostile forces is reasonably anticipated, and where such operation is for not more than 30 days.

(6) Actions to maintain maritime freedom of navigation, including actions aimed at combating piracy.

(7) Training exercises conducted by the United States Armed Forces abroad where no combat with hostile forces is reasonably anticipated.

SEC. 1283. REQUIREMENT FOR CONGRESSIONAL AUTHORIZATION.

The President may not deploy members of the United States Armed Forces into the territory, airspace, or waters of a foreign country for a military humanitarian operation not previously authorized by statute unless—

(1) the President submits to Congress a formal request for authorization to use members of the Armed Forces for the military humanitarian operation; and

(2) Congress enacts a specific authorization for such use of forces.

SEC. 1284. SEVERABILITY.

If any provision of this subtitle is held to be unconstitutional, the remainder of the subtitle shall not be affected.

SA 6004. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PARTICIPATION IN HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subparagraph (C) of section 223(c)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(C) SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR CERTAIN DEPARTMENT OF DEFENSE OR VETERANS BENEFITS.—An individual shall be treated as an eligible individual for any period if the individual—

''(i) receives hospital care or medical services under any law administered by the Secretary of Veterans Affairs for a service-connected disability (within the meaning of section 101(16) of title 38, United States Code),

''(ii) is covered under the TRICARE program (as defined in section 1072 of title 10, United States Code), or

''(iii) is enrolled in the system of annual patient enrollment of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023.

SEC. _____. TREATMENT OF DIETARY SUPPLEMENTS AS MEDICAL EXPENSES FOR CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) DIETARY SUPPLEMENTS.—In the case of an individual to whom subsection (c)(1)(C) applies, amounts paid for dietary supplements shall be treated as paid for medical care. For purposes of this paragraph, the term 'dietary supplement' has the meaning given such term by section 201(ff) of the Federal Food, Drug, and Cosmetic Act.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023.

SA 6005. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1003. TREATMENT OF FUNDS RECEIVED BY NATIONAL GUARD BUREAU AS REIMBURSEMENT FROM STATES.

Section 710 of title 32, United States Code, is amended by adding at the end the following new subsection:

''(g) TREATMENT OF REIMBURSED FUNDS.—Any funds received by the National Guard Bureau from a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands as reimbursement under this section for the use of military property shall be credited to—

''(1) the appropriation, fund, or account used in incurring the obligation; or

''(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.''.

SA 6006. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. SECRETARY OF DEFENSE CONSIDERATION OF POWERED EXOSKELETONS AND HUMAN CONTROLLED ROBOTS FOR HEAVY LIFT SUSTAINMENT TASKS.

Whenever the Secretary of Defense evaluates the research and development of emerging war-fighting technologies, the Secretary shall consider the use of full-body, autonomously powered exoskeletons and semi-autonomous or tele-operated single or dual-armed, human controlled robots used for heavy lift sustainment tasks.

SA 6007. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle D—Other Matters

SEC. 431. REPORTING ON END STRENGTH RATIONALES.

Section 115a(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary'';

(2) by inserting '', including an assessment of the most important threats facing the United States by regional command and how personnel end strength level requests address those specific threats'' after ''in effect at the time''; and

(3) by adding at the end the following new paragraph:

''(2) Not later than May 1 each year, the Secretary shall provide a briefing to Congress including—

''(A) the rationale for recommended increases or decreases in active, reserve, and civilian personnel for each component of the Department of Defense;

''(B) the rationale for recommended increases or decreases in active, reserve, and civilian personnel for each of the regional combatant commands;

''(C) the primary functions or missions of military and civilian personnel in each regional combatant command; and

''(D) an assessment of any areas in which decreases in active, reserve, or civilian personnel would not result in a decrease in readiness.''.

SA 6008. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2811. CLARIFICATION OF MILITARY CONSTRUCTION FUNDING UNDER CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM BUDGET.

Section 1701(d)(2) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1522(d)(2)) is amended by inserting after ''military construction projects.'' the following new sentence: ''For any military installation with a dual mission set in which one mission falls under the program, the office assigned under subsection (b)(1) shall be the primary office for receipt of any funding requests for military construction at such installation in support of the mission of the program.''.

SA 6009. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1052. GUARANTEEING DUE PROCESS FOR UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.

(a) SHORT TITLE.—This section may be cited as the ''Due Process Guarantee Act''.

(b) PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

(1) LIMITATION ON DETENTION.—

(A) IN GENERAL.—Section 4001(a) of title 18, United States Code, is amended—

(i) by striking ''No citizen'' and inserting the following:

''(1) No citizen or lawful permanent resident of the United States''; and

(ii) by adding at the end the following:

''(2) Any Act of Congress that authorizes an imprisonment or detention described in paragraph (1) shall be consistent with the Constitution and shall expressly authorize such imprisonment or detention.''.

(B) APPLICABILITY.—Nothing in section 4001(a)(2) of title 18, United States Code, as added by subparagraph (A)(ii), may be construed to limit, narrow, abolish, or revoke any detention authority conferred by statute, declaration of war, authorization to use military force, or similar authority effective before the date of the enactment of this Act.

(2) RELATIONSHIP TO AN AUTHORIZATION TO USE MILITARY FORCE, DECLARATION OF WAR, OR SIMILAR AUTHORITY.—Section 4001 of title 18, United States Code, as amended by paragraph (1), is further amended—

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

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

''(b)(1) No United States citizen or lawful permanent resident who is apprehended in the United States may be imprisoned or otherwise detained without charge or trial unless such imprisonment or detention is expressly authorized by an Act of Congress.

''(2) A general authorization to use military force, a declaration of war, or any similar authority, on its own, may not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

''(3) Paragraph (2) shall apply to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the Due Process Guarantee Act.

''(4) Nothing in this section may be construed to authorize the imprisonment or detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.''.

SA 6010. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 521, strike subsection (g) and insert the following:

(g) SEPARATE VOTE REQUIREMENT FOR INDUCTION OF MEN AND WOMEN.—

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

(A) Clause 12 of section 8 of article I of the Constitution of the United States empowers Congress with the responsibility to ''raise and support Armies''.

(B) The United States first required military conscription in the American Civil War under the Civil War Military Draft Act of 1863.

(C) The Selective Services Act of 1917 authorized the President to draft additional forces beyond the volunteer force to support exceedingly high demand for additional forces when the U.S. entered the first World War.

(D) The Selective Training and Service Act of 1940 was the first authorization by Congress for conscription in peacetime but limited the President's induction authority to ''no greater number of men than the Congress shall hereafter make specific appropriation for from time to time''.

(E) Congress allowed induction authority to lapse in 1947.

(F) Congress reinstated the President's induction authority under the Selective Service Act of 1948 to raise troops for United States participation in the Korean War.

(G) Congress maintained the President's induction authority under the Selective Service Act of 1948 through the beginning of the Vietnam War.

(H) Congress passed additional reforms to the draft under the Military Selective Service Act of 1967 in response to issues arising from United States engagement in the Vietnam War.

(I) Congress prohibited any further use of the draft after July 1, 1973.

(J) If a president seeks to reactivate the use of the draft, Congress would have to enact a law providing authorization for this purpose.

(2) AMENDMENT.—Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended by adding at the end the following new subsection: Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended by adding at the end the following new subsection:

''(d) No person shall be inducted for training and service in the Armed Forces unless Congress first passes and there is enacted—

''(1) a law expressly authorizing such induction into service; and

''(2) a law authorizing separately—

''(A) the number of male persons subject to such induction into service; and

''(B) the number of female persons subject to such induction into service.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (d) and (g) shall take effect 1 year after such date of enactment.

SA 6011. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 372. REPORT ON CARBON FIBER USED FOR DEPARTMENT OF DEFENSE PURPOSES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress and relevant Federal agencies, as determined by the

Secretary, which shall include the Department of Commerce, and publish in the Federal Register, a report that contains the following:

(1) The percentages of each of the following categories of military vehicles owned or scheduled to be owned by the Department of Defense that utilize foreign-sourced carbon fiber or domestic-sourced carbon fiber with foreign-sourced polyacrylonitrile:

(A) Next-generation aircraft and systems for such aircraft.

(B) Hypersonic aircraft and vehicles.

(C) Unmanned air vehicles.

(2) A list of foreign countries from which the Department of Defense imports carbon fiber or polyacrylonitrile, including the amount imported from each country.

(3) An assessment of the current state of production in the United States of carbon fiber and polyacrylonitrile.

SA 6012. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1262. REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) FINDING.—Congress finds that section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 63 Stat. 2241)—

(1) expresses the sense of Congress that, due to threats that are ever-changing, Congress must be informed with respect to allied contributions to the common defense to properly assess the readiness of the United States and the countries described in subsection (c)(2) for threats; and

(2) requires the Secretary to submit to Congress an annual report on the contributions of allies to the common defense.

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

(1) the threats facing the United States—

(A) extend beyond the global war on terror; and

(B) include near-peer threats; and

(2) the President should seek from each country described in subsection (c)(2) acceptance of international security responsibilities and agreements to make contributions to the common defense in accordance with the collective defense agreements or treaties to which such country is a party.

(c) REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary, in coordination with the heads of other Federal agencies, as the Secretary determines to be necessary, shall submit to the appropriate committees of Congress a report containing a description of—

(A) the annual defense spending by each country described in paragraph (2), including available data on nominal budget figures and defense spending as a percentage of the gross domestic products of each such country for the fiscal year immediately preceding the fiscal year in which the report is submitted;

(B) the activities of each such country to contribute to military or stability operations in which the Armed Forces of the United States are a participant or may be called upon in accordance with a cooperative defense agreement to which the United States is a party;

(C) any limitations placed by any such country on the use of such contributions; and

(D) any actions undertaken by the United States or by other countries to minimize such limitations.

(2) COUNTRIES DESCRIBED.—The countries described in this paragraph are the following:

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.

(C) Each country party to the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), done at Rio de Janeiro September 2, 1947, and entered into force December 3, 1948 (TIAS 1838).

(D) Australia.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

(I) Thailand.

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

(4) AVAILABILITY.—A report submitted under paragraph (1) shall be made available on request to any Member of Congress.

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

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

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

SA 6013. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Congressional Approval of National Emergency Declarations

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies Act'' or the ''ARTICLE ONE Act''.

SEC. 1082. CONGRESSIONAL REVIEW OF NATIONAL EMERGENCIES.

Title II of the National Emergencies Act (50 U.S.C. 1621 et seq.) is amended by striking sections 201 and 202 and inserting the following:

''SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.

''(a) AUTHORITY TO DECLARE NATIONAL EMERGENCIES.—With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such a national emergency by proclamation. Such proclamation shall immediately be transmitted to Congress and published in the Federal Register.

''(b) SPECIFICATION OF PROVISIONS OF LAW TO BE EXERCISED.—No powers or authorities made available by statute for use during the period of a national emergency shall be exercised unless and until the President specifies the provisions of law under which the President proposes that the President or other officers will act in—

''(1) a proclamation declaring a national emergency under subsection (a); or

''(2) one or more Executive orders relating to the emergency published in the Federal Register and transmitted to Congress.

''(c) PROHIBITION ON SUBSEQUENT ACTIONS IF EMERGENCIES NOT APPROVED.—

''(1) SUBSEQUENT DECLARATIONS.—If a joint resolution of approval is not enacted under section 203 with respect to a national emergency before the expiration of the 30-day period described in section 202(a), or with respect to a national emergency proposed to be renewed under section 202(b), the President may not, during the remainder of the term of office of that President, declare a subsequent national emergency under subsection (a) with respect to the same circumstances.

''(2) EXERCISE OF AUTHORITIES.—If a joint resolution of approval is not enacted under section 203 with respect to a power or authority specified by the President in a proclamation under subsection (a) or an Executive order under subsection (b)(2) with respect to a national emergency, the President may not, during the remainder of the term of office of that President, exercise that power or authority with respect to that emergency.

''(d) EFFECT OF FUTURE LAWS.—No law enacted after the date of the enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

''SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMERGENCIES.

''(a) TEMPORARY EFFECTIVE PERIODS.—

''(1) IN GENERAL.—A declaration of a national emergency shall remain in effect for 30 days from the issuance of the proclamation under section 201(a) (not counting the day on which the proclamation was issued) and shall terminate when that 30-day period expires unless there is enacted into law a joint resolution of approval under section 203 with respect to the proclamation.

''(2) EXERCISE OF POWERS AND AUTHORITIES.—Any emergency power or authority made available under a provision of law specified pursuant to section 201(b) may be exercised pursuant to a declaration of a national emergency for 30 days from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority may not be exercised after that 30-day period expires unless there is enacted into law a joint resolution of approval under section 203 approving—

''(A) the proclamation of the national emergency or the Executive order; and

''(B) the exercise of the power or authority specified by the President in such proclamation or Executive order.

''(3) EXCEPTION IF CONGRESS IS UNABLE TO CONVENE.—If Congress is physically unable to convene as a result of an armed attack upon the United States or another national emergency, the 30-day periods described in paragraphs (1) and (2) shall begin on the first day Congress convenes for the first time after the attack or other emergency.

''(b) RENEWAL OF NATIONAL EMERGENCIES.—A national emergency declared by the President under section 201(a) or previously renewed under this subsection, and not already terminated pursuant to subsection (a) or (c), shall terminate on the date that is one year after the President transmitted to Congress the proclamation declaring the emergency or

Congress approved a previous renewal pursuant to this subsection, unless—

''(1) the President publishes in the Federal Register and transmits to Congress an Executive order renewing the emergency; and

''(2) there is enacted into law a joint resolution of approval renewing the emergency pursuant to section 203 before the termination of the emergency or previous renewal of the emergency.

''(c) TERMINATION OF NATIONAL EMERGENCIES.—

''(1) IN GENERAL.—Any national emergency declared by the President under section 201(a) shall terminate on the earliest of—

''(A) the date provided for in subsection (a);

''(B) the date provided for in subsection (b);

''(C) the date specified in an Act of Congress terminating the emergency; or

''(D) the date specified in a proclamation of the President terminating the emergency.

''(2) EFFECT OF TERMINATION.—

''(A) IN GENERAL.—Effective on the date of the termination of a national emergency under paragraph (1)—

''(i) except as provided by subparagraph (B), any powers or authorities exercised by reason of the emergency shall cease to be exercised;

''(ii) any amounts reprogrammed or transferred under any provision of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

''(iii) any contracts entered into under any provision of law relating to the emergency shall be terminated.

''(B) SAVINGS PROVISION.—The termination of a national emergency shall not affect—

''(i) any legal action taken or pending legal proceeding not finally concluded or determined on the date of the termination under paragraph (1);

''(ii) any legal action or legal proceeding based on any act committed prior to that date; or

''(iii) any rights or duties that matured or penalties that were incurred prior to that date.

''SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.

''(a) JOINT RESOLUTION OF APPROVAL DEFINED.—In this section, the term 'joint resolution of approval' means a joint resolution that contains only the following provisions after its resolving clause:

''(1) A provision approving—

''(A) a proclamation of a national emergency made under section 201(a);

''(B) an Executive order issued under section 201(b)(2); or

''(C) an Executive order issued under section 202(b).

''(2) A provision approving a list of all or a portion of the provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.

''(b) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS OF APPROVAL.—

''(1) INTRODUCTION.—After the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a joint resolution of approval may be introduced in either House of Congress by any member of that House.

''(2) REQUESTS TO CONVENE CONGRESS DURING RECESSES.—If, when the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), Congress has adjourned sine die or has adjourned for any period in excess of 3 calendar days, the majority leader of the Senate and the Speaker of the House of Representatives, or their respective designees, acting jointly after consultation with and with the concurrence of the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

''(3) COMMITTEE REFERRAL.—A joint resolution of approval shall be referred in each House of Congress to the committee or committees having jurisdiction over the emergency authorities invoked by the proclamation or Executive order that is the subject of the joint resolution.

''(4) CONSIDERATION IN SENATE.—In the Senate, the following shall apply:

''(A) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval has been referred has not reported it at the end of 10 calendar days after its introduction, that committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar.

''(B) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee to which a joint resolution of approval is referred has reported the resolution, or when that committee is discharged under subparagraph (A) from further consideration of the resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is subject to 4 hours of debate divided equally between those favoring and those opposing the joint resolution of approval. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business.

''(C) FLOOR CONSIDERATION.—A joint resolution of approval shall be subject to 10 hours of consideration, to be divided evenly between the proponents and opponents of the resolution.

''(D) AMENDMENTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), no amendments shall be in order with respect to a joint resolution of approval.

''(ii) AMENDMENTS TO STRIKE OR ADD SPECIFIED PROVISIONS OF LAW.—Clause (i) shall not apply with respect to any amendment—

''(I) to strike a provision or provisions of law from the list required by subsection (a)(2); or

''(II) to add to that list a provision or provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution of approval.

''(E) MOTION TO RECONSIDER FINAL VOTE.—A motion to reconsider a vote on passage of a joint resolution of approval shall not be in order.

''(F) APPEALS.—Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

''(5) CONSIDERATION IN HOUSE OF REPRESENTATIVES .—In the House of Representatives, the following shall apply:

''(A) REPORTING AND DISCHARGE.—If any committee to which a joint resolution of approval has been referred has not reported it to the House within 10 calendar days after the date of referral, such committee shall be discharged from further consideration of the joint resolution.

''(B) PROCEEDING TO CONSIDERATION.—

''(i) IN GENERAL.—Beginning on the third legislative day after each committee to which a joint resolution of approval has been referred reports it to the House or has been discharged from further consideration, and except as provided in clause (ii), it shall be in order to move to proceed to consider the joint resolution in the House. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(ii) SUBSEQUENT MOTIONS TO PROCEED TO JOINT RESOLUTION OF APPROVAL.—A motion to proceed to consider a joint resolution of approval shall not be in order after the House has disposed of another motion to proceed on that resolution.

''(C) FLOOR CONSIDERATION.—Upon adoption of the motion to proceed in accordance with subparagraph (B)(i), the joint resolution of approval shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except two hours of debate, which shall include debate on any amendments, equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(D) AMENDMENTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), no amendments shall be in order with respect to a joint resolution of approval.

''(ii) AMENDMENTS TO STRIKE OR ADD SPECIFIED PROVISIONS OF LAW.—Clause (i) shall not apply with respect to any amendment—

''(I) to strike a provision or provisions of law from the list required by subsection (a)(2); or

''(II) to add to that list a provision or provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.

''(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a joint resolution of approval, one House receives from the other a joint resolution of approval from the other House, then—

''(A) the joint resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day it is received; and

''(B) the procedures set forth in paragraphs (3), (4), and (5), as applicable, shall apply in the receiving House to the joint resolution received from the other House to the same extent as such procedures apply to a joint resolution of the receiving House.

''(c) RULE OF CONSTRUCTION.—The enactment of a joint resolution of approval under this section shall not be interpreted to serve as a grant or modification by Congress of statutory authority for the emergency powers of the President.

''(d) RULES OF THE HOUSE AND SENATE.—This section is enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of joint resolutions described in this section, and supersedes other rules only to the extent that it is inconsistent with such other rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''SEC. 204. EXCLUSION OF CERTAIN NATIONAL EMERGENCIES INVOKING INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

''(a) IN GENERAL.—In the case of a national emergency described in subsection (b), the provisions of this Act, as in effect on the day before the date of the enactment of the Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies Act, shall continue to apply on and after such date of enactment.

''(b) NATIONAL EMERGENCY DESCRIBED.—

''(1) IN GENERAL.—A national emergency described in this subsection is a national emergency pursuant to which the President proposes to exercise emergency powers or authorities made available under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), supplemented as necessary by a provision of law specified in paragraph (2).

''(2) PROVISIONS OF LAW SPECIFIED.—The provisions of law specified in this paragraph are—

''(A) the United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.);

''(B) section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)); or

''(C) any provision of law that authorizes the implementation, imposition, or enforcement of economic sanctions with respect to a foreign country.

''(c) EFFECT OF ADDITIONAL POWERS AND AUTHORITIES.—Subsection (a) shall not apply to a national emergency or the exercise of emergency powers and authorities pursuant to the national emergency if, in addition to the exercise of emergency powers and authorities described in subsection (b), the President proposes to exercise, pursuant to the national emergency, any emergency powers and authorities under any other provision of law.''.

SEC. 1083. REPORTING REQUIREMENTS.

Section 401 of the National Emergencies Act (50 U.S.C. 1641) is amended by adding at the end the following:

''(d) REPORT ON EMERGENCIES.—The President shall transmit to Congress, with any proclamation declaring a national emergency under section 201(a) or any Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a report, in writing, that includes the following:

''(1) A description of the circumstances necessitating the declaration of a national emergency, the renewal of such an emergency, or the use of a new emergency authority specified in the Executive order, as the case may be.

''(2) The estimated duration of the national emergency, or a statement that the duration of the national emergency cannot reasonably be estimated at the time of transmission of the report.

''(3) A summary of the actions the President or other officers intend to take, including any reprogramming or transfer of funds, and the statutory authorities the President and such officers expect to rely on in addressing the national emergency.

''(4) In the case of a renewal of a national emergency, a summary of the actions the President or other officers have taken in the preceding one-year period, including any reprogramming or transfer of funds, to address the emergency.

''(e) PROVISION OF INFORMATION TO CONGRESS.—The President shall provide to Congress such other information as Congress may request in connection with any national emergency in effect under title II.

''(f) PERIODIC REPORTS ON STATUS OF EMERGENCIES.—If the President declares a national emergency under section 201(a), the President shall, not less frequently than every 6 months for the duration of the emergency, report to Congress on the status of the emergency and the actions the President or other officers have taken and authorities the President and such officers have relied on in addressing the emergency.''.

SEC. 1084. EXCLUSION OF IMPOSITION OF DUTIES AND IMPORT QUOTAS FROM PRESIDENTIAL AUTHORITIES UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

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

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

''(c)(1) The authority granted to the President by this section does not include the authority to impose duties or tariff-rate quotas or (subject to paragraph (2)) other quotas on articles entering the United States.

''(2) The limitation under paragraph (1) does not prohibit the President from excluding all articles imported from a country from entering the United States.''.

SEC. 1085. CONFORMING AMENDMENTS.

(a) NATIONAL EMERGENCIES ACT.—Title III of the National Emergencies Act (50 U.S.C. 1631) is repealed.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 207 of the International Emergency Economic Powers Act (50 U.S.C. 1706) is amended—

(1) in subsection (b), by striking ''concurrent resolution'' and inserting ''joint resolution''; and

(2) by adding at the end the following:

''(e) In this section, the term 'National Emergencies Act' means the National Emergencies Act, as in effect on the day before the date of the enactment of the Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies Act.''.

SEC. 1086. EFFECTIVE DATE; APPLICABILITY.

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle shall—

(1) take effect on the date of the enactment of this Act; and

(2) except as provided in subsection (b), apply with respect to national emergencies declared under section 201 of the National Emergencies Act on or after that date.

(b) APPLICABILITY TO RENEWALS OF EXISTING EMERGENCIES.—When a national emergency declared under section 201 of the National Emergencies Act before the date of the enactment of this Act would expire or be renewed under section 202(d) of that Act (as in effect on the day before such date of enactment), that national emergency shall be subject to the requirements for renewal under section 202(b) of that Act, as amended by section 1082.

SA 6014. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 624. CERTAIN ABSENCES WITHOUT LEAVE THAT RESULT FROM CONVICTIONS IN FOREIGN COUNTRIES TO BE CONSIDERED UNAVOIDABLE FOR PURPOSES OF PAY AND ALLOWANCES.

Section 503 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(c) CERTAIN ABSENCES RESULTING FROM CONVICTIONS IN FOREIGN COUNTRIES.—For purposes of subsection (a), the absence without leave or over leave of a member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or National Oceanic Atmospheric Administration shall be excused as unavoidable if—

''(1) the member is absent without leave or over leave because the member is in confinement by civil authorities, or by military authorities for civil authorities, in a foreign country and is tried and convicted in that country; and

''(2) the Secretary concerned determines that extraordinary circumstances justify the excusal of the absence as unavoidable.''.

SA 6015. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 624. CERTAIN ABSENCES WITHOUT LEAVE THAT RESULT FROM CONVICTIONS IN FOREIGN COUNTRIES TO BE CONSIDERED UNAVOIDABLE FOR PURPOSES OF PAY AND ALLOWANCES.

Section 503 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(c) CERTAIN ABSENCES RESULTING FROM CONVICTIONS IN FOREIGN COUNTRIES.—For purposes of subsection (a), the absence without leave or over leave of a member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or National Oceanic Atmospheric Administration shall be excused as unavoidable if—

''(1) the member is absent without leave or over leave because the member is in confinement by civil authorities, or by military authorities for civil authorities, in a foreign country and is tried and convicted in that country; and

''(2) the Secretary concerned determines that the United States has a strong interest in ameliorating the negative effect of that conviction on the spouse or children of the member.''.

SA 6016. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

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

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

SEC. 632. CONTINUATION OF PAY AND BENEFITS FOR LIEUTENANT RIDGE ALKONIS.

The Secretary of the Navy may continue to provide pay and benefits to Lieutenant Ridge Alkonis until such time as the Secretary makes a determination with respect to the separation of Lieutenant Alkonis from the Navy.

SA 6017. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OVERSIGHT AND AUDIT AUTHORITY.

Section 19010 of the CARES Act (31 U.S.C. 712 note) is amended by adding at the end the following:

''(f) LIMITATION ON REPORTS.—The Comptroller General shall not include in any report under subsection (c) any discussion or analysis of potential policy options to create a Federal pandemic risk insurance program or business interruption insurance program.''.

SA 6018. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TERMINATION OF CONGRESSIONAL OVERSIGHT COMMISSION.

Section 4020(f) of the CARES Act (15 U.S.C. 9055(f)) is amended by striking ''September 30, 2025'' and inserting ''December 31, 2022''.

SA 6019. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MASTER ACCOUNT DATABASE.

The Federal Reserve Act is amended by inserting after section 11B (12 U.S.C. 248b et seq.) the following:

''SEC. 11C. MASTER ACCOUNT DATABASE.

''(a) DEFINITIONS.—In this section:

''(1) APPLICATION.—The term 'application' means an application for a master account, including an application under Operating Circular 1 of the Board and any successive operating circulars or similar forms.

''(2) MASTER ACCOUNT.—The term 'master account' means an account for—

''(A) any service offered under section 11A(b); or

''(B) any deposit received under the first undesignated paragraph of section 13.

''(b) PUBLISHING MASTER ACCOUNT INFORMATION.—

''(1) ONLINE DATABASE.—The Board shall create and maintain a public, online, and searchable database that contains—

''(A) a list of every entity that currently holds a master account, including the date on which the master account was granted;

''(B) a list of every entity that held a master account in the 10 years prior to the date of enactment of this section but no longer holds that master account, including the dates on which the master account was granted and terminated;

''(C) a list of every entity that has applied for a master account in the 10 years prior to the date of enactment of this section, including whether, and the dates on which, the application was approved, rejected, pending, or withdrawn;

''(D) a list of every entity that applies for a master account after enactment of this section, including whether, and the dates on which, the application was approved, rejected, pending, or withdrawn; and

''(E) for each list described in subparagraphs (A) through (D)—

''(i) a description of the type of entity that holds or applied for a master account, including whether such entity is an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), or a depository institution that is not an insured depository institution; and

''(ii) the provision of law authorizing each entity to hold the master account.

''(2) DATABASE UPDATES.—Not less frequently than once every month, the Board shall update the database to add any new information required under paragraph (1).

''(3) DEADLINE.—Not later than 90 days after the date of enactment of this section, the Board shall publish on the database the information required under paragraph (1).

''(c) EXPLANATIONS OF APPLICATION REJECTIONS.—Not later than 90 days after the Board rejects an application or after an application is submitted but not approved by the Board, the Board shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that includes an explanation of that rejection or failure to approve that application.''.

SA 6020. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF LIMITATION ON AWARDING CONTRACTS TO ENTITIES OPERATING COMMERCIAL TERRESTRIAL COMMUNICATION NETWORKS THAT CAUSE HARMFUL INTERFERENCE WITH THE GLOBAL POSITIONING SYSTEM.

Section 1662 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 2281 note; Public Law 116–283) is repealed.

SA 6021. Mr. OSSOFF (for himself, Mr. ROUNDS, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PLAN TO ELIMINATE RECORDS BACKLOG AT THE NATIONAL PERSONNEL RECORDS CENTER.

(a) PLAN REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Archivist of the United States shall submit to the appropriate congressional committees a comprehensive plan to eliminate the backlog of requests for records from the National Personnel Records Center and to improve the efficiency and responsiveness of operations at the National Personnel Records Center, that includes, at a minimum, the following:

(1) The number and percentage of unresolved veteran record requests that have been pending for more than—

(A) 20 days;

(B) 90 days; and

(C) one year.

(2) Target timeframes to eliminate the backlog.

(3) A detailed plan for using existing funds to improve information technology infrastructure, including secure access to appropriate agency Federal records, to prevent future backlogs.

(4) Actions to improve customer service for requesters.

(5) Measurable goals with respect to the comprehensive plan and metrics for tracking progress toward such goals.

(6) Strategies to prevent future record request backlogs, including backlogs caused by an event that prevents employees of the Center from reporting to work in person.

(b) UPDATES.—Not later than 90 days after the date on which the comprehensive plan is submitted under subsection (a), and semiannually thereafter until the National Personnel Records Center resolves 90 percent of all requests for separation documents (other than documents subject to fees or involving records damaged or lost in the 1973 fire) in 20 days or less, the Archivist of the United States shall submit to the appropriate congressional committees an update of such plan that—

(1) describes progress made by the National Personnel Records Center during the preceding 180-day period with respect to record request backlog reduction and efficiency and responsiveness improvement;

(2) provides data on progress made toward the goals identified in the comprehensive plan; and

(3) describes any changes made to the comprehensive plan.

(c) CONSULTATION REQUIREMENT.—In carrying out subsections (a) and (b), the Archivist of the United States shall consult with the Secretary of Veterans Affairs.

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

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Oversight and Reform and the Committee on Veterans' Affairs of the House of Representatives.

SEC. _____. ADDITIONAL FUNDING.

In addition to amounts otherwise available, there is authorized to be appropriated to the National Archives and Records Administration, $60,000,000 to address backlogs in responding to requests from veterans for military personnel records, improve cybersecurity, improve digital preservation and access to archival Federal records, and address backlogs in requests made under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''). Such amounts may also be used for the Federal Records Center Program.

SEC. _____. ADDITIONAL STAFFING.

Not later than 30 days after the date of the enactment of this Act, the Archivist of the United States shall ensure that the National Personnel Records Center maintains staffing levels that enable the maximum processing of records requests possible in order to achieve the performance goal of responding to 90 percent of all requests for separation documents (other than documents subject to fees or involving records damaged or lost in the 1973 fire) serviced in 20 days or less.

SEC. _____. ADDITIONAL REPORTING.

The Inspector General for the National Archives and Records Administration shall, for two years following the date of the enactment of this Act, include in every semiannual report submitted to Congress pursuant to the Inspector General Act of 1978, a detailed summary of—

(1) efforts taken by the National Archives and Records Administration to address the backlog of records requests at the National Personnel Records Center; and

(2) any recommendations for action proposed by the Inspector General related to reducing the backlog of records requests at the National Personnel Records Center and the status of compliance with those recommendations by the National Archives and Records Administration.

SA 6022. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 112. REPORT ON HEAVY DUMP TRUCK REQUIREMENTS FOR THE ARMY.

Not later than March 6, 2023, the Secretary of the Army shall submit to Congress a report setting forth the following:

(1) The number of heavy dump trucks needed by the Army for the regular component of the Army, the Army National Guard of the United States, and the Army Reserve.

(2) The number of heavy dump trucks the Army has procured using amounts appropriated for fiscal year 2022 as of the date on which the report is submitted.

(3) The reason for the Army's request for appropriations for heavy dump trucks for fiscal year 2023.

(4) A description of the rationale for the Army's request for appropriations for heavy dump trucks for fiscal year 2024.

(5) A strategy projecting procurement quantities by year for heavy dump trucks to achieve program requirements.

SA 6023. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON THE DEMILITARIZATION ABROAD OF UNSERVICEABLE MUNITIONS LOCATED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of demilitarizing abroad unserviceable munitions that are located outside the United States in order to avoid the costs of transporting such munitions to the United States for demilitarization.

(b) CONSIDERATIONS.—In preparing the evaluation required for the report, the Secretary shall take into account the following:

(1) The need for mitigation of adverse environmental impacts, or impacts to the health and safety of local populations, in the demilitarization of unserviceable munitions.

(2) The availability and ease of use of munitions demilitarization technologies and mechanisms abroad, whether or not currently in use by the Army, including available non-incineration technologies.

(3) Any costs savings achievable through demilitarization of unserviceable munitions abroad.

(c) TECHNOLOGIES.—If the Secretary determines for purposes of the report that the demilitarization abroad of unserviceable munitions located outside the United States is feasible and advisable, the report shall include a description and assessment of various technologies and other mechanisms that would be suitable for such demilitarization.

SA 6024. Mr. MENENDEZ (for himself, Mr. RISCH, Mr. KAINE, Mr. CASSIDY, Mr. CARDIN, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—United States-Ecuador Partnership Act of 2022

SEC. 1281. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the ''United States-Ecuador Partnership Act of 2022''.

(b) TABLE OF CONTENTS.—The table of contents for this subtitle is as follows:

SEC. 1282. FINDINGS.

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

(1) The United States and Ecuador have a history of bilateral cooperation grounded in mutual respect, shared democratic values, and mutual security interests.

(2) On February 7, 2021, and April 11, 2021, Ecuador held democratic elections that included parties from across the political spectrum, paving the way for continued progress towards strengthening democratic institutions.

(3) The United States and Ecuador share strategic interests in strengthening Ecuador's democratic institutions, generating inclusive economic growth, and building capacity in law enforcement, anti-corruption, and conservation efforts.

(4) The United States and Ecuador historically have enjoyed strong commercial, investment, and economic ties, yet Ecuador continues to face significant challenges to inclusive economic development, including—

(A) the heavy economic toll of the COVID–19 pandemic;

(B) vulnerabilities with respect to the growing role of the People's Republic of China in the financing and refinancing of Ecuador's debts, and in strategic infrastructure projects and sectors of the Ecuadorian economy; and

(C) the need to develop and strengthen open and transparent economic policies that strengthen Ecuador's integration with global markets, inclusive economic growth, and opportunities for upward social mobility for the Ecuadorian people.

(5) Since its establishment in December 2019, the United States Development Finance Corporation has provided more than $440,000,000 in financing to Ecuador.

(6) Ecuador's justice system has taken important steps to fight corruption and criminality and to increase accountability. However, enduring challenges to the rule of law in Ecuador, including the activities of transnational criminal organizations, illicit mining, illegal, unreported, and unregulated (IUU) fishing, and undemocratic actors, present ongoing risks for political and social stability in Ecuador.

(7) The activities undertaken by the Government of the People's Republic of China in Ecuador, including its development of the

ECU–911 video surveillance and facial recognition system, financing of the corruptly managed and environmentally deleterious Coca Codo Sinclair Dam, and support for illegal, unreported, and unregulated fishing practices around the Galapagos Islands, pose risks to democratic governance and biodiversity in the country.

(8) Ecuador, which is home to several of the Earth's most biodiverse ecosystems, including the Galapagos Islands, the headwaters of the Amazon river, the Condor mountain range, and the Yasuni Biosphere Reserve, has seen a reduction in its rainforests between 1990 and 2016, due in part to the incursion of criminal networks into protected areas.

(9) On March 24, 2021, the Senate unanimously approved Senate Resolution 22 (117th Congress), reaffirming the partnership between the United States and the Republic of Ecuador, and recognizing the restoration and advancement of economic relations, security, and development opportunities in both nations.

(10) On August 13, 2021, the United States and Ecuador celebrated the entry into force of the Protocol to the Trade and Investment Council Agreement between the Government of the United States of America and the Government of the Republic of Ecuador Relating to Trade Rules and Transparency, recognizing the steps Ecuador has taken to decrease unnecessary regulatory burden and create a more transparent and predictable legal framework for foreign direct investment in recent years.

SEC. 1283. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should take additional steps to strengthen its bilateral partnership with Ecuador, including by developing robust trade and investment frameworks, increasing law enforcement cooperation, renewing the activities of the United States Agency for International Development in Ecuador, and supporting Ecuador's response to and recovery from the COVID–19 pandemic, as necessary and appropriate; and

(2) strengthening the United States-Ecuador partnership presents an opportunity to advance core United States national security interests and work with other democratic partners to maintain a prosperous, politically stable, and democratic Western Hemisphere that is resilient to malign foreign influence.

SEC. 1284. FACILITATING ECONOMIC AND COMMERCIAL TIES.

The Secretary of State, in coordination with the Secretary of Commerce, the United States Trade Representative, the Secretary of the Treasury, and the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy to strengthen commercial and economic ties between the United States and Ecuador by—

(1) promoting cooperation and information sharing to encourage awareness of and increase trade and investment opportunities between the United States and Ecuador;

(2) supporting efforts by the Government of Ecuador to promote a more open, transparent, and competitive business environment, including by lowering trade barriers, implementing policies to reduce trading times, and improving efficiencies to expedite customs operations for importers and exporters of all sizes, in all sectors, and at all entry ports in Ecuador;

(3) establishing frameworks or mechanisms to review the long term financial sustainability and security implications of foreign investments in Ecuador in strategic sectors or services;

(4) establishing competitive and transparent infrastructure project selection and procurement processes in Ecuador that promote transparency, open competition, financial sustainability, and robust adherence to global standards and norms;

(5) developing programs to help the Government of Ecuador improve efficiency and transparency in customs administration, including through support for the Government of Ecuador's ongoing efforts to digitize its customs process and accept electronic documents required for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs, security, efficiency, and competitiveness;

(6) spurring digital transformation that would advance—

(A) the provision of digitized government services with the greatest potential to improve transparency, lower business costs, and expand citizens' access to public services and public information;

(B) the provision of transparent and affordable access to the internet and digital infrastructure; and

(C) best practices to mitigate the risks to digital infrastructure by doing business with communication networks and communications supply chains with equipment and services from companies with close ties to or susceptible to pressure from governments or security services without reliable legal checks on governmental powers; and

(7) identifying, as appropriate, a role for the United States International Development Finance Corporation, the Millennium Challenge Corporation, the United States Agency for International Development, and the United States private sector in supporting efforts to increase private sector investment and strengthen economic prosperity.

SEC. 1285. PROMOTING INCLUSIVE ECONOMIC DEVELOPMENT.

The Administrator of the United States Agency for International Development, in coordination with the Secretary of State and the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy and related programs to support inclusive economic development across Ecuador's national territory by—

(1) facilitating increased access to public and private financing, equity investments, grants, and market analysis for small and medium-sized businesses;

(2) providing technical assistance to local governments to formulate and enact local development plans that invest in Indigenous and Afro-Ecuadorian communities;

(3) connecting rural agricultural networks, including Indigenous and Afro-Ecuadorian agricultural networks, to consumers in urban centers and export markets, including through infrastructure construction and maintenance programs that are subject to audits and carefully designed to minimize potential environmental harm;

(4) partnering with local governments, the private sector, and local civil society organizations, including organizations representing marginalized communities and faith-based organizations, to provide skills training and investment in support of initiatives that provide economically viable, legal alternatives to participating in illegal economies; and

(5) connecting small scale fishing enterprises to consumers and export markets, in order to reduce vulnerability to organized criminal networks.

SEC. 1286. COMBATING ILLICIT ECONOMIES, CORRUPTION, AND NEGATIVE FOREIGN INFLUENCE.

The Secretary of State shall develop and implement a strategy and related programs to increase the capacity of Ecuador's justice system and law enforcement authorities to combat illicit economies, corruption, transnational criminal organizations, and the harmful influence of malign foreign and domestic actors by—

(1) providing technical assistance and support to specialized units within the Attorney General's office to combat corruption and to promote and protect internationally recognized human rights in Ecuador, including the Transparency and Anti-Corruption Unit, the Anti-Money Laundering Unit, the Task Force to Combat Corruption in Central America, and the Environmental Crimes Unit;

(2) strengthening bilateral assistance and complementary support through multilateral anti-corruption mechanisms, as necessary and appropriate, to counter corruption and recover assets derived from corruption, including through strengthening independent inspectors general to track and reduce corruption;

(3) improving the technical capacity of prosecutors and financial institutions in Ecuador to combat corruption by—

(A) detecting and investigating suspicious financial transactions, and conducting asset forfeitures and criminal analysis; and

(B) combating money laundering, financial crimes, and extortion;

(4) providing technical assistance and material support (including, as appropriate, radars, vessels, and communications equipment) to vetted specialized units of Ecuador's national police and the armed services to disrupt, degrade, and dismantle organizations involved in illicit narcotics trafficking, transnational criminal activities, illicit mining, and illegal, unregulated, and unreported fishing, among other illicit activities;

(5) providing technical assistance to address challenges related to Ecuador's penitentiary and corrections system;

(6) strengthening the regulatory framework of mining through collaboration with key Ecuadorian institutions, such as the Interior Ministry's Special Commission for the Control of Illegal Mining and the National Police's Investigative Unit on Mining Crimes, and providing technical assistance in support of their law enforcement activities;

(7) providing technical assistance to judges, prosecutors, and ombudsmen to increase capacity to enforce laws against human smuggling and trafficking, illicit mining, illegal logging, illegal, unregulated, and unreported (IUU) fishing, and other illicit economic activities;

(8) providing support to the Government of Ecuador to prevent illegal, unreported, and unregulated fishing, including through expanding detection and response capabilities, and the use of dark vessel tracing technology;

(9) supporting multilateral efforts to stem illegal, unreported, and unregulated fishing with neighboring countries in South America and within the South Pacific Regional Fisheries Management Organisation;

(10) assisting the Government of Ecuador's efforts to protect defenders of internationally recognized human rights, including through the work of the Office of the Ombudsman of Ecuador, and by encouraging the inclusion of Indigenous and Afro-Ecuadorian communities and civil society organizations in this process;

(11) supporting efforts to improve transparency, uphold accountability, and build capacity within the Office of the Comptroller General;

(12) enhancing the institutional capacity and technical capabilities of defense and security institutions of Ecuador to conduct national or regional security missions, including through regular bilateral and multilateral cooperation, foreign military financing,

international military education, and training programs, consistent with applicable Ecuadorian laws and regulations;

(13) enhancing port management and maritime security partnerships to disrupt, degrade, and dismantle transnational criminal networks and facilitate the legitimate flow of people, goods, and services; and

(14) strengthening cybersecurity cooperation—

(A) to effectively respond to cybersecurity threats, including state-sponsored threats;

(B) to share best practices to combat such threats;

(C) to help develop and implement information architectures that respect individual privacy rights and reduce the risk that data collected through such systems will be exploited by malign state and non-state actors;

(D) to strengthen resilience against cyberattacks, misinformation, and propaganda; and

(E) to strengthen the resilience of critical infrastructure.

SEC. 1287. STRENGTHENING DEMOCRATIC GOVERNANCE.

(a) STRENGTHENING DEMOCRATIC GOVERNANCE.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, should develop and implement initiatives to strengthen democratic governance in Ecuador by supporting—

(1) measures to improve the capacity of national and subnational government institutions to govern through transparent, inclusive, and democratic processes;

(2) efforts that measurably enhance the capacity of political actors and parties to strengthen democratic institutions and the rule of law;

(3) initiatives to strengthen democratic governance, including combating political, administrative, and judicial corruption and improving transparency of the administration of public budgets; and

(4) the efforts of civil society organizations and independent media—

(A) to conduct oversight of the Government of Ecuador and the National Assembly of Ecuador;

(B) to promote initiatives that strengthen democratic governance, anti-corruption standards, and public and private sector transparency; and

(C) to foster political engagement between the Government of Ecuador, including the National Assembly of Ecuador, and all parts of Ecuadorian society, including women, indigenous communities, and Afro-Ecuadorian communities.

(b) LEGISLATIVE STRENGTHENING.—The Administrator of the United States Agency for International Development, working through the Consortium for Elections and Political Process Strengthening or any equivalent or successor mechanism, shall develop and implement programs to strengthen the National Assembly of Ecuador by providing training and technical assistance to—

(1) members and committee offices of the National Assembly of Ecuador, including the Ethics Committee and Audit Committee;

(2) assist in the creation of entities that can offer comprehensive and independent research and analysis on legislative and oversight matters pending before the National Assembly, including budgetary and economic issues; and

(3) improve democratic governance and government transparency, including through effective legislation.

(c) BILATERAL LEGISLATIVE COOPERATION.—To the degree practicable, in implementing the programs required under subsection (b), the Administrator of the United States Agency for International Development should facilitate meetings and collaboration between members of the United States Congress and the National Assembly of Ecuador.

SEC. 1288. FOSTERING CONSERVATION AND STEWARDSHIP.

The Administrator of the United States Agency for International Development, in coordination with the Secretary of State and the heads of other relevant Federal departments and agencies, shall develop and implement programs and enhance existing programs, as necessary and appropriate, to improve ecosystem conservation and enhance the effective stewardship of Ecuador's natural resources by—

(1) providing technical assistance to Ecuador's Ministry of the Environment to safeguard national parks and protected forests and protected species, while promoting the participation of Indigenous communities in this process;

(2) strengthening the capacity of communities to access the right to prior consultation, encoded in Article 57 of the Constitution of Ecuador and related laws, executive decrees, administrative acts, and ministerial regulations;

(3) supporting Indigenous and Afro-Ecuadorian communities as they raise awareness of threats to biodiverse ancestral lands, including through support for local media in such communities and technical assistance to monitor illicit activities;

(4) partnering with the Government of Ecuador in support of reforestation and improving river, lake, and coastal water quality;

(5) providing assistance to communities affected by illegal mining and deforestation; and

(6) fostering mechanisms for cooperation on emergency preparedness and rapid recovery from natural disasters, including by—

(A) establishing regional preparedness, recovery, and emergency management centers to facilitate rapid response to survey and help maintain planning on regional disaster anticipated needs and possible resources; and

(B) training disaster recovery officials on latest techniques and lessons learned from United States experiences.

SEC. 1289. AUTHORIZATION TO TRANSFER EXCESS COAST GUARD VESSELS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should undertake efforts to expand cooperation with the Government of Ecuador to—

(1) ensure protections for the Galápagos Marine Reserve;

(2) deter illegal, unreported, and unregulated fishing; and

(3) increase interdiction of narcotics trafficking and other forms of illicit trafficking.

(b) AUTHORITY TO TRANSFER EXCESS COAST GUARD VESSELS TO THE GOVERNMENT OF ECUADOR.—The President shall conduct a joint assessment with the Government of Ecuador to ensure sufficient capacity exists to maintain Island class cutters. Upon completion of a favorable assessment, the President is authorized to transfer up to two ISLAND class cutters to the Government of Ecuador as excess defense articles pursuant to the authority of section 516 of the Foreign Assistance Act (22 U.S.C. 2321j).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (b) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

SEC. 1290. REPORTING REQUIREMENTS.

(a) SECRETARY OF STATE.—The Secretary of State, in coordination with the heads of other relevant Federal departments and agencies as described in sections 1284, 1286, and 1287(a), shall—

(1) not later than 180 days after the date of the enactment of this Act, submit to the appropriate congressional committees a comprehensive strategy to address the requirements described in sections 1284, 1286, and 1287(a); and

(2) not later than 2 years and 4 years after submitting the comprehensive strategy under paragraph (1), submit to the appropriate congressional committees a report describing the implementation of the strategy.

(b) ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the United States Agency for International Development, in coordination with the heads of other relevant Federal departments and agencies as described in sections 1285, 1287(b), and 1288, shall—

(1) not later than 180 days after the date of the enactment of this Act, submit to appropriate congressional committees a comprehensive strategy to address the requirements described in sections 1284, 1287(b), and 1288; and

(2) not later than 2 years and 4 years after submitting the comprehensive strategy under paragraph (1), submit to the appropriate congressional committees a report describing the implementation of the strategy.

(c) SUBMISSION.—The strategies and reports required under subsections (a) and (b) may be submitted to the appropriate congressional committees as joint strategies and reports.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subtitle, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1291. SUNSET.

This subtitle shall terminate on the date that is 5 years after the date of the enactment of this Act.

SA 6025. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Peace Corps Reauthorization

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Peace Corps Reauthorization Act of 2022''.

SEC. 1282. FUNDING FOR THE PEACE CORPS; INTEGRATION OF INFORMATION AGE VOLUNTEER OPPORTUNITIES.

Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended—

(1) in subparagraph (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) There is authorized to be appropriated $410,500,000 for each of the fiscal years 2023 through 2027 to carry out this Act.''; and

(B) in paragraph (2), by striking ''that fiscal year and the subsequent fiscal year'' and inserting ''obligation until the last day of the subsequent fiscal year''; and

(2) by redesignating subsection (h) as subsection (e).

SEC. 1283. READJUSTMENT ALLOWANCES FOR VOLUNTEERS AND VOLUNTEER LEADERS.

Section 5 of the Peace Corps Act (22 U.S.C. 2504) is amended—

(1) in subsection (b), by striking ''insure their health'' and inserting ''ensure their safety, their health, and'';

(2) in subsection (c)—

(A) by striking ''$125'' and inserting ''$375'';

(B) by striking ''his'' each place such term appears and inserting ''the volunteer's''; and

(C) by striking ''he'' and inserting ''the volunteer'';

(3) by redesignating subsection (e) as subsection (d);

(4) by inserting after subsection (d), as redesignated, the following:

''(e) The Director shall consult with health experts outside of the Peace Corps, including experts licensed in the field of mental health, and follow guidance by the Centers for Disease Control and Prevention regarding the prescription of medications to volunteers.'';

(5) in subsection (h), by striking ''he'' and inserting ''the President'';

(6) in subsection (n)(2)—

(A) by striking ''subsection (e)'' each place such term appears and inserting ''subsection (d)''; and

(B) by striking ''he'' and inserting ''the President''; and

(7) in subsection (o), by striking ''his'' each place such term appears and inserting ''the volunteer's''.

SEC. 1284. RESTORATION OF VOLUNTEER OPPORTUNITIES FOR MAJOR DISRUPTIONS TO VOLUNTEER SERVICE.

(a) IN GENERAL.—Section 5 of the Peace Corps Act (22 U.S.C. 2504), as amended by section 1283 of this Act, is further amended by adding at the end the following:

''(q) DISRUPTION OF SERVICE PROTOCOLS.—

''(1) IN GENERAL.—The Director shall establish processes for the safe return to service of returning Peace Corps volunteers whose service is interrupted due to mandatory evacuations of volunteers due to catastrophic events or global emergencies of unknowable duration, which processes shall include—

''(A) the establishment of monitoring and communications systems, protocols, safety measures, policies, and metrics for determining the appropriate approaches for restoring volunteer opportunities for evacuated returned volunteers whose service is interrupted by a catastrophic event or global emergency; and

''(B) streamlining, to the fullest extent practicable, application requirements for the return to service of such volunteers.

''(2) RETURN TO SERVICE.—Beginning on the date on which any volunteer described in paragraph (1) returns to service, the Director shall strive to afford evacuated volunteers, to the fullest extent practicable, the opportunity—

''(A) to return to their previous country of service, except for Peace Corps missions in China; and

''(B) to continue their service in the most needed sectors within the country in which they had been serving immediately before their evacuation due to a catastrophic event or global emergency, except for Peace Corps missions in China.

''(r) SUSPENSION OF PAYMENTS AND ACCRUAL OF INTEREST ON FEDERAL LOANS DURING SERVICE.—

''(1) IN GENERAL.—If a volunteer received a Federal loan held by the Department of Education under part B or D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) before commencing service in the Peace Corps—

''(A) all payments due for such loans shall be suspended; and

''(B) interest shall not accrue on such loan for the duration of such service.

''(2) DEFERMENT OR FORBEARANCE.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary of Education shall deem each month for which a loan payment was—

''(A) suspended under this section; or

''(B) subject to a deferment or forbearance under the Higher Education Act of 1965, as if the borrower of the loan had made a payment for the purpose of any loan forgiveness program or loan rehabilitation program authorized under part B or D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) for which the borrower would have otherwise qualified.''.

(b) MEDICAL PERSONNEL.—Section 5A(b) of the Peace Corps Act (22 U.S.C. 2504a(b)) is amended, in the matter preceding paragraph (1), by inserting '', mental health professionals'' after ''medical officers''.

(c) VOLUNTEER LEADERS.—Section 6 of the Peace Corps Act (22 U.S.C. 2505) is amended—

(1) in paragraph (1), by striking ''$125'' and inserting ''$375''; and

(2) in paragraph (3), by striking ''he'' and inserting ''the President''.

SEC. 1285. HEALTH CARE CONTINUATION FOR PEACE CORPS VOLUNTEERS.

Section 5(d) of the Peace Corps Act, as redesignated by section 1283(3) of this Act, is amended to read as follows:

''(d)(1) Volunteers shall receive such health care during their service as the Director considers necessary or appropriate, including, if necessary, services under section 8B.

''(2) Applicants for enrollment shall receive such health examinations preparatory to their service, and applicants for enrollment who have accepted an invitation to begin a period of training under section 8(a) shall receive, preparatory to their service, such immunization, dental care, and information regarding prescription options and potential interactions, as may be necessary and appropriate and in accordance with subsection (F).

''(3) Returned volunteers shall receive the health examinations described in paragraph (2) during the 6-month period immediately following the termination of their service, including services provided in accordance with section 8B (except that the 6-month limitation shall not apply in the case of such services), as the Director determines necessary or appropriate.

''(4) Subject to such conditions as the Director may prescribe, the health care described in paragraphs (1) through (3) for serving volunteers, applicants for enrollment, or returned volunteers may be provided in any facility of any agency of the United States Government, and in such cases the amount expended for maintaining and operating such facility shall be reimbursed from appropriations available under this Act. Health care may not be provided under this subsection in a manner that is inconsistent with the Assisted Suicide Funding Restriction Act of 1997 (Public Law 105–12).

''(5) Returned volunteers, including those whose period of service is subject to early termination as the result of an emergency, shall receive, upon termination of their service with the Peace Corps, 60 days of short term non-service-related health insurance for transition and travel, during which they will be—

''(A) given an opportunity to extend such transitional health insurance for 1 additional month, at their expense; and

''(B) advised to obtain health insurance coverage through a qualified health plan (as defined in section 1301 of the Patient Protection and Affordable Care Act (42 U.S.C. 18021)).

''(6) Not later than 30 days before the date on which the period of service of a volunteer terminates, or 30 days after such termination date if such termination is the result of an emergency, the Director, in consultation with the Secretary of Health and Human Services, shall provide detailed information to such volunteer regarding options for health care after termination other than health care provided by the Peace Corps, including information regarding—

''(A) how to find additional, detailed information, including information regarding—

''(i) the application process and eligibility requirements for medical assistance through a State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or under a waiver of such plan; and

''(ii) health care navigators or health care option identification services available through the public and private sectors;

''(B) the qualified health plans (as defined in section 1301(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(a))) offered through an Exchange established under title I of such Act, including the enrollment periods for enrolling such plans; and

''(C) if such volunteer is 25 years of age or younger, the eligibility of such volunteer to enroll as a dependent child in a group health plan or health insurance coverage in which the parent of such volunteer is enrolled in such plan or coverage offers such dependent coverage.

''(7) Paragraphs (5) and (6) shall apply to volunteers whose periods of service are subject to early termination.''.

SEC. 1286. ACCESS TO ANTIMALARIAL DRUGS AND HYGIENE PRODUCTS FOR PEACE CORPS VOLUNTEERS.

Section 5A of the Peace Corps Act (22 U.S.C. 2504a) is amended—

(1) by striking subsections (c) and (e);

(2) by redesignating subsection (d) as subsection (e);

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

''(c) ANTIMALARIAL DRUGS.—

''(1) IN GENERAL.—The Director shall consult with experts at the Centers for Disease Control and Prevention regarding recommendations for prescribing malaria prophylaxis, in order to provide the best standard of care within the context of the Peace Corps environment.

''(2) CERTAIN TRAINING.—The Director shall ensure that each Peace Corps medical officer serving in a malaria-endemic country receives training in the recognition of the side effects of such medications.

''(3) CONSULTATION.—The Director shall consult with the Assistant Secretary of Defense for Health Affairs regarding the policy of using mefloquine in the field as an antimalarial prophylactic.

''(d) ACCESS TO HYGIENE PRODUCTS.—Not later than 180 days after the date of the enactment of the Peace Corps Reauthorization Act of 2022, the Director shall establish a comprehensive policy to ensure Peace Corps volunteers who require hygiene products are able to access such products.''.

SEC. 1287. CODIFICATION OF CERTAIN EXECUTIVE ORDERS RELATING TO EXISTING NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS AND EXTENSION OF THE PERIOD OF SUCH STATUS.

The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 5A the following:

''SEC. 5B. CODIFICATION OF EXECUTIVE ORDERS RELATING TO NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS.

''(a) IN GENERAL.—Subject to subsection (b), Executive Order 11103 (22 U.S.C. 2504 note; relating to Providing for the Appointment of Former Peace Corps Volunteers to the Civilian Career Services), as amended by Executive Order 12107 (44 Fed. Reg. 1055; relating to the Civil Service Commission and Labor-Management in the Federal Service), as in effect on the day before the date of the enactment of the Peace Corps Reauthorization Act of 2022, shall remain in effect and have the full force and effect of law.

''(b) PERIOD OF ELIGIBILITY.—

''(1) DEFINITIONS.—In this subsection:

''(A) EXECUTIVE AGENCY.—the term 'Executive agency'—

''(i) has the meaning given such term in section 105 of title 5, United States Code;

''(ii) includes the United States Postal Service and the Postal Regulatory Commission; and

''(iii) does not include the Government Accountability Office.

''(B) HIRING FREEZE.—The term 'hiring freeze' means any memorandum, Executive order, or other action by the President that prohibits an Executive agency from filling vacant Federal civilian employee positions or creating new such positions.

''(2) IN GENERAL.—The period of eligibility for noncompetitive appointment to the civil service provided to an individual under subsection (a), including any individual who is so eligible on the date of the enactment of the Peace Corps Reauthorization Act of 2022, shall be extended by the total number of days, during such period, that—

''(A) a hiring freeze for civilian employees of the executive branch is in effect by order of the President with respect to any Executive agency at which the individual has applied for employment;

''(B) there is a lapse in appropriations with respect to any Executive agency at which the individual has applied for employment; or

''(C) the individual is receiving disability compensation under section 8142 of title 5, United States Code, based on the individual's service as a Peace Corps volunteer, retroactive to the date the individual applied for such compensation.

''(3) APPLICABILITY.—The period of eligibility for noncompetitive appointment status to the civil service under subsection (a) shall apply to a Peace Corps volunteer—

''(A) whose service ended involuntarily as a result of a suspension of volunteer operations by the Director, but may not last longer than 1 year after the date on which such service ended involuntarily; or

''(B) who re-enrolls as a volunteer in the Peace Corps after completion of a term of service.''.

SEC. 1288. EXTENSION OF PERIOD OF EXISTING NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS.

The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 5B, as added by section 1287 of this Act, the following:

''SEC. 5C. EXTENSION OF PERIOD OF EXISTING NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS.

''(a) IN GENERAL.—Subject to section 5B, Executive Order 11103 (22 U.S.C. 2504 note; relating to Providing for the Appointment of Former Peace Corps Volunteers to the Civilian Career Services), as amended by Executive Order 12107 (44 Fed. Reg. 1055; relating to the Civil Service Commission and Labor-Management in the Federal Service), as in effect on the day before the date of the enactment of the Peace Corps Reauthorization Act of 2022, shall remain in effect and have the full force and effect of law.

''(b) NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS.—Subject to subsection (d), any volunteer whose Peace Corps service was terminated after April 1, 2020, and who has been certified by the Director as having satisfactorily completed a full term of service, may be appointed within two years of completion of qualifying service to a position in any United States department, agency, or establishment in the competitive service under title 5, United States Code, without competitive examination, in accordance with such regulations and conditions as may be prescribed by the Director of the Office of Personnel Management.

''(c) EXTENSION.—The appointing authority may extend the noncompetitive appointment eligibility under subsection (b) to not more than 3 years after a volunteer's separation from the Peace Corps if the volunteer, following such service, was engaged in—

''(1) military service;

''(2) the pursuit of studies at a recognized institution of higher learning; or

''(3) other activities which, in the view of the appointing authority, warrant an extension of such eligibility.

''(d) EXCEPTION.—The appointing authority may not extend the noncompetitive appointment eligibility under subsection (b) to any volunteer who chooses to be subject to early termination.''.

SEC. 1289. PROTECTION OF PEACE CORPS VOLUNTEERS AGAINST REPRISAL OR RETALIATION.

Section 8G of the Peace Corps Act (22 U.S.C. 2507g) is amended by adding at the end the following:

''(d) PROHIBITION AGAINST REPRISAL OR RETALIATION.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED OFFICIAL OR OFFICE.—The term 'covered official or office' means—

''(i) any Peace Corps employee, including an employee of the Office of Inspector General;

''(ii) a Member of Congress or a designated representative of a committee of Congress;

''(iii) an Inspector General (other than the Inspector General for the Peace Corps);

''(iv) the Government Accountability Office;

''(v) any authorized official of the Department of Justice or other Federal law enforcement agency; and

''(vi) a United States court, including any Federal grand jury.

''(B) RELIEF.—The term 'relief' includes all affirmative relief necessary to make a volunteer whole, including monetary compensation, equitable relief, compensatory damages, and attorney fees and costs.

''(C) REPRISAL OR RETALIATION.—The term 'reprisal or retaliation' means taking, threatening to take, or initiating adverse administrative action against a volunteer because the volunteer made a report described in subsection (a) or otherwise disclosed to a covered official or office any information pertaining to waste, fraud, abuse of authority, misconduct, mismanagement, violations of law, or a significant threat to health and safety, if the activity or occurrence complained of is based upon the reasonable belief of the volunteer.

''(2) IN GENERAL.—The Director of the Peace Corps shall take all reasonable measures, including through the development and implementation of a comprehensive policy, to prevent and address reprisal or retaliation against a volunteer by any Peace Corps officer or employee, or any other person with supervisory authority over the volunteer during the volunteer's period of service.

''(3) REPORTING AND INVESTIGATION; RELIEF.—

''(A) IN GENERAL.—A volunteer may report a complaint or allegation of reprisal or retaliation—

''(i) directly to the Inspector General of the Peace Corps, who may conduct such investigations and make such recommendations with respect to the complaint or allegation as the Inspector General considers appropriate; and

''(ii) through other channels provided by the Peace Corps, including through the process for confidential reporting implemented pursuant to subsection (a).

''(B) RELIEF.—The Director of the Peace Corps—

''(i) may order any relief for an affirmative finding of a proposed or final resolution of a complaint or allegation of reprisal or retaliation in accordance with policies, rules, and procedures of the Peace Corps; and

''(ii) shall ensure that such relief is promptly provided to the volunteer.

''(4) APPEAL.—

''(A) IN GENERAL.—A volunteer may submit an appeal to the Director of the Peace Corps of any proposed or final resolution of a complaint or allegation of reprisal or retaliation.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to affect any other right of recourse a volunteer may have under any other provision of law.

''(5) NOTIFICATION OF RIGHTS AND REMEDIES.—The Director of the Peace Corps shall ensure that volunteers are informed in writing of the rights and remedies provided under this section.

''(6) DISPUTE MEDIATION.—The Director of the Peace Corps shall offer the opportunity for volunteers to resolve disputes concerning a complaint or allegation of reprisal or retaliation through mediation in accordance with procedures developed by the Peace Corps.

''(7) VOLUNTEER COOPERATION.—The Director of the Peace Corps may take such disciplinary or other administrative action, including termination of service, with respect to a volunteer who unreasonably refuses to cooperate with an investigation into a compliant or allegation of reprisal or retaliation conducted by the Inspector General of the Peace Corps.''.

SEC. 1290. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511) is amended—

(1) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking ''(subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Peace Corps in the United States and in other countries in order to'';

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

(C) by redesignating subparagraph (D) as subparagraph (G); and

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

''(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps;

''(E) make recommendations on strengthening diversity, equity, inclusion, and accessibility principles in the workforce and daily work of the Peace Corps, including by—

''(i) increasing the recruitment of volunteers from diverse backgrounds and better supporting such volunteers during their training and enrollment in the Peace Corps;

''(ii) increasing and sustaining a diverse and inclusive workforce through data collection, anti-harassment and anti-discrimination measures, recruitment, retention, professional development, and promotion and leadership initiatives that also consider the work and roles of contractors;

''(iii) ensuring that advisory committees and boards represent the diversity of the agency; and

''(iv) increasing opportunities in operations, programming, and procurement through work with partners and communities that are underrepresented or traditionally marginalized;

''(F) make recommendations to reduce any financial barriers to application, training, or enrollment in the Peace Corps, including medical expenses and other out-of-pocket costs; and'';

(2) in subsection (c), by amending paragraph (2) to read as follows:

''(2)(A) The Council shall be composed of 7 members who are United States citizens and are not being paid as officers or employees of the Peace Corps or of any other United States Government entity.

''(B) Of the 7 members of the Council—

''(i) 1 member shall be appointed by the President;

''(ii) 3 members shall be appointed by the President pro tempore of the Senate, of which—

''(I) 2 members shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President;

''(II) 1 member shall be appointed upon the recommendation of the leader in the Senate of the political party of the President; and

''(III) at least 2 members shall be former Peace Corps volunteers; and

''(iii) 3 members shall be appointed by the Speaker of the House of Representatives, of which—

''(I) 2 members shall be appointed upon the recommendation of the leader in the House of Representatives of the political party that is not the political party of the President;

''(II) 1 member shall be appointed upon the recommendation of the leader in the House of Representatives of the political party of the President; and

''(III) at least 2 members shall be former Peace Corps volunteers.

''(C) Council members shall be appointed to 2-year terms. No member of the Council may serve for more than 2 consecutive 2-year terms.

''(D) Not later than 30 days after any vacancy occurs on the Council, the Director shall appoint an individual to fill such vacancy. Any Council member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed—

''(i) shall be appointed for the remainder of such term; and

''(ii) may only serve on the Council for 1 additional 2-year term.

''(E)(i) Except as provided in clause (ii), Council members shall not be subject to laws relating to Federal employment, including laws relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

''(ii) Notwithstanding clause (i), Council members shall be deemed to be Federal employees for purposes of—

''(I) chapter 81 of title 5, United States Code (relating to compensation for work-related injuries);

''(II) chapter 11 of title 18, United States Code (relating to conflicts of interest);

''(III) chapter 171 of title 28, United States Code (relating to tort claims); and

''(IV) section 3721 of title 31 (relating to claims for damage to, or loss of, personal property incident to service).

''(F) Council members shall serve at the pleasure of the Director. The Council may remove a member from the Council by a vote of 5 members if the Council determines that such member—

''(i) committed malfeasance in office;

''(ii) persistently neglected, or was unable to successfully discharge, his or her duties on the Council; or

''(iii) committed an offense involving moral turpitude.'';

(3) in subsection (g)—

(A) by striking ''and at its first regular meeting in each calendar year thereafter'' and inserting ''at its first meeting each subsequent calendar year''; and

(B) by adding at the end the following: ''The Chair and Vice Chair shall each serve in such capacity for a period not to exceed 2 years. The Director may renew the term of members appointed as Chair and Vice Chair under this subsection.'';

(4) in subsection (h), by amending paragraph (1) to read as follows:

''(1) The Council shall hold 1 regular meeting per quarter of each calendar year at a date and time to be determined by the Chair of the Council or at the call of the Director.''; and

(5) by adding at the end the following:

''(k) INDEPENDENCE OF INSPECTOR GENERAL.—None of the activities or functions of the Council authorized under subsection (b)(2) may undermine the independence or supersede the duties of the Inspector General of the Peace Corps.''.

SEC. 1291. MEMORANDUM OF AGREEMENT WITH BUREAU OF DIPLOMATIC SECURITY OF THE DEPARTMENT OF STATE.

(a) QUINQUENNIAL REVIEW AND UPDATE.—Not later than 180 days after the date of the enactment of this Act, and at least once every 5 years, the Director of the Peace Corps and the Assistant Secretary of State for Diplomatic Security shall—

(1) review the Memorandum of Agreement between the Bureau of Diplomatic Security of the Department of State and the Peace Corps regarding security support and protection of Peace Corps volunteers, and staff members abroad; and

(2) update such Memorandum of Agreement, as appropriate.

(b) NOTIFICATION.—

(1) IN GENERAL.—The Director of the Peace Corps and the Assistant Secretary of State for Diplomatic Security shall jointly submit any update to the Memorandum of Agreement under subsection (a) to—

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

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

(2) TIMING OF NOTIFICATION.—Each written notification submitted pursuant to paragraph (1) shall be submitted not later than 30 days before the update referred to in such paragraph takes effect.

SEC. 1292. CLARIFICATION REGARDING ELIGIBILITY OF UNITED STATES NATIONALS.

The Peace Corps Act (22 U.S.C. 2501 et seq.), as amended by this Act, is further amended—

(1) in section 7(a)(5) (22 U.S.C. 2506(a)(5)), by striking ''United States citizens'' each place such term appears and inserting ''United States nationals of American Samoa and citizens of the United States'';

(2) in section 8(b) (22 U.S.C. 2507(b)), by inserting ''United States nationals of American Samoa and'' after ''training for'';

(3) in section 10(b) (22 U.S.C. 2509(b)), striking ''any person not a citizen or resident of the United States'' and inserting ''any person who is not a United States national of American Samoa nor a citizen or resident of the United States''; and

(4) in section 12(g) (22 U.S.C. 2511(g), by inserting ''United States nationals of American Samoa or'' after ''who are''.

SEC. 1293. WORKERS COMPENSATION FOR PEACE CORPS VOLUNTEERS.

Section 8142(c) of title 5, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) a volunteer injured on or after the date of the enactment of the Peace Corps Reauthorization Act of 2022 is deemed to be receiving monthly pay at the rate for GS–7, step 5;

''(2)(A) a volunteer or former volunteer whose injury occurred before the date of the enactment of the Peace Corps Reauthorization Act of 2022 shall have their disability compensation prospectively adjusted so that they are deemed receiving monthly pay at the rate for GS–7, step 5, unless such adjustment would result in a reduction of compensation payable;

''(B) benefits paid under section 8133 due to a death occurring before such date of enactment shall be prospectively adjusted to reflect the volunteer's deemed receiving monthly pay at the rate for GS–7, step 5; and

''(C) nothing in this subsection may be construed to authorize the retroactive adjustment to the rate for GS–7, step 5 for compensation payable for any period before such date of enactment.''.

SEC. 1294. SEXUAL ASSAULT ADVISORY COUNCIL.

(a) REPORT AND EXTENSION OF THE SEXUAL ASSAULT ADVISORY COUNCIL.—Section 8D of the Peace Corps Act (22 U.S.C. 2507d) is amended—

(1) by amending subsection (d) to read as follows:

''(d) REPORTS.—On an annual basis through the date specified in subsection (g), the Council shall submit a report to the Director of the Peace Corps, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that describes its findings based on the reviews conducted pursuant to subsection (c) and includes relevant recommendations. Each such report shall be made publicly available.''; and

(2) in subsection (g), by striking ''October 1, 2023'' and inserting ''October 1, 2027''.

SEC. 1295. SUSPENSION WITHOUT PAY.

Section 7 of the Peace Corps Act (22 U.S.C. 2506) is amended by inserting after subsection (a) the following:

''(b) SUSPENSION WITHOUT PAY.—(1) The Peace Corps may suspend (without pay) any employee appointed or assigned under this section if the Director has determined that the employee engaged in serious misconduct that could impact the efficiency of the service and could lead to removal for cause.

''(2) Any employee for whom a suspension without pay is proposed under this subsection shall be entitled to—

''(A) written notice stating the specific reasons for such proposed suspension;

''(B)(i) up to 15 days to respond orally or in writing to such proposed suspension if the employee is assigned in the United States; or

''(ii) up to 30 days to respond orally or in writing to such proposed suspension if the employee is assigned outside of the United States;

''(C) representation by an attorney or other representative, at the employee's own expense;

''(D) a written decision, including the specific reasons for such decision, as soon as practicable;

''(E) a process through which the employee may submit an appeal to the Director of the Peace Corps not later than 10 business days after the issuance of a written decision; and

''(F) a final decision personally rendered by the Director of the Peace Corps not later than 30 days after the receipt of such appeal.

''(3) Notwithstanding any other provision of law, a final decision under paragraph (2)(F) shall be final and not subject to further review.

''(4) If the Director fails to establish misconduct by an employee under paragraph (1) and no disciplinary action is taken against such employee based upon the alleged grounds for the suspension, the employee shall be entitled to reinstatement, back pay, full benefits, and reimbursement of attorney fees of up to $20,000.''.

SEC. 1296. OCEANIA PEACE CORPS PARTNERSHIPS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director of the Peace Corps shall submit to Congress a report on strategies to reasonably and safely expand the number of Peace Corps volunteers in the Indo-Pacific countries of Oceania, with the goals of—

(1) expanding the presence of the Peace Corps to all currently feasible locations in the Indo-Pacific countries of Oceania; and

(2) working with regional and international partners of the United States to expand the presence of Peace Corps volunteers in low-income communities in the Indo-Pacific countries of Oceania in support of climate resilience initiatives.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) assess the factors contributing to the current absence of the Peace Corps and its volunteers in the Indo-Pacific countries of Oceania;

(2) examine potential remedies that include working with United States Government agencies and regional governments, including governments of United States allies—

(A) to increase the health infrastructure and medical evacuation capabilities of the Indo-Pacific countries of Oceania to better support the safety of Peace Corps volunteers while in those countries;

(B) to address physical safety concerns that have decreased the ability of the Peace Corps to operate in the Indo-Pacific countries of Oceania; and

(C) to increase transportation infrastructure in the Indo-Pacific countries of Oceania to better support the travel of Peace Corps volunteers and their access to necessary facilities;

(3) evaluate the potential to expand the deployment of Peace Corps Response volunteers to help the Indo-Pacific countries of Oceania address social, economic, and development needs of their communities that require specific professional expertise; and

(4) explore potential new operational models to address safety and security needs of Peace Corps volunteers in the Indo-Pacific countries of Oceania, including—

(A) changes to volunteer deployment durations; and

(B) scheduled redeployment of volunteers to regional or United States-based healthcare facilities for routine physical and behavioral health evaluation.

(c) VOLUNTEERS IN LOW-INCOME OCEANIA COMMUNITIES.—

(1) IN GENERAL.—In examining the potential to expand the presence of Peace Corps volunteers in low-income communities in the Indo-Pacific countries of Oceania under subsection (a)(2), the Director of the Peace Corps shall consider the development of initiatives described in paragraph (2).

(2) INITIATIVES DESCRIBED.—Initiatives described in this paragraph are volunteer initiatives that help the Indo-Pacific countries of Oceania address social, economic, and development needs of their communities, including by—

(A) addressing, through appropriate resilience-based interventions, the vulnerability that communities in the Indo-Pacific countries of Oceania face as result of extreme weather, severe environmental change, and other climate related trends; and

(B) improving, through smart infrastructure principles, access to transportation and connectivity infrastructure that will help address the economic and social challenges that communities in the Indo-Pacific countries of Oceania confront as a result of poor or nonexistent infrastructure.

(d) INDO-PACIFIC COUNTRIES OF OCEANIA DEFINED.—In this section, the term ''Indo-Pacific countries of Oceania'' means Fiji, Kiribati, Republic of the Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

SEC. 1297. TECHNICAL AND CONFORMING AMENDMENTS.

The Peace Corps Act (22 U.S.C. 2501 et seq.), as amended by this Act, is further amended—

(1) by amending section 1 to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Peace Corps Act'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

(2) in section 2(a) (22 U.S.C. 2501(a))—

(A) by striking ''help the peoples'' and inserting ''partner with the peoples''; and

(B) by striking ''manpower'' and inserting ''individuals'';

(3) in section 3 (22 U.S.C. 2502)—

(A) by redesignating subsection (h) as subsection (e); and

(B) in subsection (e), as redesignated, by striking ''disabled people'' each place such term appears and inserting ''people with disabilities'';

(4) in section 4(b) (22 U.S.C. 2503(b))—

(A) by striking ''him'' and inserting ''the President'';

(B) by striking ''he'' and inserting ''the Director''; and

(C) by striking ''of his subordinates'' and all that follows through ''functions.'' and inserting ''subordinate of the Director the authority to perform any such function.'';

(5) in section 5 (22 U.S.C. 2504)—

(A) in subsection (c), by striking '': *Provided, however,*'' and all that follows through ''the amount'' and inserting ''. Under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of the volunteer's family, or others, during the period of the volunteer's service, or prior to the volunteer's return to the United States. In the event of the volunteer's death during the period of his service, the amount'';

(B) in subsection (h), by striking ''he may determine'' and inserting ''the President may determine''; and

(C) in subsection (o) by striking ''the date of his departure'' and all that follows and inserting ''the date of the volunteer's departure from the volunteer's place of residence to enter training until not later than 3 months after the termination of the volunteer's service.'';

(6) in section 6(3) (22 U.S.C. 2505(3)), by striking by striking ''he may determine'' and inserting ''the President may determine'';

(7) in section 7 (22 U.S.C. 2506)—

(A) in subsection (a), by moving paragraphs (7) and (8) 2 ems to the left; and

(B) in subsection (b), as redesignated, by striking ''in his discretion'' and inserting ''in the President's discretion'';

(8) in section 8A (22 U.S.C. 2507a)—

(A) in subsection (c), by striking ''his or her'' and inserting ''the volunteer's'';

(B) in subsection (d)(2), by inserting ''the'' before ''information''; and

(C) in subsection (f)—

(i) in paragraph (2)(A), by striking ''his or her'' each place such phrase appears and inserting ''the volunteer's''; and

(ii) in paragraph (4)(A), by striking ''his or her'' and inserting ''the person's'';

(9) in section 8C(a) (22 U.S.C. 2507c(a)), in the subsection heading, by striking ''VICTIMS'' and inserting ''VICTIM'';

(10) in section 8E (22 U.S.C. 2507e)—

(A) in subsection (b), by striking ''subsection (c),,'' and inserting ''subsection (c),''; and

(B) in subsection (e)(1)(F), by striking ''Peace Corp's mission'' and inserting ''Peace Corps' mission'';

(11) in section 9 (22 U.S.C. 2508)—

(A) by striking ''under which he was admitted or who fails to depart from the United States at the expiration of the time for which he was admitted'' and inserting ''under which such person was admitted or who fails to depart from the United States at the expiration of the period for which such person was admitted''; and

(B) by striking ''Act proceedings'' and inserting ''Act. Removal proceedings'';

(12) in section 10 (22 U.S.C. 2509)—

(A) in subsection (b), by striking ''he may prescribe'' and inserting ''the President may prescribe'';

(B) in subsection (d), by striking ''section 3709 of the Revised Statutes of the United States, as amended, section 302 of the Federal Property and Administrative Services Act of 1949''; and by inserting ''sections 3101(a), 3101(c), 3104, 3106, 3301(b)(2), and 6101 of title 41, United States Code''; and

(C) in subsection (j), by striking ''of this section.'';

(13) in section 12(d)(1)(b) (22 U.S.C. 2511(d)(1)(b)), by striking ''his or her'' and inserting ''the member's'';

(14) in section 14 (22 U.S.C. 2513)—

(A) in subsection (a), by striking ''his agency'' and inserting ''such agency''; and

(B) in subsection (b)—

(i) by striking ''his allowance'' and inserting ''the''; and

(ii) by striking ''he'';

(15) in section 15 (22 U.S.C. 2514)—

(A) in subsection (c), by striking ''that Act'' and inserting ''that subchapter''; and

(B) in subsection (d)(7), by striking ''his designee'' and inserting ''the Director's designee'';

(16) in section 19(a) (22 U.S.C. 2518(a)), by striking ''he shall determine'' and inserting ''the President shall determine'';

(17) in section 23 (22 U.S.C. 2520)—

(A) in the section heading, by striking ''UNIVERSAL MILITARY TRAINING AND SERVICE'' and inserting ''MILITARY SELECTIVE SERVICE''; and

(B) by striking ''Universal Military Training and Service Act'' and inserting ''Military Selective Service Act (50 U.S.C. 3801 et seq.)'';

(18) in section 24—

(A) by striking ''he'' each place such term appears and inserting ''the volunteer''; and

(B) by striking ''his'' and inserting ''the volunteer's'';

(19) in section 26—

(A) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively;

(B) by inserting after paragraph (1) the following:

''(2) The term 'Director' means the Director of the Peace Corps.'';

(C) in paragraph (5), as redesignated, by striking ''he or she'' and inserting ''the medical officer'';

(D) in paragraph (7), as redesignated, by striking ''5(m)'' and inserting ''5(n)''; and

(E) in paragraph (10), as redesignated—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) in subparagraph (A), as redesignated, by striking ''section 5(f)'' and inserting ''section 5(e)''; and

(20) in section 301(a), by striking ''manpower'' each place such term appears and inserting ''individuals''.

SA 6026. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 3875, to require the President to develop and maintain products that show the risk of natural hazards across the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Disaster Resilience Zones Act of 2022''.

SEC. 2. FINDINGS.

Section 101(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121(b)) is amended—

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

(2) in paragraph (6), by adding ''; and'' at the end; and

(3) by adding at the end the following:

''(7) identifying and improving the climate and natural hazard resilience of vulnerable communities.''.

SEC. 3. NATURAL HAZARD RISK ASSESSMENT.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

''SEC. 206. NATURAL HAZARD RISK ASSESSMENT.

''(a) DEFINITIONS.—In this section:

''(1) COMMUNITY DISASTER RESILIENCE ZONE.—The term 'community disaster resilience zone' means a census tract designated by the President under subsection (d)(1).

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

''(A) a State;

''(B) an Indian tribal government; or

''(C) a local government.

''(b) PRODUCTS.—The President shall continue to maintain a natural hazard assessment program that develops and maintains products that—

''(1) are available to the public; and

''(2) define natural hazard risk across the United States.

''(c) FEATURES.—The products maintained under subsection (b) shall, for lands within States and areas under the jurisdiction of Indian tribal governments—

''(1) show the risk of natural hazards; and

''(2) include ratings and data for—

''(A) loss exposure, including population equivalence, buildings, and agriculture;

''(B) social vulnerability;

''(C) community resilience; and

''(D) any other element determined by the President.

''(d) COMMUNITY DISASTER RESILIENCE ZONES DESIGNATION.—

''(1) IN GENERAL.—Not later than 30 days after the date on which the President makes the update and enhancement required under subsection (e)(4), and not less frequently than every 5 years thereafter, the President shall identify and designate community disaster resilience zones, which shall be—

''(A) the 50 census tracts assigned the highest individual hazard risk ratings; and

''(B) subject to paragraph (3), in each State, not less than 1 percent of census tracts that are assigned high individual risk ratings.

''(2) RISK RATINGS.—In carrying out paragraph (1), the President shall use census tract risk ratings derived from a product maintained under subsection (b) that—

''(A) reflect—

''(i) high levels of individual hazard risk ratings based on an assessment of the intersection of—

''(I) loss to population equivalence;

''(II) building value; and

''(III) agriculture value;

''(ii) high social vulnerability ratings and low community resilience ratings; and

''(iii) any other elements determined by the President; and

''(B) reflect the principal natural hazard risks identified for the respective census tracts.

''(3) GEOGRAPHIC BALANCE.—In identifying and designating the community disaster resilience zones described in paragraph (1)(B)—

''(A) for the purpose of achieving geographic balance, when applicable, the President shall consider making designations in coastal, inland, urban, suburban, and rural areas; and

''(B) the President shall include census tracts on Tribal lands located within a State.

''(4) DURATION.—The designation of a community disaster resilience zone under paragraph (1) shall be effective for a period of not less than 5 years.

''(e) REVIEW AND UPDATE.—Not later than 180 days after the date of enactment of the Community Disaster Resilience Zones Act of 2022, and not less frequently than every 5 years thereafter, the President shall—

''(1) with respect to any product that is a natural hazard risk assessment—

''(A) review the underlying methodology of the product; and

''(B) receive public input on the methodology and data used for the product;

''(2) consider including additional data in any product that is a natural hazard risk assessment, such as—

''(A) the most recent census tract data;

''(B) data from the American Community Survey of the Bureau of the Census, a successor survey, a similar survey, or another data source, including data by census tract on housing characteristics and income;

''(C) information relating to development, improvements, and hazard mitigation measures;

''(D) data that assesses past and future loss exposure, including analysis on the effects of a changing climate on future loss exposure;

''(E) data from the Resilience Analysis and Planning Tool of the Federal Emergency Management Agency; and

''(F) other information relevant to prioritizing areas that have—

''(i) high risk levels of—

''(I) natural hazard loss exposure, including population equivalence, buildings, infrastructure, and agriculture; and

''(II) social vulnerability; and

''(ii) low levels of community resilience;

''(3) make publicly available any changes in methodology or data used to inform an update to a product maintained under subsection (b); and

''(4) update and enhance the products maintained under subsection (b), as necessary.

''(f) NATURAL HAZARD RISK ASSESSMENT INSIGHTS.—In determining additional data to include in products that are natural hazard risk assessments under subsection (e)(2), the President shall consult with, at a minimum—

''(1) the Administrator of the Federal Emergency Management Agency;

''(2) the Secretary of Agriculture and the Chief of the Forest Service;

''(3) the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the Bureau of the Census, and the Director of the National Institute of Standards and Technology;

''(4) the Secretary of Defense and the Commanding Officer of the United States Army Corps of Engineers;

''(5) the Administrator of the Environmental Protection Agency;

''(6) the Secretary of the Interior and the Director of the United States Geological Survey;

''(7) the Secretary of Housing and Urban Development; and

''(8) the Director of the Federal Housing Finance Agency.

''(g) COMMUNITY DISASTER RESILIENCE ZONE.—With respect to financial assistance provided under section 203(i) to perform a resilience or mitigation project within, or that primarily benefits, a community disaster resilience zone, the President may increase the amount of the Federal share described under section 203(h) to not more than 90 percent of the total cost of the resilience or mitigation project.

''(h) RESILIENCE OR MITIGATION PROJECT PLANNING ASSISTANCE.—

''(1) IN GENERAL.—The President may provide financial, technical, or other assistance under this title to an eligible entity that plans to perform a resilience or mitigation project within, or that primarily benefits, a community disaster resilience zone.

''(2) PURPOSE.—The purpose of assistance provided under paragraph (1) shall be to carry out activities in preparation for a resilience or mitigation project or seek an evaluation and certification under subsection (i)(2) for a resilience or mitigation project before the date on which permanent work of the resilience or mitigation project begins.

''(3) APPLICATION.—If required by the President, an eligible entity seeking assistance under paragraph (1) shall submit an application in accordance with subsection (i)(1).

''(4) FUNDING.—In providing assistance under paragraph (1), the President may use amounts set aside under section 203(i).

''(i) COMMUNITY DISASTER RESILIENCE ZONE PROJECT APPLICATIONS.—

''(1) IN GENERAL.—If required by the President or other Federal law, an eligible entity shall submit to the President an application at such time, in such manner, and containing or accompanied by such information as the President may reasonably require.

''(2) EVALUATION AND CERTIFICATION.—

''(A) IN GENERAL.—Not later than 120 days after the date on which an eligible entity submits an application under paragraph (1), the President shall evaluate the application to determine whether the resilience or mitigation project that the entity plans to perform within, or that primarily benefits, a community disaster resilience zone—

''(i) is designed to reduce injuries, loss of life, and damage and destruction of property, such as damage to critical services and facilities; and

''(ii) substantially reduces the risk of, or increases resilience to, future damage, hardship, loss, or suffering.

''(B) CERTIFICATION.—If the President determines that an application submitted under paragraph (1) meets the criteria described in subparagraph (A), the President shall certify the proposed resilience or mitigation project.

''(C) EFFECT OF CERTIFICATION.—The certification of a proposed resilience or mitigation project under subparagraph (B) shall not be construed to exempt the resilience or mitigation project from the requirements of any other law.

''(3) PROJECTS CAUSING DISPLACEMENT.—With respect to a resilience or mitigation project certified under paragraph (2)(B) that involves the displacement of a resident from any occupied housing unit, the entity performing the resilience or mitigation project shall—

''(A) provide, at the option of the resident, a suitable and habitable housing unit that is, with respect to the housing unit from which the resident is displaced—

''(i) of a comparable size;

''(ii) located in the same local community or a community with reduced hazard risk; and

''(iii) offered under similar costs, conditions, and terms;

''(B) ensure that property acquisitions resulting from the displacement and made in connection with the resilience or mitigation project—

''(i) are deed restricted in perpetuity to preclude future property uses not relating to mitigation or resilience; and

''(ii) are the result of a voluntary decision by the resident; and

''(C) plan for robust public participation in the resilience or mitigation project.''.

(b) NATIONAL RISK INDEX FUNDING.—Nothing in section 206 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by subsection (a) of this section, shall be construed to prohibit the Administrator of the Federal Emergency Management Agency from using amounts available to maintain and update the National Risk Index until the earlier of—

(1) the date on which those amounts are transferred to another source; and

(2) 3 years after the date of enactment of this Act.

(c) APPLICABILITY.—The amendments made by this Act shall only apply with respect to amounts appropriated on or after the date of enactment of this Act.

SA 6027. Mr. SCHUMER (for Mr. CARDIN) proposed an amendment to the bill S. 3906, to improve certain programs of the Small Business Administration to better assist small business customers in accessing broadband technology, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Broadband and Emerging Information Technology Enhancement Act of 2022''.

SEC. 2. BROADBAND AND EMERGING INFORMATION TECHNOLOGY COORDINATOR.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 49 (15 U.S.C. 631 note) as section 50; and

(2) by inserting after section 48 (15 U.S.C. 657u) the following:

''SEC. 49. BROADBAND AND EMERGING INFORMATION TECHNOLOGY.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Associate Administrator' means the Associate Administrator for the Office of Investment and Innovation;

''(2) the term 'broadband' means—

''(A) high-speed wired broadband internet; and

''(B) high-speed wireless internet;

''(3) the term 'broadband and emerging information technology coordinator' means the employee designated to carry out the broadband and emerging information technology coordination responsibilities of the Administration under subsection (b)(1); and

''(4) the term 'emerging information technology' includes—

''(A) data science technologies such as artificial intelligence and machine learning;

''(B) Internet of Things;

''(C) distributed ledger technologies such as blockchain;

''(D) cloud computing and software as a system technologies;

''(E) computer numerical control technologies such as 3D printing; and

''(F) robotics and automation.

''(b) ASSIGNMENT OF COORDINATOR.—

''(1) ASSIGNMENT OF COORDINATOR.—The Associate Administrator shall designate a senior employee of the Office of Investment and Innovation to serve as the broadband and emerging information technology coordinator, who—

''(A) shall report to the Associate Administrator;

''(B) shall work in coordination with—

''(i) the chief information officer, the chief technology officer, and the head of the Office of Technology of the Administration; and

''(ii) any other Associate Administrator of the Administration determined appropriate by the Associate Administrator;

''(C) has experience developing and implementing telecommunications policy in the private sector or government; and

''(D) has demonstrated significant experience in the area of broadband or emerging information technology.

''(2) RESPONSIBILITIES OF COORDINATOR.—The broadband and emerging information technology coordinator shall—

''(A) coordinate programs of the Administration that assist small business concerns in adopting, making innovations in, and using broadband and other emerging information technologies;

''(B) serve as the primary liaison of the Administration to other Federal agencies involved in broadband and emerging information technology policy, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, and the Federal Communications Commission;

''(C) identify best practices relating to broadband and emerging information technology that may benefit small business concerns; and

''(D) identify and catalog tools and training available through the resource partners of the Administration that assist small business concerns in adopting, making innovations in, and using broadband and emerging information technologies.

''(3) TRAVEL.—Not more than 20 percent of the hours of service by the broadband and emerging information technology coordinator during any fiscal year shall consist of travel outside the United States to perform official duties.

''(c) BROADBAND AND EMERGING INFORMATION TECHNOLOGY TRAINING.—The broadband and emerging information technology coordinator shall provide to employees of the Administration training that—

''(1) familiarizes employees of the Administration with broadband and other emerging information technologies;

''(2) includes—

''(A) instruction on counseling small business concerns regarding adopting, making innovations in, and using broadband and other emerging information technologies; and

''(B) information on programs of the Federal Government that provide assistance to small business concerns relating to broadband and emerging information technologies; and

''(3) to maximum extent practicable, uses the tools and training cataloged and identified under subsection (b)(2)(D).

''(d) REPORTS.—

''(1) BIENNIAL REPORT ON ACTIVITIES.—Not later than 2 years after the date on which the Associate Administrator makes the first designation of an employee under subsection (b), and every 2 years thereafter, the broadband and emerging information technology coordinator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on

Small Business of the House of Representatives a report regarding the programs and activities of the Administration relating to broadband and other emerging information technologies.

''(2) IMPACT OF BROADBAND AVAILABILITY, SPEED, AND PRICE AND EMERGING INFORMATION TECHNOLOGY DEPLOYMENT ON SMALL BUSINESSES.—

''(A) IN GENERAL.—Subject to appropriations, the Chief Counsel for Advocacy shall conduct a study evaluating the impact of—

''(i) broadband availability, speed, and price on small business concerns; and

''(ii) emerging information technology deployment on small business concerns.

''(B) REPORT.—Not later than 3 years after the date of enactment of the Small Business Broadband and Emerging Information Technology Enhancement Act of 2022, the Chief Counsel for Advocacy shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives a report on the results of the study under subparagraph (A), including—

''(i) a survey of broadband speeds available to small business concerns;

''(ii) a survey of the cost of broadband speeds available to small business concerns;

''(iii) a survey of the type of broadband technology used by small business concerns;

''(iv) a survey of the types of emerging information technologies used by small business concerns; and

''(v) any policy recommendations that may improve the access of small business concerns to broadband services or emerging information technologies.''.

SEC. 3. ENTREPRENEURIAL DEVELOPMENT.

Section 21(c)(3)(B) of the Small Business Act (15 U.S.C. 648(c)(3)(B)) is amended—

(1) in the matter preceding clause (i), by inserting ''accessing broadband and other emerging information technology,'' after ''technology transfer,'';

(2) in clause (ii), by striking ''and'' at the end;

(3) in clause (iii), by adding ''and'' at the end; and

(4) by adding at the end the following:

''(iv) increasing the competitiveness and productivity of small business concerns by assisting entrepreneurs in accessing broadband and other emerging information technology;''.

SA 6028. Mr. SCHUMER (for Mr. CARDIN (for himself and Mr. RUBIO)) proposed an amendment to the bill H.R. 3462, to require an annual report on the cybersecurity of the Small Business Administration, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''SBA Cyber Awareness Act''.

SEC. 2. CYBERSECURITY AWARENESS REPORTING.

(a) IN GENERAL.—Section 10 of the Small Business Act (15 U.S.C. 639) is amended by inserting after subsection (a) the following:

''(b) CYBERSECURITY REPORTS.—

''(1) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and every year thereafter, the Administrator shall submit a report to the appropriate congressional committees that includes—

''(A) a strategy to increase the cybersecurity of information technology infrastructure of the Administration;

''(B) a supply chain risk management strategy and an implementation plan to address the risks of foreign manufactured information technology equipment utilized by the Administration, including specific risk mitigation activities for components originating from entities with principal places of business located in the People's Republic of China; and

''(C) an account of—

''(i) any incident that occurred at the Administration during the 2-year period preceding the date on which the first report is submitted, and, for subsequent reports, the 1-year period preceding the date of submission; and

''(ii) any action taken by the Administrator to respond to or remediate any such incident.

''(2) FISMA REPORTS.—Each report required under paragraph (1) may be submitted as part of the report required under section 3554 of title 44, United States Code.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the reporting requirements of the Administrator under chapter 35 of title 44, United States Code, in particular the requirement to notify the Federal information security incident center under section 3554(b)(7)(C)(ii) of such title, any guidance issued by the Office of Management and Budget, or any other provision of law or Federal policy.

''(4) DEFINITIONS.—In this subsection:

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

''(i) the Committee on Small Business and Entrepreneurship of the Senate;

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

''(iii) the Committee on Small Business of the House of Representatives; and

''(iv) the Committee on Oversight and Reform of the House of Representatives.

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

''(C) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given the term in section 3502 of title 44, United States Code.''.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall, to the greatest extent practicable, provide to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives a detailed account of information technology (as defined in section 3502 of title 44, United States Code) of the Small Business Administration that was manufactured by an entity that has its principal place of business located in the People's Republic of China.

SA 6029. Mr. SCHUMER (for Mr. CARDIN) proposed an amendment to the bill S. 2521, to require the Administrator of the Small Business Administration to establish an SBIC Working Group, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''SBIC Advisory Committee Act of 2022''.

SEC. 2. SBIC ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''covered Members'' means the Chair and Ranking Member of—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives;

(3) the terms ''licensee'', ''small business investment company'', and ''underlicensed State'' have the meanings given those terms in section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 662);

(4) the term ''low-income community'' has the meaning given the term in section 45D(e) of the Internal Revenue Code of 1986;

(5) the term ''rural area'' has the meaning given the term by the Bureau of the Census;

(6) the terms ''small business concern'', ''small business concern owned and controlled by veterans'', and ''small business concern owned and controlled by women'' have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term ''socially or economically disadvantaged individual'' means a socially disadvantaged individual or economically disadvantaged individual, as described in paragraphs (5) and (6)(A), respectively, of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(8) the term ''underfinanced State'' means a State that has below median financing, as determined by the Administrator; and

(9) the term ''underserved community'' means—

(A) a HUBZone, as defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));

(B) a community that has been designated as an empowerment zone or an enterprise community under section 1391 of the Internal Revenue Code of 1986;

(C) a community that has been designated as a promise zone by the Secretary of Housing and Urban Development; and

(D) a community that has been designated as a qualified opportunity zone under section 1400Z–1 of the Internal Revenue Code of 1986.

(b) ESTABLISHMENT.—The Administrator shall establish an SBIC Advisory Committee (referred to in this section as the ''Advisory Committee'') to convene outside experts to advise on the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(c) COMPOSITION.—

(1) MEMBERSHIP.—The Advisory Committee shall be composed of 16 members appointed by the Administrator as follows:

(A) The Associate Administrator of the Office of Investment and Innovation of the Small Business Administration, or another designee of the Administrator as determined by the Administrator.

(B) 7 members with competence, interest, or knowledge of the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), of whom—

(i) not fewer than 3 shall have a demonstrated record of expertise in investing in—

(I) low-income communities;

(II) communities that have been designated as qualified opportunity zones under section 1400Z–1 of the Internal Revenue Code of 1986;

(III) businesses primarily engaged in research and development;

(IV) manufacturers;

(V) businesses primarily owned or controlled by individuals in underserved communities before receiving capital from the licensee;

(VI) rural areas; or

(VII) underfinanced States; and

(ii) not fewer than 1 member shall be a representative from a trade association for the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(C) 8 members appointed by the Administrator as follows:

(i) 2 members shall be selected from among the individuals in the list submitted by the Chair of the Committee on Small Business and Entrepreneurship of the Senate under paragraph (2).

(ii) 2 members shall be selected from among the individuals in the list submitted by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate under paragraph (2).

(iii) 2 members shall be selected from among the individuals in the list submitted by the Chair of the Committee on Small Business of the House of Representatives under paragraph (2).

(iv) 2 members shall be selected from among the individuals in the list submitted by the Ranking Member of the Committee on Small Business of the House of Representatives under paragraph (2).

(2) RECOMMENDATIONS.—Not later than 30 days after the date of enactment of this Act, each of the covered Members shall provide to the Administrator a list of 3 candidates for membership on the Advisory Committee, who shall be individuals who hold a high-ranking position or senior leadership role, and have no conflict of interest in the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), in—

(A) a relevant industry trade association;

(B) the investment industry with expertise in pensions, endowments, and other non-banking institutions;

(C) academia with expertise in the investment industry; or

(D) a nonprofit institution, including one that serves any of the entities described in subclauses (I) through (VII) of paragraph (1)(B)(i).

(3) PRIVATE SECTOR MEMBERS.—Not fewer than 2 and not more than 4 of the members of the Advisory Committee shall be investors in the private sector who—

(A) invest in small business concerns; and

(B) as of the date of appointment, do not participate in the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(4) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be the member of the Advisory Committee appointed under paragraph (1)(A).

(5) PERIOD OF APPOINTMENT.—Members of the Advisory Committee shall be appointed for the life of the Advisory Committee.

(6) VACANCIES.—Any vacancy in the Advisory Committee shall be filled in the same manner as the original appointment.

(d) DEADLINE FOR APPOINTMENT.—Not later than 60 days after the date on which the covered Members provide the lists to the Administrator under subsection (c)(2), the Administrator shall—

(1) appoint the members of the Advisory Committee; and

(2) submit to Congress a list of the members so appointed.

(e) DUTIES.—The Advisory Committee shall provide advice and recommendations to the Administrator—

(1) concerning policy and program development and other matters of significance concerning activities under the Small Business Act (15 U.S.C. 631 et seq.) and the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), including diversifying management teams or companies;

(2) concerning incentives for small business investment companies to—

(A) invest and locate in underlicensed States and underfinanced States; and

(B) invest in small business concerns, including those owned and controlled by socially or economically disadvantaged individuals, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by women;

(3) concerning metrics of success, and benchmarks for success, with respect to the goals described in this section; and

(4) concerning the impact of the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) on the private investment market, including whether investments under the program compete with the private sector.

(f) REPORT.—Not later than 18 months after the date on which the Administrator establishes the Advisory Committee under subsection (b), the Advisory Committee shall submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report that includes the recommendations of the Advisory Committee described in subsection (e).

(g) TERMINATION.—The Advisory Committee shall terminate on the date on which the Advisory Committee submits the report required under subsection (f).

SA 6030. Mr. SCHUMER proposed an amendment to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take on the date that is 1st day after the date of enactment of the Act.

SA 6031. Mr. SCHUMER proposed an amendment to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take on the date that is 5 days after the date of enactment of the Act.

SA 6032. Mr. SCHUMER proposed an amendment to amendment SA 6031 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; as follows:

On page 1, line 3, strike ''5'' and insert ''6'',

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator RON WYDEN, intend to object to proceeding to the nomination of Michael Alan Ratney, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia, dated September 28, 2022.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leader.

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

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 9:30 a.m., to conduct a business meeting.

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, September 28, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 11 a.m., to conduct a business meeting.

THE SUBCOMMITTEE ON AVIATION SAFETY, OPERATIONS, AND INNOVATION

The Subcommittee on Aviation Safety, Operations, and Innovation of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 2:15 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. CASSIDY. Mr. President, I ask unanimous consent that Zachary Schultz, an intern in my office, be granted floor privileges until September 29, 2022.

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

ORDERS FOR THURSDAY, SEPTEMBER 29, 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, September 29, and that following the prayer and the pledge, the morning hour be